

NOTICE

COMPTON CITY COUNCIL AGENDA Tuesday, July 26, 2011 5:45 PM

HEARING(S)

5:50 P.M. - PUBLIC HEARING - CONDITIONAL USE PERMIT CASE NO. 2690
(200 West Rosecrans) CLASS 21 TYPE LIQUOR LICENSE **(Item #20)**

5:55 P.M. - PUBLIC HEARING - PARKING CITATION BAIL RATE INCREASE
(Item #21)

OPENING

ROLL CALL

INTRODUCTION OF SPECIAL GUESTS

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

1. July 12, 2011

REPORTS OF OFFICERS AND COMMISSIONS

COMPTON CAREERLINK

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER
INTO AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES
OF LOS ANGELES COUNTY TO CONDUCT WORKFORCE INVESTMENT
ACT (WIA) YOUTH PROGRAM FOR FISCAL YEAR 2011-12

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS ANGELES COUNTY TO CONDUCT THE LOS ANGELES COUNTY YOUTH EMPLOYMENT PROGRAM (YEP) NET COUNTY COST FOR FISCAL YEAR 2011
4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS ANGELES COUNTY TO CONDUCT THE WIA WAIVER YOUTH EMPLOYMENT PROGRAM (WWYEP) FOR FISCAL YEAR 2011

CITY ATTORNEY

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO VARIOUS LEGAL SERVICES RETAINER AGREEMENTS TO ASSIST THE CITY ATTORNEY'S OFFICE

CITY FIRE DEPARTMENT

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND ESTABLISH A PURCHASE ORDER WITH SMART- TEK SERVICES FOR EMERGENCY AMBULANCE STAFFING

CITY MANAGER

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH POLSINELLI SHUGHART PC FOR FEDERAL LOBBYIST SERVICES FOR FISCAL YEAR 2011-2012
8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO EXECUTE AN MEMORANDUM OF UNDERSTANDING WITH AND PROVIDE FINANCIAL STIPENDS TO THE COMPTON CHAMBER OF COMMERCE
9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH STRATEGIC COUNSEL, PLC FOR STATE LEGISLATIVE AND LEGAL ADVOCACY SERVICES

HOUSING AUTHORITY

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF COMPTON AND THE COMPTON LOCAL HOUSING AUTHORITY

PUBLIC WORKS-ENGINEERING

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH DUDEK TO EXTEND THE TERM OF THE AGREEMENT FOR PROVISION OF CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CITY WIDE STREET LIGHTING PROJECT (CIP# 09-05)
12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON DECLARING ITS INTENTION TO GRANT A FRANCHISE TO PARAMOUNT PETROLEUM TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS AND PUBLISHING NOTICE OF A PUBLIC HEARING THEREON
13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS TO PATTEN ENERGY ENTERPRISES, SC FUELS AND JANKOVICH
14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT \$556,064.00 OF SECTION 5309, SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT (SAFETEA-LU) FUNDS, AMEND THE PUBLIC WORKS BUDGET AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA) FOR THE PROCUREMENT OF CLEAN AIR BUSES FOR THE DIAL A RIDE AND FIXED ROUTE TRANSIT SERVICES

RISK MANAGEMENT

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO AON RISK INSURANCE SERVICES FOR THE RENEWAL OF THE FOLLOWING CITY INSURANCE POLICIES: CRIME; DIRECTORS AND OFFICERS; GENERAL LIABILITY; PROPERTY; DIFFERENCE IN CONDITIONS AND EXCESS DIFFERENCE IN CONDITIONS; EXCESS WORKERS COMPENSATION; ATHLETICS GENERAL LIABILITY AND GROUP ACCIDENT; BUSINESS AUTO AND EXCESS; AUTO PHYSICAL DAMAGE; AND SPECIAL EVENTS AND ACCIDENT INSURANCE.

APPROVAL OF WARRANTS

END CONSENT AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

16. REQUEST TO SCHEDULE A PUBLIC HEARING FOR THE APPROVAL OF THE HUD MANDATED CONSOLIDATE ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) (**September 20, 2011 at 5:50 p.m.**)

CITY ATTORNEY'S REPORTS

17. CLAIMS AGAINST THE CITY:

Josephina Gonzalez v. City of Compton (I-8439/LI0000119A)
Salvador Torres and Maria Martinez v. City of Compton (I-8441/LI0000121A)
Cecilia Barnes v. City of Compton (I-8444/LI0000124A)
Michael Paul v. City of Compton (I-8445/LI0000125A)

CLOSED SESSION

18. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

GONZALEZ V. CITY OF COMPTON, BC 450 494
UNITED STATES, et al [under seal], CV08-988 DOC
MOHAMED V. CITY OF COMPTON, TC025561
Pursuant to California Government Code Section 54956.9(a)

UNFINISHED BUSINESS

NEW BUSINESS

19. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON TO COMPLY WITH PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH ANDSAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH(**First Reading**)
20. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON UPHOLDING THE DECISION BY THE PLANNING COMMISSION AND TO DENY THE APPEAL FOR CONDITIONAL USE PERMIT CASE NO. 2690 IN ACCORDANCE WITH THE PLANNING COMMISSION'S ATTACHED RESOLUTION.
21. AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 30-20.3 AND VARIOUS SPECIFIED SECTIONS OF CHAPTER XII OF THE COMPTON MUNICIPAL CODE.

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, September 06, 2011 @ 5:45 PM.

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

JULY 12, 2011

The City Council meeting was called to order at 7:19 p.m. in the Council Chambers of City Hall by Mayor Eric Perrodin.

ROLL CALL

Council Members Present: Zurita, Dobson, Arceneaux, Jones, Perrodin

Council Members Absent: None

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

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

COMMENDATORY RESOLUTIONS/PRESENTATIONS

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

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

Charles Davis, Compton resident and former City Clerk, referred to Section 1110 of the Compton City Charter and submitted a formal complaint against the City Manager for falsifying a temporary appointment document. As it relates to the budget, he suggested a ten percent reduction in everyone's salary to avoid lay-offs. He stated that 19 million dollars was deposited into the non-departmental account as a charge off to other departments. He indicated that after a total investigation of the records, he could not locate the City Council's approval of that transaction. He asserted that there were other issues involving temporary appointments and the executive management team and the Human Resources Department that needs to be investigated immediately.

Robert Ray, Compton resident, asked the City Clerk to contact the organizations that operated fireworks' stands and ask them if it was worth it to have a stand. He suggested that fireworks be outlawed in the City of Compton with the exception of licensed professionals.

Rosie Juarez-Navarro, City employee, encouraged the City Council to accept the Compton Coalition's proposal to avoid lay-offs.

Colleen Fields, City employee, commented on the effects of the proposed lay-offs and pleaded with the City Council to meet with the Compton Coalition to find out what the employees are willing to sacrifice.

Kimberly McKenzie, City employee, commented on the effects that the proposed budget will have on the city employees that are proposed to be laid off or receive pay reduction. She mentioned the meetings between the Coalition and the City Manager's Office to address the City's shortfall, however she stated that the budget proposed today did not include their recommendations. Ms. McKenzie stated that it was unclear as to whether the City Council accepted the County of Los Angeles' funding in the proposed budget for Careerlink. She affirmed that City services would be affected with the elimination of the proposed positions, therefore City employees are ready to assist in correcting this issue and maintaining City services and presenting a fair budget that will not adversely affect the community.

Rose Downs, President of Local 3947, stated that she was unaware of the City Manager's proposal previously stated. She indicated that she's worked on the budget team and the creative accounting used to pass the budget. She stated that their concessions are a package deal and affirmed that City services will be lost if the proposed number of employees are laid off.

Riley Blackburn, City employee, asked the City Council to meet with the unions to pass a balanced budget that benefits the employees as well as the residents.

#1.

Tony Branson, President of Compton Firefighters Local 2216, commended the City Manager for the working with the unions and noted that there is more work to be done to save more jobs. He proceeded to read Resolution # 22, 876, the financial policy and procedures manual citing that the City employees can be paid by resolution of the council until a budget is adopted.

Mayor Perrodin stated that he was advised by the City Attorney that a resolution cannot supersede the City Charter.

James Walker, City employee, asked the City Council to meet with the unions to reconsider the proposed budget in order to save the families of City employees.

Sergio Duran, City employee, pleaded with the City Council to consider the lives of the employees before they approve any lay-offs.

William Kemp, Compton resident, spoke in opposition to the proposed lay-offs and stated that it is the responsibility of the City Manager to create a balanced budget with alternatives.

Glen Rothner, Union lawyer, referenced the financial policies and procedures manual. He stated that after reviewing the provisions of the City Charter that refer to the budget he determined that there were no prohibitions on the adoption of the resolution and requested another legal opinion.

Nelson Wayans, City employee, read Section 8.3 Lay-Off procedures from the Personnel Rules and Regulations. He referenced Section 1107 of the City Charter and stated that the unions would have had no problems with the lay-offs if they were in accordance with these procedures.

Shannon Lawrence, representative of Micah Ali, read a letter written by Compton Unified School District Board of Trustees Member, Micah Ali, requesting additional time for negotiations to continue.

Cheryl Parisie, Executive Director of AFSCME District Council 36, recognized the collaboration of the various unions as the Compton Coalition of Unions. She stated that workers sacrificed from their own benefits to save their colleagues at a savings 6.7 million dollars to the City of Compton. She asked that the City Manager be directed to enter into an agreement with the Compton Coalition for their concessions, no lay-offs and modest furloughs.

Benjamin Holifield, Compton resident, agreed with the projections presented by Charles Davis. He stated that he believes the City Council will work this out with the Compton Coalition

Jason Elias, Union representative, requested a partnership with the City to negotiate a deal with the unions that will benefit the residents and all of the employees in the City of Compton.

Charles Hurrell, union representative, asked the City Council to do the right thing and keep the employees and residents working in the City of Compton.

Lynn Boone, Compton resident, alleged that the State Controller is investigating the Mayor for the receipts and stipends received and the process of the contracts being issued and water rates in the City of Compton.

Joyce Kelly, Compton resident, asserted that this Body is receiving in excess of \$493,800 of what the City Charter allows for their salaries. She encouraged the Mayor and City Council to give up their salaries from the commissions.

Louis Alvarez, Compton resident, stated that there have been numerous accidents at the corner of Santa Fe and Elm Street and asked that a stop sign be posted at that location.

Mayor Perrodin explained that a traffic study would have to be conducted at that location before any action is taken.

CONSENT AGENDA

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

AYES: Council Members - Zurita, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - None

APPROVAL OF WARRANTS

2. Warrant #201612 - Atkinson Andelson Loya Ruud and Romo - Unit Bargaining - \$3,495.90 - Requested by: City Manager

END OF THE CONSENT AGENDA**REGULAR AGENDA**

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 RELATION TO STREET WORK PERMIT FEES

On motion by Arceneaux, seconded by Jones, to waive the reading of the ordinance in full, by the following vote on roll call:

AYES: Council Members – Zurita, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members – None

ABSENT: Council Members – None

“AN ORDINANCE OF THE CITY COUNCIL OF THE COMPTON AMENDING CHAPTER XX OF THE COMPTON MUNICIPAL CODE TO AMEND SECTION 20-2.4 IN ITS ENTIRETY AND DELETE SECTION 20-2.4 RELATION TO STREET WORK PERMIT FEES” was placed on first reading by title only, by the following vote on roll call:

AYES: Council Members – Zurita, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members – None

ABSENT: Council Members – None

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

On motion by Dobson, seconded by Zurita, **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ADOPTING THE COMBINED BUDGET FOR FISCAL YEAR 2011-2012”** failed, by the following vote on roll call:

AYES: Council Members –Dobson, Perrodin

NOES: Council Members – Zurita, Arceneaux, Jones

ABSENT: Council Members – None

COUNCIL COMMENTS

Councilperson Zurita recognized that lay-offs were occurring across the world, however she preferred that they be the last resort in the City of Compton. She expressed her desire to approve a budget and cited a concern for the investigation of certain contracts and contingency funds before this point.

Councilperson Zurita felt the Coalition and employees should have worked together a year ago to avoid the severity of the City’s shortfall today and asked that everyone work together to resolve the issue.

#1.

Councilperson Zurita announced that the members of the Citizens of Zion Church is hosting a “March Against Violence, AIDS & Cancer” to be held on Saturday, July 16, 2011 beginning at Miracle Market at 11 a.m.

Councilperson Jones announced the "Household Hazardous Waste Pick-Up Day" to be held on Saturday, July 23, 2011 from 9 a.m. to 3 p.m.

Councilperson Jones invited the residents to participate in the “Alondra Regional Park Community Input Meeting” to be held on Sunday, July 24, 2011 at Kelly from 6:30 p.m. to 7:30 p.m.

Councilperson Jones also announced that Assemblyman Isadore Hall will be hosting a "Summer Barbeque Event" to be held on Saturday, July 16, 2011 at 2200 West Artesia from 11 a.m. to 2 p.m. Residents are encouraged to attend and voice their concerns.

Councilperson Jones cordially invited the residents to attend Faith Inspirational Church "Movie in the Park Event" to be held on Friday, July 15, 2011 at Gonzales Park from 6 p.m. to 11 p.m.

Councilperson Jones also requested that the meeting be adjourned in the memory of Keith Simms.

Councilperson Dobson stated that she is not working to get elected, but is working for the best interest of the citizens of Compton. Ms. Dobson stated that she hate to see anyone laid off, however she indicated that employees must be paid for work performed.

Councilperson Dobson congratulated her colleague Janna Zurita for winning the recent election and stated that she is looking forward to working with her to continue moving the City forward.

Councilperson Dobson requested that the meeting be adjourned in the memory of Willie Ray Scott.

Councilperson Arceneaux directed the City Manager to go back to the table with the unions to include their concessions in the proposed budget. Ms. Arceneaux indicated that it is not her responsibility to create a budget, nor is it the responsibility of the unions.

Councilperson Arceneaux suggested that everyone has the City's best interest in mind and asked that the budget include the concessions at next week's City Council meeting.

Councilperson Arceneaux stated that legislation has been introduced to mandate flood insurance to homeowners. Ms. Arceneaux stated that there are opportunities to postpone the purchase for two years.

Councilperson Arceneaux requested that the meeting be adjourned in the memory of Doris Liber.

Mayor Perrodin requested that the meeting be adjourned in the memory of Percy L. Covington and Barbara Jean McCoy.

ADJOURNMENT

On motion by Arceneaux, seconded by Jones, the meeting was adjourned at 8:45 p.m. in the memory of **Keith Simms, Willie Ray Scott, Doris Liber, Percy Lee Covington and Barbara Jean McCoy** by the following vote on roll call:

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

CLERK OF THE CITY OF COMPTON

MAYOR OF THE CITY OF COMPTON

July 26, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS ANGELES COUNTY TO CONDUCT THE WORKFORCE INVESTMENT ACT (WIA) YOUTH PROGRAM FOR FISCAL YEAR 2011-2012

SUMMARY

This resolution authorizes the City Manager to accept WIA funds, from the Community and Senior Services of Los Angeles County, for the Workforce Investment Act (WIA) Youth Program and to enter into a contract to implement WIA Youth Program services for fiscal year 2011 – 2012.

BACKGROUND INFORMATION

The Compton CareerLink Center is responsible for administering the Workforce Investment Act (WIA) Youth Program, within the Los Angeles County area.

On June 21, 2011, CareerLink received notification that the department was granted \$609,567 to administer the WIA Youth Program for the period of July 1, 2011 to June 30, 2012. The target population to be served is youth ages 17-21 that are economically disadvantaged, according to the State of California Employment Development Department 2011 -70 percent Lower Living Standard Income Level (LLSIL).

The Workforce Investment Act (WIA) establishes programs to prepare at-risk youth with barriers to employment for participation in the labor force, by providing paid work experience, job placement, and other employment and educational related services.

These funds are made available under the Workforce Investment Act (WIA) Youth Program as delineated below:

<u>Program</u>	<u>Funds Received</u>
WIA Youth Program	\$609,567
Total Funds Received:	\$609,567

#2.

**MAYOR AND COUNCIL MEMBERS
JULY 26, 2011
PAGE 2**

STATEMENT OF THE ISSUES

To maintain continuity of services, City Council approval is needed to accept the WIA Youth allocation and enter into a contract agreement with Los Angeles County for fiscal year 2011-2012.

FISCAL IMPACT

There is no impact to the General Fund.

RECOMMENDATION:

Staff recommends City Council approval of the attached resolution.

**KIMBERLY MCKENZIE, DIRECTOR
COMPTON CAREERLINK CENTER**

**WILLIE NORFLEET
CITY MANAGER**

Attachment

MM:KP

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO
AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS
ANGELES COUNTY TO CONDUCT WORKFORCE INVESTMENT ACT (WIA)
YOUTH PROGRAM FOR FISCAL YEAR 2011-12

WHEREAS, the Compton CareerLink Center is authorized to receive funds from the Community and Senior Services of Los Angeles County to conduct WIA Youth Program services; and

WHEREAS, the Workforce Investment Act (WIA) establishes programs to prepare youth for participation in the labor force, by providing paid work experience and other employment and educational related services; and

WHEREAS, the WIA Youth revenues will total \$609,567 and the appropriations will be reflected in the CareerLink budget for fiscal year 2011-12; and

WHEREAS, the period of performance is from July1, 2011 to June 30, 2012; and

WHEREAS, there is a need to authorize the City Manager or his designee to accept WIA Youth funds and enter into an agreement with Community and Senior Services of Los Angeles County for fiscal year 2011-2012.

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

Section 1. That the City Manager or his designee is authorized to accept funds and enter into an agreement with Community and Senior Services of Los Angeles County to conduct WIA Youth program services for Fiscal Year 2011-12.

Section 2. That the WIA Youth program revenues and expenditures will total \$609,567 and appropriations will be reflected in the CareerLink budget as follows:

Account #	Description	Amount
27540000003580	Other County Grants WIA Youth Programs	\$609,567

Account #	Description	Amount
2754-810-Y004111	Salaries-Trainee	\$106,000
4123	Salaries-Training Related Serv.	\$212,050
4180	FICA Contribution	\$ 6,572
4190	Workers Compensation	\$ 14,006
4191	Health Insurance	\$ 54,164
4192	Retirement	\$ 46,612
4193	PERS Pickup	\$ 18,195
4194	Life Insurance	\$ 1,145
4195	Dental Insurance	\$ 5,026
4196	Vision Insurance	\$ 800
4197	Unemployment Insurance	\$ 18,354
4198	State Disability Insurance	\$ 57,853

Account #	Description	Amount
2754-810-Y004199	Medi-Cal Contribution	\$ 4,815
4210	Office Supplies	\$ 8,500
4215	Postage	\$ 2,500
4216	Printing & Duplicating	\$ 9,000
4219	MEM Publishing	\$ 850
4221	Equipment Rental	\$ 4,000
4222	Computer Software	\$ 2,500
4249	Special Department Expense	\$ 14,425
4250	Communication	\$ 1,500
4253	Electricity	\$ 8,500
4259	Water	\$ 1,200
4269	Other Contract Services	\$ 19,595
4274	Training-WIA	\$ 10,000
4278	Mileage	\$ 1,000
Total WIA Youth Expenditures		\$609,567

Section 3. That the period of performance is from July 1, 2011 through June 30, 2012.

Section 4. That a certified copy of this resolution shall be filed in the offices of the City Manager, City Clerk, City Controller, City Attorney and CareerLink WorkSource California Center.

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

RESOLUTION NO. _____
PAGE THREE

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-
ABSTAIN: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: CareerLink

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS ANGELES COUNTY TO CONDUCT WORKFORCE INVESTMENT ACT (WIA) YOUTH PROGRAM FOR FISCAL YEAR 2011-12

Kimberly McKenzie
DEPARTMENT MANAGER’S SIGNATURE

7/13/2011 5:32:56 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/21/2011 4:30:28 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/21/2011 5:08:35 PM
DATE

Willie Norfleet
CITY MANAGER

7/21/2011 2:40:35 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.

July 26, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS ANGELES COUNTY TO CONDUCT THE LOS ANGELES COUNTY YOUTH EMPLOYMENT PROGRAM (YEP) NET COUNTY COST FOR FISCAL YEAR 2011

SUMMARY

This resolution authorizes the City Manager to accept funds, from the Community and Senior Services of Los Angeles County, for the Los Angeles County Youth Employment Program (YEP) Net County Cost, and to enter into a contract to implement the Youth Employment Program (YEP) services for fiscal year 2011.

BACKGROUND INFORMATION

On July 7, 2011, the City of Compton CareerLink Center received notification of a one-time funding allocation for the Los Angeles County Youth Employment Program (YEP) Net County Cost for fiscal year 2011. The program will begin July 1, 2011 and will conclude on September 30, 2011.

The Los Angeles County Youth Employment Program (YEP) Net County Cost will provide work experience to prepare youth for participation in the labor force, by providing hand-on skills training and real world of work behaviors for youth between the ages of 16 thru 24.

These funds are made available under the Community and Senior Services of Los Angeles County as delineated below:

<u>Program</u>	<u>Funds Received</u>
Los Angeles County Youth Employment Program (YEP) Net County Cost	\$63,835
Total Funds Received:	\$63,835

#3.

MAYOR AND COUNCIL MEMBERS

JULY 26, 2011

PAGE 2

STATEMENT OF THE ISSUES

City Council approval is needed to accept the Los Angeles County Youth Employment Program (YEP) Net County Cost allocation and enter into a contract agreement with Los Angeles County.

FISCAL IMPACT

There is no impact to the General Fund.

RECOMMENDATION:

Staff recommends City Council approval of the attached resolution.

**KIMBERLY MCKENZIE, DIRECTOR
COMPTON CAREERLINK CENTER**

**WILLIE NORFLEET
CITY MANAGER**

Attachment

MM:KP

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO
AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS
ANGELES COUNTY TO CONDUCT THE LOS ANGELES COUNTY YOUTH
EMPLOYMENT PROGRAM (YEP) NET COUNTY COST FOR FISCAL YEAR
2011**

WHEREAS, the City of Compton CareerLink Center is authorized to receive funds from the Community and Senior Services of Los Angeles County to conduct the Los Angeles County Youth Employment Program (YEP) Net County Cost services; and

WHEREAS, on July 7, 2011, City of Compton CareerLink Center received notification of a one-time funding allocation for the Los Angeles County Youth Employment Program (YEP) Net County Cost for fiscal year 2011; and

WHEREAS, the Los Angeles County Youth Employment Program (YEP) Net County Cost provides youth with work experience opportunities to learn valuable work ethics and employment behaviors related to the world of work; and

WHEREAS, the Los Angeles County Youth Employment Program (YEP) Net County Cost revenues will total \$63,835 and the appropriations will be reflected in the CareerLink budget for fiscal year 2011-12; and

WHEREAS, the period of performance is from July 1, 2011 to September 30, 2011; and

WHEREAS, there is a need to authorize the City Manager or his designee to accept Los Angeles County Youth Employment Program (YEP) Net County Cost funds and enter into an agreement with Community and Senior Services of Los Angeles County for Fiscal Year 2011.

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

Section 1. That the City Manager or his designee is authorized to accept funds and enter into an agreement with Community and Senior Services of Los Angeles County to conduct Los Angeles County Youth Employment Program (YEP) Net County Cost services for Fiscal Year 2011.

Section 2. That the Los Angeles County Youth Employment Program (YEP) Net County Cost revenues will total \$63,835.

Revenues

ACCOUNT #	DESCRIPTION	AMOUNT
_____3580	Other County Grants NCC – Youth Employment	\$63,835

Section 3. That the period of performance is from July 1, 2011 through September 30, 2011.

RESOLUTION NO. _____
PAGE TWO

Section 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

Section 5. That a certified copy of this resolution shall be filed in the offices of the City Manager, City Clerk, City Controller, City Attorney and City of Compton CareerLink Center

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 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: CareerLink

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS ANGELES COUNTY TO CONDUCT THE LOS ANGELES COUNTY YOUTH EMPLOYMENT PROGRAM (YEP) NET COUNTY COST FOR FISCAL YEAR 2011

Kimberly McKenzie
DEPARTMENT MANAGER’S SIGNATURE

7/21/2011 4:14:11 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/21/2011 8:05:12 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/21/2011 8:31:47 PM
DATE

Willie Norfleet
CITY MANAGER

7/21/2011 7:04:35 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.

July 26, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS ANGELES COUNTY TO CONDUCT THE WIA WAIVER YOUTH EMPLOYMENT PROGRAM (WWYEP) FOR FISCAL YEAR 2011

SUMMARY

This resolution authorizes the City Manager to accept funds, from the Community and Senior Services of Los Angeles County, for the WIA Waiver Youth Employment Program (WWYEP), and to enter into a contract to implement the Youth Employment Program services for fiscal year 2011.

BACKGROUND INFORMATION

On July 7, 2011 the City of Compton CareerLink Center received notification from Community and Senior Services of Los Angeles County of a funding allocation to provide a youth employment program utilizing WIA Youth funds. The program will begin July 1, 2011 and will conclude on September 30, 2011.

The WIA Waiver Youth Employment Program (WWYEP) will provide work experience to prepare youth for participation in the labor force, by providing hand-on skills training and real world of work behaviors for youth between the ages of 17 thru 21.

These funds are made available under the Community and Senior Services of Los Angeles County as delineated below:

<u>Program</u>	<u>Funds Received</u>
WIA Waiver Youth Employment Program (WWYEP)	\$125,827
Total Funds Received:	\$125,827

#4.

MAYOR AND COUNCIL MEMBERS
JULY 26, 2011
PAGE 2

STATEMENT OF THE ISSUES

City Council approval is needed to accept the WIA Waiver Youth Employment Program (WWYEP) allocation and enter into a contract agreement with Los Angeles County.

FISCAL IMPACT

There is no impact to the General Fund.

RECOMMENDATION:

Staff recommends City Council approval of the attached resolution.

KIMBERLY MCKENZIE, DIRECTOR
COMPTON CAREERLINK CENTER

WILLIE NORFLEET
CITY MANAGER

Attachment

MM:KP

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO
AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS
ANGELES COUNTY TO CONDUCT THE WIA WAIVER YOUTH
EMPLOYMENT PROGRAM (WWYEP) FOR FISCAL YEAR 2011**

WHEREAS, the City of Compton CareerLink Center is authorized to receive funds from the Community and Senior Services of Los Angeles County to conduct the WIA Waiver Youth Employment Program (WWYEP) services; and

WHEREAS, on July 7, 2011, the City of Compton CareerLink Center received notification of a funding allocation for the WIA Waiver Youth Employment Program (WWYEP) for fiscal year 2011; and

WHEREAS, the WIA Waiver Youth Employment Program (WWYEP) provides youth with work experience opportunities to learn valuable work ethics and employment behaviors related to the world of work; and

WHEREAS, the WIA Waiver Youth Employment Program (WWYEP) revenues will total \$125,827 and the appropriations will be reflected in the CareerLink budget for fiscal year 2011-12; and

WHEREAS, the period of performance is from July 1, 2011 to September 30, 2011; and

WHEREAS, there is a need to authorize the City Manager or his designee to accept WIA Waiver Youth Employment Program (WWYEP) funds and enter into an agreement with Community and Senior Services of Los Angeles County for Fiscal Year 2011.

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

Section 1. That the City Manager or his designee is authorized to accept funds and enter into an agreement with Community and Senior Services of Los Angeles County to conduct WIA Waiver Youth Employment Program (WWYEP) services for Fiscal Year 2011.

Section 2. That the WIA Waiver Youth Employment Program (WWYEP) revenues will total \$125,827.

Revenues

ACCOUNT #	DESCRIPTION	AMOUNT
_____3580	WIA Waiver Youth Employment Program (WWYEP)	\$125,827

Section 3. That the period of performance is from July 1, 2011 through September 30, 2011.

Section 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

RESOLUTION _____
PAGE TWO

Section 5. That a certified copy of this resolution shall be filed in the offices of the City Manager, City Clerk, City Controller, City Attorney and City of Compton CareerLink Center

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 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: CareerLink

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND ENTER INTO AN AGREEMENT WITH THE COMMUNITY AND SENIOR SERVICES OF LOS ANGELES COUNTY TO CONDUCT THE WIA WAIVER YOUTH EMPLOYMENT PROGRAM (WWYEP) FOR FISCAL YEAR 2011

Kimberly McKenzie
DEPARTMENT MANAGER’S SIGNATURE

7/21/2011 4:17:13 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/21/2011 8:05:27 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/21/2011 8:57:11 PM
DATE

Willie Norfleet
CITY MANAGER

7/21/2011 7:05:03 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.

July 26, 2011

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO
VARIOUS LEGAL SERVICES RETAINER AGREEMENTS TO ASSIST
THE CITY ATTORNEY'S OFFICE**

SUMMARY

The City Council will consider adopting a Resolution authorizing the City Attorney to enter into various legal services retainer agreements to assist the City Attorney's Office.

BACKGROUND

The Compton City Charter, Section 702, authorizes the City Council to employ outside attorneys to assist the City and the Office of the City Attorney in the handling of the legal business of the City. Over the years, the City of Compton has retained the services of various outside law firms to assist the City and the Office of the City Attorney with specific complex matters and in specialized areas of the law.

STATEMENT OF THE ISSUE

The City of Compton has identified the need to secure expert legal services to assist the City and the Office of the City Attorney. Such outside legal assistance will focus on specialized municipal projects including but not limited to voting rights law, municipal finance and complex litigation. The retention of outside legal services will be exercised on an "as-needed" basis.

This Resolution will authorize the City Attorney to enter into legal retainer agreements with the following law firms: Gonzalez Saggio & Harlan LLP; Richard Watson and Gershon; and Neilsen, Merksamer Parrinello Mueller & Naylor LLP

FINANCIAL IMPACT

There is no additional fiscal impact to the City of Compton for adopting the attached Resolution. Funds to pay outside legal services are available in the 2011-2012 Fiscal Year Budget of the City Attorney's Office and will be used on an "as-needed" basis. The above-referenced legal retainer agreements shall be paid from the budgeted fund account number 1001-42-0000-4261.

#5.

RECOMMENDATIONS

Staff recommends that the City Council adopt the attached Resolution authorizing the City Attorney to enter into various legal services retainer agreements to assist the City Attorney's Office.

Craig J. Cornwell

**CRAIG J. CORNWELL
CITY ATTORNEY**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AUTHORIZING THE CITY ATTORNEY TO
ENTER INTO VARIOUS LEGAL SERVICES RETAINER
AGREEMENTS TO ASSIST THE CITY ATTORNEY’S OFFICE**

WHEREAS, Section 702 of the Compton City Charter authorizes the City Council to employ outside attorneys to assist the City and the Office of the City Attorney in the handling of the legal business of the City; and

WHEREAS, over the years the City of Compton has retained the services of various outside law firms to assist the City and the Office of the City Attorney with specific cases and in specialized areas of the law; and

WHEREAS, the City has identified the need to secure expert legal consulting and advocacy services to assist the City and the Office of the City Attorney on an as-needed basis with specialized municipal projects including but not limited to voting rights, municipal finance, and complex litigation.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON
RESOLVES AS FOLLOWS:**

- Section 1. That the City Attorney is authorized to enter into legal retainer agreements with the following law firms for the 2011/2012 Fiscal Year Budget: Gonzalez Saggio & Harlan LLP, Richard Watson and Gershon, and Neilsen, Mersamer, Parrinello, Mueller & Naylor, LLP.
- Section 2. That the above referenced legal retainer agreements shall be paid from the budgeted fund account number 1001-42-0000-4261.
- Section 3. That a duly certified copy of this Resolution shall be delivered to the City Manager, City Attorney and City Controller.
- 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)

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 this _____ day of _____ 2011.

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

AYES: COUNCIL MEMBERS
NOYES: COUNCIL MEMBERS
ABSTAIN: COUNCIL MEMBERS
ABSENT: COUNCIL MEMBERS

CITY CLERK OF THE CITY OF COMPTON

July 26, 2011

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AGREEMENT AND ESTABLISH A PURCHASE ORDER
WITH SMART- TEK SERVICES FOR EMERGENCY AMBULANCE
STAFFING**

SUMMARY

The resolution authorizes the City Manager to enter into an agreement and establish a purchase order in an amount not to exceed \$580,656.00 with Smart-Tek Inc. for emergency ambulance staffing.

BACKGROUND

The Fire Department currently operates two (2) Basic Life Support (BLS) transport ambulances. In order to make the program affordable, the personnel which operate those ambulances are contracted with Smart-Tek services. The program is an intern program which offers fully qualified Emergency Medical Technicians (EMT's) the opportunity to operate within the fire service and determine if it is a career that they truly want to pursue, while at the same time providing the community with a much needed service. They drive the city's vehicles and abide by department, city, state and federal laws and statutes. Currently there is no other vendor actively offering this type of staffing thus we would like to continue to use them as a sole source provider. The agreement will be for two years (i.e. Fiscal Years 2011-12 and 2012-13) with termination provisions.

STATEMENT OF THE ISSUE

Council approval is needed for issuance of a purchase orders in excess of \$25,000.00.

FINANCIAL IMPACT

There is no further impact to 2011/12 fiscal year budget. Funds already allocated in the fire department budget.

#6.

RECOMMENDATIONS

Staff recommends that the Council adopt the attached Resolution.

**JON THOMPSON
FIRE CHIEF**

**WILLIE NORFLEET
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT
AND ESTABLISH A PURCHASE ORDER WITH SMART-TEK SERVICES FOR
EMERGENCY AMBULANCE STAFFING**

WHEREAS, the Fire Department operates a Basic Life Support (BLS) emergency ambulance transport program; and

WHEREAS, the staffing for said ambulances are contracted from Smart-Tek Services for a reduced cost; and

WHEREAS, Smart-Tek Inc. has continuously provided staffing services to the Basic Life Support Transportation program that is most suitable to the needs of the City at this time; and

WHEREAS, the said program will continue to benefit health and safety of the citizens of Compton; and

WHEREAS, the cost for said services for each year of the contract shall be \$580,656.00; and

WHEREAS, funds for said services has been allotted in the Fire Department's Fiscal Year 2011-2012 budget.

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

SECTION 1. That the City Manager is authorized to execute a two (2) year agreement at a cost of \$580,656.00 each year and issue a purchase order in an amount not to exceed five hundred and forty thousand, seven hundred and sixty-four dollars (\$580,656.00) shall be issued Smart-Tek Inc. for provision of staffing services of the fire department's basic life support transportation program for Fiscal Year 2011-12.

SECTION 2. That funds for services to be provided in Fiscal Year 2011-12 shall be charged to account 10016900004269 of the fire department's 2011/12 fiscal year budget. Costs for services to be rendered in Fiscal Year 2012-13 shall be allocated in future City budgets.

SECTION 3. That a copy of this resolution shall be furnished to the offices of the City Clerk, City Manager, Fire Department, City Treasurer, and the Controller's Office.

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

RESOLUTION NO. _____
PAGE TWO

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 to by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2011.

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

AYES: Council Members-
NOES: Council Members-
ABSTAINS: Council Members-
ABSENT: Council Members-

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Fire Department

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND ESTABLISH A PURCHASE ORDER WITH SMART- TEK SERVICES FOR EMERGENCY AMBULANCE STAFFING

Jon Thompson
DEPARTMENT MANAGER’S SIGNATURE

7/21/2011 1:46:51 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/21/2011 7:48:14 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/21/2011 6:54:37 PM
DATE

Willie Norfleet
CITY MANAGER

7/21/2011 6:04:51 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.

July 26, 2011

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH POLSINELLI SHUGHART PC FOR FEDERAL LOBBYIST SERVICES FOR FISCAL YEAR 2011-2012

SUMMARY

The City Council will consider a resolution authorizing the City Manager to extend a professional services agreement with Polsinelli Shughart PC for fiscal year 2011-2012.

STATEMENT OF THE ISSUE

Since 2006, the City of Compton has authorized the City Manager to enter into an agreement with Polsinelli Shughart PC for federal legislative services and representation in Washington, D.C. Through this agreement, the City has maintained the professional services of Ms. Anita Estell as its government relations representative. In order to retain said federal legislative services for fiscal year 2011-2012, an extension of the professional services agreement must be authorized.

FISCAL IMPACT

The financial impact of a professional services agreement with Polsinelli Shughart PC for fiscal year 2011-2012 will not exceed \$9,000 per month plus expenses. Funds shall be allocated in account 1001-510-000-4269.

RECOMMENDATIONS

Staff recommends that the City Council approve the attached resolution authorizing the professional services agreement with Polsinelli Shughart PC for fiscal year 2011-2012.

**WILLIE NORFLEET
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL
SERVICES AGREEMENT WITH POLSINELLI SHUGHART PC FOR
FEDERAL LOBBYIST SERVICES FOR FISCAL YEAR 2011-2012**

WHEREAS, the City of Compton has determined that legislative issues which significantly affect the City of Compton are considered and acted upon by Federal, State, regional and local legislative entities; and

WHEREAS, the City desires to extend the services of Polsinelli Shughart PC to provide legislative advocacy services and to assist in promoting the interest of the City to legislative entities considering legislation and other regulations that significantly impact the City of Compton; and

WHEREAS, Polsinelli Shughart PC has provided legislative advocacy services to the City for fiscal years 2006-2011; and

WHEREAS, Polsinelli Shughart PC is one of the top 100 law firms in the country according to the National Law Journal and has strong Washington D.C. connections providing specific expertise in federal budget and appropriations policy; and

WHEREAS, Anita Estell, the first African American woman to become a principal at a major independent lobbying firm in 1993, has provided strategic lobbying representation for the City of Compton; and

WHEREAS, said consultant is willing to render such professional services for fiscal year 2011-2012 at the same rate from previous fiscal years, providing a cost savings to the City.

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

SECTION 1. That the City Manager is hereby authorized to extend a professional services agreement to Polsinelli Shughart PC for legislative and legal services for the 2011-2012 fiscal year, commencing July 1, 2011 and terminating June 30, 2012 at a cost not to exceed \$9,000 per month plus expenses.

SECTION 2. That funds are available in the 2011-2012 fiscal year budget in account number 1001-510-000-4269.

SECTION 3. That certified copies of this Resolution shall be sent to and copies filed with the Offices of the City Clerk, City Manager, City Attorney and City Controller.

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**

#7.

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

TO: Willie Norfleet, David Hewitt, and Vince Flowers
FROM: Anita R. Estell
SUBJECT: **Contract Renewal**
DATE: April 22, 2011

We submit this proposed scope with great excitement, as we prepare over the next several weeks to open a new office in the Los Angeles area. The opening of the office will allow us an opportunity to connect with the City, region, and state more directly and often.

Based upon ongoing outreach with the City, Polsinelli continues to work to identify the appropriate strategies and vehicles by which to secure support (e.g., appropriations, authorization, competitive grants, and private/public partnerships) for a number of City projects.

Scope of Work

Polsinelli, in accordance with the highest legal, ethical and professional standards, will provide all the services needed to connect and leverage all of its strengths, particularly at the federal level, in such a way that builds well-funded, measureable and sustainable successes, cutting across the municipal landscape. These services include, but are not limited to:

- Identifying, reviewing, and analyzing any and all federal legislative bills, resolutions, journals, votes, fiscal notes, and all relevant discourse pertaining to the federal government in a timely manner to assist the City in determining its policy positions;
- Providing, upon request, timely written reports of legislative matters for 2011 and the progress of work to the Mayor or his designated representatives;
- Providing advice, recommendations, support services including, but not limited to, correspondence, briefing papers, talking points, written summaries to the City to develop and implement a timely and efficient process to forecast, screen, assign, review, analyze, and respond to federal legislative matters;
- Representing and advocating, as designated, the City's position on federal matters to elected Members of Congress, the President and

1152 15th Street, N.W., Suite 800
Washington, DC 20005
Telephone: (202) 783-3300
Fax: (202) 783-3535

Executive Branch officials, Congressional staff, elected City officials, other lobbyists, community groups, and any other designated persons;

- Providing assistance in establishing strategy: obtain sponsors and co-sponsors in each house for matters designated by the City, establish and maintain successful working relationships with the Congressional leadership, the City's delegation in Congress, interested organizations, community groups and other legislators and staff to achieve passage or defeat of legislation as directed by the City;
- Drafting and delivering legislation, resolutions on other matters involving the development and maintenance of successful intergovernmental relations;
- Coordinating and participating in scheduled conference calls or meetings with officials from the Mayor's Office to provide updates on contacts and advocacy efforts made on behalf of the City. Will be available as much as possible for any needed consultation on a regular basis, as requested by the Mayor's Office and in accordance with the ebb and flow of the legislative cycle;
- Upon request of City officials, testifying on behalf of the City, at hearings before legislative and/or regulatory committees; and
- Organizing and scheduling visits and testimony by the Mayor, his staff, or officials of the City Council.

More specific efforts will include:

- Communicating with Senator Feinstein and Senator Boxer, Representative Richardson, and other members of the Compton-area congressional delegation on issues, proposals, regulations, funding requests, or any other items;
- Identifying congressional champions to carry "the cause;"
- Working with the City to build and engage grassroots support for City projects to demonstrate local benefits;
- Preparing presentations for Members of Congress, their staff, and executive branch officials;
- Scheduling meetings on Capitol Hill and in Washington, D.C. with key Members of Congress, congressional and committee staffs, and agency heads, as well as accompanying City officials to those meeting or technical and logistical support;
- Establishing regular and timely liaison contacts with agency officials and the delegation staff to ensure proper implementation of legislative strategy;

April 22, 2011

Page 3

- Identifying the legislative vehicles in which to place required language and funding; and
- Developing strategic partnerships and collaboratives.

We will help to ensure that the City receives the most timely communication concerning any relevant developments in Washington, and that federal officials also receive any information needed to keep them informed of issues of concern to the Compton community. Polsinelli will provide weekly communications via email and phone, and written reports detailing efforts and accomplishments.

Political and Economic Background

Following the mid-term elections, Republicans regained control of the U.S. House of Representatives, and narrowed the Democratic majority margins in the Senate. Several new Democrats also were elected in both chambers. All told, the number of House and Senate freshmen exceeds 100.

In the initial aftermath of the transformative election, a series of significant issues of great importance to municipalities and its residents have emerged at the federal level. All of them, in some way, are affected by the broader discussion related to the national debt.

The President's National Commission on Fiscal Responsibility (the Debt Commission), the Tea Party, the Congressional Budget Office, and numerous think tanks acknowledge the need to address challenges associated with relentless annual deficits and a mushrooming cloud of national debt that puts the nation's solvency and viability at risk. In the report released in December 2010, the Debt Commission concluded --

Our challenge is clear and inescapable: America cannot be great if we go broke . . . Together, we have reached these unavoidable conclusions: The problem is real. The solution will be painful. There is no easy way out. Everything must be on the table. And Washington must lead.

Our national circumstance can be explained quite simply – federal expenditures exceed federal revenue; output exceeds input; we are borrowing from Peter to pay Paul. Whatever the preferred metaphor, the reality is that there is a gap between what the federal government spends and what it collects in the form of revenues, requiring the U.S. to borrow to make up the difference.

Even more relevantly, as a percentage of Gross Domestic Product, the federal debt is dangerously high. In 2001, the national debt represented 33 percent of GDP. Today, it represents 62 percent of GDP, and is expected to reach 90 percent of GDP in 2020, according to the Congressional Budget Office.

The decisions made now in reference to the deficit and national debt will affect the quality of life in America for many years to come. The implications are particularly pronounced for members of communities representing the largest proportional increases in population growth. According to recent census updates, Hispanic, Asian, and African Americans will constitute a majority of the U.S. population much faster than anticipated.

As national leaders prune the spending tree, and identify revenue streams, the seeds of opportunity are also being planted. In his State of the Union, President Obama announced that proposed cuts would be balanced with investments. The President identified three areas where investment is critical: Education, innovation and infrastructure. Compton's efforts should mirror these priority areas.

The nation's current economic downturn and recent political developments require that Compton's advocacy at the federal level be focused and precise—and innovative. In addressing the needs and goals of Compton in FY 2012, all of us at Polsinelli are prepared to advance the City's interests by undertaking a bold, aggressive and strategic approach.

For FY12, we will employ a four-pronged approach:

- 1. Development of strategy and preparation of advocacy materials;**
- 2. Engagement of the executive and legislative branches in pursuit of,**
 - a. Appropriations
 - b. Authorizations
 - c. Competitive grants
 - d. Regulatory matters
- 3. Identify public/private resources and partnerships to support local efforts; and**
- 4. Direct Client Engagement Involving Timely And Strategic Communications.**

April 22, 2011

Page 5

1) PREPARATION OF STRATEGY AND OF ADVOCACY MATERIALS

Anita's visit and PowerPoint presentation late last year set the stage for the development of a concerted federal strategy for FY12. Her meeting with Council members, Council and Mayoral staff, and others in Compton resulted in an initial inventory of existing and proposed federal projects and programs, and a discussion of the vision and goals for the 2011 Federal Agenda.

2) FEDERAL ADVOCACY OUTREACH

a. Appropriations

For FY12, Congress has self-imposed a ban on earmarks.

Programmatic Appropriations: The Community Development Block Grant (CDBG) program, a major source of funding for the City, has come under serious threat in the 112th Congress. President Obama's FY12 budget recommended a 7.5 percent cut to the program. The President's willingness to cut funding for this critical municipal program also precipitated a draconian Republican House proposal in H.R. 1 to reduce funding for the program by over 62 percent for FY11. Polsinelli joined forces with City staff, and the U.S. Conference of Mayors (USCM) to protect the program. The final FY11 negotiated yearlong Continuing Resolution (CR) cuts the CDBG program by 16.2 percent. This means that CDBG formula funding will decrease from \$3.99 billion in FY 2010 to \$3.343 billion in FY 2011 (a \$647 million cut). Additionally, all domestic discretionary programs will have an additional 0.2 percent cut. Polsinelli will continue to advocate for programmatic funding for CDBG for FY12, and continue to engage as part of a coalition to fight back efforts to further decrease available funding in the next budget cycle. We are meeting with USCM to discuss strategy next week.

b. Authorizations

Polsinelli is engaged in an aggressive authorization strategy to supplement short-term goals. In the 112th Congress, the City may choose to support broad legislative efforts intended to direct federal funding to aid local infrastructure, aviation, transportation, and water initiatives. Discussions are underway for probable action on the reauthorization of the Surface Transportation Act, the Federal Aviation Administration Reauthorization, the Clean Safe Drinking Water Act, and the Water Resources and Development Act.

Surface Transportation Reauthorization: Polsinelli expects to pursue the following two Surface Transportation Reauthorization projects, Rosecrans Bridge Reconstruction and the Transportation Infrastructure Improvement at Various locations. We will work with the City to evaluate, when the time is right, whether other projects may replace or supplement this list.

Surface Transportation Authorization Project Requests

Rosecrans Bridge Reconstruction- \$3,100,000

In the 1980's, federal leaders undertook efforts to construct a new rail line through the Compton community. When initially constructed, this enhanced rail infrastructure impeded traffic flow between the Willowbrook Avenue and Alameda Street rail corridors. In an attempt to mitigate potential traffic congestion, a large vehicle Overhead- the Rosecrans Overhead- was built over existing rail infrastructure. The overhead also serves as a gang hangout and is regularly used as a homeless encampment. More recently, as an element of the Alameda Corridor project, a below grade rail line replaced most at-grade rail lines. This had made the Rosecrans Overhead superfluous. While the existing overhead structure should have been removed in conjunction with enhancement to rail infrastructure, this demolition was never completed. As such, the City was left with a large overhead structure that adversely impacts local circulation and quality of life. The new bridge will be approximately 120 feet long on the Alameda Corridor Transportation Authority (ACTA) rail lines will be built-at-grade. The total cost of the project is \$16.5 million. In the present request, we are requesting \$3.1 million dollars.

Transportation Infrastructure Improvement at Various locations- \$10,500,000

The Southern California Association of Governments has estimated that approximately \$11.3 million will be required to repair Compton's local and residential streets, recent deterioration likely has exacerbated past needs. As such, the City has pledged approximately \$2.5 million in local funding to meet existing demands, and requests an additional \$10.5 million in federal matching funding to support the immediate remediation of existing and developing infrastructure challenges. Federal funding will be utilized to resurface, restore and rehabilitate deteriorated residential and local streets throughout the Compton community.

Water Resources Development Act: The Senate Environment and Public Works Committee has asked Senators to submit project priorities under the Water Resources and Development Act (WRDA). The City submitted to Senators Boxer and Feinstein one project for \$2.2 million for the Compton Creek bikeway and

pedestrian trail. Whether WRDA projects will move forward in the Senate will partly depend on the definition of an "earmark." If the definition is narrow, then the previously-mentioned ban on earmarks will include WRDA requests. If the definition is broad, as many Senators are urging, then infrastructure projects may not fall under the ban. The House has not acted on WRDA, and Chairman of the Transportation and Infrastructure Committee John Mica has not signaled his intentions on this legislation.

Education opportunities: In the area of federal education policy, significant attention will be given to the larger categorical programs such as Pell grants, Elementary and Secondary, and the Individuals with Disabilities Education Act.

You may recall President Obama's State of the Union Address and the comments he made regarding the need for innovation and a revitalized rethinking reminiscent of steps the U.S. took following the Soviet launch of Sputnik. One program the Administration strongly favors because it brings about change and innovation is Charter schools. Charter schools will continue to be encouraged in the Race to the Top grant competitions and may be encouraged in the reauthorization of the Elementary and Secondary School Education Act (ESEA).

c. Competitive Grants

Some important legislative bills recently enacted have created competitive grant opportunities at the federal level — none bigger than the \$787 billion American Recovery and Reinvestment Act. Another example of this apparent preference for grant making is the "health care reform" act, which will distribute billions of dollars in prevention and innovation grants.

Our background as federal advocates gives Polsinelli exceptional insight into what influences policy makers and decision-makers, what the national priorities are and how proposals should be developed and written. A grant proposal on transportation not referring to livability and sustainability, for example, would most likely be dead on arrival. We therefore will counsel you on matters developing in the federal government that provide the needed background to the grant teams to be on point with the writing of their proposals.

We are strong believers in developing a relationship with relevant program officers before an opportunity becomes available. Developing rapport, learning of policy priorities, understanding the requirements and priorities of the competition, and potentially even understanding the elements of prior successful applications maximizes the chances of receiving grant awards.

Upon deciding to pursue a grant, we will help navigate the political process that gives political context and background to the application. Understanding the ethics rules, and always working within the four corners of the law, we have found ways to significantly and successfully communicate community support and the national importance of a proposal.

d. Regulatory Matters

We will monitor regulatory developments. We will meet with the relevant program officers on a regular basis, and communicate with them via phone, email, and letter as necessary and appropriate. We will work with you to submit comments when necessary and tactically important to defend or advance a relevant regulatory proposal. We will similarly work with congressional champions in support, or opposition, of agency/department actions.

3) Public/Private Resources and Partnerships to Support Local Efforts

Public Libraries: In light of the significant budget gaps the City faces, it may seem impossible to pursue a great, if expensive, community need: A public library. But we have a potential solution: public-private partnership. In particular, we believe that the prospect of developing a digital library in Compton is particularly promising. This digital library would foster the creation and use of digitized collections and resources of interest to the entire community, and foster innovation through out the community.

Trade with China: We look forward to assisting the City in its post-trade mission to China outreach with its embassy and emissaries, with other potential trade partners (Malaysia, Indonesia, etc.), and with federal agencies relevant to international trade, including the Office of the Trade Representative, the Department of Commerce, and the State Department. Already, we have participated in events sponsored by the Department of State related to foreign investment and trade with China.

4) CORE COMMUNICATIONS

Polsinelli will continue to ensure that you receive the timeliest communication concerning any relevant developments in Washington, D.C. and that federal officials also receive any information needed to keep them informed of your priorities. We will continue our weekly communications via email and phone, and written reports will be provided detailing efforts and accomplishments.

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Management

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH POLSINELLI SHUGHART PC FOR FEDERAL LOBBYIST SERVICES FOR FISCAL YEAR 2011-2012

Willie Norfleet
DEPARTMENT MANAGER’S SIGNATURE

5/11/2011 7:52:56 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

5/12/2011 12:19:56 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

5/12/2011 2:22:00 PM
DATE

Dave Hewitt
CITY MANAGER

5/12/2011 11:59:50 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.

July 26, 2011

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH AND PROVIDE FINANCIAL STIPENDS TO THE COMPTON CHAMBER OF COMMERCE

SUMMARY

The City Council will consider a resolution authorizing the establishment of an agreement to provide financial stipends to the Compton Chamber of Commerce.

BACKGROUND

The City of Compton has various commissions to address the needs of the Compton community. The Compton Chamber of Commerce, although not a commission, is a private, voluntary, non profit 501(c)(6) business organization dedicated to improving the economic environment.

Through the dissemination of information and sponsorship of events, the Compton Chamber has historically collaborated with the City of Compton in fostering commercial and industrial development and growth in the City. In support of the Chamber's efforts, the City has funded the Chamber with a \$4,000 per month stipend, which the City views as an investment in business development for Compton residents. The City of Compton's support of the Compton Chamber of Commerce exemplifies the City's on-going desire and intention to strengthen its partnership with key economic development partners.

STATEMENT OF THE ISSUE

The City desires to continue the support of the Compton Chamber of Commerce. The proposed term of the agreement is for twelve (12) months, commencing July 1, 2011 and terminating June 30, 2012.

FISCAL IMPACT

The financial impact of an agreement with the Chamber of Commerce shall not exceed \$48,000 for the contract period. Funding is available in account 1200-510-000-4262.

#8.

RECOMMENDATIONS

Staff recommends that the City Council approve the attached resolution authorizing an agreement with the Chamber of Commerce for fiscal year 2011-2012.

**WILLIE NORFLEET
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF
UNDERSTANDING WITH AND PROVIDE FINANCIAL STIPENDS TO THE
COMPTON CHAMBER OF COMMERCE**

WHEREAS, the Mayor and City Council of the City of Compton are authorized by the laws of the State of California to appropriate and expend funds for the promotion of the intent and goodwill of the City of Compton; and

WHEREAS, the City desires to advertise and promote the advantages of the Compton Chamber of Commerce as a commercial and industrial information center, disseminate information relating to these advantages and provide assistance to established commercial and industrial enterprises as to their growth and expansion plans; and

WHEREAS, the commercial and industrial expansion of Compton will benefit the residents and taxpayers of the City by generating additional revenues for the City and by providing commercial and industrial growth; and

WHEREAS, the promotion of industrial and commercial growth will generate new jobs for Compton residents; and

WHEREAS, the Compton Chamber of Commerce has partnered with the City to foster commercial and industrial growth and disseminate information, solicit commercial and industrial prospects, service both established and prospective commercial and industrial enterprises and sponsor special events that promote the commercial areas of the City; and

WHEREAS, the City has previously authorized monthly stipends for the purpose of funding the Chamber's activities and operations, and the parties desire to set forth their understanding and agreement with regard to further funding from the City for the contract period.

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

SECTION 1. That the City Council hereby authorizes the City Manager to enter into a Memorandum of Understanding between the City of Compton and the Compton Chamber of Commerce for Fiscal Year 2011-2012.

SECTION 2. That the duration of the agreement between the Compton Chamber of Commerce and the City of Compton is from July 1, 2011 to June 30, 2012.

SECTION 3. That the City of Compton shall pay the Compton Chamber of Commerce the sum of Forty Eight Thousand Dollars (\$48,000.00) to be paid in monthly installment of \$4,000.00.

SECTION 4. That funds for the agreement shall be allocated in account 1200-510-000-4262.

SECTION 5. That copies of this Resolution shall be sent to and copies filed with the Offices of the City Clerk, City Manager, City Attorney, City Controller and the Compton Chamber of Commerce.

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

ADOPTED this _____ day of _____, 2011.

#8.

RESOLUTION NO. _____
PAGE TWO

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 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

SCOPE OF SERVICE

Lestean M. Johnson
President

2011/2012

SCOPE OF SERVICES
COMPTON CHAMBER OF COMMERCE

1. Compton Chamber of Commerce, acting by and through its Executive Board and Board of Directors, will, in a manner commensurate with available funding, perform the following functions during the contract period [July 1, 2011 thru June 30, 2012]:
 - A. Maintain an office within the City of Compton, which is accessible to the public and fully equipped for the purpose of disseminating information and answering correspondence and inquiries regarding the City.
 - B. Assist the City in conducting surveys and other primary research on the Compton market. Such surveys could include:
 - Commercial Needs
 - Need for new products and services
 - Determination of the quality of customer service that they are receiving from Compton businesses
 - C. Serve as an information bureau for the benefit of the local public; collect and maintain data and statistics of general interest, including information on commercial, industrial and resident advantages and opportunities that will benefit the City and local residents and taxpayers.
 - D. Organize, sponsor and/or coordinate, as applicable, special events.
 - E. Conduct a minimum of four (4) business specific workshops. Work in conjunction with the City Planning and Economic Development Department and Community Redevelopment Agency staff in conducting workshops of common interest.
 - F. Publicize, upon request, City-sponsored activities and functions and to assist and coordinate with respect to such activities and functions.
2. Compton Chamber of Commerce further agrees to advertise and promote the commercial and industrial expansion and development of the City and to cooperate with all agencies and individuals, whether governmental or private, in achieving such expansion and development. In this regard, Chamber shall do the following:
 - A. Collaborate with the City to obtain appropriate information and services for prospective businesses.
 - B. The Chamber shall help the City compile and maintain pertinent information on community characteristics as may be of value and interest for the location of new businesses and shall disseminate such information through appropriate

organizations and agencies. This shall include, but not limited to demographics, lease rates, city history, community maps and city resources.

- C. The Chamber shall encourage residents and businesses to buy goods and services within the City through its promotion of Compton businesses. Promotional activities may include, but limited to the following:
 - Mixers
 - Business Referrals
 - Help produce and distribute Business Directory
 - Ribbon Cuttings
 - Business Profiles
 - D. Direct inquiries relating to potential commercial or industrial locations or development within the City to the City designated liaison.
 - E. Work closely with Planning and Economic Development Department in providing services and/or obtaining information from the business community.
 - F. Assist in assembling and distributing such statistical and other information relating to the community of Compton as may be requested in inquiries directed to the City or the Chamber.
3. Compton Chamber of Commerce also agrees to provide the City with monthly informational reports indicating the status of its community promotions and the activities described in the Scope of Work. Monthly reports are due to the City no later than ten (10) working days following the close of the previous month. All reports are to be submitted to the City Manager for distribution.
 4. The Compton Chamber of Commerce shall describe in the report activities undertaken and accomplished of each task during the reporting period, and any issues encountered in the performance of the work activities.
 5. The Compton Chamber of Commerce agrees to participate in an orientation of the City's economic development programs and tools.
 6. Additionally, the Chamber agrees to fully cooperate and participate in other mutually agreed upon tasks, projects and responsibilities as required by the City.

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Management

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO EXECUTE AN MEMORANDUM OF UNDERSTANDING WITH AND PROVIDE FINANCIAL STIPENDS TO THE COMPTON CHAMBER OF COMMERCE

Willie Norfleet
DEPARTMENT MANAGER’S SIGNATURE

5/11/2011 7:45:29 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

5/12/2011 12:20:23 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

5/12/2011 2:22:49 PM
DATE

Dave Hewitt
CITY MANAGER

5/12/2011 12:00:34 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.

July 26, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH STRATEGIC COUNSEL PLC FOR STATE LEGISLATIVE AND LEGAL ADVOCACY SERVICES

SUMMARY

The City Council will consider adopting a resolution authorizing the City Manager to enter into an agreement with Strategic Counsel PLC for state legislative and legal advocacy services.

BACKGROUND

Strategic Counsel has extensive experience representing public and private organizations in a wide range of complex legal issues in the areas of public law, land use, environmental law, real estate transactions, administrative law, public-private partnerships, regulatory and legislative matters. Furthermore, Strategic Counsel has provided legislative advocacy for the City of Compton and possesses the experience to represent the City of Compton at the State level. Strategic Counsel has administered legal consultative services to the City of Compton, in addition to legislative advocacy, since July 2007.

STATEMENT OF THE ISSUE

City Council authorization is required for the renewal of an agreement with Strategic Counsel to retain the City's state legislative and legal advocacy service provider.

FISCAL IMPACT

The total cost for a professional services contract with Strategic Counsel PLC shall not exceed \$108,000 for Fiscal Year 2011-2012, commencing July 1, 2011 and terminating June 30, 2012. This annual rate has been consistent since 2007, when the City began contracting with Strategic Counsel.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution.

**WILLIE NORFLEET
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH STRATEGIC COUNSEL PLC FOR STATE LEGISLATIVE AND LEGAL ADVOCACY SERVICES

WHEREAS, the City Council has determined that it is necessary to retain legal consultative services designed to enhance the City of Compton’s ability to achieve its objectives and to help the City shape policies at the state level; and

WHEREAS, Strategic Counsel PLC, a fully qualified legislative firm, currently provides legal advocacy assistance and evaluates legislative policy issues for the City of Compton; and

WHEREAS, funds for the renewal of said agreement are available in the Fiscal Year 2011-2012 budget.

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

SECTION 1. That the City Manager is hereby authorized to extend a professional services contract with Strategic Counsel PLC to provide state legislative and legal advocacy services during Fiscal Year 2011-2012 in the amount of \$108,000, commencing July 1, 2011 and terminating June 30, 2012.

SECTION 2. That funds are allocated in account 1001-510-000-4269.

SECTION 3. That certified copies of this resolution shall be filed in the offices of the City Controller, City Clerk, City Manager, and the City Attorney.

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**

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.

#9.

RESOLUTION NO. _____
PAGE TWO

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

**PROPOSAL TO
THE CITY OF COMPTON**

SUBMITTED BY



**STRATEGIC COUNSEL PLC
448 SOUTH HILL STREET
LOS ANGELES, CALIFORNIA 90013
TELEPHONE 213.895.7010
FACSIMILE 213.895.7020**

www.strategiccounsel.com

PROPOSAL FOR LEGISLATIVE ADVOCACY SERVICES FOR 2011/12

Public policy in California takes shape within an intricate and fluid web of competing interests, a complex bureaucratic structure and a Legislature with a fast-paced operating culture. Strategic Counsel has an intimate knowledge of the public policy framework and how the process impacts Compton's interests.

Approximately 5,000 bills move through the California Legislature every session. This makes it difficult for entities that have interests before the Legislature to get the attention of legislators. Also, because legislators are term limited, they are under great pressure to get legislation passed quickly in order to have a track record of success on which to base a run for higher office. This fast pace requires the City to be prepared to move quickly on issues that arise in the legislative processes. What may seem like relatively minor provisions in legislation debated by the 120 state legislators and decided upon by the Governor in Sacramento, can have far reaching impacts on City operations and services.

Obviously of importance to the City is careful review of, and advocacy surrounding, the State's budget allocations to municipalities. Strategic Counsel would continue to seek opportunities for state funding through the annual state budget of either pilot projects or ongoing state programs that would benefit the City. Strategic Counsel would also continue to be the City's eyes and ears in Sacramento, seeking opportunities to support proposals that help Compton achieve its objectives or to oppose those that stand in the way.

Without the kind of experienced, well-connected and respected representation that a firm like Strategic Counsel can bring, Compton faces the prospect of missed opportunities that could have otherwise have helped achieve the City's overall goals and specific objectives.

THE FIRM

Strategic Counsel PLC is a rare, interdisciplinary firm that uniquely blends legal and lobbying expertise with strong public policy outreach and strategic communications capabilities. To be successful in today's environment, clients need advisors who understand their goals and share their passion for success. In addition to excelling in the court room and board room, Strategic Counsel has built its position as a leader in the law and public policy arena by having a regular presence before the many local governments and state agencies spread throughout California and by working closely with our clients to develop and implement targeted plans aimed at addressing their legal needs, goals and objectives.

Strategic Counsel's interdisciplinary approach in the areas of law, advocacy and communications is a result of the firms that formed it. McClain-Hill Associates, the state's leading woman-owned law firm known for its strength in strategic policy development with an emphasis on municipal, land use and environmental, corporate and administrative law, and The Advocacy Group, a prominent Sacramento-based, full-service governmental advocacy and publications company, joined forces in 2005. In doing so, they brought together a potent blend of business, regulatory

and legislative experience, political savvy and highly effective relationships within government and the media.

Our clients have included municipal entities, Fortune 500 companies, emerging companies and public and private real estate developers. Their needs are unique and complex, so our approach is comprehensive. Incorporating advocacy and communications expertise with our principal legal practice areas, Strategic Counsel is building alliances, building support and building success for our clients.

With offices in Los Angeles and Sacramento, Strategic Counsel has retained the lean, nimble structure of a boutique firm. The firm partners with its clients and leverages the resources of its professionals to produce outstanding results. Additionally, the firm uses available technology to stay abreast of recent legal, policy and political developments in the specific areas of representation relevant to its clients in order to render timely and useful advice and services.

LEGISLATIVE ADVOCACY SERVICES

Strategic Counsel's role as Compton's legislative representatives will be to keep track of the fast-paced state policy discussions and actions and to keep the City informed as to how they impact the City along with an assessment of how the City can impact policy in return. Beyond simply informing Compton about what is happening in Sacramento, we would guide the City as to its best positions on policies that impact it and communicate its views and wishes to law makers. The firm is committed to the proposition that lobbying is a two-way street. Besides advocating the City's interests, we would endeavor to familiarize it with the perspectives of the public policy makers shaping their issues, an appreciation of which is a key component for achieving success. Strategic Counsel will continue to provide legislative advocacy service to the City of Compton for 2011/12. As a full-service lobbying and legislative advocacy firm, Strategic Counsel's services on behalf of the City include:

- Legislative Bill Identification
- Bill Drafting
- Bill Analysis and Background Research
- Consulting on Position Determination
- Bill Tracking
- Evaluation/Analysis of Amendments
- Amendment Drafting
- Lobbying Individual Legislators and Staff through One-On-One Meetings
- Testifying Before Legislative Committees
- Organizing Lobbying Efforts of City and Allied Organizations
- Preparing Background Materials to Support a Client's Position
- Working with/Lobbying State Agency Officials and Staff
- Lobbying Governor and his Staff

LEGISLATIVE RELATIONSHIPS WITH MEMBERS OF RELEVANT COMMITTEES

Cities must navigate a range of legislative and regulatory issues that impact their ability to serve their residents and local businesses and other community stakeholders. Beyond the local government and fiscal committees, the committees that oversee public safety and transportation issues, along with a host of other matters including gaming, energy and commerce, and the environment, must also be monitored to effectively promote and protect the city's interests. Strategic Counsel's lobbyists, strategists and other professionals have significant relationships with the Chairs and members of each of these committees and can successfully engage their members to advance the City of Compton's priorities.

In addition to our relationships with the members themselves, the firm has strong relationships with the key committee and legislative staff members that influence local government and fiscal policy in Sacramento. The power and influence of committee consultants in shaping policy outcomes cannot be overestimated. Mel Assagai, who at one time was the most senior staff member in the State Senate, continues to mentor and relate to individual staffers, many of whom he played a role in hiring at the beginning of their careers. Moreover, as a part its community service and outreach mission, members of the firm support legislative staff sponsored programs offering scholarships to young people of color throughout the state making it possible for them to participate in leadership development training in Sacramento. In short, our firm has placed a premium on cultivating and sustaining legislative staff relationships based on trust and camaraderie as part and parcel of our effort to enhance our ability to influence public policy in the state capital.

LOBBYING STYLE

As new legislators arrive in Sacramento often with little experience in legislative policy, it is critical to build and leverage relationships to shape policies and opinions that affect your priorities. *Strategic Counsel takes a hands-on approach to lobbying that is characterized by creating and maintaining strong relationships with legislators and key staff.* We have, collectively, over sixty years of legislative experience that gives us the benefit of long relationships with influential legislators and public officials as well as strong relationships with legislative leaders, most of whom we knew before they began their legislative careers.

We employ a scientific, fact-based approach to all of our work but also recognize the importance of being positive, engaging and respectful toward everyone in the process. Whether they are veterans or newcomers, we leave them with a sense of our high regard for their views and their work. *In addition, we have a special advantage with the longer serving and most influential senior staff, since our Director of Government Affairs was Chief of Staff to the state's most powerful senator – Senate President pro Tempore David Roberti – when many of them were hired or promoted to their current posts.* These lengthy, mutually respectful relationships enhance our ability to assess the legislative landscape facing our clients' proposals.

With respect to our clients' sponsored bills, we develop a plan for taking the multiple, repetitive steps necessary to succeed, describe those steps to our clients and engage vigorously in pursuit of our goals. Specifically, we identify the legislative matter on which we need to work and then

begin determining its viability by consulting with legislative staff and policy committee consultants with experience in the policy area of our legislation.

We then consider whether the measure is best advanced by a member of the District's legislative delegation or a more expert chair or member of the relevant policy committee. We would consult with the District's representatives on legislation impacting the district, but we are especially careful to ensure that the local district representatives are "signed off" on legislation whose impact is limited to the District. Once we have consulted with them, we might seek their assistance in lining up the best author of a bill (if not a member of the delegation). *Ensuring that the various legislative stakeholders – the local legislative delegation, policy committee staff who will write the analysis of it and staff of the Legislature's leaders – are familiar with our goals and objectives provides us a foundation for our effort.*

Moreover, when it seems wise to do so, we will meet with the Governor's Staff to get their sense of his potential reaction to legislation. Advice from the Governor's Office can help shape our measure and gives us a sense of what to expect at the end of the process.

Securing an author among the legislators, we have concluded, would best carry our legislation is a critical step, one we take very carefully. We weigh his or her skill, reputation and creativity to help us move the measure through both houses.

Having secured an author, we meet with all the members or their staff of the policy committees hearing the bill. These meetings help us explain our purpose and also persuade their staff of our measure's worth, and we treat these meetings as both consultations and advocacy. We are careful to answer all of their questions if we can do so immediately or later if further research is required. Regardless of whether we've met with the legislators themselves or their staff, we leave them with the assurance that we have a high regard for their views, advice and reactions to our bill. We also work very closely with the author to produce a presentation before policy and fiscal committees that work to their strengths, and we recommend witnesses who are grounded in the nature of our legislation and whose temperament will work well in a legislative committee setting.

We also produce very informative literature to share with and leave behind in the offices we visit. Often it is this literature on which committee consultants rely in analyzing our measures. Perhaps the most important material conveying our clients' positions are contained in the author's "support" letters to the committees hearing our bills. These letters detail in a readable, but substantive manner why our legislation is important and merits support. Besides these means of communicating our clients' positions, we issue Assembly and Senate "Floor Alerts" that are delivered to every member of the house in questions. Finally, in this part of the process, we prepare "Request for Signature" letters to the Governor urging him to sign our measures into law. In addition, we prepare similar letters for others wishing to support our position. We seek support from other stakeholders as well as individuals and groups interested in the legislation in questions. Building a consensus around the need and reasonableness of our legislation is an important part of our advocacy.

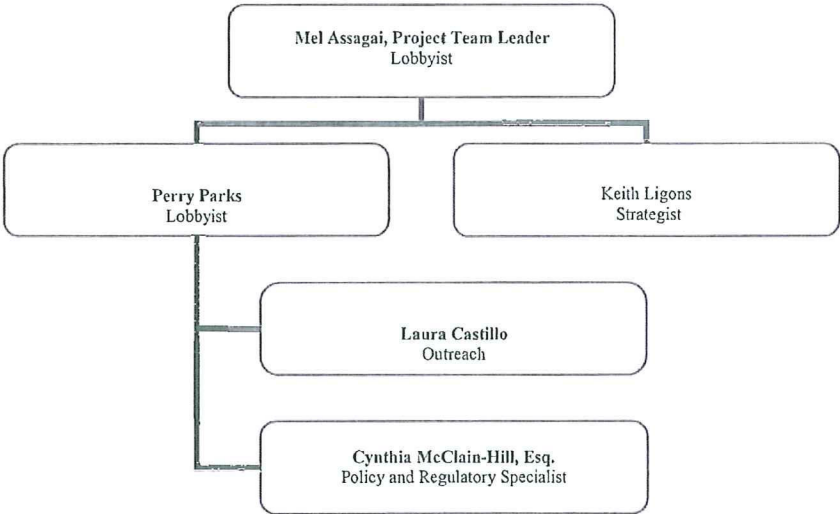
Finally, we gauge when it is best advised to have our clients make office visits with us to meet legislators and staff to provide a first-hand comments and testimony. Clients are often best equipped to convey the importance of the measures lobbied on their behalf. And, while we provide thorough preparatory discussions with them before meetings and committee testimony,

we believe their personal presentations can be strongly supportive of all the other work engaged in by Strategic Counsel.

Throughout the process, we keep clients informed of our process and the next steps. We also offer advice on amendments proposed by others and guidance as to how best to respond. Since all measures will be opined upon by a group of stakeholders in the policy area of our legislation, we reach out to them early to gauge their views, assess their willingness to support or their opposition and help them understand our goals. If we know early on that a particular group will oppose our measure, we acquaint all the stakeholders of that fact and continuously seek to remove that opposition as our measure moves forward. We know that opposition that is not addressed can be the basis of a Governor's Veto if it reaches his desk with the particular issue unresolved. We lobby with the understanding that the quality of information, the relationships we have with members and staff and our reputation for excellence are all part of our successful advocacy effort and are reflected in our low-key but effective approach to lobbying.

In summary, we use all of our intellectual, experiential and relationship resources, as well as the impact of our clients' presence in Sacramento to ensure that we impact the Legislature in the most dynamic manner for our clients.

INDIVIDUAL BIO'S OF CITY OF COMPTON LOBBYING TEAM



Mel Assagai, Government Affairs and Communications Practice Leader

Considered one of Sacramento's most effective legislative advocates, Mel Assagai leads the firm's government affairs and communications practice. He leverages his unique ability to create and manage strategies that address constantly changing public policies and opinions to aid clients in business, industry and government. Mr. Assagai is recognized for his talent in legislative research and planning, bill tracking, public relations, coalition building and PAC management. For sixteen years, Mr. Assagai has successfully represented a wide range of public and private organizations, businesses and individuals before the California State Legislature and government agencies. He built

his considerable expertise in government and politics while working as chief lobbyist and senior executive for governmental affairs for the State Bar of California and as chief of staff and press secretary to California Senate President pro Tempore David Roberti. In recognition of his unwavering commitment to civic and professional organizations, Mr. Assagai has received numerous awards. Sacramento Magazine selected Mr. Assagai as one of its "Best and Brightest" and both the California Assembly and the California State Senate recognized his achievements.

Perry C. Parks III, Lobbyist

A 20-year veteran of the telecommunications industry, Perry Parks serves as a government affairs consultant for Strategic Counsel where he assists the firm's clients in plotting a course through the rocky regulatory and public policy terrain he has so nimbly traversed throughout his career. Mr. Parks earned a reputation for successful engagements with policy makers and government agencies working with Comcast Cable as vice president of government affairs and with AT&T Broadband, where he was vice president of government affairs. Prior to that, he was director of corporate and legal affairs for MediaOne of Southern California. In this role, Mr. Parks advised corporate officers on political and public policy concerns and interfaced with local, state and federal organizations on a wide range of cable industry related issues. As host of "One on One," a statewide public affairs television program that focused on education, economic and public policy issues, Mr. Parks interviewed elected officials, ambassadors, academics, clergymen, executives and thought leaders. Mr. Parks earned his master's degree in public administration from Pepperdine University and his bachelor's degree in education from California State University, Los Angeles.

Keith Ligons, Strategist

Keith Ligons, veteran investment consultant, public relations manager and policy consultant, will support Strategic Counsel's effort on behalf of the City of Compton. His broad range of experiences and associations with key business and labor organizations will be devoted to enhancing our advocacy for the City in both political parties and among legislators and policy makers from around the state. He has extensive experience in investments and was an institutional trader for Casey Investment Management in San Francisco. He also served as Public Relations Representative for the American Insurance Life company prior to joining Strategic Counsel. His past work has provided him critical experience in facilitating strategic relationships on behalf clients. He has worked with school districts, community based organizations, corporate entities and labor unions. Keith is currently a delegate for both the Sacramento Central Labor Council and the San Francisco Labor Council and also a member of the Legislative Advocacy Team for the California PTA. He holds a degree in Sociology from University of California, Davis; and a Masters in Business Administration from Golden Gate University, San Francisco.

Cynthia McClain-Hill, Esq., Policy and Regulatory Specialist

Managing Director of Strategic Counsel, Cynthia McClain-Hill leads the firm's public policy and government practice. She is sought out by public and private sector clients for her expert handling of public-private partnership issues and effectiveness before governmental agencies. A respected authority and former investment banker, Ms. McClain-Hill is frequently featured in a wide range of publications on business, economic development and building sustainable urban communities. She has also been privileged to service on a number of state and local boards and commissions including the California Coastal Commission, the Los Angeles Community Redevelopment Agency Board of Commissioners and the City of Los Angeles Proposition O Citizens Advisory Commission. She is past president of the National Association of Women

Business Owners (NAWBO-LA), both nationally and for the Los Angeles chapter. During the past several years she has been honored repeatedly for her leadership with business and civic organizations. She received the U.S. Small Business Administration's "Women in Business Advocate Award," and she has been recognized as a "Super Lawyer" by her peers in connection with her public sector related practice. Ms. McClain-Hill earned her bachelor's degree in political science from the University of California, Los Angeles, in 1978 and her Juris Doctorate from UCLA's School of Law three years later. She was admitted to practice law in the State of California in 1981.

Laura Castillo, Outreach Strategist

Laura Castillo serves as a Communications and Outreach Strategist supporting Strategic Counsel's government group, bringing community, government affairs and project management experience to the firm's government practice. Working with diverse communities throughout Los Angeles, Orange, San Bernardino and Ventura counties, Ms. Castillo has honed her ability to effectively communicate with a range of interest groups including community stakeholders, civic leaders, opinion makers and public officials. Prior to joining Strategic Counsel, Laura Castillo worked as public relations associate at Diverse Strategies for Organizing and was responsible for numerous outreach projects for public sector clients throughout Southern California. Ms. Castillo also spearheaded projects as an independent consultant on a variety of community outreach projects. Ms. Castillo began her career with the Los Angeles Area Chamber of Commerce, working for the L.A. trade and legislative affairs departments. A native of Sacramento, Ms. Castillo attends California State University, Long Beach, majoring in international business and marketing.

COMMUNICATION WITH CLIENTS

Navigating the policy and legislative environment requires both patience and quick response to urgent issues, and successful advocacy requires a partnership between the client and the advocacy firm. Working together, we can effectively communicate the City's story and positions to the Legislature and the Governor's Office and make sure that other legislative stakeholders appreciate Compton's role in shaping public policy. To ensure that our clients' priorities and influence is enhanced in this fast-paced environment, Strategic Counsel utilizes all forms of communications tools to inform, engage and gain feedback from clients. Our communication strategy is grounded in our strong belief that our ability to leverage relationships, policy and influence is only gained through open communication with our clients. Which of the following tools we use depends upon whether a formal report or a quick telephone call or e-mail would better serve our purposes. The objective underlying whatever communication method used is our commitment to ensuring that the client is thoroughly informed, that our recommendations are clear and that client's questions are answered. To that end, we communicate with our clients utilizing the following platforms:

- Telephone communications
- E-mail correspondence
- Presentation to the Council

- Legislative reports on pending education issues, political landscape and education initiatives
- In-person meetings

Strategic Counsel can be relied upon to offer insightful political advice and assessments of how changes in the political environment impact the City's goals and objectives and the media strategies and communications tools needed to promote those efforts. The firm will also devise a solid strategic program for Compton, identify the major strengths and weaknesses, and formulate key messages to effectively guide the City through the political and public policy decision-making process.

We will continue to count on the City's commitment to working collaboratively towards defining and communicating important objectives and legislative priorities.

FEE

Legislative advocacy services are traditionally payable on a monthly basis. We propose that the previous terms and conditions be retained in our 2011/2012 contract, including compensation, in the amount of \$9000.00 per month.

CLIENT LIST

- California Association of Urban League Executives
- Chevron Corporation
- City of Compton
- Crusaders for Patients Rights
- Compton Unified School District
- Comcast Corporation
- International Truck and Engine (Navistar)
- Los Angeles County Education Foundation
- Sacramento Black Chamber of Commerce

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Management

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH STRATEGIC COUNSEL, PLC FOR STATE LEGISLATIVE AND LEGAL ADVOCACY SERVICES

Willie Norfleet
DEPARTMENT MANAGER’S SIGNATURE

5/11/2011 7:43:07 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

5/12/2011 12:19:40 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

5/12/2011 2:21:16 PM
DATE

Dave Hewitt
CITY MANAGER

5/12/2011 11:59:30 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.

July 26, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF COMPTON AND
THE COMPTON LOCAL HOUSING AUTHORITY**

BACKGROUND

The Local Housing Authority of the City of Compton ("Authority" or "LHA") was established pursuant to the laws of the State of California. The Authority is authorized to transact business and exercise those powers within its area of operation as defined by said laws. The purpose of the Local Housing Authority is to carry out housing and housing related activities in support of low-income families.

STATEMENT OF THE FACT

The United States Department of Housing and Urban Development (HUD) requires evidence of a lease agreement when utilizing rental space to conduct the Section 8 Housing Choice Voucher Program. Such documentation to support the evidence will be provided to HUD financial analyst during annual audits. The sum of Thirty Five Thousand Dollars (\$35, 000) will be paid to the City for annual rental fee, beginning July 1, 2011 and concluding June 30, 2012. The location of the Section 8 Housing Choice Voucher Program will be at 600 North Alameda Street, Room numbers 17, 18, 19, 21, 29, 30, 31, 32, and 33, Server room, and Supply closet, Compton California 90221.

FINANCIAL IMPACT

Fiscal Impact is receipt of \$35,000 in rental payments.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution approving a Lease Agreement by and between the City of Compton and the Local Housing Authority of the City of Compton.

Willie Norfleet
City Manager

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING COMPTON A LEASE AGREEMENT BETWEEN THE
CITY OF COMPTON AND THE COMPTON LOCAL HOUSING
AUTHORITY**

WHEREAS, the United States Department of Housing and Urban Development has executed a Consolidated Annual Contribution Contract (CACC) Section 8 Housing Choice Voucher Program with the Compton Local Housing Authority; and

WHEREAS, the City Council finds that the housing program the Local Housing Authority administers are advantageous and necessary for unemployed and underemployed residents of the City to achieve safe, decent, sanitary, and affordable living accommodations; and

WHEREAS, the Compton Housing Authority has budgeted appropriate funds to pay the obligations under this lease for the entire term of the lease; and

WHEREAS, the Lease Agreement is for office space located at 600 North Alameda Street, Compton, California and will be for the Fiscal Year 2011-12.

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

Section 1. That the City Manager is hereby authorized to enter into a Lease Agreement with the Compton Local Housing Authority for the lease of office space at 600 North Alameda Street, Compton.

Section 2. That the term of the Lease Agreement shall be for Fiscal Year 2011-12 (July 1, 2011 through June 30, 2012) at an annual rental rate payable to the City of Compton of Thirty Five Thousand Dollars (\$35,000).

Section 3. That a certified copy of this Resolution shall be filed in the offices of the City Manager, City Attorney, City Controller and Compton Local Housing Authority.

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:

CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

Resolution No. _____
Page 2

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 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-

CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: **Housing Authority**

**RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AUTHORIZING A LEASE AGREEMENT BETWEEN THE
CITY OF COMPTON AND THE COMPTON LOCAL HOUSING
AUTHORITY**

Delmonsha Green
DEPARTMENT MANAGER'S SIGNATURE

7/11/2011 2:55:43 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/13/2011 4:25:34 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/13/2011 4:24:01 PM
DATE

Dave Hewitt
CITY MANAGER

7/13/2011 2:31:54 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.

July 26, 2011

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH DUDEK TO EXTEND THE TERM OF THE AGREEMENT FOR PROVISION OF CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CITY WIDE STREET LIGHTING PROJECT (CIP# 09-05)

SUMMARY

A resolution of the City Council of the City of Compton authorizing the City Manager to amend the agreement with Dudek so as to extend the term of the agreement for provision of construction management services on the City Wide Street Lighting Project (CIP# 09-05) and provide additional compensation therefore.

BACKGROUND

The street lights in Compton are not bright enough to effectively provide for public safety while driving on our local streets. The City of Compton has determined that it was in the best interest of the City to develop a Citywide Street Lighting Project (CIP# 09-05).

The work to be performed consists of modifying street lighting systems, installing new luminaires on existing poles, new electroliers, service equipment, conduit, conductors, and pull boxes and performing other items required by the plans, standard specifications or the special provisions.

On February 2, 2010, the City of Compton requested that Edison develop a plan to begin upgrading the 4,800 Edison owned street lights within the City Limits from High Pressure Sodium (HPS) to Metal Halide (MH) lamps. This effort would require the change out of 4,800 Edison owned street lights.

Therefore, the total lighting project will consist of a change out of 6,000 lights of which 1,200 are City owned and 4,800 Edison owned lights.

On September 7, 2010, pursuant to Resolution No. 23,190, the City Council authorized the City Manager to enter into an agreement with Southern California Edison and accept the bid from Republic Intelligent Transportation Services, Inc. for the construction of the City Wide Street Lighting Project.

Resolution No. 23,239, adopted on November 9, 2010, accepted the proposal submitted by Dudek in the amount of \$94,778 as the best qualified firm to manage the project. Dudek has worked on many new and rehabilitated roadway projects that have included street lighting installations as a major component.

STATEMENT OF THE ISSUE

Circumstances during the construction of the Streetlight Replacement project have caused an extension of the required construction duration of approximately 3 months from the end of the original completion date of July 6, 2011. Currently the status of work completed on the project includes approximately 95% completion of most all bid items including pole replacement, installation of new luminaries, conduits, and service equipment. There has been a substantial delay in production of the necessary Service Plans/Work Orders from SCE. To date Dudek has received 4 of the anticipated 50 Service Plans. During recent discussions with SCE, Dudek was been notified that SCE have brought in 2-additional planners and hope to have all of the necessary plans completed and delivered to the City by the beginning to mid-month of July, 2011.

The forgoing turn of events means that the project time frame must be extended an additional three (3) months, to October 19, 2011.

The cost of the additional construction management services is an estimated \$74,752.

FINANCIAL IMPACT

The funds shall come from Account No. 3050-800-005-4266.

RECOMMENDATION

Staff recommends the adoption of the attached Resolution.

WENDELL JOHNSON
DIRECTOR OF PUBLIC WORKS

WILLIE NORFLEET
CITY MANAGER

WN/WEJ/AT/rj

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH DUDEK
TO EXTEND THE TERM OF THE AGREEMENT FOR PROVISION OF
CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR
THE CITY WIDE STREET LIGHTING PROJECT (CIP# 09-05)**

WHEREAS, Resolution No. 23,239, adopted on November 9, 2010, accepted the proposal submitted by Dudek in the amount of \$94,778, for construction management services on the City Wide Street Lighting Project (CIP# 09-05); and

WHEREAS, circumstances during the construction of the Streetlight Replacement project has caused an extension of the required construction duration; and

WHEREAS, the status of work completed on the project includes approximately 95% completion; and

WHEREAS, there has been a substantial delay in production of the necessary Service Plans/Work Orders from SCE; and

WHEREAS, the project time frame must be extended an additional three (3) months, to October 19, 2011; and

WHEREAS, the cost of the additional construction management services is an estimated \$74,752; and

WHEREAS, staff feels that it would be in the City's best interest to grant said request.

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

SECTION 1. That the City Manager, upon the advice of the City Attorney, is authorized amend the agreement with Dudek to extend the term of the agreement through October 19, 2011, for provision of construction management and inspection services for the City Wide Street Lighting Project (CIP #09-05) and provide additional compensation therefore in the amount of Seventy Four Thousand Seven Hundred Fifty Two Dollars (\$74,752.00).

SECTION 2. The funds shall come from Account No. 3050-800-005-4266

SECTION 3. That copies of this Resolution shall be filed in the offices of the City Manager, City Controller, City Clerk, City Attorney, and the Public Works Department.

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

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 _____, 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

DUDEK

June 21, 2011

Mr. John Strickland
Project Manager
City of Compton
205 South Willowbrook Ave.
Compton, CA 90220

**Re: Extension of As-Needed Construction Management and Inspection Services;
City of Compton, Streetlight Replacement Project**

Dear Mr. Strickland:

As discussed during the last progress meeting, the following is a request for the extension of construction management and inspection services for CIP Project No. 09-05.

BACKGROUND

As you are aware, circumstances during the construction of the Streetlight Replacement project has caused an extension of the required construction duration of approximately 6 months from the end of the original completion date of July 6, 2011. Currently the status of work completed on the project includes approximately 95% completion of most all bid items included in the construction contract including pole replacement, installation of new luminaires, conduit, and service equipment.. There has been a substantial delay in production of the necessary Service Plans/ Work Orders from SCE. To date we have received 4 of the anticipated 50 Service Plans. During recent discussions with SCE, we have been notified that they have brought in 2-additional planners and hope to have all of the necessary plans completed and delivered to the City by the beginning to mid-month of July, 2011.

The estimated extension is 3 days of construction for each service point or 135 working days. The new anticipated completion date with the current crew size is estimated to be January 24, 2012.

THE CONTRACT TIME EXTENSION

In discussions I have had with the Republic ITS Project Manager, the most productive and cost effective way to complete the service work, will be to accelerate the schedule by bringing 2, possible 3 crews on site to complete the work. This will not only benefit the contractor but also the City with limiting the anticipated 135 working day extension of the Contract in half, but will also minimize the required Inspection hours although the same amount of work shall be performed.

~~Dudek will be on site and billing the City only when the Contractor is present and performing necessary work under the contract on a time and material basis. The scope of work and hourly billing rate will not change from our original agreement.~~

DUDEK

#11.

DUDEK

Fee:

The hourly rate indicated below is all inclusive including vehicle, mileage, cameras, computers, safety equipment, testing or any other equipment required to perform the services required. The requested extension of this contract will be estimated at 3 months instead of the originally estimated 6- months due to the accelerated schedule to be performed by Republic ITS.

As-Needed Construction Management and Inspection Services:

Original Contract: February 7, 2011 to July 6, 2011: \$128.00 per hour; \$94,778.00

As-Needed Construction Management and Inspection Services:

Revised Contract: July 6, 2011 to October 19, 2011: 73 working days at 8 hours per.

584 hours at \$128 per hour; **\$74,752.00**

Dudek is excited about the opportunity to continue to serve the City on this project.. Our commitment is to be an advocate of the City and to work diligently on your behalf. We will continue to provide the City of Compton the peace of mind that this project will be constructed with your interests first.

Sincerely,

Bob Moore
Senior Construction Manager

DUDEK

DUDEK

June 21, 2011

Mr. John Strickland
Project Manager
City of Compton
205 South Willowbrook Ave.
Compton, CA 90220

**Re: Extension of As-Needed Construction Management and Inspection Services;
City of Compton, Streetlight Replacement Project**

Dear Mr. Strickland:

As discussed during the last progress meeting, the following is a request for the extension of construction management and inspection services for CIP Project No. 09-05.

BACKGROUND

As you are aware, circumstances during the construction of the Streetlight Replacement project has caused an extension of the required construction duration of approximately 6 months from the end of the original completion date of July 6, 2011. Currently the status of work completed on the project includes approximately 95% completion of most all bid items included in the construction contract including pole replacement, installation of new luminaires, conduit, and service equipment.. There has been a substantial delay in production of the necessary Service Plans/ Work Orders from SCE. To date we have received 4 of the anticipated 50 Service Plans. During recent discussions with SCE, we have been notified that they have brought in 2-additional planners and hope to have all of the necessary plans completed and delivered to the City by the beginning to mid-month of July, 2011.

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DUDEK

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Dudek is excited about the opportunity to continue to serve the City on this project.. Our commitment is to be an advocate of the City and to work diligently on your behalf. We will continue to provide the City of Compton the peace of mind that this project will be constructed with your interests first.

Sincerely,

Bob Moore
Senior Construction Manager

DUDEK

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Public Works-Engineering

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH DUDEK TO EXTEND THE TERM OF THE AGREEMENT FOR PROVISION OF CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CITY WIDE STREET LIGHTING PROJECT (CIP# 09-05)

Wendell Johnson
DEPARTMENT MANAGER’S SIGNATURE

7/12/2011 4:01:27 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/13/2011 4:26:22 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/13/2011 4:27:21 PM
DATE

Dave Hewitt
CITY MANAGER

7/13/2011 3:40:07 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.

July 26, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON DECLARING ITS INTENTION TO GRANT A FRANCHISE TO PARAMOUNT PETROLEUM TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS AND PUBLISHING NOTICE OF A PUBLIC HEARING THEREON

SUMMARY

This is a Resolution declaring an intention to grant a pipeline franchise to Paramount Petroleum for a period of twenty (20) years and setting a date and time for a hearing on the matter.

BACKGROUND

A primary method of transporting petroleum, both in its crude and refined varieties is via pipelines that traverse beneath various roadways. These arrangements require the request for the granting of a franchise agreement between the particular company and jurisdiction involved.

One such agreement was the subject of Ordinance No. 1,858, which was adopted by the City Council on July 10, 1991. This ordinance granted a petroleum pipeline franchise to GATX Terminals Corporation, effective April 10, 1986.

GATX was acquired by Kinder Morgan. In November 2002 Kinder Morgan sold pipeline GX-145 to Paramount Petroleum Corporation. According to City records, Kinder Morgan remitted payment for franchise years 2003-2005 on behalf of Paramount Petroleum. January 23, 2006 Kinder Morgan sent a letter requesting a release of obligation of GX-145 pipeline; as a result, giving Paramount Petroleum full operational ownership.

The franchise lapsed on April 10, 2006, the end of a 20-year term.

Paramount Petroleum has requested a new franchise to replace the lapsed one. The pipeline route located in a southeastern portion of the City, as indicated on the stationing chart on the last page of the resolution draft. Said pipeline's alignment entirely remains within the City of Compton's public right of way - in four separate segments - and described as follows:

Segment no. 1:

Starting from a point within the right of way of Santa Fe Ave. - at the common boundary line of the City of Compton and Los Angeles County; thence the pipeline runs northerly on Santa Fe Ave. to Artesia Blvd.; thence the pipeline turns eastbound onto Artesia Blvd. and continues going easterly on Artesia Blvd. to the common boundary line of the City of Compton and City of Long Beach, approximately 17' easterly of the centerline of Harbor Blvd (Susana Road).

Total length of segment no. 1 is 2,481 feet. This segment is shown on sheet GX145-11.

Segment no. 2:

Starting from a point within the right of way of Atlantic Drive - at the common boundary line of the City of Compton and City of Long Beach; thence the pipeline runs northerly on Atlantic Drive to Alondra Blvd.; thence the pipeline turns eastbound onto Alondra Blvd.; thence the pipeline travels easterly on Alondra Blvd to Lime Ave.; thence the pipeline turns northbound onto Lime Ave. and continues going northerly on Lime Ave. to the common boundary line of the City of Compton and Los Angeles County.

Total length of segment no. 2 is 3,385 feet. This segment is shown on sheets GX145-14, -15 & -16.

Segment no. 3:

Starting from a point within the right of way of Myrrh Street - at the common boundary line of the City of Compton and Los Angeles County; thence the pipeline runs easterly on Myrrh Street to Gibson Ave.; thence the pipeline turns northerly on Gibson Ave. and continue traveling on Gibson Ave. to the common boundary line of the City of Compton and Los Angeles County.

Total length of segment no. 3 is 1,075 feet. This segment is shown on sheet GX145-17.

Segment no. 4:

Starting from a point within the right of way of Somerset Blvd. - at the common boundary line of the Dominguez High School property and the City of Paramount; thence the pipeline runs southeasterly on the Dominguez High School property; thence the pipeline turns northeasterly and entering the city of Paramount.

Total length of segment no. 4 is 378 feet. This segment is shown on sheet GX145-18.

The approximate total length of pipeline that runs within the City of Compton is 7,319 feet.

STATEMENT OF THE ISSUE

According to Article XV, Section 1502 of the City Charter, prior to the granting of any franchise, “the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to the granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon.”

A hearing was held previously pursuant to such a Resolution and an ordinance placed for first reading on September 28, 2010. However, since a second reading was never held, the City Attorney has deemed that the process must begin anew, due to the passage of time and some language changes.

Staff is requesting that a public hearing be scheduled for September 6, 2011 at 5:50 pm.

The proposed franchise is basically a renewal of the one that lapsed.

Key provisions are as follows:

- Term: The new franchise shall be effective April 10, 2006 and expire on April 10, 2026.
- Franchise Fees: The base annual fee shall be Nine Thousand Three Hundred Twelve Dollars and Eighty-Four Cents (\$9,312.84), adjusted annually for inflation.

Taking past-due fees and penalties into account, upon the adoption this franchise ordinance, Paramount Petroleum shall pay to the City, the sum of Ninety-Eight Thousand Nine Hundred Twenty One Dollars and eleven Cents (\$98,921.11) configured as follows:

- 1) The franchise fees and penalties in the amount of Seventy-eight Thousand Nine Hundred Twenty One Dollars and Eleven Cents (\$78,921.11) for the period from April 10, 2006 to April 10, 2011.
- 2) An expense reimbursement fee in the amount of Twenty Thousand Dollars and No Cents (\$20,000.00).

FISCAL IMPACT

Upon adoption of the Ordinance, the City General Fund shall increase by \$78,430.06. Thereafter, regular annual fees shall be due each year in the franchise term, described from the base annual rate, as described above.

#12.

Paramount Petroleum Resolution of Intention
Page 4

RECOMMENDATION

Staff recommends approval of the attached resolution, which calls for conducting a hearing on granting an oil pipeline franchise to Paramount Petroleum.

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

WILLIE NORFLEET
CITY MANAGER

WN/WEJ/AT/rj

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON DECLARING ITS INTENTION TO GRANT A FRANCHISE TO PARAMOUNT PETROLEUM TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS AND PUBLISHING NOTICE OF A PUBLIC HEARING THEREON

WHEREAS, Section 1501 of the Compton City Charter authorizes the City to grant franchises to any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works, or equipment for the furnishing thereof or traversing any portion of the City for the transmitting or conveying of any such service elsewhere may be required by ordinance to have a valid and existing franchise; and

WHEREAS, the use of public streets and ways for the transport of refined petroleum products in pipelines within the jurisdiction of the City requires a franchise as contemplated by Section 1501 of the Compton City Charter; and

WHEREAS, Ordinance No. 1,858 granted a twenty (20) year franchise to GATX Terminals Corporation to operate, maintain, replace and repair certain pipelines and appurtenances for the transportation of refined petroleum oil in the City of Compton (GATX Terminals Corporation, the Grantee, was acquired by Paramount Petroleum in 2002); and

WHEREAS, the term of the franchise granted by Ordinance No. 1,858 expired on April 10, 2006 and Paramount Petroleum desires to enter into another franchise agreement; and

WHEREAS, the City desires to hold a public hearing pursuant to Section 1502 of the Compton City Charter on **Tuesday, September 6, 2011 at 5:50 p.m.** to receive public comments on the proposed granting of a twenty (20) year petroleum pipeline franchise (April 10, 2006 through April 10, 2026) to Paramount Petroleum.

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 declares its intention to grant a twenty (20) year franchise (April 10, 2006 through April 10, 2026) to Paramount Petroleum to operate, replace and repair certain pipelines and appurtenances situated within the jurisdiction of the City of Compton for the transportation of refined petroleum products.

Section 2. That a public hearing regarding the granting of a pipeline franchise to Paramount Petroleum is set for **Tuesday, September 6, 2011 at 5:50 p.m.** in the City Council Chambers at 205 South Willowbrook Avenue, Compton, California.

Section 3. That persons having interest in or any objections to the granting thereof may appear before the City Council and be heard thereon.

Section 4. That it is the intention of said City Council to grant said Paramount Petroleum, said franchise for the purpose aforesaid said franchise to be upon the following terms, provisions and conditions.

Item 1. Nature and Extent of Grant:

The **CITY OF COMPTON** hereinafter also referred to as “**CITY**”, herewith grants to **PARAMOUNT PETROLEUM**, its successors and assigns, hereinafter referred to as “**GRANTEE**”, subject to the terms and conditions herein contained, the right, privilege and franchise to operate, maintain, replace, and repair the existing pipeline for the purpose of transporting refined petroleum products. The pipeline is currently located in certain public streets, located in the “**CITY**”, described in the attached Exhibit “A”.

Item 2. Duration of Franchise:

The Franchise shall be effective on April 10, 2006. The term of this franchise shall be for twenty (20) years, terminating on April 10, 2026. The “**CITY**” reserves the right to limit this franchise prior to its expiration in the event:

A. GRANTEE fails to comply with any of the provisions hereof; provided, however, that if such failure to comply shall be due to a cause beyond the control of the **GRANTEE**, the franchise shall not be so terminated; and provided further that this franchise shall not be so terminated unless the **GRANTEE** is given written notice of such noncompliance and fails within ninety (90) days of the date of such notice to commence and thereafter diligently prosecute to completion the corrective action necessary to cure such noncompliance. Notwithstanding the foregoing, if **GRANTEE’S** noncompliance is of such kind or nature as to cause a hazard to the public or endanger the public peace, health safety or general welfare, the **CITY’S** Director of Public Works may so notify the **GRANTEE** and reduce the period during which **GRANTEE** shall commence the work necessary to correct such noncompliance. In the event the **GRANTEE** fails to commence the corrective action within the time specified, as an alternative to terminating this franchise, the **CITY** may do the corrective work at the **GRANTEE’S** expense.

B. Any provision herein becomes invalid or unenforceable and the **CITY** expressly finds that such provisions constitute a consideration material to the granting of this franchise, then this franchise may be terminated by the **CITY** on ten (10) days written notice.

Item 3. Pipeline Operations:

A. Applicable Rules: The **GRANTEE** agrees to operate, maintain, replace and repair the pipelines and appurtenances in a good workmanlike manner, and in conformity with all regulations now or hereafter adopted by the State Fire Marshal.

B. Repairs and Street Excavations:

1. The work of maintaining or repairing all pipelines and appurtenances covered by this franchise shall be conducted with the least possible hindrance to the use of the streets such facilities occupy for the purpose of travel.

2. The **GRANTEE** shall have the right to make all necessary street excavations for the purpose of exercising the rights granted by this franchise, but nothing herein contained shall relieve the **GRANTEE** from the provisions of any **CITY** ordinance or law that may be in force at the time requiring that permits be obtained for street excavations before such work is commenced.

All excavations shall be made and back-filled in strict compliance with all **CITY** ordinances that may be in effect at the time of the performance of the work and shall be made as not to interfere unreasonably with the free use of the streets by the public.

Upon completion of the work for which street excavations are made, all portions of the streets which have been excavated or otherwise damaged by such excavation work shall be restored to their original condition or equivalent to the satisfaction of the Director of Public Works.

C. Cleanup of Breaks and Leaks: If any portion of any street shall be damaged by reason of breaks or leaks in any pipeline or appurtenance maintained or repaired under this franchise, or if any street, sidewalk, sewer, storm drain waterline, or other facility be contaminated by any substance transported in said pipelines, the **GRANTEE** shall at its own expense immediately repair or clean up or cause to be repaired or cleaned up, any such damage or contamination and put such street, sidewalk, sewer, storm drain, waterline or other facility in a good condition as it was before such break or leak to the satisfaction of the Director of Public Works. Such cleanups shall be accomplished in a timely manner, with as little public disruption as possible. Such emergency repair of franchise property may be commenced without prior permit; provided however, that the **GRANTEE** no later than the next normal working day shall notify by telephone, the Director of Public Works of any such work and shall within the next seven (7) calendar days apply for an excavation permit authorizing such emergency work.

D. Emergency Crews and Equipment: At all times during the term of this franchise, the **GRANTEE** shall maintain on a twenty-four (24) hour basis, personnel to operate the pipeline system, including monitoring the leak detection system and the communications equipment. In addition, during the term of this franchise, the **GRANTEE** shall maintain on a twenty-four (24) hour basis, adequate standby equipment and properly trained emergency standby crews, within a radius of twenty-five (25) miles from any facilities maintained pursuant hereto, for the purpose of implementing emergency response, such as, shutting off the pressure and the flow of contents of such facilities, repairs, oil-spill cleanup, preventing or minimizing damage or the threat of any damage to people or the environment in the event of an emergency resulting from an earthquake, act of war, civil disturbance, flood, fire, leakage or other cause.

E. Changes Required by Public Improvements: Whenever, during the existence of this franchise, the **CITY** shall change the grade, width, or location of any street in any manner, including the laying of sewer, storm drain, conduits, gas, water or other pipes owned or operated by the **CITY** or any other public agency, under the jurisdiction of the **CITY**, or construct any pedestrian tunnels, or other work of the **CITY** (the right to do all of which is specifically reserved to the **CITY** without any admission on its part that it would not otherwise have such rights) and such work shall, in the opinion of the Director of Public Works, render necessary any change in the position or location of any facilities of the **GRANTEE** in the street, the **GRANTEE** shall, at its sole cost and expense begin and thereafter diligently perform the necessary work to completion, in conformity with the written notice of the Director of Public Works as provided hereinafter. However, the **CITY** shall not require any relocation or modification which will have the effect of depriving the **GRANTEE** of a continuous and contiguous pipeline right-of-way. Except as provided herein before in this Section, when such rearrangement is done for the accommodation of any person, firm or corporation, the cost of such rearrangement shall be borne by the accommodated party. Such accommodated party in advance of such arrangement, shall: (1) deposit with the **GRANTEE** either cash or a corporate surety bond in an amount, as in the reasonable discretion of the **GRANTEE** shall be required to pay the costs of such rearrangement; and (2) shall execute an instrument agreeing to indemnify and hold harmless the **GRANTEE** from any and all damages caused by such rearrangement.

Nothing contained in this franchise shall be construed to require the **CITY** to move, alter or relocate any of its facilities upon said streets, at its own expense, for the convenience accommodation or necessity of any other public utility, person, firm or corporation, or to require the **CITY** or any person, firm or corporation now or hereafter

owning a public utility system of any type or nature, to move, alter or relocate any part of its system upon said streets for the convenience, accommodation or necessity of the **GRANTEE**.

The **GRANTEE** shall be given not less than thirty (30) days written notice of any rearrangement of facilities which the **GRANTEE** is required to make hereunder. Such notice shall specify in reasonable detail the work to be done by the **GRANTEE** and shall specify the time that such work is to be accomplished. In the event that the **CITY** shall change the provisions of any such notice given to the **GRANTEE**, shall be given an additional period of not less than thirty (30) days to accomplish work.

F. Abandoned or Removal of Franchise Property: At the expiration, renovation or termination of this franchise or of the permanent discontinuance of the use of its facilities or any portion thereof, the **GRANTEE** shall, within thirty (30) days thereafter, make a written application to the Director of Public Works for authority (as determined by the **GRANTEE** either: (1) to abandon all, or a portion, of such facilities in place; or (2) to remove all, or a portion of such facilities. Such application shall describe the facilities desired to be abandoned or removed by reference to the map or maps required hereinafter and shall also describe with reasonable accuracy the relative physical condition of such facilities. The Director of Public Works shall determine whether such abandonment or removal which is thereby proposed may be effected without detriment to the public interest or under what conditions such proposed abandonment or removal may be safety affected. He shall then notify the **GRANTEE**, and according to such requirements as shall be specified in the Public Works Director's order, the **GRANTEE** shall, within ninety (90) days thereafter, either:

1. Remove all or a portion of such facilities; or
2. Abandon in place all or a portion of such facilities, as set forth in the Public Director's order.

If any facilities to be abandoned in place subject to prescribed conditions shall not be abandoned in accordance with all such conditions, then the Director of Public Works may take additional appropriate steps, including, if he deems desirable, an order that the **GRANTEE** shall remove all such facilities in accordance with applicable requirements. In the event the **GRANTEE** shall fail to remove any facilities which it is obligated to remove in accordance with such applicable requirements within such time as may be prescribed by the Director of Public Works, then the **CITY** may remove or cause to be removed such facilities at the **GRANTEE'S** expense and the **GRANTEE** shall pay to the **CITY** the actual cost thereof, plus the current rate of overhead being charged by the **CITY** for reimbursable work.

G. Suspension of Operations: If, for any reason, the **GRANTEE** suspends operations of any pipeline contained in the franchise for a period in excess of ninety (90) days, he shall notify the Director of Public Works. During this period of suspended operations, the **GRANTEE** shall maintain his normal pipeline surveillance and all cathodic protection systems to insure pipeline integrity. This shall continue until such a time as the line is returned to service or abandoned in accordance with provisions mentioned hereinbefore.

Item 4. Maps and Records:

Within ninety (90) days following the date on which the pipeline has been relocated under this franchise, **GRANTEE** shall file as-built drawings and maps in such form as may be required by the City Engineer, the location, length and size of all of its facilities then in place; and shall, upon installation of any additional facilities, or upon

removal, change or abandonment of all or any portion thereof, file revised as-built drawings and maps showing the location, length and size of all such additional, removed or abandoned facilities as of that date.

Item 5. Compensation to the City:

Upon the adoption of the subject franchise ordinance, the **GRANTEE** shall pay to the **CITY**, the sum of Seventy-Eight Thousand Four Hundred Thirty Dollars and Six Cents (\$78,430.06) configured as follows:

1. The franchise fees and penalties in the amount Seventy-Eight Thousand Nine Hundred Twenty One Dollars and Eleven Cents (\$78,921.11) for the period from April 10, 2006 to April 10, 2011.
2. An expense reimbursement fee in the amount of Twenty Thousand Dollars and No Cents (\$20,000.00).

Subsequently, as further consideration for the franchise herewith granted, the **GRANTEE** shall pay to **CITY** annually on each anniversary of the effective date of the ordinance during the term of this franchise, a base annual rate the amount of Thirty-Five and Two-Tenths Cents (\$.352) per lineal foot of pipe for pipeline with an internal diameter of (6) inches, or the sum of Nine Thousand Three Hundred Twelve Dollars and Eighty-Four Cents (\$9,312.84), whichever is greater increased annually on each anniversary of the effective date of this franchise in proportion to the increase (if any) in the Consumer Price Index, All Urban Consumers, Los Angeles-Riverside-Orange County, CA, "All Items" prepared by the United States Bureau of Labor Statistics, Department of Labor, for the month which is three months prior to the anniversary date of this ordinance, and the month in which such anniversary date falls, but in no event shall any annual payment be less than the preceding annual payment. If said Bureau shall revise said Index, the parties shall accept the method of revision or conversion recommended by said Bureau, and if said Index shall be discontinued with no recommend substitute, then the amount of each annual payment shall be equal to the amount of the last annual payment paid prior to said discontinuance.

Notwithstanding the provision of this Item 5, the **GRANTEE** shall be liable to pay the **CITY** the annual fee for the period to and including the date of either actual removal of the facilities or the effective date of a properly approved abandonment "in place" authorized by the **CITY**, and until the **GRANTEE** shall have fully complied with all the provisions of the law or ordinances relative to such abandonments.

In the event of partial abandonment of facilities with the approval of the **CITY** as elsewhere herein provided, or in the event of partial removal of such facilities by the **GRANTEE**, the payment otherwise due the **CITY** for occupancy of the streets by such facilities shall be prorated beginning the first day of the next succeeding franchise year; and for each franchise year thereafter, at the prorated amount per each linear foot of pipeline abandoned or removed; provided, however, that the said base rate shall be modified to reflect the Price Index adjustment (as provided hereinbefore) applicable to such abandoned or removed pipeline at the beginning of the next succeeding franchise year following abandonment or removal.

All annual payments shall be paid, without deduction or offset to the office of the City Controller at 205 South Willowbrook Avenue, Compton, California, 90220, or at such place as the **CITY** shall from time to time designate in writing. In the event any payment required hereunder is late, the following schedule of late charges shall be applicable to that portion which is overdue.

- a. Late ten (10) days but under thirty (30) days - 2% of the amount due; plus
- b. For each additional thirty (30) days or fraction thereof over thirty (30) days - an additional 2% for each thirty (30) days or fraction thereof.

Item 6. Responsibility:

Indemnification: The **GRANTEE**, by the acceptance or use of the franchise hereby granted, agrees to keep and save free and harmless the **CITY**, its officers, agents or employees against any and all claims, demands of causes of action which may be asserted, prosecuted or established against them or any of them, for damage to persons, or property, of whatsoever nature, arising out of the use by it of the **CITY** streets hereunder or arising out of any of the operations, activities of the **GRANTEE** pursuant to this franchise, whether such damage shall be caused by negligence or otherwise, excepting there from, however, any claim, demand or cause of action, which may be asserted, prosecuted or established against the **CITY** for the negligence or willful conduct of the **CITY**, its officers, agents and/or employees.

Insurance: On or before any commencement of any franchise operations, the **GRANTEE** shall obtain and maintain throughout the term of the franchise or provide proof of self-insured status in a form acceptable to the **CITY** policies of Liability and Worker’s Compensation Insurance from companies authorized to transact business in the State of California. Such policies shall include the liability arising out of the existence of real property.

A. The policy of liability insurance shall:

- 1. Be issued to the **GRANTEE** and name the City of Compton, Los Angeles County-Compton Civic Center Authority, Compton Public Finance Authority, Redevelopment Agency of the City of Compton, Compton Public Finance Authority, Compton Municipal Water Department, elected officials, officers, agents, employees, members of the board and commissions, as additional insured with respect to liability arising out of the operation or property of the **GRANTEE**. Such insurance and public liability insurance to the full limits, thereof carried by the **GRANTEE**, shall be primary and any insurance available to the **CITY** shall not be called to contribute to any losses arising out of this franchise.
- 2. Provide a combined single limit liability coverage in an amount equivalent to not less than **TEN MILLION DOLLARS (\$10,000,000.00)** per occurrence.
- 3. Be non-cancellable without thirty (30) days written notice thereof to the Director of Public Works and the Risk Manager.
- 4. Indemnify for all liability for personal and bodily injury, death, and damage to property arising from activities conducted pursuant to this franchise by providing coverage therefore, including, but not limited to, coverage for:
 - (a) Explosion, collapse and underground damage hazards.
 - (b) Negligent acts or omissions of **GRANTEE** and the agents, servants and employees thereof, committed in the conduct of franchise operations.

B. The policy of Worker's Compensation Insurance shall:

1. Have been previously approved as to substance and form by the California Insurance Commissioner.
2. Cover all employees of the **GRANTEE** who in the course and scope of their employment are to conduct or do work pursuant to the franchise operations.
3. Provide for every benefit and payment presently or hereinafter conferred by Division of the Labor Code of the State of California upon an injured employee, including the vocational rehabilitation and death benefits.
4. Be non-cancellable without thirty (30) days written notice thereof to the Director of Public Works and the Risk Manager.

C. **GRANTEE** shall file with the Director of Public Works prior to commencement of any franchise operations either certified copies of said policies or a certificate of insurance for each of the required policies executed by the company issuing the policy, certifying that the policy is in force and providing the following information with respect to said policy:

1. The policy number.
2. The date upon which the policy will become effective and the date upon which it will expire.
3. The names of the named insure and any additional insured.
4. Subject of the insurance.
5. The type of coverage provided by the insurance.
6. Amount of limit of coverage provided by the insurance.
7. A description of all endorsements that form a part of the policy.

D. Such insurance policies shall be maintained by the **GRANTEE** for the life of this franchise and on the first anniversary of this franchise, and on every one thereafter, **GRANTEE** will provide updated evidence that such insurance is in force. The **CITY** has the right during the terms of this franchise to increase the amount and scope of coverage. The **CITY** covenants that it will not exercise such right in an unreasonable manner.

Interpretation: This franchise is granted upon each and every condition herein contained and shall ever be strictly construed against the **GRANTEE**. Nothing shall pass hereby unless it is granted in plain and unambiguous terms. Each of said conditions is a material and essential condition to the granting of this franchise.

Item 7. Assignment:

GRANTEE shall not permit any right or privilege granted by the franchise to be exercised by another, nor shall the franchise or any interest therein or any right or privilege thereunder be in whole or in part sold, transferred, leased, assigned, or disposed of except to a corporation acquiring or owning a portion of the assets of the **GRANTEE** without the consent of the **CITY** expressed by ordinance or resolution, as may be required;

provided, however, that the provisions of the franchise shall not require any such consent and no consent shall be required for any transfer by **GRANTEE** in trust or by way of mortgage or hypothecation covering all or any part of **GRANTEE’S** property which transfer, mortgage or hypothecation shall be for the purpose of renewing, extending, refunding, retiring, paying or cancelling in whole or in part any such indebtedness at any time or from time to time. Any such sale, lease, assignment, or other disposition of this franchise, whether requiring the consent of the **CITY** or otherwise, shall be evidenced by a duly executed instrument in writing filed in the office of the City Clerk, with a copy sent to the Department of Public Works within thirty (30) days after such sale, lease, assignment or other disposition.

Item 8. Faithful Performance Bond:

On or before the effective date of the ordinance granting the franchise, **GRANTEE** shall file and thereafter at all times during the life of the franchise keep on file with the City Clerk, a corporate surety bond approved by the City Attorney payable to the **CITY** in the penal sum of **FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00)**, with a surety to be approved by the City Attorney, conditioned that **GRANTEE** shall well and truly observe, fulfill and perform each condition of the franchise and that in case of any breach of condition of the bond, the whole amount of the penal sum shall be deemed to be liquidated damages and shall be recoverable from the principal and sureties of the bond. If said bond is not filed prior to the effective date of the ordinance granting the franchise, the award of the franchise may be set aside and the ordinance granting the franchise repealed at any time prior to the filing of said bond and any money paid in consideration for said award of franchise shall be forfeited. In the event that said bond, after it has been so filed, shall at any time during the life of the franchise become insufficient, **GRANTEE** agrees to renew said bond, subject to the approval of the City Attorney within ten (10) days written notice to do so from the Director of Public Works.

Item 9. Acceptance:

This franchise is granted and shall be held and enjoyed only upon the terms and conditions herein contained, and the **GRANTEE** shall, within ten (10) days after the adoption of the ordinance granting said franchise, file with the City Clerk of the City of Compton, a written acceptance of such terms and conditions.

Item 10. Affirmative Action:

Throughout the term of the franchise, the **GRANTEE** shall maintain an acceptable Affirmative Action Program, which assures that job applicants are sought and employed and that employees are treated during their employment without regard to their race, color, or national origin or ancestry, sex or religion and shall file documentary evidence thereof within thirty (30) days on written demand thereof by the City Manager.

Item 11. Eminent Domain:

No franchise granted by the **CITY** shall in any way impair or affect the right of the **CITY** or of any successor in authority to acquire the property of the **GRANTEE** by purchase or condemnation, and nothing contained in such a franchise shall be construed to contract away, modify or abridge either for a term or in perpetuity the **CITY’S** right of eminent domain in respect to any public utility.

Item 12. Favored Nations Clause:

If at any time during the term of this franchise **GRANTEE** agrees to pay a

higher Base Rate to any other municipality for a franchise covering **GRANTEE’s** pipelines within L.A. County by means other than condemnation or court determination (exclusive of a pretrial settlement agreement), **CITY** shall receive the same Base Rate beginning on the date that the higher Base Rate was entered into with the other municipality.

Item 13. Said franchise is not and shall not be exclusive.

Section 5. That any provisions of the Compton Municipal Code or appendices thereto, or any other ordinance of the **CITY** inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

Section 6. That if any section, subsection, sentence, clause or phrase hereof is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this legislation and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7. That copies of this resolution shall be forwarded to the offices of the City Manager, City Controller, City Attorney and the Department of Public Works.

Section 8. 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, hereby certify that the foregoing Resolution was duly 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

EXHIBIT A
CITY OF COMPTON
FRANCHISE ORDINANCE NO. _____
As of September 8, 2009 _____

<u>Street Occupied</u>	<u>Street</u>	<u>Stations</u>	<u>Street</u>	<u>Stations</u>	<u>Length</u>	<u>Dia.</u>	<u>Map No.</u>
Compton	San Antonio	461+13	"City Line"	457+35	378'	6"	GX-145-18
Gibson	Rose	440+34	Myrth	432+15	819'	6"	GX-145-17
Myrth	Gibson	432+15	Williams	429+59	256'	6"	GX-145-17
Lime	Alley	411+85	Alondra	408+79	306'	6"	GX-145-16
Alondra	Lime	408+79	Atlantic	405+29	350'	6"	GX-145-15
Atlantic	Alondra	405+29	Greenleaf	378+00	2729'	6"	GX-145-14
Artesia Blvd	Harbor	308+09	Santa Fe	285+88	2221'	6"	GX-145-11
Santa Fe	Artesia	285+88	South of Artesia	283+45	243'	6"	GX-145-11

Footage Total by Diameter 7,302 Feet of 6" Diameter Pipe, Paramount Petroleum Line 145

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Public Works-Engineering

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON DECLARING ITS INTENTION TO GRANT A FRANCHISE TO PARAMOUNT PETROLEUM TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS AND PUBLISHING NOTICE OF A PUBLIC HEARING THEREON

Wendell Johnson
DEPARTMENT MANAGER’S SIGNATURE

7/21/2011 4:05:41 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/21/2011 4:30:08 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/21/2011 5:08:19 PM
DATE

Willie Norfleet
CITY MANAGER

7/21/2011 2:38:31 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.

July 26, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AUTHORIZING THE ISSUANCE OF PURCHASE
ORDERS TO PATTEN ENERGY ENTERPRISES, SC FUELS
AND JANKOVICH**

SUMMARY

This resolution requests authorization to issue purchase orders to Patten Energy Enterprises, SC Fuels, and Jankovich for the provision of gasoline, lube and diesel fuel for the City of Compton's fleet and equipment.

BACKGROUND

The Public Works Street Maintenance Division has a continuous need to purchase and store gasoline and diesel fuel for daily operations of City-owned vehicles and equipment. Without an adequate fuel supply, the City will not meet its daily operational needs.

The price of fuel has been volatile (especially during the past few years). Requesting firm prices from a sole vendor for an entire year can hinder the City's ability to purchase fuel at the lowest possible prices. Instead, we are requesting the authority to shop for the lowest daily fuel price per gallon from three fuel providers. The determinate is the margin from which the prices would vary from an industry index called the **Oil Price Information Services** OPIS Rack Average. These services track wholesale fuel prices nationally and locally. Patten Energy Enterprises, SC Fuels, and Jankovich have provided fuel to the City of Compton in the past and have provided satisfactory service.

We are requesting the ability to shop fuel prices on a daily basis, from a select three vendors; Patten Energy Enterprises, SC Fuels and Jankovich, so we can insure that the City receives the lowest wholesale price per gallon when purchasing fuel.

#13.

Fuel Providers

July 26, 2011

Page Two

FISCAL IMPACT

The Public Works Street Maintenance Division is requesting to issue a purchase order to Patten Energy Enterprises, JC Fuels, and Jankovich for the provision of fuel for fiscal year 2011-2012. Funds for this expenditure shall not exceed Three Hundred Sixty Thousand Dollars (\$360,000.00) to be expended between the three vendors. The funds are allocated in the Public Works Street Maintenance Division 2011-2012 Fiscal Year Budget in Account Number 6000-720-000-4226.

RECOMMENDATION

Staff recommends the adoption of the attached resolution.

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

WILLIE NORFLEET
CITY MANAGER

WN/WJ/sdz/daj

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COMPTON AUTHORIZING THE ISSUANCE OF
PURCHASE ORDERS TO PATTEN ENERGY
ENTERPRISES, SC FUELS AND JANKOVICH**

WHEREAS, the Street Maintenance Division has a continuous need for gasoline and diesel fuel for daily operations of vehicles and equipment; and

WHEREAS, there are three vendors that the Street Maintenance Department has purchased fuel from during the past year; and

WHEREAS, staff is requesting the authority to check daily wholesale gas prices and purchase fuel at the lowest daily fuel price per gallon from one of the three designated vendors; and

WHEREAS, the three approved vendors are Patten Energy Enterprise, SC Fuels and Jankovich; and

WHEREAS, the funds have been allocated in the Street Maintenance Division’s 2011-2012 Fiscal Year Budget for these purchases.

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

SECTION 1. That the City Manager is hereby authorized to issue purchase orders to Patten Energy Enterprises, SC Fuels, and Jankovich for an amount not to exceed Three Hundred Sixty Thousand Dollars (\$360,000.00) collectively to provide gasoline and diesel fuel for the City’s Fleet.

SECTION 2. That funds are to be taken from Account No. 6000-720-000-4226.

SECTION 3. That a copy of this resolution shall be forwarded to the offices of the City Manager, City Controller and Street Maintenance Division.

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

#13.

RESOLUTION NO. _____
PAGE 2

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-
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 AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS TO PATTEN ENERGY ENTERPRISES, SC FUELS AND JANKOVICH

Wendell Johnson
DEPARTMENT MANAGER’S SIGNATURE

7/12/2011 11:49:54 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/20/2011 4:58:43 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/14/2011 2:27:34 PM
DATE

Willie Norfleet
CITY MANAGER

7/14/2011 12:36:04 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.

July 26, 2011

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT \$556,064.00 OF SECTION 5309, SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT (SAFETEA-LU) FUNDS, AMEND THE PUBLIC WORKS BUDGET AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA) FOR THE PROCUREMENT OF CLEAN AIR BUSES FOR THE DIAL-A-RIDE AND FIXED ROUTE TRANSIT SERVICES.

SUMMARY

This resolution accepts Five Hundred Fifty Six Thousand, Sixty Four Dollars (\$556,064.00) of Section 5309, Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) "Federal Funds" for the purchase of replacement, handicapped accessible, alternate fueled buses for the City's Dial-A-Ride Service and Fixed Route Transit Services. It will also authorize the City Manager to enter into a Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (LACMTA), acting as a pass-through agency to prepare and submit a grant application to the Federal Transit Administration on the City of Compton's behalf.

BACKGROUND

In Fiscal Years 2006, 2007, 2008 and 2009, Congress appropriated \$126,918.00, \$133,760.00, \$144,906.00, and \$150,480.00 respectively, in federal funds for a total of Five Hundred Fifty Six Thousand, Sixty Four Dollars (\$556,064) of SAFETEA-LU funds, for the replacement of clean air buses for the City's Dial-A-Ride and Fixed Route Transit Services.

The City must enter into an Agreement with LACMTA because the City is not able to receive the federal funds directly. LACMTA will prepare and submit a grant application to the Federal Transit Administration Authority (FTA) on the City's behalf, and will enter into an agreement with the Federal Transit Administration to secure funding.

The total cost of the project is estimated to be approximately Six Hundred Ninety Seven Thousand, Seven Hundred Sixty Dollars (\$697,760.00). The City will provide the required 17% federal match of One Hundred Thirteen Thousand, Eight Hundred Ninety Three Dollars

#14.

(\$113,893.00) and will pay LACMTA an amount equal to 5% of the City's Federal Transit Administration award/earmark, not to exceed Twenty Seven Thousand, Eight Hundred Three Dollars \$27,803.00 (Los Angeles County Metropolitan Transportation Authority costs). Proposition C funds will be used for the City's Local Match.

STATEMENT OF THE ISSUES

City Council authorization is required for the acceptance of grant funds and a Budget Amendment that will authorize the City Manager to appropriate the Section 5309 SAFETEA-LU funds to the 2011-2012 Public Works Department Budget. City Council authorization is also necessary to enter into a Memorandum of Understanding with the LACMTA to prepare and submit a grant application on behalf of the City for the purchase of replacement clean air buses for the Dial-A-Ride and Fixed Route Transit Services.

Upon successful execution of the Memorandum of Understanding, another Council action will request authorization to purchase the replacement buses.

FISCAL IMPACT

This is a reimbursable grant, so the funds will have to be expended and reimbursed within 60-90 days. Proposition C Matching Funds in an amount not to exceed One Hundred Forty One Thousand, Six Hundred Ninety Six Dollars (\$141,696.00) have been set aside in the Fiscal Year 2011-2012 Budget.

Federal funds, revenue (2781 000 000 3565) and expenditures (2781 000 000 4333) shall increase by \$556,064. The County grant, revenue (2000 000 000 3579) and expenditures (2000 000 000 4290) shall increase by \$137,000.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2781 000 000 3565	Other Federal Grant	\$556,064
2000 000 000 3579	Other County Grant	\$137,000
2781 720 000 4333	Automotive Equipment	\$556,064
2000 720 180 4290	Contribution to Other Funds	\$137,000

RECOMMENDATIONS

Staff recommends that the City Council adopt the attached resolution.

WENDELL JOHNSON
PUBLIC WORKS DIRECTOR

WILLIE NORFLEET
CITY MANAGER

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT \$556,064.00 OF SECTION
5309, SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION
EQUITY ACT (SAFETEA-LU) FUNDS, AMEND THE PUBLIC WORKS
BUDGET AND ENTER INTO A MEMORANDUM OF UNDERSTANDING
WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION
AUTHORITY (LACMTA) FOR THE PROCUREMENT OF CLEAN AIR BUSES
FOR THE DIAL-A-RIDE AND FIXED ROUTE TRANSIT SERVICES**

WHEREAS, the City has been awarded funds under Section 5309, Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) Federal Funds for Fiscal Years 2006, 2007, 2008, and 2009 for a total of Five Hundred Fifty Six Thousand, Sixty Four Dollars (\$556,064.00) for the purchase of replacement, handicapped accessible, alternate fueled buses for the City's Dial-A-Ride and Fixed Route Transit Systems; and

WHEREAS, the Public Works Department will accept the Five Hundred Fifty Six Thousand, Sixty Four Dollars (\$556,064.00) of Section 5309, Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) Federal Funds and amend the Public Works Department's Fiscal Year 2011-2012 budget; and

WHEREAS, the City will provide the required 17% federal match of One Hundred Thirteen Thousand, Eight Hundred Ninety Three Dollars (\$113,893.00) in Proposition A or C funds; and

WHEREAS, the Los Angeles County Metropolitan Transportation Authority (LACMTA) requires that the City of Compton execute a Memorandum of Understanding so they can act as a pass-through agency to prepare and submit a grant application to the Federal Transit Administration (FTA) on the City of Compton's behalf for an amount not to exceed Twenty Seven Thousand, Eight Hundred Three Dollars (\$27,803.00); and

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

SECTION 1. That the City Manager is hereby authorized to accept the Section 5309, Safe, Accountable, Flexible, Efficient Transportation Equity Act Federal Funds in the amount of \$556,064.00 and amend the Public Works Department's FY2011-2012 Budget.

SECTION 2. That the City Manager is hereby authorized to expend One Hundred Thirteen Thousand, Eight Hundred Ninety Three Dollars (\$113,893.00) in Proposition A or C funds as the federal match.

SECTION 3. That the City Manager is hereby authorized to enter into a Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority to act as a pass-through agency to prepare and submit a grant application to the Federal Transit Administration on the City's behalf for an amount not to exceed Twenty Seven Thousand, Eight Hundred Three Dollars (\$27,803.00).

SECTION 4. That revenues and expenditures in the FY 2011-12 Annual Budget shall be increased as follows:

Resolution No. _____
Page 2

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2781 000 000 3565	Other Federal Grant	\$556,064
2000 000 000 3579	Other County Grant	\$137,000
2781 720 000 4333	Automotive Equipment	\$556,064
2000 720 180 4290	Contribution to Other Funds	\$137,000

SECTION 5. That a certified copy of this Resolution shall be filed in the offices of the City Clerk, City Manager, City Attorney, City Controller and Public Works Department.

SECTION 6. That the Mayor shall sign and 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, 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 _____, 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 AUTHORIZING THE CITY MANAGER TO ACCEPT \$556,064.00 OF SECTION 5309, SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT (SAFETEA-LU) FUNDS, AMEND THE PUBLIC WORKS BUDGET AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA) FOR THE PROCUREMENT OF CLEAN AIR BUSES FOR THE DIAL A RIDE AND FIXED ROUTE TRANSIT SERVICES

Wendell Johnson
DEPARTMENT MANAGER’S SIGNATURE

7/19/2011 12:45:23 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/21/2011 4:30:59 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/21/2011 5:08:51 PM
DATE

Willie Norfleet
CITY MANAGER

7/21/2011 2:44:54 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.

July 26, 2011

TO: CITY MANAGER

FOR: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

RE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO AON RISK INSURANCE SERVICES FOR THE RENEWAL OF THE FOLLOWING CITY INSURANCE POLICIES: CRIME; DIRECTORS AND OFFICERS; GENERAL LIABILITY; PROPERTY; DIFFERENCE IN CONDITIONS AND EXCESS DIFFERENCE IN CONDITIONS; EXCESS WORKERS COMPENSATION; ATHLETICS GENERAL LIABILITY AND GROUP ACCIDENT; BUSINESS AUTO AND EXCESS; AUTO PHYSICAL DAMAGE; AND SPECIAL EVENTS AND ACCIDENT INSURANCE

SUMMARY:

The City Council will consider adopting a Resolution authorizing the City Manager to issue a purchase order to Aon Risk Insurance Services ("AON") for the renewal of the following City insurance policies for Fiscal Year 2011-12: Crime; Directors and Officers; General Liability; Property; Difference In Conditions and Excess Difference In Conditions; Excess Workers' Compensation; Athletics General Liability and Group Accident; Business Auto and Excess; Auto Physical Damage; and Special Events and Accident insurance.

BACKGROUND:

Through our insurance broker, AON, the City of Compton maintains the various policies of insurance coverage specified above. The Crime policy insures the City against crimes of theft or fraud that could be perpetrated by employees, while Directors and Officers insurance covers individuals such as elected officials against judgments and in the defense of lawsuits that may be filed. The City maintains General Liability and Excess Liability insurance to offset payment of any liability claim filed against the City in excess of the City's self-insured retention level of \$750,000.00. Property insurance is necessary to insure coverage to the City's property against damages that may occur such as fire or business interruption, and Difference in Conditions insurance covers damage to the City's property in the event of earthquake or flood. Excess Workers' Compensation Insurance covers the City in the event a workers' compensation claim exceeds the City's self-insured retention level of \$750,000.00, while Athletics Liability and Accident covers parks and recreation events. The City's Dial-A-Ride vehicles are insured through the Business Auto and Excess policy and Auto Physical Damage insurance covers all scheduled

#15.

vehicles in the City's fleet. The Special Events and Accident policy covers the City against liability at events like the Christmas Parade or events where large gatherings of people are anticipated. It is routine for municipalities to provide insurance coverage as described above to protect all City interests.

STATEMENT OF ISSUE:

The City's insurance policies, as identified above, expire June 30, 2011, thus it is necessary to renew these policies in order to continue the protections afforded thereby. AON has been effective in consolidating renewal premiums which offers the City excellent comprehensive coverage at a less expensive rate. Consolidating policies in this way also guarantees that major coverage such as general liability, property, earthquake or flood and excess workers' compensation are managed without the worry or hazards of lapses in coverage periods.

FINANCIAL IMPACT:

The total insurance premium for renewal of the policy coverage's identified above for the Fiscal Year 2011-12 will be **\$1,107,625.00**. Funds for the renewal of these insurance policies through Aon Risk Insurance Services have been identified in the 2011-2012 Fiscal Year Budget of the City Attorney's Office budget in Account No. 6400 420 000 4268.

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution authorizing the City Manager to issue a purchase order to Aon Risk Insurance Services to renew City insurance coverage for the policies specified above.

CRAIG J. CORNWELL
CITY ATTORNEY

MONICA TURNER
RISK MANAGER

WILLIE NORFLEET
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO AON RISK INSURANCE SERVICES FOR THE RENEWAL OF THE FOLLOWING CITY INSURANCE POLICIES: CRIME; DIRECTORS AND OFFICERS; GENERAL LIABILITY; PROPERTY; DIFFERENCE IN CONDITIONS AND EXCESS DIFFERENCE IN CONDITIONS; WORKERS COMPENSATION; ATHLETICS GENERAL LIABILITY AND GROUP ACCIDENT; BUSINESS AUTO AND EXCESS; AUTO PHYSICAL DAMAGE; AND SPECIAL EVENTS AND ACCIDENT INSURANCE

WHEREAS, the City is currently insured for Crime, Directors and Officers, General Liability, Property, Difference In Conditions and Excess Difference In Conditions, Excess Workers' Compensation, Athletics General Liability and Group Accident, Business Auto and Excess, Auto Physical Damage, Special Events and Accident insurance through the City's broker, Aon Risk Insurance Services for the Fiscal Year 2010-11; and

WHEREAS, it is routine for municipalities to provide insurance coverage as described above to protect City interests; and

WHEREAS, there is a need to renew the City's insurance programs specified herein for Fiscal Year 2011-12; and

WHEREAS, the Aon Risk Insurance Services, the City's insurance broker, has been effective at consolidating the City's insurance policies which offers better rates and assists the City in avoiding major lapses in coverage; and

WHEREAS, the policy renewal premium amounts are competitive and reasonable and will provide the insurance coverage needed to protect the City.

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

SECTION 1. That the City Manager is authorized to issue a purchase order in the amount of One Million One Hundred Seven Thousand Six Hundred Twenty Five Dollars (\$1,107,625.00) to Aon Risk Insurance Services for the renewal of the following City insurance policies: Crime, Directors and Officers, General Liability, Property, Difference In Conditions and Excess Difference In Conditions, Excess Workers' Compensation, Athletics General Liability and Group Accident, Business Auto and Excess, Auto Physical Damage, Special Events and Accident insurance.

SECTION 2. That said insurance policy coverage's shall be for Fiscal Year 2011-12 (July 1, 2011 through June 30, 2012).

SECTION 3. That the funds for these services shall come from Account Fund Number 6400-042-000-4268.

SECTION 4. That a certified copy of this Resolution will be filed in the offices of the City Manager, City Attorney, City Clerk and Controller.

SECTION 5. That the Mayor shall sign and the City Clerk shall attest to 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, 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:

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 AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO AON RISK INSURANCE SERVICES FOR THE RENEWAL OF THE FOLLOWING CITY INSURANCE POLICIES: CRIME; DIRECTORS AND OFFICERS; GENERAL LIABILITY; PROPERTY; DIFFERENCE IN CONDITIONS AND EXCESS DIFFERENCE IN CONDITIONS; EXCESS WORKERS COMPENSATION; ATHLETICS GENERAL LIABILITY AND GROUP ACCIDENT; BUSINESS AUTO AND EXCESS; AUTO PHYSICAL DAMAGE; AND SPECIAL EVENTS AND ACCIDENT INSURANCE.

Ruth Rugley
DEPARTMENT MANAGER’S SIGNATURE

7/20/2011 7:14:14 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/21/2011 4:31:26 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/21/2011 5:09:08 PM
DATE

Willie Norfleet
CITY MANAGER

7/21/2011 2:47:52 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.

July 26, 2011

TO: MAYOR AND COUNCIL MEMBERS
FROM: CITY MANAGER
SUBJECT: REQUEST TO SCHEDULE A PUBLIC HEARING FOR THE APPROVAL OF
THE HUD MANDATED CONSOLIDATE ANNUAL PERFORMANCE
EVALUATION REPORT (CAPER) TUESDAY, SEPTEMBER 20, 2011 at 5:50
P.M.

The City of Compton, as a direct entitlement community to the U.S. Department of Housing and Urban Development (HUD,) is required to submit a CAPER highlighting activity expenditures, program overview and performance measurements for programs and activities funded by HUD. The 2010- 2011 CAPER will cover all CDBG, CDBG- R, HOME, ESG, NSP, and HPRP programs administered by the City of Compton. In order to receive comment from the public, the City is will hold a public hearing to collect public input.

Staff recommends that Council schedule a public hearing to receive public comment on the 2010-2011 CAPER on **Tuesday, September 20, 2011 at 5:50 p.m.**

Derek R. Hull

Director of Planning and Economic Development

Willie Norfleet

City Manager

July 26, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8439/LI0000119A

SUMMARY

Council will consider the claim of Josephina Gonzalez (Claim No. I-8439/LI0000119A), presented to the City on June 16, 2011, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On June 16, 2011, the above claim was presented to the City Controller by an attorney representing, Josephina Gonzalez for personal injury. Claimant alleges that she was injured on January 15, 2011 when she fell on the sidewalk near 530 West Alondra Boulevard. Claimant alleges the Public Works Department was negligent in its maintenance of the sidewalk at the scene of the accident.

Staff has conducted a site inspection of the alleged incident and did not find evidence of a dangerous condition on the sidewalk near 530 West Alondra Boulevard. Furthermore, a case such as this usually turns on whether the City had notice of the dangerous condition. There are no facts to suggest that the City had the requisite notice.

FINANCIAL IMPACT

At least Twenty Five Thousand Dollars (\$25,000).

RECOMMENDATION

Staff recommends that this claim be denied.

/S/

CRAIG J. CORNWELL
CITY ATTORNEY

July 26, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8441/LI0000121A

SUMMARY

Council will consider the claim of Salvador Torres and Maria Martinez (Claim No. I-8441/LI0000121A), presented to the City on June 28, 2011, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On June 28, 2011, the above claim was presented to the City Controller by Salvador Torres and Maria Martinez for property damage. Claimants allege that they had flooding in their home as a result of tree roots clogging their sewer pipe. Claimants allege that this damage occurred on May 3, 2011 and have presented one invoice in the amount of \$3,200 for the removal of their pipe and replacement of their vitrified clay pipe (VCP).

According to the Water Department, Claimants are served by Park Water Company and not by the City. The Public Works Department inspected the area of Claimant's property as well as the City's sewer main line near Claimant's home. Staff has also reviewed the paperwork submitted by Claimant. Based upon our investigation, it appears that the damage to Claimant's VCP pipe is not related to the growth of trees but other factors such as cracks that develop over time. In addition, there is privately owned shrubbery growing closer to the sewer line than the City tree in question.

FINANCIAL IMPACT

Three Thousand Two Hundred Dollars and No Cents (\$3,200).

RECOMMENDATION

Staff recommends that this claim be denied.

/S/
CRAIG J. CORNWELL
CITY ATTORNEY

July 26, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8444/LI0000124A

SUMMARY

Council will consider the claim of Cecilia Barnes (Claim No. I-8444/LI0000124A), presented to the City on July 1, 2011, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On July 1, 2011, Claimant presented a claim to the City Controller for the death of her brother. Claimant states that on January 3, 2011, the Fire Department was called to her home where her brother was experiencing leg pain. Claimant states that after checking her brother's vitals and helping him to the restroom, the unit left. She states that five minutes after, her brother died. Claimant alleges that City employees intentionally and recklessly acted towards her brother.

The City Attorney's Staff has investigated this matter and found the facts supporting this claim are in dispute. Additionally, City employees were performing emergency services at the time of the incident. Pursuant to Health and Safety Code Section 1799.107(b), "neither a public entity nor emergency rescue personnel shall be liable for any injury caused by an action taken by the emergency rescue personnel acting within the scope of their employment to provide emergency services...". Thus, the City employees that responded to the call at Claimant's house and the City are entitled to immunity under the Health and Safety Code Section 1799.107(b).

FINANCIAL IMPACT

One Million Dollars (\$1,000,000).

RECOMMENDATION

Staff recommends that this claim be denied.

/S/
CRAIG J. CORNWELL
CITY ATTORNEY

July 26, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: CITY ATTORNEY
SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8445/LI0000125A

SUMMARY

Council will consider the claim of Michael Paul (Claim No. I-8445/ LI0000125A), presented to the City on July 1, 2011, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On July 1, 2011, the above claim was presented to the City Controller by an attorney representing, Michael Paul for injury sustained to his left ankle. Claimant alleges that he was injured on or about February 15, 2011 when he fell on wet and slippery floor of the Los Angeles County Metropolitan Transportation Authority (MTA) Station.

Staff has conducted an investigation and concluded that the site where the alleged incident occurred is in an area owned and maintained by MTA. Based upon this investigation, the City has no liability for Claimant's personal injuries, because it neither owns nor maintains the area where the alleged incident occurred.

FINANCIAL IMPACT

At least Thirty Thousand Dollars (\$30,000)

RECOMMENDATION

Staff recommends that this claim be denied.

/S/
CRAIG J. CORNWELL
CITY ATTORNEY

July 26, 2011

TO: MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CITY MANAGER

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COMPTON TO COMPLY WITH PART 1.9 OF DIVISION 24 OF
THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING
CERTAIN ACTIONS IN CONNECTION THEREWITH**

SUMMARY: Determination whether the City should participate in the “Alternative Voluntary Redevelopment Program,” make the required payments to the State of California and continue redevelopment activities under AB X1 27; introduction and first reading of the attached Ordinance; Delegate to the City Attorney and City Manager the authority to file an appeal of the California Department of Finance’s determination of the City’s FY 2011-12 AB X1 27 payment amount, if warranted; Direct staff to propose necessary budget adjustments and prepare transfer agreement between the Agency and City for consideration at a future meeting.

OBJECTIVE: To determine whether the Compton Redevelopment Agency (the “Agency”) will continue to exist and perform redevelopment activities in the Project Area[s] and, if so, to commence the actions necessary to comply with AB X1 27.

BACKGROUND: The City and Agency have carried out an active and successful redevelopment program since the activation of the Agency in Compton. However, the continuing ability of the Agency to eliminate blight and create economic development opportunities has been threatened by the Legislature’s adoption of the recent budget package which, in part, solves State budget problems by taking revenue from redevelopment agencies. AB X1 26, which was signed by the Governor of California on June, 29, 2011, immediately suspends most redevelopment agency activities and, among other things, prohibits redevelopment agencies from incurring indebtedness or entering into or modifying contracts. Then, on October 1, 2011, AB X1 26 dissolves all existing redevelopment agencies and redevelopment agency components of community development agencies, and designates successor agencies as successor entities to the former redevelopment agencies, and imposes numerous requirements on the successor agencies and subjects successor agency actions to the review of oversight boards established under the new law.

#19.

AB X1 27 was signed by the Governor concurrently with AB X1 26. This companion law establishes an Alternative Voluntary Redevelopment Program whereby a redevelopment agency will, notwithstanding AB X1 26, be authorized to continue to exist and carry out the provisions of the Redevelopment Law. To “opt into” this “voluntary” alternative program, the City must adopt an ordinance signifying the City’s compliance with the onerous exactions imposed by the Legislature. To restore the ability to continue redevelopment activities, the City must make specified annual payments to the County Auditor-Controller on a schedule, and the Auditor-Controller will then allocate the payments to special districts and educational entities. The amount to be paid in FY 2011-12 is the Agency’s proportionate share of \$1.7 billion, as determined by the Department of Finance pursuant to a formula specified in AB X1 27. That determination, to be made on or before August 1, 2011, is subject to appeal by the City within 15 days of the determination. This payment obligation is an ongoing obligation of the City in subsequent years. For FY 2012-13 and thereafter, the City is required to calculate its own payment amount, subject to audit by the Department of Finance, with the payments based on the Agency’s proportionate share of \$400 million (with adjustments based on growth/decline of tax increment revenues, and with additional payments triggered if the Agency incurs new debt).

Thus, the Legislature has created a system where a city is liable for making continuing annual payments out of city funds in order for the agency to be able to continue its activities. AB X1 27 provides that a participating city and the redevelopment agency in that participating city may enter into an agreement whereby the agency will transfer a portion of its tax increment to the participating city in an amount not to exceed the annual remittance required that year. Any tax increment funds transferred from the agency to the city are required to be spent only “for the purpose of financing activities within the redevelopment area that are related to accomplishing the redevelopment agency project goals.”

If the City Council determines that it **will not** opt into the AB X1 27 Alternative Voluntary Redevelopment Program, the activities of the Agency will continue to be severely curtailed. Ultimately, the Agency will be dissolved as of October 1, 2011 and a number of “wind-up” activities must be undertaken by a successor entity. No further redevelopment activities could be undertaken and the assets of the Agency would be disposed of. The State Controller would have the authority to review, and potentially unwind, asset transfer transactions between the City and the Agency which occurred after January 1, 2011. In addition, AB X1 26 provides that except in very limited circumstances, the Agency could not repay amounts currently owed to the City. The “wind-up” activities of the Agency would be subject to the supervision of a new “Oversight Board” with the authority to give direction to City and Agency staff, and to usurp the existing authority of the City Council and Agency Board.

A more detailed description of AB X1 26 and AB X1 27 prepared by Richards, Watson & Gershon is attached to this report.

ANALYSIS:

At a threshold level, the City Council must determine whether to take the steps necessary to continue the activities of the Redevelopment Agency or allow the Agency to be dissolved.

This determination requires answers to the following questions:

1. Do the benefits of keeping the Agency in operation outweigh the costs and risks to the City of opting into the “voluntary” program?

- a. The benefits of keeping the Agency in operation include:

The Agency has undertaken a successful redevelopment program since adoption over the past twenty since the activation of the Agency in Compton. However, the continuing ability of the Agency to eliminate blight and create economic development opportunities would be curtailed if we do not adopt AB X1. The cost to the City of making the payments are **estimated**¹ to be between : For FY 2011-2012: \$4,000,000

- i. For FY 2012-2013 (with annual payments continuing thereafter): \$500,000

- b. There are some significant risks to the City if it chooses to “opt into” the “voluntary” program. Those risks include:

- i. The risk that the City will not have sufficient available funds in subsequent years to continue making the required payments, or that at some future time, the net benefits of making the payments will not exceed the actual cost of making those payments. If the City stops making the payments in future years, the provisions of Part 1.8 (prohibitions on Agency activities) and 1.85 (dissolution of the Agency) will be applicable to the Agency. In addition, Part 1.9 provides that the State will be entitled to an assignment of any rights the City to any payment from the Agency to which the City is entitled for purposes of mitigating the fiscal impact to the State related to the failure of the City to make the annual payments.
 - ii. The risk that the Legislature makes changes to the program, or requires additional payments, in future years. For example, if the total amount paid by agencies in FY 2011-12 does not equal the \$1.7 billion anticipated by the State budget, this could trigger the need for additional exactions.
 - iii. The risk that the City will be unable to recover its payments to the State if AB X1 26 and AB X1 27 are ultimately invalidated by the courts.

- 2. Before it “opts into,” the “voluntary” program, the City Council should consider whether the City will have the resources to make the annual payments required under AB X1 27.

- a. What source will the City use to make the payment in the current fiscal year? The Agency would have sufficient tax increment revenues to make the current fiscal year payments
 - b. Will the Agency have sufficient funds to make transfers to the City in amounts not to exceed the City’s payment amounts under a transfer agreement between the City and Agency? The Agency would have sufficient resources to make the necessary transfers to the City accordingly

¹ The City’s 2011-12 payment amount will be determined by the Department of Finance on or before August 1, 2011 (subject to appeal by the City).

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The answers to the foregoing questions will help the City Council determine whether to "opt into" the "voluntary" program established by AB X1 27. If the City Council determines that the City will "opt into" the program, the first step in the process is to introduce the attached Ordinance. In addition, the City Council must direct staff to propose the City budget adjustments necessary to facilitate the required payment for FY 2011-12 and prepare a transfer agreement between the Agency and City.

If the City Council determines not to participate in AB X1 27's voluntary program, the City Council should direct staff to start the actions necessary to comply with AB X1 26, and to bring those actions before the Agency Board and City Council as necessary.

In either case, staff requests that the City Council delegate to the City Manager and City Attorney the authority to file an appeal of the Department of Finance's determination regarding the City's FY 2011-12 AB X1 27 payment amount, as the short time frame for appeal may not permit consideration at a future City Council meeting.

OPTIONS:

1. Determine that the City and Agency will participate in the Alternative Voluntary Redevelopment Program.
2. Determine that the City and Agency will not participate in the Alternative Voluntary Redevelopment Program.
3. Delay making the determination, and direct staff to prepare additional information and analysis. In such case, direct staff, in the meantime, to start the actions necessary to comply with AB X1 26 and to bring those actions before the Agency Board and City Council as necessary.

FISCAL IMPACT:

The Agency has carried out successful redevelopment program since the activation of the Agency in Compton. However, the continuing ability of the Agency to eliminate blight and expand its tax base and create economic development opportunities in terms of job promotion, increased retail sales and property tax revenues to augment general fund revenues, and infrastructure improvements and public facilities would be severely hampered if we do not adopt AB X1 to permit operation of the Agency. Continuation of the redevelopment process would provide opportunity for the Agency to utilize its bond proceeds (\$100 million tax allocation bonds) to carry out the current and proposed economic development projects, programs in the City (see attachment). Implementation of such redevelopment projects would provide several benefits to the City including:

1. Projected 500 new full-time jobs
2. Estimated \$3 million gross Property tax revenue - Housing projects and Commercial/Retail projects

3. Projected annual \$1 million Sales Tax Revenues to replenish general funds
4. Future revenues in Tax Increment, Sales and Property tax revenue from the proposed Redevelopment Plan Amendment that will incorporate an additional 60 acres into the redevelopment project area.
5. Continuation of the Agency's First Time Home Buyer Program
6. Continuation of the Agency's Residential Rehabilitation Program

Additionally, AB 1X 27 would allow the City to utilize a non tax increase and non fee increasing tool to sustain, stimulate and increase revenues to the City's general fund via Sales Tax and Property Tax revenue. Failure to adopt AB X1 27 ordinance would weaken the Agency ability to attract businesses resulting into loss of jobs, sales tax revenues and plunge Compton into an irreparable economic quagmire.

RECOMMENDATION: Staff recommends that the City Council consider the foregoing facts and analysis and determine that the City and Agency will participate in the Alternative Voluntary Redevelopment Program established by AB X1 27.

COUNCIL ACTION REQUIRED: If the City Council concurs, the appropriate motion would be to:

1. Agree to comply with Part 1.9 of Division 24 of the California Health and Safety Code and, introduce, read by title only and waive further reading of the attached Ordinance;
2. Direct staff to prepare and present at a future City Council meeting the recommended adjustments to the City budget necessary to make the required AB X1 27 payment for FY 2011-12 and a transfer agreement between the City and Agency;
3. Delegate to the City Manager and City Attorney the authority to file an appeal, if warranted, of the Department of Finance's determination of the amount of the City's required AB X1 27 payment for FY 2011-12.

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DIRECTOR OF REDEVELOPMENT

WILLIE NORFLEET
CITY MANAGER



Summary of AB X1 26 and AB X1 27

Los Angeles

Orange County

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June 22, 2011

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Summary of AB X1 26 and AB X1 27

Introduction

On June 15, 2011, both houses of the California State Legislature passed AB X1 26 and AB X1 27. AB X1 26 is substantially similar (with some important differences) to AB 101 and SB 77, the two budget trailer bills that were introduced on January 10, 2011 in a shell format and amended on March 15, 2011 to provide for the elimination of redevelopment agencies. Like AB 101 and SB 77, AB X1 26 adds Parts 1.8 and 1.85 to the Community Redevelopment Law. Part 1.8 provides for the immediate curtailing of redevelopment agency activities while Part 1.85 provides for redevelopment agencies to be dissolved as of October 1, 2011 and for successor agencies to wind up the affairs of the agencies.

AB X1 27 adds Part 1.9 to the Redevelopment Law. Part 1.9 provides that a city may participate in a program to make specified annual monetary contributions to exempt its redevelopment agency from Parts 1.8 and 1.85 and permit the agency to continue to exist and to carry out the provisions of the Redevelopment Law. Participation will require the city to adopt an ordinance by November 1, 2011. The city's failure to continue to make the annual payments will mean that the Department of Finance can determine that the agency becomes subject to Parts 1.8 and 1.85.

Part 1.9 provides that a city and agency can enter into an agreement whereby the agency will transfer a portion of its tax increment to the city, in an amount not to exceed the annual remittance required that year pursuant to Part 1.9, "for the purpose of financing activities within the redevelopment area that are related to accomplishing the redevelopment agency project goals." The quoted language is unclear, but may mean that a city could only use the transferred tax increment revenues to pay for financing projects that qualify for tax increment financing under the Redevelopment Law.

Part 1.9 is also unclear regarding the duration of the city's obligation to make annual remittances. Part 1.9 provides that the State will be entitled to an assignment of the city's rights to any payments from the agency to which the city is entitled in the event the city fails to make a remittance required by Part 1.9.

A more in depth discussion of Part 1.9 begins on page 18.

Although the Legislature passed AB X1 26 and AB X1 27 on June 15, 2011, the bills are not effective until signed by the Governor. As of this date, however, the Legislature has not presented the bills to the Governor for his signature because AB X1 26 and AB X1 27 are bills related to the State Budget and on June 16, 2011, the Governor vetoed the State budget bills. AB X1 26 and AB X1 27 are linked, meaning that if the bills are presented to the Governor for his signature, the bills will not become effective unless the Governor signs both bills.

AB X1 26 and AB X1 27 raise significant legal issues, and many provisions of the bills are ambiguous or contradictory. This summary does not attempt to address all these issues and ambiguities.

AB X1 26

Part 1.8: Restrictions on Redevelopment Agencies Operations

Part 1.8 provides that effective immediately upon the enactment of AB X1 26, the authorized activities of agencies are severely curtailed. For example, agencies will be precluded from incurring new debt or entering into or modifying contractual obligations. In addition, Part 1.8 imposes various responsibilities on agencies prior to their dissolution.

Chapter 1. Suspension of Agency Activities and Prohibition on Creation of New Debts

Upon passage of AB X1 26, agencies² will immediately be prohibited from undertaking a number of actions, including the following:

- Incurring new monetary or legal obligations or expanding existing obligations except as provided for in Part 1.8.
- Incurring debt, including issuing bonds.
- Except in very limited circumstances, refunding or restructuring debt or obligations that existed as of January 1,

² An agency includes a community development commission, but Part 1.8 does not affect the authority of a commission to act in its capacity as a housing authority or for any other community development purpose of the jurisdiction in which it operates.

2011 (including refunding bonds, exercising the right of optional redemption, or purchasing their own bonds).

- Modifying or amending the terms and conditions, payment schedules, amortization, or maturity dates of any of the agency's bonds or other obligations that are outstanding or exist as of January 1, 2011.
- Accepting loans or advances from any source for any purpose, including advances pursuant to an administrative overhead reimbursement agreement.
- Executing trust deeds or mortgages on any real or personal property owned or acquired by the agency.
- Pledging or encumbering (i.e., granting a lien on and a security interest in) any of the agency's revenues or assets for any purpose, including, but not limited to, tax revenues, project revenues, deeds of trust and mortgages held by the agency, rents, fees, charges, moneys, accounts receivable, contracts rights, and other rights to payment or other real or personal property.
- Making loans, advances or grants, or entering into agreements to provide financial assistance for any purpose.
- Loaning money or anything of value or making commitments to provide financing to nonprofit organizations to finance the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing or the acquisition of commercial property for lease pursuant to Health and Safety Code Section 33741, et seq.
- Entering into contracts with or making commitments for any purpose (e.g., leases, DDA's, and service contracts).
- Purchasing mortgage or construction loans from mortgage lenders or other entities.
- Forgiving all or part of the balance owed to the agency on existing loans or extending or changing the terms and conditions of existing loans.

#19.

- Increasing deposits to the Low and Moderate Income Housing Fund beyond the minimum level applicable to the agency as of January 1, 2011.
- Amending or modifying existing agreements, obligations or commitments for any purpose. Exceptions include extending lease space for the agency's own use for six months, with no more than a five percent rate increase, and transferring funds from the Low and Moderate Income Housing Fund to meet the "minimum housing-related obligations" that existed as of January 1, 2011 to make SERAF payments, or in connection with a borrowing pursuant to 34168.5.³
- Disposing of assets by any means for any purpose. Assets include, but are not limited to, real property and improvements, cash, deeds, mortgages, accounts receivable, contract rights, and rights to receive rents.
- Acquiring real property, improvements on real property, or any interest in real property by any means for any purpose, provided, however, that such prohibition is not intended to prohibit the acceptance or transfer of title for real property acquired by the agency prior to the Governor signing AB X1 26.
- Transferring, assigning, vesting, or delegating any of the agency's assets, funds, rights, powers, ownership interests, or obligations for any purpose to any entity, individual, or group.
- Accepting financial or other assistance from any source if it involves incurring debt by the agency.
- Engaging in redevelopment activities, including preparing, approving, adopting, amending or merging redevelopment plans; approving any program, project or expenditure where such approval is not required by law; preparing or modifying implementation plans, relocation plans (unless required by law) or housing plans; developing, rehabilitating or constructing housing units unless required to do so by an enforceable obligation; and providing relocation assistance (unless required by law) or financial assistance.

³AB X1 26 does not contain a section 34168.5, and there is no section 34168.5 under existing law.

- Entering into new partnerships, becoming a member of a joint powers authority, creating a new entity, becoming a member of a new entity, or taking on or agreeing to take on any new duties or obligations of an entity.
- Increasing the pay, benefits, or contributions of any sort for any officer, employee, consultant, contractor, or any other goods or service provider that had not previously been contracted.
- Providing optional or discretionary bonuses to any officers, employees, consultants, contractors, or any other service or goods providers.
- Increasing the number of staff employed by the agency beyond the number employed as of January 1, 2011.
- Bringing a validation action to determine the validity of revenue bonds.
- Commencing any condemnation proceeding.
- Preparing or having prepared a draft environmental impact report.

MOU with Employee Organization

The existing terms of any memorandum of understanding with an employee organization representing employees of the agency adopted pursuant to the Meyers-Milias-Brown Act that is in force on the date AB X1 26 is signed by the Governor will continue in force until September 30, 2011, unless a new agreement is reached with a recognized employee organization prior to that date.

Unwinding Asset Transfers

The State Controller will review the activities of agencies to determine whether an asset transfer has occurred after January 1, 2011 between each agency and the city or another public entity. To the extent not prohibited by state or federal law, the State Controller will order the return of the available assets transferred after January 1, 2011, to the redevelopment agency or, on or after October 1, 2011, to the successor agency if one has been established. The only exception will be if the government agency that received the asset is contractually committed to a third party for the expenditure or encumbrance of the asset.

Chapter 2. Redevelopment Agency Responsibilities

Commencing immediately upon the enactment of AB X1 26 and continuing until October 1, 2011, agencies will be required to undertake a number of actions, including the following:

- Make all scheduled payments with respect to enforceable obligations.

An "enforceable obligation" includes (A) bonds issued by an agency (including debt service, reserve set-asides, and any other payments required by the bond documents); (B) loans incurred for a lawful purpose, including moneys borrowed from the Low and Moderate Income Housing Fund, to the extent they are legally required to be repaid pursuant to a required repayment schedule or other mandatory loan terms; (C) payments required by the Federal Government, pre-existing obligations to the State, or obligations imposed by State law, or legally enforceable payments required in connection with the agency's employees, including pension payments and unemployment payments; (D) judgments or settlements entered by a court or binding arbitration decisions; (E) any legally binding and enforceable contract that is not otherwise void as violating the debt limit or public policy; and (F) contracts necessary for the administration or operation of the agency to the extent permitted by AB X1 26 (but note that Chapter 1 of Part 1.8 provides that an agency is prohibited from accepting loans or advances from any source for any purpose, including advances pursuant to an administrative overhead reimbursement agreement).

An agency must adopt an Enforceable Obligation Payment Schedule within 60 days of the date the Governor signs AB X1 26. Each schedule must list all of the agency's enforceable obligations and include certain information about each obligation, including the amount of payments obligated to be made, by month, through December 2011. Each schedule must be adopted at a public meeting and must be posted on the agency's internet web site or, if the agency does not have a site, on the city's site. The schedule must be transmitted (by mail or electronically) to the county auditor-controller, the State Controller and the Department of Finance (DOF).

Upon the earlier of adoption of the Enforceable Obligation Schedule or 60 days after the Governor signs AB X1 26, an agency will not be able to make a payment unless it is listed in the adopted schedule. An exception is provided for payments required to meet obligations with respect to bonds. The DOF and the State Controller can require an agency to provide them with documents that are associated with the agency's enforceable obligations. Any taxing entity, the DOF and the State Controller all will have standing to file a judicial action to prevent a violation under Part 1.8 and to obtain injunctive or other appropriate relief.

- Perform obligations required pursuant to enforceable obligations, including observing covenants related to continuing disclosure and preserving the tax-exempt status of outstanding bonds.
- Set aside or maintain reserves in the amount required by bond documents.
- Preserve all of the agency's assets and records, and minimize all liabilities.
- Cooperate with the successor agency, if established, and provide all records and information necessary or desirable for audits, making of payments required by enforceable obligations, and performance of enforceable obligations by the successor agency.
- Take all reasonable measures to avoid triggering an event of default under enforceable obligations.
- Prepare and submit to the successor agency, if one is established, a preliminary draft of the initial Recognized Obligation Payment Schedule (the document that will govern payments by successor agencies) by September 30, 2011.

The DOF may review Enforceable Obligation Payment Schedules and initial Recognized Obligation Payment Schedules. Agency actions will not be effective for three business days pending a request for review by the DOF. Each agency must designate an official to whom the DOF may make requests. In the event that the DOF requests a review of a given agency action, the DOF will have 10 days from the date of its request to approve the agency action or return it to the agency for reconsideration and the action will not be effective until approved by the DOF.

**Chapter 3. Application of Part 1.8 to Former Participants of the
Alternative Voluntary Redevelopment Program**

As discussed beginning on page 18, an agency will be exempt from the provisions of Parts 1.8 and 1.85 if the city participates in the Alternative Voluntary Redevelopment Program established by Part 1.9 and complies with all the requirements and obligations set forth in Part 1.9. An agency that operates pursuant to the Alternative Voluntary Redevelopment Program under Part 1.9 can become subject to the provisions of Part 1.8 if the city fails to make a required annual payment. In such case, the dates and deadlines specified in Part 1.8 are appropriately modified to reflect the date that the agency becomes subject to Part 1.8. References to "January 1, 2011" will be construed to mean January 1 of the year preceding the year that the agency became subject to Part 1.8 (but not earlier than January 1, 2011). Any reference to a date "60 days from the effective date of this part" will be construed to mean 60 days from the date that the agency becomes subject to Part 1.8. Except as specified in the two preceding sentences, any reference to a date certain will be construed to be the date measured from the date the agency became subject to Part 1.8 that is equivalent to the duration of time between the effective date of Part 1.8 and the date certain identified in AB X1 26.

**Part 1.85: Dissolution of Redevelopment
Agencies and Designation of Successor
Agencies**

Part 1.85 provides that unless otherwise specified, its provisions will take effect on October 1, 2011. Part 1.85 defines a number of terms used in AB X1 26 (Chapter 1); provides for the creation of funds to be held by agencies or successor agencies (Chapter 1); describes the effect of the dissolution of agencies (Chapter 2); provides for the designation of successor agencies and their responsibilities (Chapter 3); provides for the creation of oversight boards and their responsibilities (Chapter 4); specifies the duties of the county auditor-controller (Chapter 5); describes the effect of Part 1.85 on the Redevelopment Law (Chapter 6); provides for the stabilization of labor and employment relations (Chapter 7); and provides for the application of Part 1.85 to agencies if the DOF determines that this part applies because the city has ceased making payments under Part 1.9's Alternative Voluntary Redevelopment Program (Chapter 8).

Chapter 1. Creation of Funds

AB X1 26 provides for the establishment of the following funds:

- A Redevelopment Obligation Retirement Fund is created in the treasury of each successor agency.
- A Redevelopment Property Tax Trust Fund is created for the property tax revenues related to each former agency in each county, to be administered by the county auditor-controller.

Chapter 2. Effect of Redevelopment Agency Dissolution

All redevelopment agencies (and redevelopment agency components of community development commissions) are dissolved as of October 1, 2011, and their authority to transact business or exercise powers under the Redevelopment Law is withdrawn.⁴ The city may not create a new redevelopment agency if its agency has been dissolved unless and until the successor entity has paid off all of the former agency's enforceable obligations and the city adopts an ordinance to participate in the Alternative Voluntary Redevelopment Program.

Except for those provisions of the Redevelopment Law that are repealed, restricted, or revised by AB X1 26, all authority, power, and obligations previously vested with agencies under the Redevelopment Law are vested in successor agencies as of October 1, 2011.

In the case of a city redevelopment agency, the successor agency will be the city unless the city elects not to become the successor agency. If the city so elects, it must file a copy of a duly authorized resolution of the city council with the county auditor-controller by September 1, 2011. The county or a special district in the county can elect to become the successor agency if the city declines. If neither the county nor a special district so elects, a "designated local authority" will be created and the Governor will appoint three residents of the county to serve as its governing board. The designated local authority will serve unless the city, county, or a special district elect to become the successor agency.

The liability of any successor agency, acting pursuant to the powers granted under AB X1 26, will be limited to the extent of the total sum of property tax revenues it receives pursuant to AB X1 26 and the value of assets transferred to it as a successor agency.

⁴ For non-redevelopment purposes, a community development commission derives its authority solely from federal or local laws, or from state laws other than the Redevelopment Law.

#19.

All assets, properties, contracts, leases, books and records, buildings, and equipment of the agency, including cash and amounts owed to the agency as of October 1, 2011, are transferred on October 1, 2011 to the control of the successor agency for administration pursuant to AB X1 26.

The city may elect to retain the housing assets and functions previously performed by the agency (presumably the city may make this election even if it elects not to become the successor agency). If the city elects to retain the responsibility for performing housing functions, all rights, powers, duties, and obligations (excluding any amounts on deposit in the Low and Moderate Income Housing Fund) will be transferred to the city.

If the city does not elect to retain the responsibility for performing housing functions, the rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the agency (excluding amounts on deposit in the Low and Moderate Income Housing Fund), will be transferred as follows:

- If there is no local housing authority in the territorial jurisdiction of the agency, to the Department of Housing and Community Development.
- If there is only one local housing authority in the territorial jurisdiction of the agency, to that housing authority.
- If there is more than one local housing authority in the territorial jurisdiction of the agency, to the housing authority selected by the city.

The entity assuming the housing functions of the agency may enforce affordability covenants and perform related activities pursuant to the applicable provisions of the Redevelopment Law.

Chapter 3. Successor Agencies

Each successor agency will be required to do a number of things, including the following:

- Continue to make payments due for enforceable obligations and prepare Recognized Obligation Payment Schedules.

On or after October 1, 2011, and until a Recognized Obligation Payment Schedule becomes operative, only payments required pursuant to an Enforceable Obligation Payment Schedule may be made. The initial Enforceable

Obligation Payment Schedule will be the last such schedule adopted by the redevelopment agency. However, with certain exceptions, an enforceable obligation will not include any agreements, contracts, or arrangements between the city and agency. The exceptions are as follows:

- Written agreements entered into at the time of issuance of indebtedness obligations⁵ (but not later than December 31, 2010) solely for the purpose of securing or repaying those indebtedness obligations may be deemed enforceable obligations by the successor agency.
- Loan agreements entered into between a city and agency within two years of the date of creation of agency may also be deemed to be enforceable obligations.
- A joint exercise of powers agreement in which the agency is a member, provided the successor agency's rights, duties and performance obligations under the agreement will be limited by the constraints imposed upon successor agencies by Part 1.85.

The obligations excluded from the definition of enforceable obligations will be excluded from the Enforceable Obligation Payment Schedule and removed from the last schedule adopted by the agency prior to the successor agency adopting it as its Enforceable Obligation Payment Schedule.

The Enforceable Obligation Payment Schedule may be amended by the successor agency at a public meeting, will be subject to the approval of the oversight board, and must be posted on the agency's Internet web site or, if no such web site exists, on the Internet web site of the city. Any taxing entity⁶, the DOF, and the State Controller will each have standing to file a judicial action to prevent a violation under Part 1.85 and to obtain injunctive or other appropriate relief.

⁵ "Indebtedness obligations" means bonds, notes, certificates of participation or other evidence of indebtedness issued or delivered by the agency or by a joint exercise of powers authority created by the agency to third party investors or bondholders to finance or refinance redevelopment projects.

⁶ ABX1 26 defines "taxing entities" to mean cities, counties, special districts, school districts, community college districts, and county offices of education that receive pass through payments and distributions of property taxes pursuant to Part 1.85.

#19.

Successor agencies are required to prepare Recognized Obligation Payment Schedules before each six-month fiscal period. A draft schedule must be prepared by November 1, 2011. Schedules must be approved by the oversight board, submitted to the county auditor-controller, the State Controller and the DOF, and posted on the successor agency's Internet web site. The first Recognized Obligation Payment Schedule must be submitted by December 15, 2011, and will be for the period of January 1, 2012, to June 30, 2012. Former agency enforceable obligation payments due, and reasonable or necessary administrative costs due or incurred, prior to January 1, 2012, will be made from property tax revenues received in the spring of 2011 property tax distribution, and from other revenues and balances transferred to the successor agency.

Commencing on the operative date of Part 1.85, agreements, contracts, or arrangements between the city and agency are invalid and will not be binding on the successor agency; provided, however, that a successor agency wishing to enter or reenter into agreements with the city may do so upon obtaining approval of the oversight board. Notwithstanding the foregoing, the three types of city/agency contracts described above on page 9 are not invalid and may bind the successor agency.

Commencing on January 1, 2012, only those payments listed in a Recognized Obligation Payment Schedule may be made by a successor agency. The successor agency must use the funds specified in the Schedule unless the oversight board approves the use of other funds. There are a number of details associated with preparing and adhering to the Schedules. From October 1, 2011 to July 1, 2012, a successor agency is prohibited from accelerating payment or making any lump sum payments that are intended to prepay loans unless such accelerated repayments were required prior to October 1, 2011.

For each obligation listed on a Recognized Obligation Payment Schedule, the Schedule must identify one or more of the following sources of payment: (A) The Low and Moderate Income Housing Fund; (B) bond proceeds; (C) reserve

balances; (D) the administrative cost allowance⁷; (E) moneys in the Redevelopment Property Tax Trust Fund, but only to the extent no other funding source is available or payment from current property tax revenues is required by an enforceable obligation or AB X1 26; or (F) other sources approved by the oversight board.

Each Schedule must be approved by the oversight board and the initial Schedule must be reviewed and certified by an external auditor.

- Maintain reserves in the amounts required by indentures or similar bond documents.
- Perform obligations required pursuant to enforceable obligations.
- Remit unencumbered balances of agency funds to the county auditor-controller for distribution to taxing entities, including but not limited to the unencumbered balance of the Low and Moderate Income Housing Fund.
- Dispose of agency assets and properties as directed by the oversight board. Proceeds from asset sales and related funds that are no longer needed to wind up the affairs of the agency, as determined by the oversight board, must be transferred to the county auditor-controller for distribution to taxing entities. The oversight board may direct the successor agency to transfer ownership of assets that were constructed and used for a governmental purpose to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset. Any compensation to be provided to the successor agency for the transfer of the asset will be governed by the agreements relating to the construction or use of that asset.

⁷ The administrative cost allowance is an amount that, subject to the approval of the oversight board, is payable from property tax revenues of up to 5% of the property tax allocated to the successor agency for the 2011-12 fiscal year and up to 3% of the property tax allocated to the Redevelopment Obligation Retirement Fund money that is allocated to the successor agency for each fiscal year thereafter. However, the amount shall not be less than \$250,000 for any fiscal year or such lesser amount as agreed to by the successor agency. The allowance amount will exclude any administrative costs that can be paid from bond proceeds or from sources other than property tax.

#19.

- Enforce all agency rights for the benefit of taxing entities, including the continued collection of loans, rents, and other revenues that were due to the agency.
- Effectuate transfer of housing functions and assets to the appropriate entity.
- Expeditiously wind down the affairs of the agency in accordance with the direction of the oversight board.
- Continue to oversee development of properties until the contracted work has been completed or the contractual obligations of the agency can be transferred to other parties. In connection with the completion of contracted work, bond proceeds must be used for the purposes for which the bonds were sold if the purposes can still be achieved, and if not, the bond proceeds may be used to defease the bonds.
- Prepare a proposed administrative budget for approval by the oversight board, which includes estimated amounts for successor agency administrative costs for the upcoming six month fiscal period, proposed sources of payments for such costs, and proposals for arrangements for administrative and operations services provided by the city.
- Provide administrative cost estimates, from its approved administrative budget that are to be paid from property tax revenues deposited in the Redevelopment Property Tax Trust Fund, to the county auditor-controller for each six month fiscal period.

Chapter 4. Oversight Boards

Each successor agency will have an oversight board composed of seven members. Two members are to be selected by the mayor; one of these two members does not need to meet any particular qualifications while the other member will represent the employees of the agency from the recognized employee organization representing the largest number of former agency employees employed by the successor agency at that time. One member is to be selected by the largest non-enterprise special district, by property tax share, with territory in the city (if none, then the county may appoint an additional member to represent the public). One member is to be appointed by the superintendent of education to represent schools. One member is to be appointed by the Chancellor of the California Community Colleges to represent community college

districts. The board of supervisors is to appoint two members, with one member to represent the public. Any positions that have not been filled by January 15, 2012, or which remain vacant for more than 60 days, are to be filled by the Governor.

The oversight board may direct the staff of the successor agency in furtherance of their duties and responsibilities under AB X1 26. The successor agency must pay for all costs of meetings of the oversight board and may include such costs in its administrative budget. Members of the oversight board are to serve without compensation or reimbursement for expenses.

AB X1 26 provides for the DOF to review the actions of oversight boards and actions of the oversight board will not be effective for three business days pending a request for review by the DOF. If the DOF returns an action to the oversight board for reconsideration, the oversight board must get approval of its modified action.

Commencing on July 1, 2016, the individual oversight boards for each dissolved redevelopment agency will be replaced with a single oversight board for each county. The appointment of members will be the same as for the individual boards, except the city and special district members will be appointed by the respective selection committees established pursuant to the Government Code⁸ and the recognized employee organization member will be appointed by the organization instead of the mayor.

The oversight board must approve a number of actions of the successor agency including the following:

- Establishment of new repayment terms for outstanding loans where such terms have not been specified prior to the date of Part 1.85.
- Issuance of refunding bonds.
- The set aside of reserves as required by bond documents.
- Acceptance of federal or state grants or other forms of financial assistance from public or private sources if the assistance is conditioned upon the provision of matching

⁸ A city selection committee consists of the mayors of each incorporated city in the county.

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funds by the successor agency in an amount greater than five percent.

- Establishment of the Recognized Obligation Payment Schedule.
- A request by a successor agency or taxing entity to pledge, or to enter into an agreement for the pledge of, property tax revenues.

The oversight board must direct the successor agency to do certain things, including the following:

- Dispose of all assets and properties of the agency that were funded by tax increment revenues of the agency, except that the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of the asset.
- Cease performance in connection with and terminate all existing agreements that do not qualify as enforceable obligations.
- Transfer housing responsibilities and all rights, powers, duties and obligations, along with any amounts on deposit in the Low and Moderate Income Housing Fund, to the appropriate entity (note, however, that other provisions of AB X1 26 provide for the unencumbered balance of the Low and Moderate Income Housing Fund to be disbursed to taxing entities).
- Terminate any agreement between the dissolved redevelopment agency and any public entity located in the same county that obligates the agency to provide funding for any debt service obligations of the public entity or for the construction or operation of facilities owned or operated by such public entity in any instance where the oversight board has found that early termination would be in the best interests of the taxing entities.
- Determine whether any contracts or other arrangements between the dissolved redevelopment agency and any private parties should be terminated or renegotiated to

reduce liabilities and increase the revenues to the taxing entities, and present proposed termination or amendment agreements to the oversight board for its approval. The oversight board may approve any amendments to or early termination of such agreements where it finds that this would be in the best interests of the taxing entities.

Chapter 5. Duties of County Auditor-Controllers

The county auditor-controller must conduct (or cause to be conducted) a financial audit of each agency subject to Part 1.85 by March 1, 2012. The purpose of the audits is to establish each agency's assets, liabilities, and pass through payment obligations, and the amounts and terms of any indebtedness.

The county auditor-controller must determine the amount of property taxes that would have been allocated to each agency in the absence of dissolution, using current assessed values on the roll last equalized on August 20th and pursuant to statutory formulas or contractual agreements with other taxing agencies, and deposit that amount in the respective Redevelopment Property Tax Trust Fund. Each county auditor-controller is to administer the Redevelopment Property Tax Trust Fund for the benefit of the holders of former agency enforceable obligations and the taxing entities that receive pass through payments and distributions of property taxes pursuant to Part 1.85.

The county auditor-controller must disburse proceeds of asset sales or reserve balances received from successor agencies to the taxing entities.

From October 1, 2011⁹ to July 1, 2012, and for each fiscal year thereafter, each county auditor-controller will, after deducting allowable administrative costs, allocate moneys in the Redevelopment Property Tax Trust Fund as follows:

First, by no later than January 16, 2012¹⁰, and June 1, 2012 and each January 16 and June 1 thereafter, to each local agency and school entity an amount of property tax revenues in an amount equal to that which would have been received pursuant to Health and Safety Code Sections 33401, 33492.140, 33607, 33607.5, 33607.7 or 33676 as those sections read

⁹ Note that this date falls before the March 1, 2012 deadline for the completion of the financial audit of each agency conducted, or caused to be conducted, by the county auditor-controller.

¹⁰ Again, this date falls prior to the deadline for completing financial audits of redevelopment agencies.

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on January 1, 2011, or pursuant to any pass through agreement with a taxing jurisdiction entered into prior to January 1, 1994 that would be in force during that fiscal year if the agency existed at that time. The portion of tax increment that is attributable to an override tax rate levied to repay bonds for the acquisition or improvement of real property will be paid to the taxing entity that levied the override tax.¹¹

Second, on January 16, 2012, and June 1, 2012, and each January 16 and June 1 thereafter, to each successor agency for payments listed in its Recognized Obligation Payment Schedule for the six month fiscal period beginning January 1, 2012, or July 1, 2012, and each January 16 and June 1 thereafter in the following order of priority:

- debt service payments scheduled to be made for tax allocation bonds;
- payments scheduled to be made on revenue bonds, but only to the extent the revenues pledged for them are insufficient to make the payments and only where the agency's tax increment were also pledged for the repayment of the bonds; and
- payments scheduled for other debts and obligations listed in the Recognized Obligation Payment Schedule that are required to be paid from former tax increment revenue.

Third, on January 16, 2012, and June 1, 2012, and each January 16 and June 1 thereafter, to each successor agency for the administrative cost allowance for administrative costs set forth in an approved administrative budget for those payments required to be paid from former tax increment revenues.

Fourth, on January 16, 2012, and June 1, 2012, and each January 16 and June 1 thereafter, any moneys remaining in the Redevelopment Property Tax Trust Fund after the payments and transfers authorized above have been made, shall be distributed to local agencies and school entities.

If the successor agency reports, no later than December 1, 2011 and May 1, 2012 and each December 1 and May 1 thereafter, to the county

¹¹ In some instances, tax increment revenues derived from an override tax have been pledged to the repayment of bonds. ABX1 26 contains a provision stating that it is the intent of Part 1.85 that pledges of revenues associated with enforceable obligations of former redevelopment agencies are to be honored and that the cessation of any agency will not affect either the pledge, the legal existence of that pledge, or the stream of revenues available to meet the requirements of that pledge.

auditor-controller that the total amount available to the successor agency from (i) the Redevelopment Property Tax Trust Fund allocation to that successor agency's Redevelopment Obligation Retirement Fund, (ii) other funds transferred from each redevelopment agency, and (iii) funds that have or will become available through asset sales and all redevelopment operations are insufficient to fund the payments required by the First through Third paragraphs on page 15 in the next six month fiscal period, the county auditor-controller will notify the State Controller and the DOF no later than 10 days from the date of that notification. The county auditor-controller will verify whether the successor agency will have sufficient funds. If the State Controller concurs that there are insufficient funds, the amount of the deficiency will be deducted from the amount remaining to be distributed to the taxing entities pursuant to the Fourth paragraph. If that amount is exhausted, the amount of deficiency will be deducted from amounts available for administrative costs pursuant to the Third paragraph. If the agency's pass through payments were subordinated to debt service payments, funds for debt service may be deducted from the amounts for pass through payments pursuant to the First paragraph to the extent that the amounts remaining to be distributed to taxing entities and the amounts for administrative costs have all been exhausted.

The county treasurer may loan any funds from the county treasury that are necessary to ensure prompt payments of redevelopment agency debts.

Commencing on January 16, 2012, and on each January 16 and June 1 thereafter, the county auditor-controller will transfer, from the Redevelopment Obligation Retirement Fund of that agency, an amount of property tax revenues equal to that specified in the Recognized Obligation Payment Schedule for that successor agency as payable from the Redevelopment Property Tax Trust Fund, subject to the limitations set forth in AB X1 26. Differences between actual payments and past estimated obligations on Recognized Obligation Payment Schedules must be reported in subsequent Recognized Obligation Payment Schedules and the amount to be transferred to the Redevelopment Obligation Retirement Fund will be adjusted.

Commencing January 1, 2012, whenever an obligation on a Recognized Obligation Payment Schedule is paid off or retired, either through early payment or payment at maturity, the county auditor-controller must distribute to the taxing entities all property tax revenues that the agency would have been entitled to receive before enactment of AB X1 26. This provision is unclear, but may mean that once an obligation is paid off, the amount of property tax revenues that were used to pay debt service on

the defeased obligation will subsequently be distributed to taxing entities.¹²

Chapter 6. Effect of Part 1.85 on the Redevelopment Law

Chapter 6 provides that commencing on the effective date of Part 1.85, provisions of the Redevelopment Law that depend on the allocation of tax increment to redevelopment agencies will be inoperative, except with respect to agencies operating pursuant to Part 1.9 (i.e., the Alternative Voluntary Redevelopment Program).

Chapter 7. Stabilization of Labor and Employment Relations

Chapter 7 provides that nothing in AB X1 26 is intended to relieve any redevelopment agency of its obligations under Section 3500 et seq. of the Government Code (which relate to local public employee organizations). Subject to the limitations described above on page 4 with respect to salaries, benefits, bonuses and numbers of staff, prior to its dissolution, an agency will retain the authority to meet and confer and to bargain over matters within the scope of representation. Chapter 7 imposes various obligations on successor agencies with respect to collective bargaining agreements and successor agencies will be deemed to have assumed the obligations under any memorandum of understanding in effect between the agency and a recognized employee organization as of the date of the agency's dissolution.

¹² In such case, this would create a problem with respect to subordinate obligations that are payable from excess tax increment revenues that remain after paying debt service on senior obligations. See footnote no. 10 regarding the intent of AB X1 26 that pledges associated with enforceable obligations be honored.

Chapter 8. Application of Part 1.85 to Former Participants of the Alternative Voluntary Redevelopment Program

As discussed below, AB X1 27 adds Part 1.9 to the Redevelopment Law, which provides that the provisions of Part 1.8 and 1.85 will not apply to a redevelopment agency if the city participates in the Alternative Voluntary Redevelopment Program. Chapter 8 provides that if a redevelopment agency subsequently becomes subject to the provisions of Part 1.85, the dates and deadlines set forth in Part 1.8 will be appropriately modified to reflect the date that the agency becomes subject to the provisions of Part 1.85.

Miscellaneous Provisions

Clean Up Bill. A clean up bill must be produced by the California Law Revision Commission for consideration by the Legislature no later than January 1, 2013.

Statute of Limitations. The time period to challenge the adoption or amendment of a redevelopment plan or the validity of findings or determinations by an agency or city council adopted or made after January 1, 2011 is extended to two years. An action that is commenced after January 1, 2011 to challenge the validity of bonds can be brought within two years after the date of the triggering event.

Poison Pill. If a legal challenge to invalidate any provision of AB X1 26 is successful, redevelopment agencies shall be prohibited from issuing new bonds, notes, interim certificates, debentures or other obligations, whether funded or refunded, assumed or otherwise.

AB X1 27

Part 1.9: Alternative Voluntary Redevelopment Program

AB X1 27 provides for the continued existence of a redevelopment agency upon the adoption of an ordinance by the city to comply with AB X1 27.

Chapter 1. Application of Part 1.9

An agency will be exempt from the provisions of Parts 1.8 and 1.85 if the city participates in the Alternative Voluntary Redevelopment Program

established by Part 1.9 and complies with all the requirements and obligations set forth in Part 1.9.

Chapter 2. Continued Agency Existence

Participation in the Alternative Voluntary Redevelopment Program will require a city to adopt an ordinance on or before November 1, 2011. If the city intends to adopt the ordinance after October 1, 2011, it must adopt a nonbinding resolution of intent prior to October 1, 2011 and notify the DOF, the State Controller, and the county auditor-controller before October 1, 2011 concerning the resolution. This action will delay the dissolution of an agency until November 1, 2011.

On or before November 1, 2011, a city that has adopted an ordinance must notify the county auditor-controller, the State Controller and the DOF that the city agrees to comply with the provisions of Part 1.9.

Participation in the Alternative Voluntary Redevelopment Program constitutes an agreement by the city that it assigns its rights to any payments owed from the agency, including but not limited to, payments from loan agreements, to the State in the event the city fails to make a remittance required pursuant to Part 1.9.

If the city has adopted an ordinance pursuant to the Alternative Voluntary Redevelopment Program, the actions of the agency taken after the date of adoption of the ordinance will not be subject to the new two year statute of limitations provided for by AB X1 26.

Chapter 3: Community Remittances

For each fiscal year, commencing with fiscal year 2011-12, the city must remit to the county auditor-controller the amounts required pursuant to Part 1.9.

For fiscal year 2011-12, the DOF will determine the amount of the remittance. The calculation is similar to the SERAF calculation for 2009-10 (using information from the State Controller's 2008-09 report and determining each agency's proportionate share of \$1.7 billion). The DOF will notify each city of its remittance amount on or before August 1, 2011. After receiving this notification, a city may appeal the amount of its remittance to the DOF on or before August 15, 2011, on the basis that the information in the State Controller's report was in error or that the percentage of tax increment necessary to pay for tax allocation bonds and interest payments has increased by 10 percent or more over the percentage calculated pursuant to the Controller's 2008-09 report. The

DOF may reject or approve the appeal at the DOF's discretion. The DOF must notify the city of its decision by September 15, 2011. The DOF can extend the date to October 15, 2011, in which case the city will have until December 1, 2011, to adopt an ordinance. The DOF must recalculate the remittance amount if it determines that the percentage of tax increment necessary to pay for tax allocation bonds or interest payments has increased by 10 percent or more.

For the 2012-13 fiscal year and subsequent fiscal years, a participating city must remit an amount equal to the sum of the amounts specified in paragraphs 1 and 2 below.

1. A base payment equal to the base payment in the prior fiscal year, increased by the percentage growth or decreased by the percentage reduction, as appropriate, from the prior fiscal year in the total "adjusted amount of property tax increment revenue" allocated to the agency with respect to project areas that were in existence, and from which the agency received allocations of tax increment revenue during the 2011-12 fiscal year.

For fiscal year 2012-13, the base payment in the prior fiscal year will be the remittance amount for the fiscal year 2011-12 multiplied by the ratio of \$400 million to \$1.7 billion.

The "adjusted amount of property tax increment revenue" means an amount of property tax increment in any fiscal year for a project area that is calculated by subtracting the amount of any debt service or other payments for new debt issuances or obligations from the total amount of property tax increment revenue allocated in that year to the agency with respect to that project area.

2. An amount equivalent to 80%, or any lesser amount as may be authorized by law for qualifying projects¹³, of the total "net school share", of debt service or other payments made in that fiscal year for new debt or obligations issued or incurred on or

¹³ AB X1 27 provides that it is the intent of the Legislature to enact legislation in the 2011-12 session to prescribe a schedule of reductions in the community remittance that will authorize payments of less than 80% of the school share of property taxes to the ERAF. The reductions will apply for bonds issued for the purpose of funding projects that advance the achievement of statewide goals with respect to transportation, housing, economic development and job creation, environmental protections and remediation and climate change.

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after November 1, 2011, as shown on the agency's statement of indebtedness (SOI), excluding any debts issued or incurred on behalf of the Low and Moderate Income Housing Fund. "New debt" means debt that is displayed on a SOI filed after a SOI filed on October 1, 2011, that was not displayed on the SOI filed on October 1, 2011.

The "net school share" will be the school share of the property tax increment revenues, less any pass through payments to school entities, that would have been received in the absence of redevelopment by school entities.

On or before November 1 of each year, the city must notify the DOF, the State Controller and the county auditor-controller of the remittance amount, and they will each be authorized to audit and verify the remittance amount that is determined by the city. If it determined that the city has miscalculated its remittance payment amount, the auditor-controller will adjust the amount of the next remittance payment to be paid by the city to reflect the correct amount payment previously owed by the city.

The city must pay one-half of the total remittance amount on or before January 15 of each year and pay the remaining one-half on or before May 15 of each year. If the city fails to make its remittance payment, the auditor-controller will notify the DOF within 30 days. Upon receipt of the notification, the DOF may then determine that the agency will be subject to the requirements of Parts 1.8 and 1.85.

To make the remittances, a city may use any available funds not otherwise obligated for other uses. A city may enter into an agreement with the agency whereby the agency will transfer a portion of its tax increment to the city in an amount not to exceed the annual remittance required that year for the purpose of financing activities within the project area that are related to accomplishing the agency project goals.

For fiscal year 2011-12 only, the agency in a participating city will be exempt from making the full allocation required to be made to the Low and Moderate Income Housing Fund if the agency makes a finding that there are insufficient other moneys to meet its debt and other obligations, current priority program needs, or its obligations under the agreement with the city to transfer tax increment to the city for the remittances.

Chapter 3.5. Post Dissolution Voluntary Redevelopment Program Participation

No city may establish a new redevelopment agency if its former agency has been dissolved pursuant to Part 1.85 until the successor entity has retired all existing enforceable obligations and debts of the former agency and then only after the city adopts the ordinance providing for the payment of remittances pursuant to the Alternative Voluntary Redevelopment Program.

Chapter 4. Enforcement and Sanctions

In the event a city fails to make a remittance and the DOF determines that the agency is to be subject to the requirements of Parts 1.8 and 1.85, then:

The city will no longer be authorized to engage in voluntary redevelopment and the agency will become immediately subject to the provisions of Parts 1.8 and 1.85.

The state will be entitled to an assignment of any rights of a city to any payments from the agency to which the city is entitled for the purpose of mitigating the fiscal impact to the State related to the failure of the city to make the required remittance payment.

Chapter 5. Auditor-Controller Fee

The auditor-controller may charge a city a fee that does not exceed the reasonable costs of the auditor-controller to implement the provisions of Part 1.9.

Poison Pill.

If any legal challenge to invalidate a provision of Section 2 of AB X1 27 (i.e., the provisions of the Alternative Voluntary Redevelopment Program) is successful, redevelopment agencies will be prohibited from issuing new obligations, including bonds and notes. AB X1 27 provides that the provisions of Section 2 are distinct and severable from the provisions of Parts 1.8 and 1.85 and the provisions of Parts 1.8 and 1.85 will continue in effect if any provision of AB X1 27 is held invalid.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COMPTON TO COMPLY WITH PART 1.9 OF DIVISION 24 OF THE
CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN
ACTIONS IN CONNECTION THEREWITH**

RECITALS

A. The Community Redevelopment Agency (the “Agency”) is a redevelopment agency in the City of Compton (the “City”), created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the “Redevelopment Law”).

B. AB X1 26 was signed by the Governor of California on June, 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) to Division 24 of the California Health and Safety Code. Commencing upon the effectiveness of AB X1 26, AB X1 26 suspends most redevelopment agency activities and, among other things, prohibits redevelopment agencies from incurring indebtedness or entering into or modifying contracts. Effective October 1, 2011, AB X1 26 dissolves all existing redevelopment agencies and redevelopment agency components of community development agencies, designates successor agencies to the former redevelopment agencies, and imposes numerous requirements on the successor agencies and subjects successor agency actions to the review of oversight boards established pursuant to the provisions of Part 1.85.

C. AB X1 27 was signed by the Governor of California on June 29, 2011, adding Part 1.9 (commencing with Section 34192) to Division 24 of the California Health and Safety Code. Part 1.9 establishes an Alternative Voluntary Redevelopment Program whereby, notwithstanding the provisions of Part 1.8 and Part 1.85, a redevelopment agency will be authorized to continue to exist and carry out the provisions of the Redevelopment Law upon the enactment, prior to the applicable deadline established in Part 1.9, by the city council of the city which includes that redevelopment agency (the “participating city”) of an ordinance to comply with Part 1.9.

D. Part 1.9 requires a participating city to make specified annual remittances to the applicable county auditor-controller, who shall allocate the remittances for deposit into a Special District Allocation Fund, for allocation to specified special districts, and into the county Educational Revenue Augmentation Fund, for allocation to educational entities.

E. To participate in the Alternative Voluntary Redevelopment Program, in addition to adopting the ordinance described in Recital D, above, the participating city must, by November 1, 2011, notify the applicable county auditor-controller, the State Controller, and the State of California Department of Finance (the “Department of Finance”) that the participating city agrees to comply with the provisions of Part 1.9. The participating city’s agreement to make the remittances provided for under Part 1.9 is a precondition to continue redevelopment pursuant to Part 1.9.

F. Part 1.9 provides that for fiscal year 2011-12, a participating city shall remit to the applicable county auditor-controller an amount equal to the amount determined by the State of California Director of Finance (the “Director of Finance”) for the redevelopment agency pursuant to a formula set forth in Part 1.9, which formula utilizes information contained in the State Controller’s redevelopment agency 2008-09 annual report. The amount represents the redevelopment agency’s proportionate share of the sum of \$1,700,000,000. The initial amount determined by the Director of Finance is subject to recalculation and reduction in the event the participating city timely files an appeal in accordance with Health and Safety Code Section 34194(b)(2)(L).

G. For fiscal year 2012-13 and each fiscal year thereafter, a participating city's remittance amount shall equal the amount determined pursuant to calculations performed by the participating city in accordance with the requirements of Part 1.9, subject to adjustment based on audit and verification by the Director of Finance, the State Controller and the applicable county auditor-controller. On or before November 1st of each year, commencing November 1, 2012, a participating city shall notify the Department of Finance, the State Controller, and the applicable county auditor-controller of the remittance amount calculated by the participating city.

H. Pursuant to the provisions of Part 1.9, a participating city shall pay one-half of the total remittance amount for a fiscal year on or before January 15 of that year and shall pay the remaining one-half of the remittance amount on or before May 15 of that year.

I. A participating city making remittances pursuant to Part 1.9 may use any available funds not otherwise obligated for other uses.

J. A participating city and the redevelopment agency in that participating city may enter into an agreement pursuant to Part 1.9 whereby the agency will transfer a portion of its tax increment to the participating city in an amount not to exceed the annual remittance required that year pursuant to Part 1.9.

K. Pursuant to the provisions of Part 1.9, if a participating city fails to make a remittance payment, as calculated in accordance with the applicable provisions of Part 1.9 and according to the schedule set forth in Recital I, above, the applicable county auditor-controller shall notify the Director of Finance of the failure to make the payment within 30 days. Upon receipt of the notification, the Director of Finance may determine that the redevelopment agency in the participating city shall be subject to the requirements of Part 1.8 and Part 1.85.

L. The City has estimated that its 2011-12 remittance amount under Part 1.9 is \$4,000,000.00. The City intends to appeal the amount of remittance to the Director of Finance on or before August 15, 2011.

M. The City desires to participate in the Alternative Voluntary Redevelopment Program so that the Agency may continue to exist and carry out the provisions of the Redevelopment Law.

N. The City has, or will have, available funds not otherwise obligated for other uses with which to make the fiscal year 2011-12 remittance in an amount not to exceed \$6,000,000.00 or such lesser amount recalculated by the Director of Finance payable one-half by January 15, 2012, with the remaining one-half payable by May 15, 2012.

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

Section 1. The above recitals are true and correct and are a substantive part of this Ordinance.

Section 2. This Ordinance is adopted as required by Health and Safety Code Section 34193.

Section 3. So that the Agency may continue to exist and carry out the provisions of the Redevelopment Law notwithstanding the provisions of Part 1.8 and Part 1.85, the City Council hereby determines and declares that it shall comply with the requirements and obligations contained in Part 1.9, as Part 1.9 exists on the date of adoption of this Ordinance. In adopting this Ordinance or agreeing to comply with the provisions of Part 1.9, the City does not intend to incur an indebtedness or liability within the meaning of any constitutional or statutory debt limitation or restriction.

ORDINANCE NO. _____

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Section 4. Performance of actions under or pursuant to this Ordinance, including the making of payments by the City to the Los Angeles County Auditor-Controller (the “Auditor-Controller”), is made under protest. Neither the adoption of this Ordinance nor the performance of actions under or pursuant to this Ordinance is intended by the City or Agency to waive any right either may have to challenge the legality of all or any portion of AB X1 26 or AB X1 27 through administrative or judicial proceedings, or to appeal the City’s fiscal year 2011-12 remittance amount pursuant to Health and Safety Code Section 34194(b)(2)(L), or to otherwise contest the remittance amount for any year. Any payments hereunder are intended to be made without prejudice to the City’s right to seek to recover reimbursement of such payments, plus interest, should the requirement of making such payments be stayed, enjoined, repealed, or held unconstitutional or unenforceable by any court of competent jurisdiction. This Ordinance shall be null and void and of no further force and effect in the event that AB X1 26 or AB X1 27 is repealed, or held unconstitutional or unenforceable by any court of competent jurisdiction.

Section 5. The City Manager, or the City Manager’s designee, is hereby authorized and directed to notify the Auditor-Controller, the State Controller, and the Department of Finance, on or before November 1, 2011 that the City agrees to comply with the provisions of Part 1.9, as Part 1.9 exists on the date of adoption of this Ordinance, with such notification to be accompanied by a certified copy of this Ordinance.

Section 6. This Ordinance has been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the “Guidelines”), and the City’s environmental guidelines. The City has determined that this Ordinance is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378. Specifically, this Ordinance constitutes the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. (Guidelines Section 15378(b)(4)). In addition, this Ordinance is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b)(5)). Therefore, because it is not a “project,” this Ordinance is not subject to CEQA’s requirements. Further, even if this Ordinance were deemed a “project” and therefore subject to CEQA, the Ordinance would be covered by the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. (Guidelines Section 15061 (b)(3)). As an organizational or administrative activity or the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, this Ordinance does not have the potential to cause a significant effect on the environment and is therefore exempt under this general rule. Further, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and thus this Ordinance is not subject to CEQA. (Guidelines Section 15061(b)(3)).

Section 7. The City Clerk shall certify to the passage of this Ordinance and is hereby directed to publish or post this Ordinance, or a summary of this Ordinance, in accordance with law.

Section 8. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

Section 9. The City Clerk is hereby directed to file a Notice of Exemption with the County Clerk pursuant to Section 15062 of the Guidelines within five days of the adoption of this Ordinance.

Section 10. The officers and staff of the City are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Ordinance and any such actions previously taken by such officers are hereby ratified and confirmed.

Section 11. If any part of this Ordinance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid or unconstitutional portion thereof had been deleted.

Section 12. This Ordinance shall take effect 30 days from adoption.

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, signed by the Mayor and attested by the City Clerk at a regular/special 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

<u>Project Name</u>	<u>Location</u>	<u>Description</u>	<u>Funding Source</u>	<u>Status</u>
Martin Luther King Center	100 North Willowbrook Avenue	10,000 Square Feet Regional Transit Mgt. Center and Plaza	Agency's 2010 Tax Allocation Bond funds	Completion in August 2011
Senior Activity Center	100 North Willowbrook Avenue	30,000 Square Feet	Agency's 2010 Tax Allocation Bond funds	Construction begin November 2011
Parking Structure	100 North Willowbrook Avenue	2-Level - 330 parking Space structure adjacent to the MLK Transit Center	Agency's 2010 Tax Allocation Bond funds	Construction to begin in Spring 2012
LINC Housing	Alondra and Frailey Avenue	84 Affordable Senior Housing Development	HOME Funded and Low Cost Housing Funds	Grand Opening in August 2011
Champion Development	500-45,601,607,625 East Compton Blvd.	50,000 square feet Commercial Retail Center – restaurant, shops, office and pharmacy	Agency's 2010 Tax Allocation Bond funds	Awaiting City Council Ordinance to begin Development
Trademark Development	1400-1436 West Compton Blvd.	18/24 Townhomes: 3 to 4 bedroom units	Agency's 2010 Tax Allocation Bond funds	Awaiting City Council Ordinance to begin Development
Maxi Foods	1051 W. Rosecrans Avenue	25,000 Square Feet Full Service grocery store	Agency's 2010 Tax Allocation Bond funds	Awaiting City Council Ordinance to begin Development
Walbern Development	2000-2024 West Compton Blvd.	40,000 Square Feet Commercial Retail, Bank, Restaurant or Pharmacy	Agency's 2010 Tax Allocation Bond funds and Agency Owned Vacant Land	Awaiting City Council Ordinance to begin Development
Yavitz Companies	305/315 North Long Beach Blvd. and 413-415 West Compton Blvd.	50,000 Square Feet of Commercial, Retail, coffee shop, drug store, quick serve, soft goods stores	Agency's 2010 Tax Allocation Bond funds and Tax Increment Revenue	Awaiting City Council Ordinance to begin Development
Westland Real Estate	Long Beach Blvd. and Compton Blvd. (Northeast Corner)	95,000 square feet Commercial Retail, Pharmacy, Grocery Store, Bank, soft goods store and quick	Agency's 2010 Tax Allocation Bond funds and Tax Increment Revenue	Awaiting City Council Ordinance to begin Development

#19.

		serve		
Stratus Development	16208-16216 South Atlantic Avenue	16/20 Townhomes: 3 to 4 bedroom units	Agency's 2010 Tax Allocation Bond funds	Awaiting City Council Ordinance to begin Development
Meta Housing	Tamarind Ave and Carson Place	75-unit Affordable Senior Housing development	Agency's 2010 Tax Allocation Bond funds	Awaiting City Council Ordinance to begin Development
Project #1	1950 North Central Avenue	20 to 30 Single Family Homes	Agency's 2010 Tax Allocation Bond Funds	Agency negotiating with developer
Project #2	930 West Compton Boulevard	20 to 30 Single Family Homes	Agency's 2010 Tax Allocation Bond Funds	Agency negotiating with developer
Project #3	950 West Alondra Boulevard	28 Unfinished Townhomes	Agency's 2010 Tax Allocation Bond Funds	Agency negotiating with developer
Project #4	1117 South Long Beach Boulevard	10,000 Square Feet Retail Development	Agency owned Property	Agency negotiating with developer
Project #5	Alondra Boulevard and Atlantic Avenue (North East and South East Corner)	30,000 to 40,000 square feet Commercial Retail Development	Vacant/Abandoned Lots and retail properties	Agency negotiating with developer
Project #6	2801 Alondra Boulevard	18 acre Regional Park	Agency owned vacant land	Agency negotiating with developer

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Community Redevelopment

RESOLUTION TITLE: ADOPTION OF AN URGENCY ORDINANCE IN COMPLIANCE WITH ASSEMBLY BILL 27 (AB1 X 27) FOR THE VOLUNTARY CONTINUATION OF THE COMMUNITY REDEVELOPMENT AGENCY

<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 26, 2011

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON UPHOLDING THE DECISION BY THE PLANNING COMMISSION AND TO DENY THE APPEAL FOR CONDITIONAL USE PERMIT CASE NO. 2690 IN ACCORDANCE WITH THE PLANNING COMMISSION'S ATTACHED RESOLUTION

SUMMARY

Staff would like for the City Council to uphold the Planning Commission decision and to deny the appeal for Conditional Use Permit No. 2690 in accordance with the Planning Commission's attached resolution.

BACKGROUND

On March 9 and April 27, 2011, the Planning Commission conducted a public hearing to consider the applicant's request. After concluding the hearing, the Planning Commission denied Conditional Use Permit Case No. 2690. The applicant has appealed denial of the request to the City Council. All appeals must be conducted during an advertised public hearing. This date and time was duly noticed.

The subject site is located on the southwest corner of Rosecrans Avenue and Culver Avenue. The site is a rectangular shaped parcel of land approximately 12,000 square feet in size (.28 acres). The property is developed with a 2,220 square foot, 1-story convenience store and a separate 1,056 square foot, freestanding building previously used as a Fish Fry take-out restaurant. The subject site is located in Council District One (1) and in Census Tract 5426.02.

City records indicate that there has been a liquor store/market at the subject site since at least the early 1970's. The City has considered the sale of alcohol at this site a legal non-conforming use since there is no record of a Conditional Use Permit being approved, as now required by Code. Legal non-conforming uses can remain unless the use is discontinued for more than 6 months, then the property/use must come into conformity with current code requirements. The store closed its doors in late 2009 and has been without a business license since August of 2009. The business has since changed ownership in the fall of 2010 and the new owner wants to reopen the convenience store with accessory sales of alcohol, (a type 21 license) in conformance with all applicable State and City regulations. According to the Department of Alcoholic Beverage Control (ABC), a type 21 (Off site Sale General) license authorizes a "package store" to sell beer, wine and distilled spirits for consumption off the premise where sold. Although the previous

owner closed the business down for several months and did not maintain a current business their alcohol license remained active and therefore the new owner was able to simply transfer over the alcohol license through the Department of Alcoholic Beverage Control. However, the City of Compton is requiring that the new owner apply for a conditional use permit as required by current Code, Section 30.13-2(b).

According to the applicant, the convenience store will operate everyday from 7 am to 8 pm. Items to be sold at the store include hard liquor, beer & wine, beverages, groceries, water, general merchandise and lotto. The applicant proposes to utilize approximately 36 square feet of refrigerator area for beer & wine and approximately 88 square feet of shelf area for hard liquor sales.

STATEMENT OF THE ISSUES

The City of Compton, on June 20, 1989, adopted by resolution an Alcoholic Beverage Sales Policy. At the time of its adoption, the Compton City Council wanted to discourage the abuse of alcohol, and alcohol-related criminal activities, traffic incidents and health problems. According to the guidelines, the City expected that businesses requesting permits for off-site alcohol sales would do so as a part of a marketing plan which fulfills a variety of consumer needs. Further, the City's goal was to reduce the number of alcohol sales outlets for both on-site and off-site consumption by setting guidelines related to the over-concentration of similar uses, proximity to sensitive uses, neighborhood crime statistics and conformance with required physical development standards of the proposed site.

1. The City's policy requires a minimum 1,000 foot separation from similar businesses. Jerry's Liquor Store and Nueva Italia Bar are located approximately 700-750' to the west of the site. ABC reported that the census tract would be allowed a maximum of two (2) alcohol licenses are recommended in Census Tract 5426.02 and three (3) currently exist, which includes the subject site. There are several other alcohol related businesses located just outside of the 1,000 foot of the site.
2. The City's policy also states that "bars, liquor stores and convenience stores should be located at least 1,000 feet from "sensitive" uses such as schools, churches and some medical facilities". Rosecrans Elementary School is located approximately 450' northwest of the site. Curry Temple is located approximately 500' to the west of the site. Lastly, Dollarhide Health Center is located approximately 900' northwest of the site.
3. According to statistics provided by the Department of Alcoholic Beverage Control (ABC), the subject site is located in a high crime reporting area. The average number of offenses per district is 151.74 and the number of offenses for this district is 203. The Sheriff's Department have reviewed the proposal and make no recommendation either for or against the proposal.
4. The City's policy stipulates that the alcohol related business should comply with all development standards (i.e. parking, accessibility, landscaping, etc.). The subject site complies with the minimum lot size and has direct access/frontage along a major commercial thoroughfare. However the site does not comply with current development standards as it relates to on-site parking, landscaping, outdoor lighting and building setbacks.

The Planning Commission conducted its public hearing and received testimony from the applicant and members of the public speaking for (1) and against (4) the project. Upon conclusion of the public

hearing, the Planning Commission voted to deny Conditional Use Permit Case No. 2690 based on the following findings:

- A. That the project as proposed does not comply with the Zoning Ordinance in that the site does not comply with required building setbacks, parking, landscaping and outdoor lighting requirements.
- B. That the sale of alcohol, off-sale general (type 21) license, an accessory use to a convenience store has the potential to be disadvantageous in the long term in that the site does not comply with the guidelines set forth in the City's Alcoholic Beverage Sales Policy and therefore undermines the intent of the policy.
- C. That the sale of alcohol, off-sale general (type 21) license, an accessory use to a convenience store has the potential to be detrimental to the public welfare or surrounding area, given the subject site's proximity to other alcohol related businesses and sensitive uses (I.e. schools, churches, medical facilities).
- D. That the sale of alcohol, off-sale general (type 21) license, an accessory use to a convenience store has the potential to be detrimental to the public welfare or surrounding area in that Census Tract 5426.02 is over saturated with businesses with alcohol licenses, a maximum of two alcohol licenses are permitted in Census Tract 5426.02 and three alcohol licenses currently exist.

That the former liquor store has lost its legal nonconforming status to operate as a liquor store according to Business and Professions Code section 23790, since it has ceased continuous operations for more than 30 days.

FISCAL IMPACT

Upholding the Planning Commission's decision will not have an impact on the City's budget.

RECOMMENDATIONS

Staff recommends that City Council uphold the decision of the Planning Commission of denying CUP 2069.

**DEREK HULL, DIRECTOR
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

**WILLIE NORFLEET
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON UPHOLDING THE DECISION BY THE PLANNING COMMISSION AND TO DENY THE APPEAL FOR CONDITIONAL USE PERMIT CASE NO. 2690 IN ACCORDANCE WITH THE PLANNING COMMISSION’S ATTACHED RESOLUTION

WHEREAS, the Planning Commission conducted a public hearing on April 27, 2011, to consider the applicant’s request for CUP NO. 2690 to establish a Type 21 License; and

WHEREAS, a Type 21 License would permit the sale of alcohol off site but no onsite consumption; and

WHEREAS, City records indicate that the business operated as a liquor store/market at the subject site since at least the early 1970’s but no evidence of a Conditional Use Permit was ever issued; and

WHEREAS, the use was considered a legal non-conforming use and according to the State’s Business & Professions Code Section 23790, such use is permitted as long as the business demonstrates continuously operation despite an interruption of up to 30 days for repairs or for an interruption for an unspecified amount of time for restoration made necessary by an “Act of God” or “Toxic accident”; and

WHEREAS, the City’s Code Enforcement Division reported that the business appeared to be closed on February 9, 2010 during a routine inspection and that according to the State’s Business & Professions Code Section 23790 such business would lose its legal non-conforming status on or about March 9, 2010; and

WHEREAS, the business has remained closed since Code Enforcement Division’s inspection and is therefore considered to have lost its legal non-conforming status; and

WHEREAS, the real property transfer did not occur until September 23, 2010, to the current owner; and

WHEREAS, the business is now required to comply with the current development standards, including parking, setback, and landscaping requirements as outlined in the City’s Alcohol Beverage Sales Policy; and

WHEREAS, the State’s ABC Department requires a maximum of two operating license per census tract and this census tract, 5426.02, has two existing operating licenses for Jerry’s Liquor Store and Nueva Italia Bar;

WHEREAS, by approving CUP NO. 2690, the City would be adding a third Type 21 License to census tract 5426.02, which would be inconsistent with the ABC provision; and

WHEREAS, the City’s Alcohol Beverage Sales Policy requires a minimum of 1,000 foot separation from similar businesses and Jerry’s Liquor Store and Nueva Italia Bar are located approximately 700-750’ respectively to the west of the site; and

WHEREAS, the City’s Alcohol Beverage Sales Policy also requires a minimum of 1,000 foot separation from “sensitive” uses such as schools, churches and some medical facilities and the propose site is approximately 450’ from Rosecrans Elementary School and 500’ from Curry Temple; and

WHEREAS, as outlined in Resolution No. 3901, adopted May 11, 2011, the Planning Commission, after due notice and hearing as provided by law, denied an application to the sell alcohol/liquor for off-site consumption as an accessory use to a currently closed convenience store at 200 West Rosecrans Avenue, Compton; and

WHEREAS, an appeal therefore has been taken to the City Council, and after due notice, said City Council held and concluded a public hearing thereon on July 26, 2011; and

WHEREAS, the City Council has reviewed oral and documentary evidence, is fully advised of the premises at issue, and the matter that has been submitted for decision.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON DOES HEREBY RESOLVES:

Section 1. That the findings of the Planning Commission in its Resolution No. 3901 shall be adopted, that the action of the Planning Commission in said Resolution No. 3901 is hereby upheld, and that the appeal relative to the application to sell alcohol/liquor for off-site consumption as an accessory use shall be denied subject to findings found in Planning Commission Resolution No. 3901.

Section 2. That a copy of this Resolution shall be mailed to the applicant/ appellant.

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 3

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-
ABSTAIN:	COUNCIL MEMBERS -

CITY CLERK OF THE CITY OF COMPTON

**RESOLUTION NO. 3901
(CONDITIONAL USE PERMIT CASE NO. 2690)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COMPTON
DENYING A REQUEST FOR A CONDITIONAL USE PERMIT**

WHEREAS, Vincent Soo Chang has made application for a conditional use permit in accordance with Sections 30-26 of the Compton Municipal Code for the use of certain real property situated in the City of Compton, legally described as follows:

LOT 1 AND 2 OF BLOCK B OF MANN & FITCH'S COMPTON VILLA TRACT, IN THE CITY OF COMPTON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8 PAGE 13 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

located at **200-204 W. Rosecrans Avenue**, Compton, California; and

WHEREAS, a public hearing upon said request for the conditional use permit was held before the Planning Commission on **March 9 and April 27, 2011**; and

WHEREAS, evidence was heard from all persons interested in effecting said conditional use permit and all persons protesting same, and the Planning Commission being fully informed,

FINDS

- A. That the project as proposed does not comply with the Zoning Ordinance in that the site does not comply with required building setbacks, parking, landscaping and outdoor lighting requirements.
- B. That the sale of alcohol, off-sale general (type 21) license, an accessory use to a convenience store has the potential to be disadvantageous in the long term in that the site does not comply with the guidelines set forth in the City's Alcoholic Beverage Sales Policy and therefore undermines the intent of the policy.
- C. That the sale of alcohol, off-sale general (type 21) license, an accessory use to a convenience store has the potential to be detrimental to the public welfare or surrounding area, given the subject site's proximity to other alcohol related businesses and sensitive uses (i.e. schools, churches, medical facilities).
- D. That the sale of alcohol, off-sale general (type 21) license, an accessory use to a convenience store has the potential to be detrimental to the public welfare or surrounding area in that Census Tract 5426.02 is over saturated with businesses with alcohol licenses, a maximum of two alcohol licenses are permitted in Census Tract 5426.02 and three alcohol licenses currently exist.
- E. That the former liquor store has lost its legal nonconforming status to operate as a liquor store according to Business and Professions Code section 23790, since it has ceased continuous operations for more than 30 days.

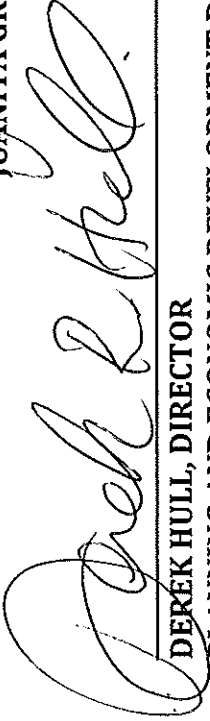
**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COMPTON
RESOLVES:**

1. That the request for a conditional use permit to **sell alcohol, a type 21 alcohol license (off-site general), as an accessory use to a convenience store (7-10 II Liquor & Market) is denied.**
2. That a copy of this Resolution shall be mailed to the applicant and filed with the City Clerk.

ADOPTED this 11th day of May, 2011.



JUANITA GREEN-WRIGHT, CHAIRMAN



DEREK HULL, DIRECTOR
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



Planning & Economic Development Department Planning Division

205 S. Willowbrook Ave., Compton, CA 90220 (310) 605-5532 Fax: (310) 761-1488
www.comptonciv.org

PLANNING DEPARTMENT STAFF REPORT ADDENDUM

CASE NO.	Conditional Use Permit Case No. 2690
LOCATION	200 W. Rosecrans Ave. (6157-002-001)
USE	Off-Site Sale of Alcohol General (Type 21)
HEARING DATE	April 27, 2011
RECOMMENDATION	Denial of Conditional Use Permit due to non-compliance with the City of Compton Zoning Ordinance

GENERAL INFORMATION

Applicant:

Vincent Soo Chang
 10 Kepler
 Irvine, CA 92603

Project Description

The applicant is requesting a Conditional Use Permit to offer off-site alcohol sales (a type 21 license) as an accessory use to a convenience store (7-10 II Liquor & Market) located at 200 W. Rosecrans Ave. in the C-M (Commercial Manufacturing) zone in accordance with Sections 30-26 of Compton Municipal Code. The Zoning Ordinance under Section 30-13-2(b) requires all liquor stores obtain a Conditional Use Permit.

The subject site is located on the southwest corner of Rosecrans Avenue and Culver Avenue. The site is a rectangular shaped parcel of land approximately 12,000 square feet in size (.28 acres). The property is developed with a 2,220 square foot, 1-story convenience store and a separate 1,056 square foot, freestanding building previously used as a Fish Fry take-out restaurant. The subject site is located in Council District One (1) and in Census Tract 5426.02.

Legal Nonconforming Status

City records indicate that there has been a liquor store/market at the subject site since at least late 1971. The City has considered the sale of alcohol at this site a legal non-conforming use since there is no record of a Conditional Use Permit being approved, as now required by City zoning code. Legal non-conforming uses can remain unless the use is discontinued for more than 6 months, then the property/use must come into conformity with current code requirements. The store closed its doors in late 2009 and has been without a business license since August of 2009. Moreover, a site inspection was last conducted by the Municipal Law Enforcement Service on February 9, 2010 during normal business hour and noted that the business appeared to be closed. At the present time the business remains closed.

The City Attorney has provided staff with a citation from the Business and Professions Code to provide additional support that the legal non-conforming status of the liquor store has terminated and the proposed new liquor store must comply with all current zoning regulations. Business and Professions Code section 23790 exempts existing non-conforming uses from compliance with later enacted zoning ordinances . . . when the business has continuously operated without substantial change in either mode or character of operation. The statutory exemptions in section 23790 defines a break in continuous operation as authorized closures for repair or restoration which do not expand the square footage, which take 30 days or less, and closures for restoration of the premises damaged by act of God or toxic accident.

Therefore, since the MLES inspection noted that the business appeared closed by February 9, 2010, and remains closed, and the business license was last valid in 2009, the legal nonconforming status of the previous liquor store is void. The proposed liquor store must now comply with all applicable provisions of the zoning code.

FINDINGS FOR DENIAL OF CONDITIONAL USE PERMIT CASE NO. 2690:

- A. That the project as proposed does not comply with the Zoning Ordinance in that the site does not comply with required building setbacks, parking, landscaping and outdoor lighting requirements.
- B. That the sale of alcohol, off-sale general (type 21) license, an accessory use to a convenience store has the potential to be disadvantageous in the long term in that the site does not comply with the guidelines set forth in the City's Alcoholic Beverage Sales Policy and therefore undermines the intent of the policy.
- C. That the sale of alcohol, off-sale general (type 21) license, an accessory use to a convenience store has the potential to be detrimental to the public welfare or surrounding area, given the subject site's proximity to other alcohol related businesses and sensitive uses (i.e. schools, churches, medical facilities).

- D. That the sale of alcohol, off-sale general (type 21) license, an accessory use to a convenience store has the potential to be detrimental to the public welfare or surrounding area in that Census Tract 5426.02 is over saturated with businesses with alcohol licenses, a maximum of two alcohol licenses are permitted in Census Tract 5426.02 and three alcohol licenses currently exist.
- E. That the former liquor store has lost its legal nonconforming status to operate as a liquor store according to Business and Professions Code section 23790, since it has ceased continuous operations for more than 30 days.

RECOMMENDATION:

Staff recommends the denial of Conditional Use Permit Case No. 2690 based on the original staff report dated March 9, 2011 and above addendum staff report and findings.

CITY OF COMPTON



AERIAL MAP

Conditional Use Permit Case No. 2690
200 W. Rosecrans Ave.
6157-002-001

Legend
City Limits



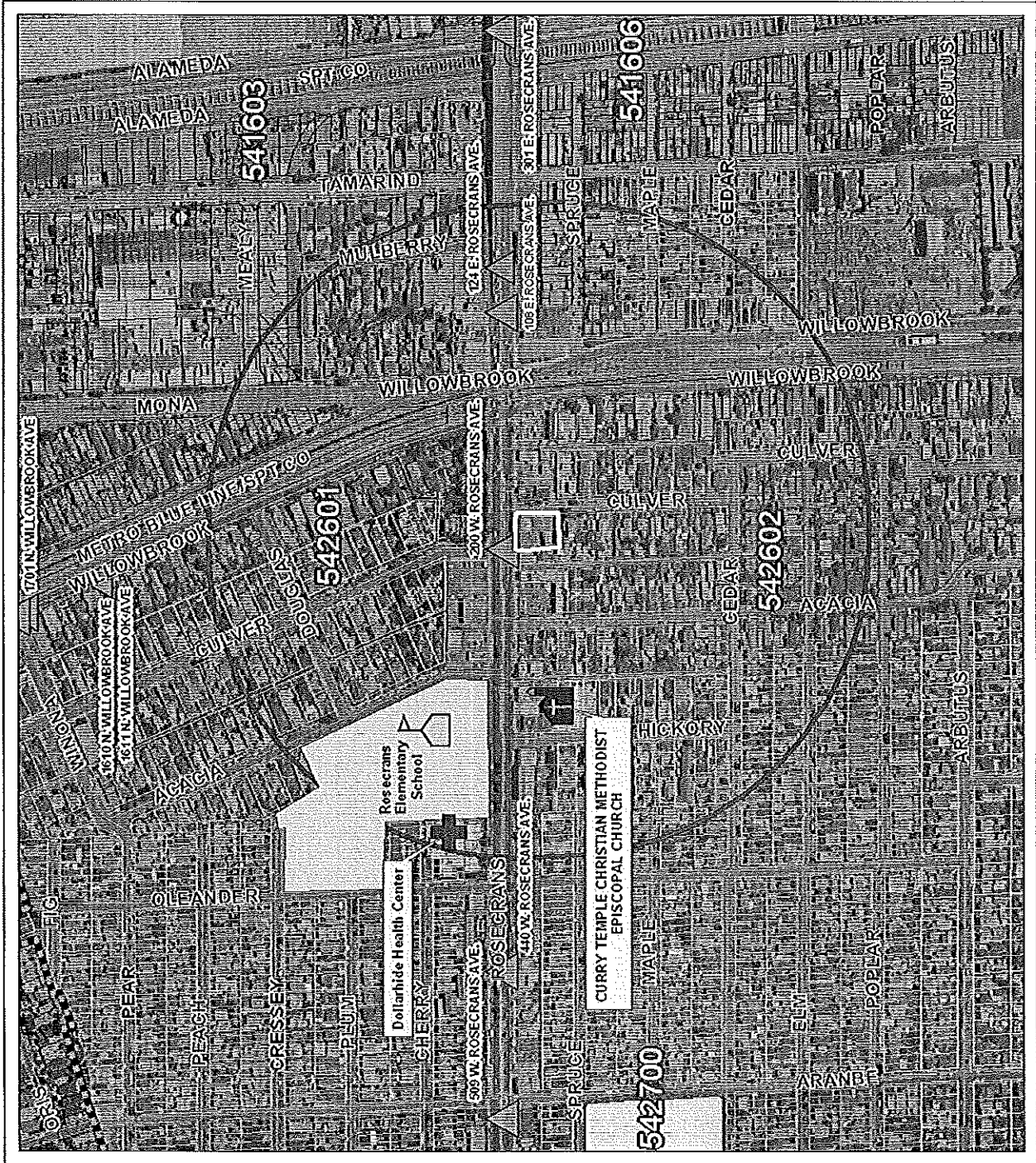
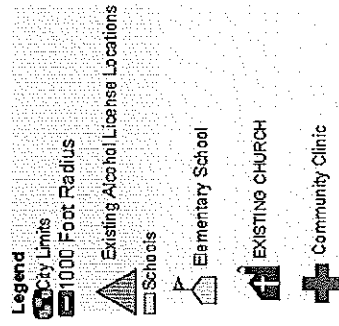
EXHIBIT

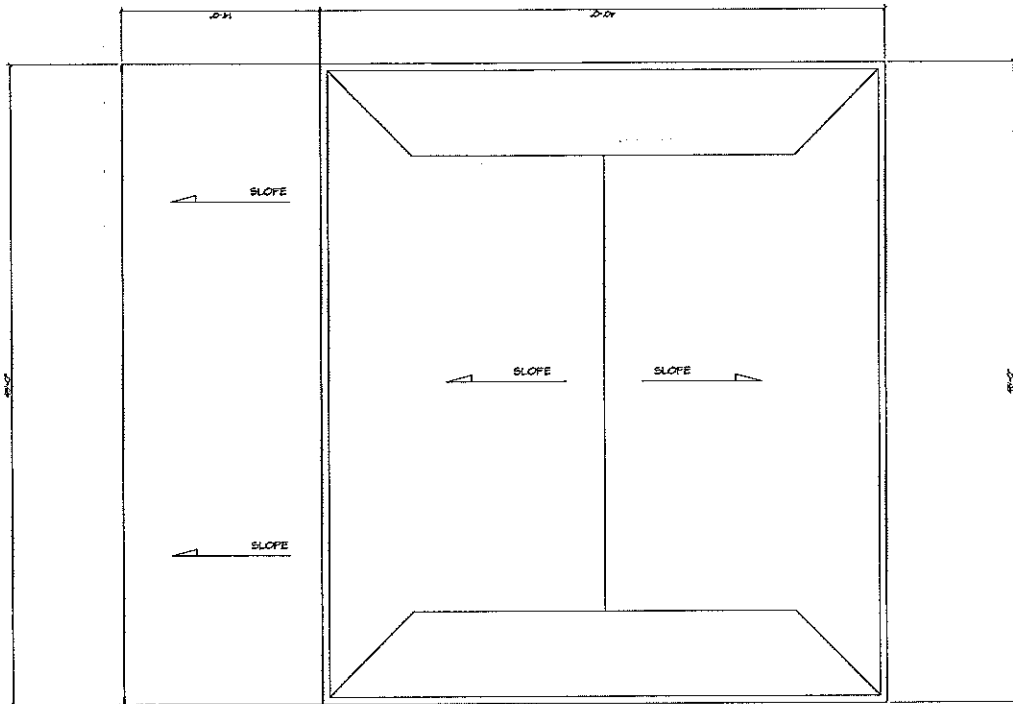
THIS MAP IS A PUBLIC INFORMATION PRODUCT AND NOT A LEGAL DOCUMENT. IT IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE CITY OF COMPTON DOES NOT WARRANT THE ACCURACY, COMPLETENESS, OR TIMELINESS OF THE INFORMATION CONTAINED HEREIN. THE CITY OF COMPTON SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP. THE CITY OF COMPTON SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP.

City of Compton

1000' RADIUS & SENSITIVE USES MAP

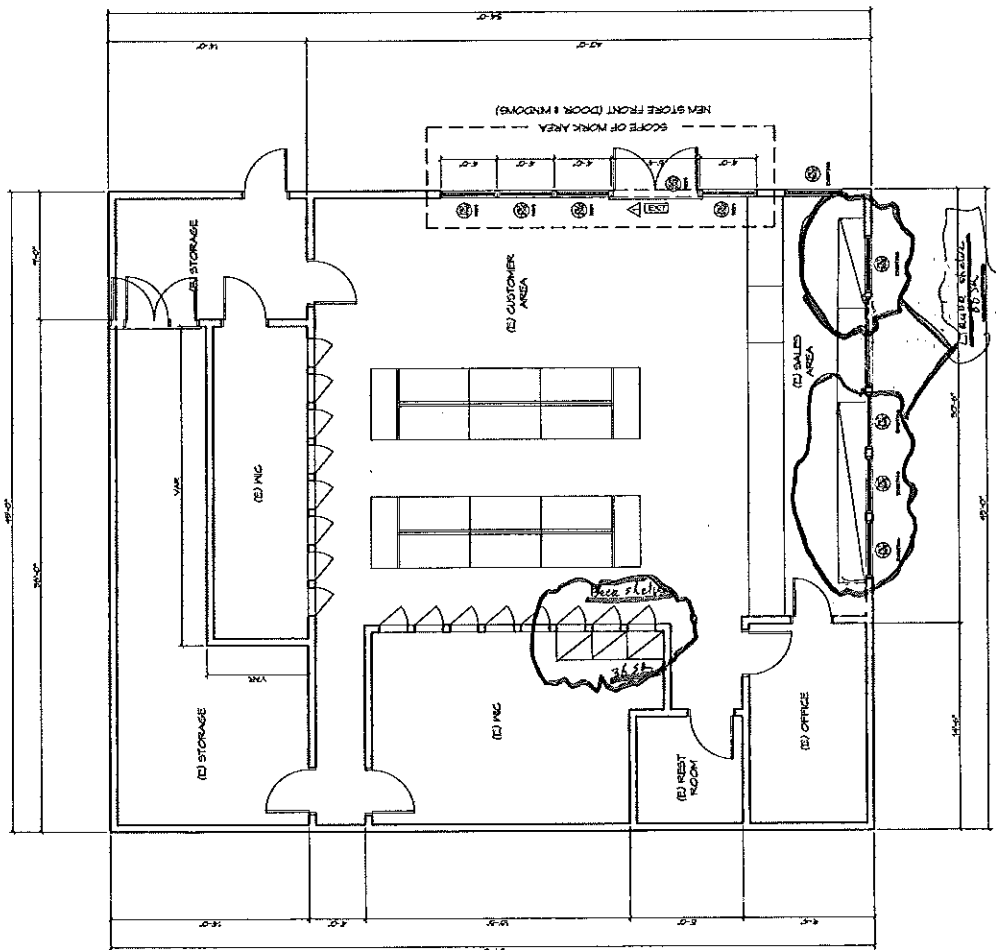
Conditional Use Permit
Case No. 2690
200 W. ROSECRANS AVE





EXISTING ROOF PLAN

SCALE: 1/4" = 1'-0"



FLOOR PLAN

SCALE: 1/4" = 1'-0"

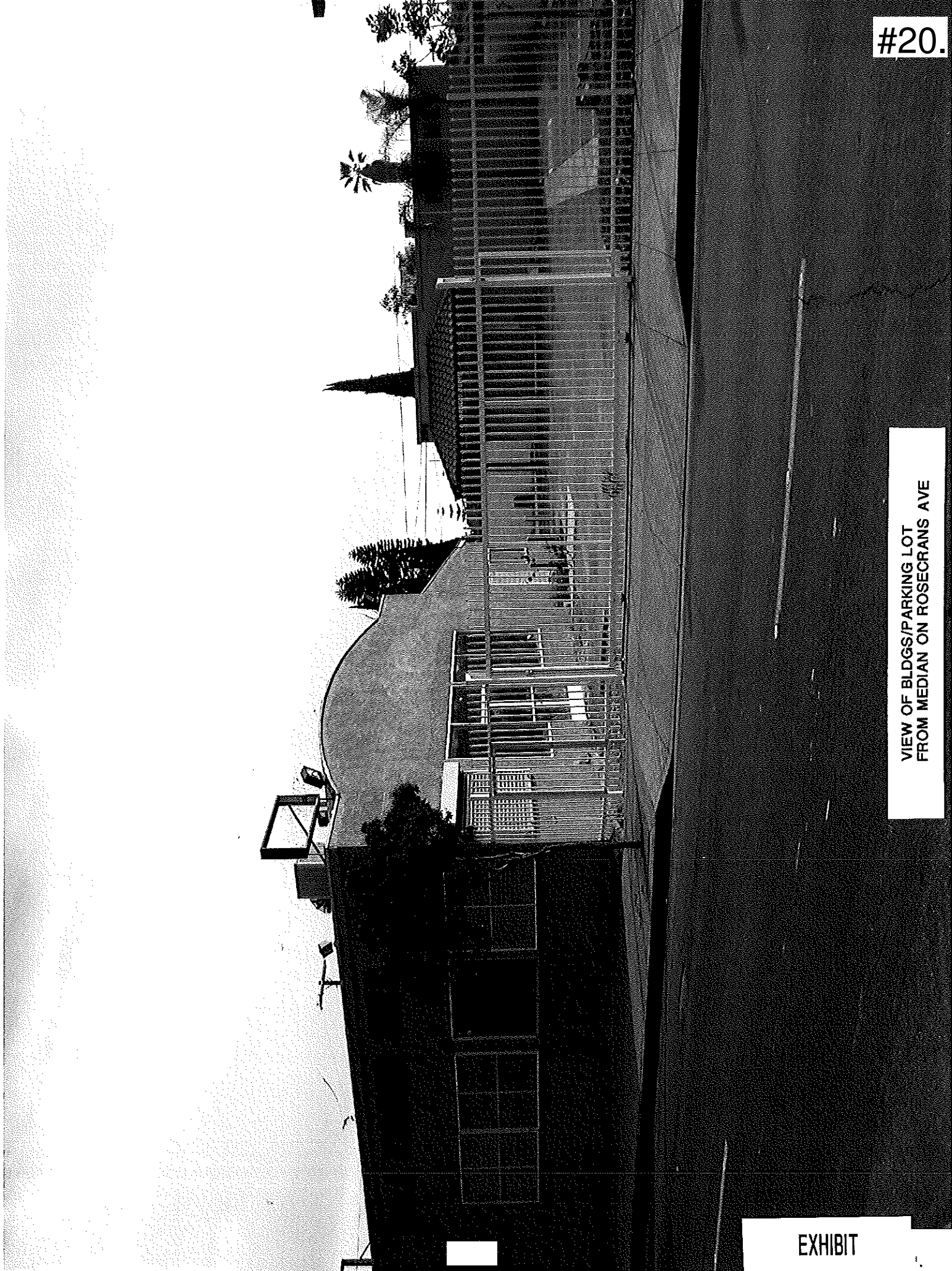
- LEGEND**
- | | |
|---|-----------------------|
|  | EXISTING WALL |
|  | DEMOLITION WALL |
|  | NEW WALL |
|  | ILLUMINATED EXIT SIGN |

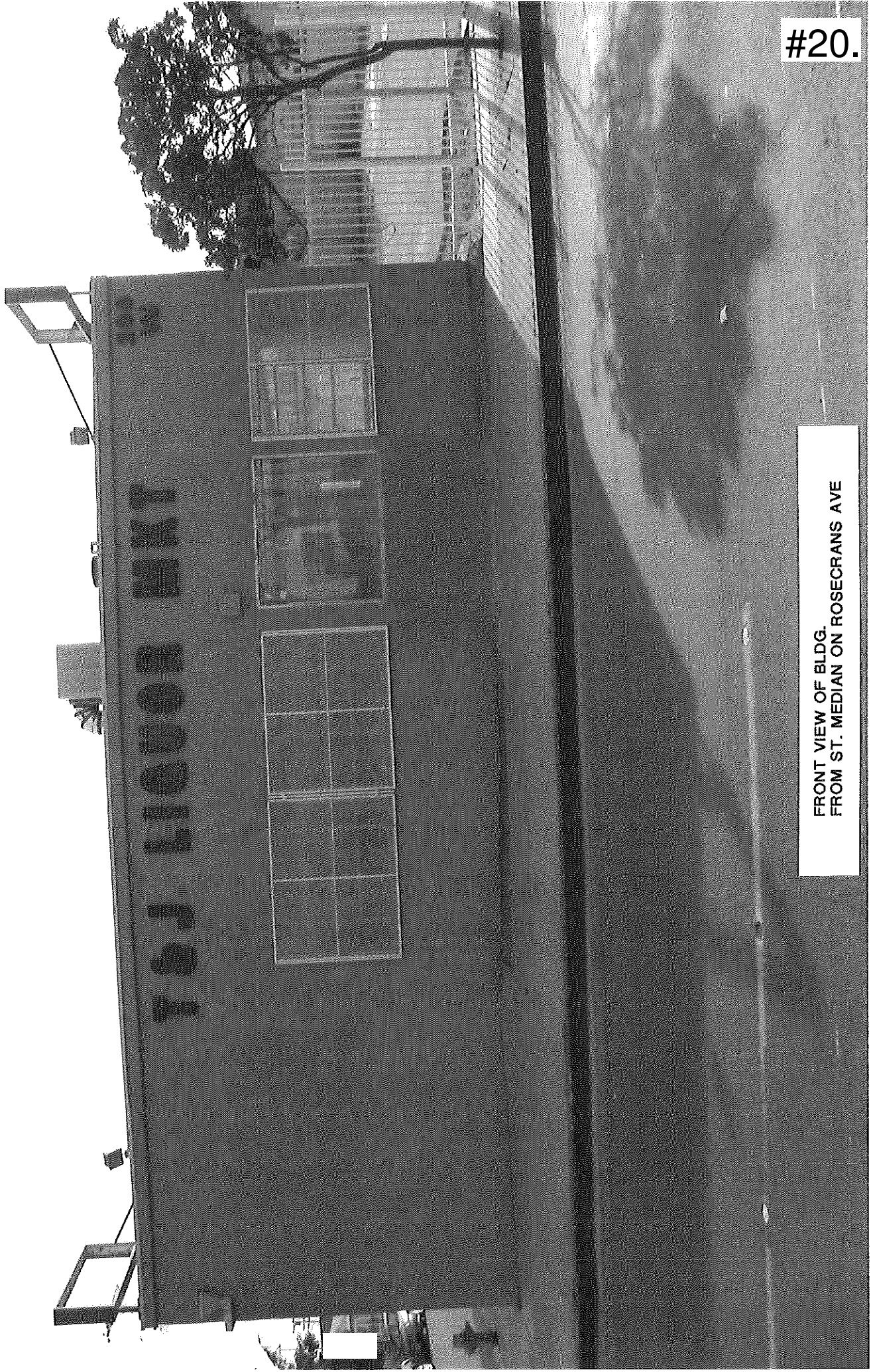
△ NOTE: ALL NEW DOOR & WINDOW GLASS SHALL BE TEMP GLASS
ALL NEW DOOR & WINDOW U-FACTOR 0.550, SHGC 0.450 - SEE THE T-24 ENV-1C

#20.

VIEW OF BLDGS/PARKING LOT
FROM MEDIAN ON ROSECRANS AVE

EXHIBIT





#20.

FRONT VIEW OF BLDG.
FROM ST. MEDIAN ON ROSECRANS AVE

#20.



FRONT BLDG. VIEW OF REAR BLDG
FROM PARKING LOT

#20.

SIDE BLDG. VIEW
FROM CULVER AVE



#20.



SIDE BLDG. VIEW
FROM PARKING LOT

ITEM 3



Planning & Economic Development Department - Planning Division

205 S. Willowbrook Ave., Compton, CA 90220 (310) 605-5532 Fax: (310) 761-1488 www.comptoncity.org

PLANNING COMMISSION MINUTES

WEDNESDAY, MARCH 9, 2011

7:00 P.M.

CITY HALL COUNCIL CHAMBERS
205 SOUTH WILLOWBROOK AVENUE

- 1) PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Commissioner Saunders.
- 2) ROLL CALL
 Commissioners Present: Juanita Green-Wright
 Lillie Darden
 Michael Hill
 Kim Saunders

 Staff Representatives Present: Robert Delgadillo
 Anita Aviles
- 3) APPROVAL OF MINUTES – February 9, 2011. It was moved by Commissioner Darden that the minutes of February 9, 2011 be approved. The motion was seconded by Commissioner Saunders and carried unanimously.
- 4) PUBLIC HEARING ITEM(S)
 A. CONDITIONAL USE PERMIT CASE NO. 2690 - A request to sell alcohol, a type 21 alcohol license (off-site general), as an accessory use to a convenience store (7-10 II Liquor & Market) located at 200 W. Rosecrans Avenue in the Commercial Manufacturing (C-M) zone.

Commissioner Darden moved that **CONDITIONAL USE PERMIT CASE NO. 2690** be opened. The motion was seconded by Commissioner Saunders.

Staff Representative Delgadillo stated that this is a request to offer off-site alcohol sales as an accessory use to a convenience store located at 200 W. Rosecrans Avenue in the first council district. The site is located on the southwest corner of Rosecrans Avenue and Culver Avenue. The adjacent General Plan designation is Mixed Use (MU) to the North, South, East, and West. The zoning for the subject site is Commercial Manufacturing as well as to the East, West, and to the North. To the South is Parking and High Density Residential. The site is located within the Redevelopment Project Area.

Staff Representative Delgadillo stated that City records indicate that there has been a liquor store/market at the subject site since at least the early 1970's; the previous sale

Planning Commission Minutes

March 9, 2011

Page 2 of 9

of alcohol was considered a legal non-conforming use since the sale of alcohol was established prior to the need of CUP approval; the store lost its non-conforming rights since it closed its doors and was without a business license for more than six months; the business has since changed ownership (fall of 2010) and the new owner wants reopen a convenience store with accessory sale of alcohol, a type 21 license and now needs a new CUP; on June 20, 1989, the City of Compton adopted by resolution an Alcoholic Beverage Sales Policy. The City's goal was to reduce the number of alcohol sales outlets for both on-site and off-site consumption by setting guidelines by avoiding an over-concentration of businesses with alcohol sales. According to the statistics provided by the Alcohol Beverage Control (ABC) Department, Census Tract 5426.02 is over the limit of alcohol licenses. A maximum of two (2) alcohol licenses are recommend , per ABC, in Census Tract 5426.02 and three (3) currently exist, which includes the subject site; the City's Alcohol Sales policy further states that "bars, liquor stores and convenience stores should be located at least 1,000 feet from "sensitive" uses such as schools, churches and some medical facilities". There are several "sensitive uses" near 7-10 II Liquor & Market:

- Jerry's Liquor Store located approximately 750' to the east
- Nueva Italia Bar located approximately 700' to the east
- Rosecrans Elementary School located approximately 450' to the northwest
- Curry Temple Church located approximately 500' to the west
- Dollarhide Health Center located approximately 900' to the northwest;

The City's Alcoholic Beverage Sales policy also stipulates that all alcohol related businesses should comply with all development standards (i.e. parking, accessibility, landscaping, lighting, etc.). The site is:

- ❖ Inadequately Parked: 14 parking spaces are required and 12 are provided
- ❖ Does not comply with the required front 10' setbacks along Rosecrans and Culver Ave.
- ❖ Under Landscaped: 5% or 600 sq. ft. min. on site landscaping is required and only 180 sq. ft. is provided; 10' landscaped setbacks are also required along Rosecrans and Culver Ave., and none are provided.
- ❖ Not in compliance with site illumination regulations. The exiting outdoor lighting needs to be modified to comply with the 1 foot candle minimum and to provide proper shielding for adjacent properties and public right-of-ways.

Staff Representative Delgadillo stated that staff recommends that the Planning Commission deny Conditional Use Permit Case No. 2690 subject to the findings contained in the staff report. However, should the Planning Commission be inclined to approve CUP Case No. 2690, it should continue the CUP for a month to allow staff sufficient time to make the necessary findings and formulate conditions of approval.



Commissioner Saunders asked for clarification on staff's recommendation to deny and asked if the conditions of approval are absent from the staff report.

Staff Representative Delgadillo stated that since staff is recommending denial, there is no need for conditions of approval.

Commissioner Saunders stated that in past the conditions of approval were always presented before the Commission regardless if staff was recommending denial. "That allows the Commission to make the appropriate decision" she commented.

Staff Representative Delgadillo stated that typically when staff recommends approval the conditions and finding are in the report. At that point the Commission can deny a project simply by declaring the findings in the negative and conditions won't matter since it's a denial. However, if staff recommends denial then we don't put findings in or conditions of approval because staff is recommending denial that is the course of action that staff is taking. However as indicated in the recommendation if the commission wishes not to deny it then staff will request a continuance to adopt the finding and conditions of approval.

Commissioner Saunders asked if there has been an implementation of a new process because in past that has not been the case.

Commissioner Hill agreed with Commissioner Saunders and stated that because staff is recommending denial it is important that the Commission sees what the conditions of approval would be. It is a matter of the Commission doing its due diligence in making a decision. It has been customarily that even if it's a denial, conditions of approval are included to give the Commission the opportunity to make the right decision.

Chairperson Green-Wright stated that based on the Commission's comments it seems that the Commission is requesting that the findings for approval be listed before the Commission makes a determination.

Commissioner Saunders stated that there is another issue that the Commission needs to confer with counsel on Page 3 of 5 (the middle paragraph) before the Commission moves forward with any action she wants to make sure what the City's obligation to an ABC license would be (i.e. "As previously mentioned, although the previous business (T & J Liquor) closed its doors and did not maintain a current business license their alcohol license remains active with ABC and the new owners were able to simply transfer the alcohol license over"). Commissioner Saunders stated that, that is legal language that needs to be deciphered to understand the legal responsibility to a statement like this. Is the Commission obligated to recognize that ABC carried this license over and is the

Commission responsible for accepting that this license has been carried over to this business or is it null and void?

Deputy City Attorney Aviles stated that, that would be something that she has to look into from what seems to be going on and questions that are raised and concerns about information in the staff report. Deputy City Attorney Aviles suggest that this case be continue to allow them time to take a look at that particular legal issue and take a look at the filing, the chronology of events regarding the status of that license and transferring any funds that the new owner might have expended in this process of obtaining this property.

Chairperson Green-Wright asked Deputy City Attorney Aviles to also look into Exhibit 11, California Department of Alcoholic Beverage Control because it does have Mr. Chang as the new owner.

Deputy City Attorney Aviles stated that it appears to be the information from the California Department of Alcoholic Beverage Control database regarding the status of licenses and transfers but the question being asked is if there is any obligation if someone has come in and wants to seek a CUP for the operation of this particular business and what they've invested in the property and does the City have the duty of some sort to that person once they committed these resources to a particular project? That seems to be what is being asked for.

Chairperson Green-Wright stated that it's more about the license.

Deputy City Attorney Aviles stated that in general the conditional use permit runs with the land so if it's sold to somebody else it supposedly goes along with the property and they've taken over a license that has been transferred to them and they have invested money, do they have a vested right to the property. That is not known at this time.

Commissioner Darden commented that the issue here is a legal non-conforming because business was closed for more than six months which means that their legal non-conforming status expired.

Deputy City Attorney Aviles stated that that could be.

Chairperson Green-Wright stated that the issue that Commissioner Saunders brought up is the license itself.

Commissioner Saunders stated that it is the liquor license. The business license was cancelled but was the liquor license cancelled. The liquor license appears to be

transferred so if the liquor license was transferred, legally can the City cancelled that out "we may or may not be able to" she stated. The decision would be based on the legality of the liquor license and the business continuing it, if they purchased the business and the liquor license is still active.

Deputy City Attorney stated that she would look into that and the interplay of the non-conforming.

The Applicant, Joseph Chang and son, 10 Kepler, Irvine, stated they have business receipts during the time the store was closed.

Commissioner Hill asked if those receipts indicate if they were actually doing retail sales of liquor at that time.

Mr. Chang stated that they are purchasing receipts.

Commissioner Hill asked if there is any way to show what they were doing with those purchases.

Mr. Chang stated that they were in business and fully operating. No one knew that the business license had expired.

Commissioner Hill asked the applicant if he knew the exact circumstances as to why the business was closed.

Mr. Chang stated that it was not because of any legal issues. It was tough times for management and it went on short sale.

Commissioner Hill asked how he became aware of the situation.

Mr. Chang stated that his father was actually searching for a new location

Chairperson Green-Wright asked the applicant if he was aware of the proximity of the school, health center, the church, and the two other liquor stores.

Mr. Chang stated that while doing his due diligence in market research prior to the acquisition of the property they drove around to seek for possible competition and sensitive use areas. That is one of the reasons why they came up with a proposal to mitigate those effects. One was to severely limit the proportion of display that will be dedicated for alcohol displays and the other is the operating hours of opening at 7:00 a.m. and closing at 8:00 p.m. both of which will be inconceivable if it was a true liquor

store. What his father's intention is, is to open a convenience store or multi combination store, he has already installed an alkaline water filtration dispensing station and has the intention to put a Red Box DVD rental system, as well as propane exchange area and freezers for ice. The sale of liquor would only be limited to a small portion of inventory to improve the sales.

Chairperson Green-Wright asked if they were unable to sell liquor would they still be opening the convenience store or is liquor paramount to their business.

Mr. Chang stated that beer and wine, and liquor is paramount to the business not just because of the volume of sales that alcohol provides because the volume is very small for any convenience store other than a dedicated liquor store. It is all the incidental purchases that come about by having that.

Commissioner Saunders stated that when he speaks in terms of alcohol sales as being such small margin of sales and then other sales are attached in the store as incidental then it changes the focus because if the alcohol sales is just a small percentage and other sales just becomes incidental then the focus is on the alcohol. As a retail expert she is aware that there are destination shoppers and they come into the store for a purpose, so is their destination coming into the store for alcohol or for food products. If you say the business can't be successful if it doesn't have alcohol then the primary concern is alcohol because the product assortment can't meet the needs of the community meaning that alcohol is being made the primary focus. The clear intent from what is being presented is for alcohol sales and from a community prospective, the community and the City of Compton is quite sensitive about having liquor stores in their community and having them close to schools and by churches. The situation is quite difficult because it looks like Mr. Chang bought a business that he thought everything was transferrable but there seems to be a stoppage of business at some point with the cancellation of the business license which he should have been aware of which of because of due diligence but at the same time the Commission wants to follow the City's ordinance and protect the citizens of the community.

Commission Hill asked the applicant if he recalled when he applied for the conditional use permit.

Mr. Chang stated that it was November 30, 2010. (inaudible)

Chairperson Green-Wright asked staff to go back into the presentation and pull the map of the sensitive uses.

Chairperson Green-Wright mentioned to the applicant that the map shows all of the sensitive uses within the 1000 mile radius and stated that the Commission is very concern when it relates to alcohol.

Commissioner Darden asked the applicant if had come to the Planning Department before the purchased of the property to find out the policies and procedures related to the property.

Mr. Chang stated that when he looked at the property it was fully operational and did not felt it necessary to go through that.

Mr. Chang replied to Chairperson Green-Wright comment regarding the sensitive uses within the 1000 mile radius. (inaudible)

Commissioner Hill stated that he believes that a business can still be very successful without the sale of alcohol.

Mr. Chang responded (inaudible)

Chairperson Green-Wright asked how many employees will be hired.

Mr. Chang stated that a minimum of 5 employees.

Chairperson Green-Wright asked if those employees are hired through the City's WorkSource Center.

Mr. Chang stated that if the Commission requests that he do so but for the most part it comes from word to mouth. Mr. Chang stated that the individual that will be running the convenience store was present.

Mr. Tyrone Nettles, 159 W. 126th Street, Los Angeles.

Chairperson Green-Wright asked if he had run a convenience store before.

Mr. Nettles stated that he worked for the other owners and has worked in the community for many years.

Mr. Young Jee (inaudible).

Chairperson Green-Wright stated that if this case is approved the minimum of 14 parking spaces are required.

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Mr. Jee (inaudible)

Chairperson Green-Wright asked if he had spoken to the Planning Department regarding it.

Mr. Jee (inaudible)

Commission Saunders stated that in the package there was Exhibit 13 that included recommendation from the Development Review Committee Meeting regarding parking. She asked if those recommendations were presented to the applicant.

Staff Representative Delgadillo stated that he was not aware. The project manager for the project attended that meeting.

Commissioner Saunders stated that even though that the Development Review Committee recommended denial they still considered conditions for approval.

Mr. Chang (inaudible)

Commissioner Saunders moved to continue **CONDITIONAL USE PERMIT CASE NO. 2690** to April 13, 2011 and seconded by Commissioner Darden. **CONDITIONAL USE PERMIT CASE NO. 2690** was continued unanimously.

Citizen, Irving Bennett, 124 E. Bennett was concerned regarding another liquor store coming into the City.

5) **INFORMATIONAL ITEMS (A Report of Previously Approved Cases)**

6) **OLD BUSINESS**

- General Plan 2030

Staff Representative Delgadillo gave an update on the status of the General Plan 2030.

- General Plan to the Commission in May
- Had four community meetings at four different parks where a presentation was given to the public i.e. Gonzalez, McDonald, Kelly, and Burrell Parks.
- One senior meeting at Dollarhide which was held on March 8, 2011. At this meeting staff was encourage to attend another meeting at Dollarhide hosted by the Commission on Aging which will be held April 14th.
- The youth Compton are also being involved along with the Compton Elementary schools a poster contest were they will create a vision of what Compton should be like in their eyes.



ITEM 3



Planning & Economic Development Department - Planning Division

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PLANNING COMMISSION MINUTES

WEDNESDAY, APRIL 27, 2011

7:00 P.M.

CITY HALL COUNCIL CHAMBERS
205 SOUTH WILLOWBROOK AVENUE

- 1) **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Commissioner Hill.
- 2) **ROLL CALL**

Commissioners Present:	Juanita Green-Wright Lillie Darden Michael Hill Kim Saunders Cleo Turner
Staff Representatives Present:	Derek Hull Robert Delgadillo Anita Aviles
- 3) **APPROVAL OF MINUTES** – March 9, 2011. It was moved by Commissioner Hill that the minutes of March 9, 2011 be approved. The motion was seconded by Commissioner Turner and carried unanimously.
- 4) **PUBLIC HEARING ITEM(S)**
 - A. **CONDITIONAL USE PERMIT CASE NO. 2690** - A request to sell alcohol, a type 21 alcohol license (off-site general), as an accessory use to a convenience store (7-10 II Liquor & Market) located at 200 W. Rosecrans Avenue in the Commercial Manufacturing (C-M) zone. (Continued case from meeting on March 9, 2011).

Commissioner Hill moved that **CONDITIONAL USE PERMIT CASE NO. 2690** be opened. The motion was seconded by Commissioner Darden.

Staff Representative Delgadillo stated that this item is a continuation of Conditional Use Permit Case No. 2690 for a liquor store located at 200 W. Rosecrans Avenue. This item was initially heard at the March 9, 2011 meeting, the information presented at that time under that report is still valid and holds however an additional item of information is being added which is contained in the addendum staff report. Specifically this addendum staff report includes new information regarding the legal non-conforming status of the proposed liquor store or as it relates to the Business and Professions code. Business and Professions code Section 23790 requires that any

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liquor store that closes for more than 30 days loses any legal non-conforming status as granted under the Business and Professions code thereby rendering any liquor store subject to all zoning code provisions and regulations which means that the proposed liquor store is subject to the current planning codes. The liquor store has been closed since January 2009. Staff has also added one additional Finding to the Findings prepared in the March 9, 2011 staff report. The new Finding F in the Addendum Staff Report reads "That the former liquor store has lost its legal nonconforming status to operate as a liquor store according to Business and Professions Code section 23790, since it has ceased continuous operations for more than 30 days". Staff reaffirms the previous recommendation and recommends denial of Conditional Use Permit Case No. 2690 based on the original staff report dated March 9, 2011.

Deputy City Attorney Anita Aviles, stated that the store has been actually closed since February 9, 2010.

The applicant, Vicent Soo Chang and son Joseph Chang, 10 Kepler, Irvine, California.

Commissioner Hill asked Mr. Chang if that the time that the application was filed if he was aware of the status of the liquor license and what was the content of the conversation with ABC.

Mr. Chang stated that their understanding was that the license with ABC was independent of any City business license. When the license was transferred over there was no discussion regarding the possibility of a CUP or even the fact that the license had expired at this location at City level.

Commissioner Hill asked if per their discussion were the officials at ABC aware that there were City ordinances that would come into play.

Mr. Chang stated that there was no discussion.

Commissioner Hill asked the applicant if now that they are aware of the issues if there is any alternatives.

Mr. Chang stated that it came as a shock after they realized that the license had expired in February 2010 because when they went into escrow in July 2010 the business was operating a few weeks prior to that point. They even obtained purchase receipts from them with a valid ABC license.

Commissioner Hill asked if he believed that is was the title/escrow company that didn't due their due diligence.



Mr. Chang stated that it was all of them that didn't do their due diligence.

Commissioner Hill asked if the case is not approved will they still continue to move forward.

Mr. Chang stated that buying a business that is a Type 21 costs more than if they were buying a Type 20 or a lesser license. Therefore, without the Type 21 they would be paying for the next three decades for a business that is worth less than half of what they paid for.

Commissioner Hill asked if when they first thought in terms of undertaking such an endeavor if they prepared an overall business plan.

Mr. Chang stated a plan was established but it was more directed to the operations of the business because there was no discussion with ABC or the escrow company about the possibility of a CUP, the only planning and efforts were directed at how to improve the different commodities that are to be included and what differences or impacts can be made to mitigate some negative effects and put a positive welfare for the community. It wasn't necessarily directed on how they were going to obtain the license because obtaining the ABC license transfer went very smoothly. It didn't cross their minds that a possibility of a CUP or that the business license had expired at this location.

Commissioner Saunders asked Mr. Chang asked that he purchased or established several mini markets/convenience stores, and how many?

Mr. Chang stated that it was a purchase and a sale as they were moving into a different business. Mr. Chang (father) has gone through three but had not owned any.

Commissioner Saunders asked if they were all in different cities.

Mr. Chang stated that some as close as four miles away from 200 West Rosecrans Avenue.

Commissioner Saunders asked if each City had different criteria for liquor license and business license.

Mr. Chang stated that it was not too different, it was basically the same process that was expected to go here in Compton when they purchased the new property it was an ABC transfer, then it was a business license transfer.

Commissioner Saunders asked if the sale of the business a foreclosed sale or short sale.

Mr. Chang stated that it was a short sale.

Chairperson Green-Wright asked Mr. Chang if he owned the whole property and asked that if he did not have the liquor store would he still be able to survive with the other three businesses.

Mr. Chang stated that the property was about \$850,000 and they would not have considered purchasing the property even if it was \$400,000 without a Type 21 liquor license. This is how these licenses and their value are tie to these properties. Even though the volume of liquor sales is going to be very small, all of the different mitigated factors presented before like limiting the work hours, providing security, limiting the display, limiting exterior advertising, with all those considerations and the fact that there is an approved liquor license at that address basically boosts up the value of that property. If the Type 21 is be denied he will be paying off an \$850,000 business and property that together when it is not worth half of that amount.

Chairperson Green-Wright asked Mr. Chang how he would feel if there was liquor store coming to the neighborhood where his children attend.

Mr. Chang stated that when she refers to the store as a liquor store is because of the liquor license but it will be anything but a liquor store, this will be a combination market as the other previous business experience. You would not know that it was not a liquor store unless you actually went in there based on how limited their advertising was. At our previous location we have many school children come through and we are very close to the church community, we do donations, we sponsor feedings, even today we saw a whole bunch of students after school coming through our location, we know them by name, we know their parents but in the line of your question yes if it was a true liquor I would probably be in line with you're thinking but what I am trying to explain is it would not be a liquor store it would be a combination market that we hope to provide services to the community.

Chairperson Green-Wright stated that liquor is sold and as he mentioned before 60% of the business is from the sale of liquor. So if you were not to sell liquor would you be able to survive.

Mr. Chang stated that they would be able to survive had we paid less than half of what we paid for that location.

Chairperson Green-Wright commented that that it was a short sale.

Commissioner Saunders asked that being a short sale many short sale are as is, was this short sale a "as is" short sale.

Mr. Chang stated that it was sold as a Type 21 with all the approved licenses and permits. Mr. Chang stated that his father had also observed that the business had been in operation until the end of June.

Commissioner Saunders clarified that it was an "as is" sale.

Mr. Chang stated that he was not sure.

Commission Saunders stated that Mr. Chang's father stated that it was.

Mr. Chang stated that he believes that his father didn't fully understand what was meant.

Commissioner Saunders asked if he was involved in all of his father's business transactions.

Mr. Chang responded that he wasn't.

Commissioner Saunders stated that he must be quite competent to be able to handle his own decision making, so he should be able to answer that question. The reason for asking that question is because in any financial transaction that someone is going to engage in it requires some type of loan procedure/investment, when there are these circumstances they would question what type of business/building they are going to take and when it is "as is" there is a gamble in this process and you have to understand that it is in your part to make sure that you are receiving the type structure, building, and business that you anticipate that would be the best business decision for the money you're investing. The risk factors that were present for being a short sale was clear that someone should have done their due diligence when you are doing a short sale because that means that that other party is at risk of totally losing their business for some reason or another that would require further investigation.

Mr. Chang stated that after that explanation he agrees and he believes that his father did not understand that question "as is".

Mr. Chang stated that his father said he purchased it from the bank and escrow thought that all the licenses were in order and he had no reason to think otherwise because it was in full operation as a Type 21 until June.

Pastor Byran Smith Sr., 322 West Rosecrans Avenue, stated that on behalf of Curry Temple CDC commended the Commission in their commitment and assuring collaborative partnership between the community and constituencies and business within their boundaries. With this relationship in mind he voices his concern with the support of the members in regards of the proposed establishment of a fish market/liquor store at the corner of Rosecrans and Culver which sits at a block radius to the church and close proximately of an elementary school. It is acknowledged that new businesses assist with the revitalization of the community here in Compton and church community is supportive of the fish market portion being established and opened but due to the adverse impacts that a liquor store or any store selling liquor products would place on the community and the children, we are not in support of the establishment. The children are the future and the environment that is created by a liquor store is not one that's conducive to the well being of the children and the City's theme of "Rebirthing a New Compton". Curry Temple is playing a role in birth and working collaboratively with the City, leadership, and the citizens of the community for the betterment of the Compton.

Commissioner Saunders asked Pastor Smith that before Mr. Chang took over this establishment what kind of relationship did your congregation have with the previous owner.

Pastor Smith stated that he just met Mr. Chang and son today. A co-worker came down to the church and was asking to meet about the opening and support the business. Prior to that he did not have a relationship with them but he shared them the desire to establish a healthy relationship with them because he believes that a community that collaborates together in partnership makes a healthy environment but at the same Pastor Smith wanted them to know that his greatest concern was not about businesses coming in making money off the backs of those who are going to suffer. He wanted the Commission to know that he did not know them prior this.

Commissioner Saunders stated that she is concerned about the previous owner. She understands his point and the prospective and as concerns citizens of the community, Mr. Chang could not have been his first opportunity to speak out about what is going on in your community and if the previous owner was selling alcohol, as well, did they ever take a stand in that issue at that time.



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Pastor Smith stated that he was not the pastor at that time, he was just assigned as pastor last August. He is not sure of the relationship that was established before and did not have much control of the situation back then. But now as the pastor he is determined to do all he can to better the only the church but the community.

Member, Minister Annie Griffin, 1001 N. Hickory Avenue, #201, Compton, stated that there is a lot of gang activity that aspire every night. She tired of seeing young men getting killed, mothers being hurt because of drugs and alcohol. We don't want no more we are tire she stated. If we can all stand together as one to stop this and ask what is going to be done. It is not going to help if this liquor store is allowed to come in.

Member, Dorothy McMillan, 1808 W. 133rd St., Compton, stated she concern about that even though as Mr. Chang mentioned that he is going to have other things in the store it is still unsafe for the children because liquor will still be there.

Commissioner Hill asked Pastor Smith if when he met with the Changs if it was an informal meeting or to discuss the concept of the store.

Pastor Smith stated that when they first contact him they invited him to come to the store where he was able to see the exterior of the store, they did not go inside. But he was able to see a little of the inside. What they are doing is good it is just the product of the liquor side of the store that he is concern about. What he expressed to Mr. Chang was that what is doing is good but sometimes when you don't understand the context of a particular community it is difficult to gage what would be best for the community and wouldn't be best. Them not living in the community or having any ties to the community other than their business the context is not very clear to them what alcohol has done and is doing to the community.

Commissioner Hill asked if he saw the property before the improvements and when the previous owners were there.

Pastor Smith stated that he did not see it when it was previously owned by the other owner. He stated that he cannot speak out about the history because he was not there.

Commissioner Hill commented that an effort to develop a good partnership. If this project is not approved from a Type 21 license maybe there are some other alternatives on how to make this business a viable business without the liquor component.



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Pastor Smith stated that he did bring that up to Mr. Chang and Mr. Chang gave him a breakdown of the alcohol that is going to be sold and from the breakdown the amount was very minute. He asked Mr. Chang if other than liquor was there another business endeavor that he can bring in to his fish market that can make up the gratuity that alcohol will bring. That was one of the challenges that he shared him.

Resident, Lorraine Cervantes, 425 South Oleander St., #507, Compton, stated that it should not be the responsibility of the churches to negotiate with a businessman on how to run his business. Mr. Cervantes stated that she has been in this City for 58 years and she has passed by that place a lot of times and even if she needed something in a hurry she would not stop there because of all the activity that was going on outside of that store. The church could not have done anything about that because they already had permission to be there and it was up to ABC or the police to catch them doing something illegal. If you are a businessman you have to take the risk, we have a community that it is "at risk". Where they live they would not even allow this to happen there or even consider all of this discussion. On Culver on the next corner is the school, if you go east bound across the tracks there is a liquor store already there that has been there "Jerry Liquor" for years. On north side of the street there are two other churches, if you get to Willowbrook and you look south the next block there is another church, if you look north next block there is a church, straight on Culver two blocks away is the Catholic Church, three blocks north on Willowbrook there is two stores on each corner that sell liquor. You have three establishments that already sell liquor and six churches in the vicinity. She questions what is there to consider. These owners don't want to do anything else then to sell liquor. If we are birthing a new Compton, we need to bring ourselves up and not stay with the status quote. It does not matter how long that liquor store was there and that does justify when the time comes to change that situation that we went through. It makes no sense to keep considering this. Mr. Chang said that he is going to be selling propane and have a water system, so he is going to have the market, water, propane, and the fish market that should be enough for him to be able to survive on that corner. If they made a poor investment that is not the citizens of the Compton's problem.

Commissioner Darden stated that the City has an Alcoholic Beverage Control Ordinance and the Commission has to abide by it. The Commission's responsibility is to enforce the ordinance.

Commissioner Saunders stated that as a Commissioner she is objective in her decision making for the owner and for the citizens and she has to give the citizens and the applicant the right to express themselves and also those who were not at the last meeting. If there are legal ramifications that they overlooked the Commission is held accountable for that so they have to flush out the facts completely to insure that they



have done their due diligence on this issue. Commissioner Saunders expressed to Ms. Cervantes and stated that the Commission does not function in the same capacity as the City Council; the Commission is fair minded in what they do. The public is welcome to comment, but the Commission does not need an abrasive tongue lashing to do their jobs. Commissioner Saunders stated that she found it offensive. She apologized for stating that, but even though Ms. Cervantes got applause the Commission has always done their job correctly, always been fair to the citizens and to the applicants, but the Commission has to flush out the facts completely whether Ms. Cervantes believe or not why the Commission is going through these steps. Mr. Chang has his rights and citizens in this City have their rights. The Commission has to make sure that all factors are consider before the Commission make a decision and not just slam dump the issue because someone can just come to podium and have a monologue that can be applauded and the Commission is going to go ahead because of that. That is not how the Commission operates, the Commission has to operate within the law of the zoning ordinance.

Ms. Cervantes apologized for offending anyone and to her knowledge the Commission has always follow the code. As a reminder some of the comments made here had nothing to do with code. Her point was that if the code allows them to choose one or the other that the Commission should choose the community. She apologized for sounding like she was tongue lashing but that is the way she speaks.

Mr. Chang stated that he had a discussion with Ms. Cervantes and Pastor Smith this afternoon. It was a very sincere meeting, a very positive discussion, and he does understand and respect his position against the particular commodity that they plan to carry in their inventory. He discussed the points that he has previously mentioned in the last hearing, discussing all the things that they intended to do to meet the City ordinance that was adopted in 1989. It is intended to exceed that policy and they did get commendation from ABC, as well as Chief of Police Administrator on a job well done for preventing sales to minors. Also as you know they have never been given any warnings or citations in the 24 plus years of doing this business and that is for that very reason why they were able to build such a good relationship with other cities that they have been in before. For the 1000 foot radius they received support signature of the addresses listed in that radius. It was overwhelming and majority of the individuals were in support of what they intended to do. He stated that they also went to the church that Ms. Cervantes mentioned and the Pastor of that church is in support of the project. Mr. Chang provided the Commission with the letter of support from Rev. Nathan Kimborough and the petitions from the residents.

There being no further comments, Commissioner Turner moved to close the public hearing regarding **CONDITIONAL USE PERMIT CASE NO. 2690**. The motion was seconded by Commissioner Saunders and carried unanimously.

Commissioner Turner moved to deny **CONDITIONAL USE PERMIT CASE NO. 2690** and seconded by Commissioner Saunders. **CONDITIONAL USE PERMIT CASE NO. 2690** was denied unanimously.

B. MITIGATED NEGATIVE DECLARATION NO. 926 - A request to adopt the Mitigated Negative Declaration for the Compton Creek Master Plan Project.

Commissioner Turner moved that **MITIGATED NEGATIVE DECLARATION NO. 926** be opened. The motion was seconded by Commissioner Hill.

Staff Representative Hull stated that this is for the **Compton Creek Regional Garden Master Plan Mitigated Negative Declaration No. 926**.

This plan (Compton Creek Regional Garden Park Master Plan) was approved by the City Council in 2006 without any environmental review or documentation. As a result of the approval the City contracted with a consulting firm to prepare the actual environmental CEQA and NEPA documents. After reviewing the files there is no evidence that the Planning Commission ever reviewed the Master Plan. After starting in the role of Director of Planning and Economic Development and learning about this Master Plan, we began to implement the project and to look in the files and that's when we discovered that the environmental document was not found. As means of correcting the deficiencies that have been made in the past, we decided to take the necessary steps to comply with state law by following CEQA guidelines as outlined in state law, and NEPA requirements. The Compton Creek Regional Garden Park Master Plan is intended to serve as a guide to improve a 3.45-mile stretch of the Compton Creek channel from El Segundo Boulevard to Artesia Boulevard. Several parcels adjacent to the Creek and within the boundaries of the City of Compton, are also included in the project boundary. The Master Plan for Compton Creek discusses the creation of the following major components: The creation of parks, pocket parks, community gardens, public art, landscaping, and trails.

The Master Plan also identifies locations for tree plantings, and amenities such as trash receptacles, drinking fountains, parks, playgrounds, athletic facilities, way-finding signs, native species signs and trail segment adoption signs.

When the Master Plan was approved by City Council the California Environmental Quality Act (CEQA) environmental documents were not done concurrently with the

Jessica Lopez #20.
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Planning & Economic Development Department - Planning Division

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ABC Worksheet

I. BASIC INFORMATION

Address: 200 W. Rosecrans Avenue, Compton, CA 90220
Cross Streets: Rosecrans Ave. and Culver Ave.
APN's: 6157-002-001
License Type: Off-Site General (type 21)

II. CENSUS TRACT & CONCENTRATION NUMBERS

Census Tract: 542102
Population: 2927 / County Ratio 2
Number of licenses allowed: 3
Number of existing licenses: 3
Undue concentration exists (circle one): YES NO
Letter of Public Convenience or Necessity required from governing body: YES NO

III. CRIME REPORTING DISTRICT

Reporting District: 2871
Total # of reporting districts: 374
Total # of offenses: 561753
Average # of offenses per district: 151.74
120% of average # of offenses: 182.1
Total offenses in district: 200
Location is within a high crime reporting district: YES NO

ABC Worksheet Completed By (print legibly):

Name and Title/Position

Phone

Page 2 of 2



#20.



Ceroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

*4700 Ramona Boulevard
Monterey Park, California 91754-2169*



February 17, 2011

Ms. Jessica Lopez
City of Compton
Planning and Economic Development Department
205 South Willowbrook Avenue
Compton, California 90220

Dear Ms. Lopez:

The purpose of this letter is to advise you regarding the Conditional Use Permit submitted for a Type 21 alcohol license (off-sale general) at DBA: 7-10 Liquor Market, 200 West Rosecrans Avenue, Compton.

A review of crime statistics associated with 7-10 Liquor Market indicated there was one call for service at the location on January 15, 2010. The call was a domestic dispute.

According to the Alcoholic Beverage Control Department, the location is in census tract number 5426.02. Two(2) license are allowed in the census tract and three (3) currently exist, which includes this location.

We would like to make the following recommendations should the city of Compton approve the Conditional Use Permit.

1. No loitering signs shall be placed and clearly posted around the business. Any loitering activity should be strictly monitored and aggressively discouraged by management and employees.
2. Management should have an on-going liaison relationship with members of the Sheriff's Department so that communication can be easily facilitated when problems occur.
3. The Sheriff's Department also recommends that all employees at the location, who will be selling alcohol, be required, as a condition of the permit, to attend L.E.A.D. (Licensee Education and Alcohol & Drugs) training. Such training is taught by the Department of Alcoholic Beverage control to educate merchants' employees about ABC laws and retail/server responsibilities. The class is hosted locally each month by the Department of Alcoholic Beverage (at the local Lakewood Office). The 3 1/2 hour class is offered at no charge to retailers.

A Tradition of Service Since 1850

EXHIBIT **

Whenever several employees require the training, the Department of Alcoholic Beverage Control may even send a trainer to conduct the training on site at no charge. This condition should required attendance by any new employee within 60 days of their hire date when such employees responsibilities will include the selling of alcoholic beverages. This business-friendly training program is designed to promote responsible alcohol service and reduce potential policing problems. Arrangements for L.E.A.D. training may be made by contacting the Department of Alcoholic Beverage Control at (562) 982-1337.

The Sheriff's Department now makes the recommendation for issuance of virtually every conditional use permit involving licensed premises that serve alcoholic beverages.

Without all of these recommendations implemented and maintained by the operator of the business, the Los Angeles County Sheriff's Department cannot issue a positive endorsement of the proposed specific plan.

If there are any further questions, you may contact Lieutenant Vicki Stuckey at (310) 605-6568.

Sincerely,

LEROY D. BACA, SHERIFF

A handwritten signature in black ink, appearing to read "Diane Walker", written in a cursive style.

Diane E. Walker, Captain
Commander, Compton Station

#20.

CITY COUNCIL REQUEST FORM

NAME 7-10 II Liquor & market (Vincent S Chang)
ADDRESS 2002 W. Rosecrans BL
CITY Canton HOME TELEPHONE 310-892 BUS. TELEPHONE 6811
SUBJECT OF REQUEST

(If appealing Planning Commission Decision, please check reason for the appeal in accordance with Section 30-26.5(i) of the Compton Municipal Code)

- ☐ 1. Failure of City to properly advertise public hearing.
- ☐ 2. Failure of City to meet required deadlines as to legal notice (10 days), scheduling of hearing (45 days) or decision (35 days).
- ☒ 3. Approval of use not in compliance with Zoning Ordinance.
- ☐ 4. Approval of use not in conformance with General Plan and/or existing patterns of land use and development.
- ☐ 5. Decision based on erroneous, false or fraudulent information.
- ☐ 6. Decision in violations of State or Federal law.
- ☐ 7. Other (state)

CHECK ONE: ☐ DAY MEETING (3:P.M.) ☐ NIGHT MEETING (7:P.M.)

CHECK ONE: ☐ ORAL ☐ WRITTEN

SIGNATURE

DATE

FOR OFFICE USE ONLY

SCHEDULED COUNCIL AGENDA

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Planning

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON UPHOLDING THE DECISION BY THE PLANNING COMMISSION AND TO DENY THE APPEAL FOR CONDITIONAL USE PERMIT CASE NO. 2690 IN ACCORDANCE WITH THE PLANNING COMMISSION’S ATTACHED RESOLUTION.

Derek Hull
DEPARTMENT MANAGER’S SIGNATURE

7/21/2011 1:35:48 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/21/2011 8:04:49 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/21/2011 8:31:26 PM
DATE

Willie Norfleet
CITY MANAGER

7/21/2011 7:04:08 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.

July 26, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING SECTION 30-20.3 AND VARIOUS SPECIFIED SECTIONS OF
CHAPTER XII OF THE COMPTON MUNICIPAL CODE**

SUMMARY

The City Council will consider adopting an Urgency Ordinance amending Section 30-20.3 and various specified sections of Chapter 12 -- specifically Sections 12-3.23, 12-5.6 and 12-9.13 -- to decriminalize violations of these sections and relocate said violation fines and penalties to Section 12-6 for purposes of uniformity. Additionally, the Ordinance will amend Section 12-6 (Bail Rate Schedule) in its entirety authorizing an adjustment of the violation fines by \$3.00 to accommodate a \$3.00 state mandated increase on all parking citations issued and collected by the City and increase the base violation fines by \$2.00 per citation to cover the City's costs of administration and enforcement of the regulations of Section 12-6.

BACKGROUND

The State of California has used parking citation fines collected by local governments and campuses since 1991 to balance its budget. In 1992, the State mandated that parking citation processing responsibilities be transferred from the courts to the local issuing agencies by January 1, 1994. That transfer of responsibility also decriminalized parking violations and made them civil violations enforced by the local issuing agency. In 1993, the transfer of parking citation processing from the Compton Municipal Court to the City of Compton was accomplished.

Prior to this transfer, the State had imposed a parking penalty surcharge of \$5.00 on each parking citation that the court collected. These surcharges were collected to fund the Courthouse Construction Fund and the Criminal Justice Facilities Construction Fund. When responsibility for processing parking violations transferred to local governments, the State mandated that the local agencies collect the \$5.00 surcharge and pass it through to the county and state.

In 2008, the Legislature passed SB 1407 (codified at California Government Code Section 70372), which became effective January 1, 2009, increasing state mandated parking penalty surcharges by \$4.50. This additional surcharge is also to be used to fund the Courthouse Construction Fund. With the passage of SB 1407, the amount the City was required to

collect and pass through to the county and state for each parking violation increased from \$5.00 to \$9.50.

Even though the City was required to pay the State \$9.50 per parking violation citation collected, the City had not increased its fines and penalties since 1992. Thus, from 1993 through 2009 the General Fund absorbed the state mandated cost of both the initial \$5.00 surcharge plus the \$4.50 surcharge enacted in 2009. This oversight was corrected in October 2009, when the City Council adopted Ordinance No. 2,200, which authorized an increase in parking violation fees by \$10.00 to accommodate future collections of the state mandated surcharges of \$9.50 per citation, plus a \$0.50 increase to the City's base rate for violations.

In 2010, the State established an additional surcharge of \$3.00 to be collected and transferred to the county and state.

STATEMENT OF THE ISSUE

The \$3.00 State Surcharge:

Section 40203.5 of the California Vehicle Code requires municipalities to establish a schedule of fines, penalties and late payments for parking violations. Additionally, under California law, municipalities are required to collect and pass through for deposit with various state and county funds, certain surcharges or penalties which are added to the base penalty established by the municipality.

In 2010, as a means of addressing court system funding shortages, the State Legislature passed and the Governor signed Senate Bill 857 (SB 857) establishing an additional state surcharge of \$3.00 per citation that issuing agencies must collect and transfer to the county and state. SB 857, codified at California Government Code section 76000.3, became effective December 7, 2010 and sunsets on July 1, 2013, unless extended by the Legislature. With the passage of SB 857, the amount the City is now required to collect and pay to the county and state for each parking violation citation issued and paid has increased from \$9.50 to \$12.50. Unless the City increases its parking citation amounts to collect these state mandated surcharges, the City will have to absorb and pay the additional cost from the City's General Fund.

The current total state imposed surcharges are as follows:

State imposed Court Surcharge	\$2.50
County Courthouse Construction Fund	\$2.50
County Criminal Justice Facilities Construction Fund	\$2.50
State Immediate & Critical Needs Facilities Construction	
Fund Parking Penalty	\$3.00
State Court Facilitates Construction Fund	\$1.50

**Staff Report Re Ordinance Amending Section 30-20.3, Specified Sections of
Chapter 12 and Section 12-6 of Compton Municipal Code
(Bail Schedule), July 26, 2011**

State Trial Court Trust Fund	<u>\$3.00</u>
Total	\$12.50

The \$2.00 City Base Rate Increase:

Pursuant to the direct grant of police powers under Article XI, Section 7 of the California Constitution, cities are authorized to impose reasonable fees, charges and rates for providing services necessary to the activity for which the fee is charged. Statutory and case laws basically limit the City from imposing fees which are over and above the costs incurred to carry out the purposes and provisions of the regulation being assessed. However, in fixing fees, it is proper and reasonable to take into account not only the expense of direct regulation, but also all the incidental consequences that may be likely to subject the public to cost.

Enforcement of the City's regulation of violations of Section 12-6 of the Compton Municipal Code typically involve utilization of City staff time and materials to issue citations, processing of citations, notification of parking fines and delinquent penalties, citation protest intake, processing and hearings, court appearances, and more; all of which places a burden on the City's human and financial resources.

The City's typical initial costs per citation issued are as follows:

Cost of each Citation	\$1.51
Initial processing & mailing of notice of violation	\$0.38
Second processing & mailing of notice of delinquency	\$1.00
MLES personnel time	\$4.99

Amendment to Section 30-20.3 and Specified Sections of Chapter 12:

Section 30-20-.3 and Sections 12-3.23, 12-5.6 and 12-9.13 of Chapter 12 will be amended as "house-cleaning" legislation that will decriminalize the penalty provisions, as needed, and place the civil fines for violations of these sections in Section 12-6 for purposes of uniformity. The specific provisions to be amended by this Ordinance are as follows:

- Section 30-20.3 (Yards). Subsection (e)(5) makes parking on an unpaved front yard or street side yard an infraction, which more appropriately should be subject to civil penalties and moved to Section 12-6.
- Section 12-3.23 (Penalty and Towing Provisions – relative to parking/storage of commercial vehicles). Subsection (a) appropriately subjects violations as civil penalties, which for purposes of uniformity should be placed in Section 12-6.

**Staff Report Re Ordinance Amending Section 30-20.3, Specified Sections of
Chapter 12 and Section 12-6 of Compton Municipal Code
(Bail Schedule), July 26, 2011**

- Section 12-5.6 (Parking and Driving Commercial Vehicles in Residential Areas). Subsection (d) makes violation of this section an infraction, which more appropriately should be subject to civil penalties and moved to Section 12-6.
- Section 12-9.13 (Revocation and Penalties – Preferential Parking). The beginning sentence of Subsection (b) makes parking a vehicle which has not been issued a preferential parking permit an infraction, which more appropriately should be subject to civil penalties and moved to Section 12-6.

FINANCIAL IMPACT

The City may continue to face budget shortfalls of approximately \$10,000.00 per month for violations issued and paid after December 7, 2010 if the City does not approve the \$3.00 increase per citation. The adoption of SB 857 to include an additional \$3.00 penalty imposed by the state must be adopted by the City Council or the City will be required to pay the surcharge from the City's General Fund.

Additionally, over the years the cost to the City of enforcement of the regulations of Section 12-6 has progressively increased, however, other than the \$0.50 in 2009, the City has not increased its base rate on any of the violations covered by Section 12-6 to address the increased costs of regulation.

RECOMMENDATION

The City's General Fund has had to pay the additional \$3.00 per citation state mandated surcharge since December 2010, thus staff recommends that the City Council adopt the attached Ordinance on an urgency basis, to become effective immediately upon adoption.

CARL HOUSTON, (ACTING) DIRECTOR
MUNICIPAL LAW ENFORCEMENT SERVICES

WILLIE NORFLEET
CITY MANAGER

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING SECTION 30-20.3 AND VARIOUS SPECIFIED SECTIONS OF CHAPTER XII
OF THE COMPTON MUNICIPAL CODE**

WHEREAS, California Vehicle Code Section 40203.5 et seq. authorizes a local governing body to establish a schedule of parking penalties for parking violations and late payment penalties; and

WHEREAS, such a schedule is set forth in Section 12-6.1 of the Compton Municipal Code (Bail Rate Schedule); and

WHEREAS, in 1993, the State of California transferred parking citation processing responsibilities to the local issuing agencies and also decriminalized parking violations and made them civil violations enforced by the local issuing agency; and

WHEREAS, for more than twenty years the State has used parking citation fines collected by local governments and campuses to balance its budget, requiring municipalities to collect and pass through for deposit into various state and county funds, certain surcharges and fees which are added to the base penalty, fine or forfeiture imposed; and

WHEREAS, since 1993 the City has been required to collect a \$5.00 surcharge on citations and pass it through to the county and state; and

WHEREAS, in 2009, pursuant to Senate Bill (SB) 1407, the State imposed an additional mandated surcharge of \$4.50, increasing the amount the City was required to collect and pass through to the county and state for each violation from \$5.00 to \$9.50; and

WHEREAS, even though the City was required to pay the State \$9.50 per parking violation citation collected, the City had not increased its fines and penalties since the responsibility to collect and pass through to the state and county was transferred to the City, thus from 1993 through 2009 the General Fund absorbed the state mandated cost of both the initial \$5.00 surcharge plus the \$4.50 surcharge enacted in 2009. This inadvertent oversight was corrected in October 2009, when the City Council adopted Ordinance No. 2,200, which authorized an increase in parking violation fees by \$10.00 to accommodate future collections of the state mandated surcharges of \$9.50 per citation, plus a \$0.50 increase to the City's base rate for violations; and

WHEREAS, in 2010, pursuant to SB 857, again the State imposed an additional mandated surcharge of \$3.00 per citation that issuing agencies must collect and transfer to the county and state; and

WHEREAS, with the passage of SB 857, the amount the City is now required to collect and pay to the county and state for each parking violation citation issued and paid has increased from \$9.50 to \$12.50 and unless the City increases its parking citation amounts to collect these state mandated surcharges, the City will have to absorb and pay the additional cost from the City's General Fund; and

WHEREAS, certain sections of the Compton Municipal Code impose criminal penalties for violations that more appropriately should be classified as civil violations, thus Section 30-20.3 and Sections 12-3.23, 12-5.6 and 12-9.13 of Chapter 12 will be amended as "house-cleaning" legislation that will decriminalize the penalty provisions, as needed, and place the civil fines for violations of these sections in Section 12-6 for purposes of uniformity; and

WHEREAS, over the years the cost to the City of enforcement of the regulations of Section 12-6 has progressively increased, however, other than the \$0.50 increase to the base fine adopted in 2009, the City has not increased its base rate on any of the violations covered by Section 12-6 to address the increased costs of regulation; and

WHEREAS, in light of the cost to the City for its failure to increase and collect the full amount of the state mandated surcharges for citations contained in Section 12-6, the City will continue to absorb and pay the additional costs from the City’s General Fund rather than violators of the law being held responsible for the mandated surcharges, thus for the immediate preservation of the public peace, health or safety it is warranted that this Ordinance be declared an urgency ordinance and hence, shall be adopted immediately; and

WHEREAS, following notice duly given, the City Council held a public hearing on July 26, 2011, regarding adoption of this Ordinance to amend Section 12-6.1 (Bail Rate Schedule) of the Compton Municipal Code to increase the fines and penalties contained therein, and has considered all oral and written statements, protests and communications made or filed by interested persons.

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

Section 1. That Subsection (e)(5) of Section 30-20.3 of the Compton Municipal Code (Yards), is hereby amended to read as follows:

Subsection (e)(5). Except for violation of subsection (4) above, all other violations of this subsection shall constitute an infraction.

Section 2. That Section 12-3.23 of the Compton Municipal Code (Penalty and Towing Provisions), is hereby amended to delete subsection (a) and renumber subsection (b) so that it is identified as subsection (a).

Section 3. That Subsection (d) of Section 12-5.6 of the Compton Municipal Code (Parking and Driving Commercial Vehicles in Residential Areas), is hereby amended to read as follows:

Subsection (d). The penalty for the violation of subsection 12-5.6 may include the towing away of those vehicles or motor vehicles outlined in paragraph a. through c. at the owner’s expense when such towing is necessary in the interest of public health, safety and welfare of the community.

Section 4. That subsection (b) of Section 12-9.13 of the Compton Municipal Code (Revocation and Penalties), is amended to read as follows:

Subsection (b). Except for violation of subsection 12-9.12a of this section, all other violations pursuant to subsection 12-9.12 shall constitute an infraction.

Section 5. That Section 12-6 (Bail Rate Schedule), is amended in its entirety to read as follows:

Section 12-6.1 **Bail Rate Schedule.**

- a. Notwithstanding any other provision of this Code to the contrary, violations of subsections 8-6.3, 12-3.1, 12-3.5a and 12-3.5b of this Code shall be punishable by the following fines:

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Page 3

1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, the fine is forty dollars (\$40.00); and
 2. If no appearance is made nor the required bail is posted as set forth in paragraph a.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206, but before a Notice of Intent is issued, sixty dollars (\$60.00) shall be assessed; and
 3. If a Notice of Intent is issued, ninety dollars (\$90.00) shall be assessed.
- b. Notwithstanding any other provisions of this Code to the contrary, violations of subsections 12-3.3a, 12-3.3b, 12-3.11, 12-3.12a, 12-3.12b, 12-3.12c, 12-3.12d, and 12-3.14 of this Code shall be punishable by the following fines:
1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, forty-five dollars (\$45.00) shall be assessed; and
 2. If no appearance is made nor the required bail is posted as set forth in paragraph b.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, seventy-five dollars (\$75.00) shall be assessed; and
 3. If a Notice of Intent is issued, one hundred and twenty dollars (\$120.00) shall be assessed.
- c. Notwithstanding any other provisions of this Code to the contrary, violations of subsections 12-3.6.a.3 and 12-3.6.a.5 of this Code shall be punishable by the following fines:
1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, sixty-five dollars (\$65.00) shall be assessed; and
 2. If no appearance is made nor the required bail is posted as set forth in paragraph c.1. of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, one hundred dollars (\$100.00) shall be assessed; and
 3. If a Notice of Intent is issued, one hundred and twenty dollars (\$120.00) shall be assessed.
- d. Notwithstanding any other provisions of this Code to the contrary, violations of subsections 12-2.9a, 12-2.9b, 12-2.12, 12-2.13, 12-2.14, 12-2.18 and 12-2.24 of this Code shall be punishable by the following fines:
1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, fifty dollars (\$50.00) shall be assessed; and
 2. If no appearance is made nor the required bail is posted as set forth in paragraph d.1. of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, seventy dollars (\$70.00) shall be assessed; and
 3. If a Notice of Intent is issued, one hundred and five dollars (\$105.00) shall be assessed.

- e. Notwithstanding any other provisions of this Code to the contrary, violations of subsections 12-2.21, 12-2.27a.1 through 12-2.27a.5, 12-2.29 and 12-2.41, of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, fifty-five dollars (\$55.00) shall be assessed; and
 - 2. If no appearance is made nor the required bail is posted as set forth in paragraph e.1. of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, eighty dollars (\$80.00) shall be assessed; and
 - 3. If a Notice of Intent is issued, one hundred and fifteen dollars (\$115.00) shall be assessed.

- f. Notwithstanding any other provisions of this Code to the contrary, violations of subsections 12-3.20,12-2.23, and 12-2.25, of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, eighty dollars (\$80.00) shall be assessed; and
 - 2. If no appearance is made nor the required bail is posted as set forth in paragraph f.1. of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, one hundred dollars (\$100.00) shall be assessed; and
 - 3. If a Notice of Intent is issued, one hundred and thirty dollars (\$130.00) shall be assessed.

- g. Notwithstanding any other provision of this Code to the contrary, violations of subsections 12-2.2 and 12-2.37 of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of the violation, two hundred and twenty dollars (\$220.00) shall be assessed; and
 - 2. If no appearance is made nor the required bail posted as set forth in paragraph g.1. of this subsection after notice is given pursuant to Section 40206 of the Vehicle Code of the State but before a warrant of arrest is issued, two hundred and forty dollars (\$240.00) shall be assessed; and
 - 3. If a warrant of arrest is issued, two hundred and seventy dollars (\$270.00) shall be assessed.

- h. Notwithstanding any other provisions of this Code to the contrary, violations of 12-2.28,12-2.40 and 12-2.42 of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, forty dollars (\$40.00) shall be assessed; and
 - 2. If no appearance is made nor the required bail is posted as set forth in paragraph h.1. of this subsection after notice is given pursuant to California Vehicle Code

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Section 40206 but before a Notice of Intent is issued, sixty dollars (\$60.00) shall be assessed; and

3. If a Notice of Intent is issued, ninety dollars (\$90.00) shall be assessed.
- i. Notwithstanding any other provisions of this Code to the contrary, violations of subsection 12-3.10a. and 12-3.10b. of this Code shall be punishable by the following fines:
 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of the violation, thirty-five dollars (\$35.00) shall be assessed; and
 2. If no appearance is made nor the required bail posted as set forth in paragraph i.1. of this subsection after notice is given pursuant to Section 40206 of the Vehicle Code of the State but before a warrant of arrest is issued, sixty-five dollars (\$65.00) shall be assessed; and
 3. If a warrant of arrest is issued, one hundred and ten dollars (\$110.00) shall be assessed.
 - j. Notwithstanding any other provisions of this Code to the contrary, violations of subsections 12-2.3, 12-2.19, 12-2.22 and 12-2.39 of this Code shall be punishable by the following fines:
 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of the violation, forty dollars (\$40.00) shall be assessed; and
 2. If no appearance is made nor the required bail posted as set forth in paragraph j.1. of this subsection after notice is given pursuant to Section 40206 of the Vehicle Code of the State but before a warrant of arrest is issued, sixty dollars (\$60.00) shall be assessed; and
 3. If a warrant of arrest is issued, ninety-five dollars (\$95.00) shall be assessed.
 - k. Notwithstanding any other provisions of this Code to the contrary, violations of subsection 12-2.44 of this Code shall be punishable by the following fines:
 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of the violation, forty-five dollars (\$45.00) shall be assessed; and
 2. If no appearance is made nor the required bail posted as set forth in paragraph k.1. of this subsection after notice is given pursuant to Section 40206 of the Vehicle Code of the State but before a warrant of arrest is issued, seventy dollars (\$70.00) shall be assessed; and
 3. If a warrant of arrest is issued, one hundred and five dollars (\$105.00) shall be assessed.
 - l. Notwithstanding any other provisions of this Code to the contrary, violations of subsection 9-16.8 of this Code shall be punishable by the following fines:
 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of the violation, forty dollars (\$40.00) shall be assessed; and

- 2. If no appearance is made nor the required bail posted as set forth in paragraph l.1. of this subsection after notice is given pursuant to Section 40206. of the Vehicle Code of the State but before a Notice of Intent is issued, sixty dollars (\$60.00) shall be assessed; and
 - 3. If a Notice of Intent is issued, ninety-five dollars (\$95.00) shall be assessed.
- m. Notwithstanding any other provision of this Code to the contrary, violations of subsections 12-3.3c, 12-3.3d, 12-3.3e and 12-3.15 of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, sixty dollars (\$60.00) shall be assessed; and
 - 2. If no appearance is made nor the required bail is posted as set forth in paragraph m.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, one hundred and five dollars (\$105.00) shall be assessed; and
 - 3. If a Notice of Intent is issued, one hundred and fifty dollars (\$150.00) shall be assessed.
- n. Notwithstanding any other provision of this Code to the contrary, violations of subsections 12-3.9 of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, sixty-seven dollars and fifty cents (\$67.50); and
 - 2. If no appearance is made nor the required bail is posted as set forth paragraph n.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, ninety-seven dollars and fifty cents (\$97.50) shall be assessed; and
 - 3. If a Notice of Intent is issued, one hundred and thirty-two dollars and fifty-cents (\$132.50) shall be assessed.
- o. Notwithstanding any other provision of this Code to the contrary, violations of subsections 12-3.16 of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, seventy-five dollars (\$75.00) shall be assessed; and
 - 2. If no appearance is made nor the required bail is posted as set forth in paragraph o.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, one hundred and twelve dollars and fifty cents (\$112.50) shall be assessed; and
 - 3. If a Notice of Intent is issued, one hundred and forty-seven dollars and fifty cents (\$147.50) shall be assessed.
- p. Notwithstanding any other provision of this Code to the contrary, violations of subsections 12-3.6.a.1, 12-3.6-a.2, 12-3.6.a.4 of this Code shall be punishable by the following fines:

Ordinance No. _____

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1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, ninety dollars (\$90.00); and
 2. If no appearance is made nor the required bail is posted as set forth in paragraph p.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, one hundred and forty-two dollars and fifty cents (\$142.50) shall be assessed; and
 3. If a Notice of Intent is issued, one hundred and sixty-two dollars and fifty cents (\$162.50) shall be assessed.
- q. Notwithstanding any other provision of this Code to the contrary, violations of subsection 12-2.16 of this Code shall be punishable by the following fines:
1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, sixty-seven dollars and fifty cents (\$67.50); and
 2. If no appearance is made nor the required bail is posted as set forth in paragraph q.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, ninety-seven dollars and fifty cents (\$97.50) shall be assessed; and
 3. If a Notice of Intent is issued, one hundred and thirty-two dollars and fifty cents (\$132.50) shall be assessed.
- r. Notwithstanding any other provision of this Code to the contrary, violations of subsection 12-2.30 of this Code shall be punishable by the following fines:
1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, seventy-five dollars (\$75.00) shall be assessed; and
 2. If no appearance is made nor the required bail is posted as set forth in paragraph r.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, one hundred and twelve dollars and fifty cents (\$112.50) shall be assessed; and
 3. If a Notice of Intent is issued, one hundred and forty-seven dollars and fifty cents (\$147.50) shall be assessed.
- s. Notwithstanding any other provision of this Code to the contrary, violations of subsection 12-3.27 of this Code shall be punishable by the following fines:
1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, one hundred and twelve dollars and fifty cents (\$112.50) shall be assessed; and
 2. If no appearance is made nor the required bail is posted as set forth in paragraph s.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, one hundred and twenty-seven dollars and fifty cents (\$127.50) shall be assessed; and
 3. If a Notice of Intent is issued, one hundred and fifty-seven dollars and fifty cents (\$157.50) shall be assessed.

- t. Notwithstanding any other provision of this Code to the contrary, violations of subsection 12-2.43 of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, fifty-two dollars and fifty cents (\$52.50) shall be assessed; and
 - 2. If no appearance is made nor the required bail is posted as set forth in paragraph t.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, eighty-two dollars and fifty cents (\$82.50) shall be assessed; and
 - 3. If a Notice of Intent is issued, one hundred and twelve dollars and fifty cents (\$112.50) shall be assessed.

- u. Notwithstanding any other provisions of this Code to the contrary, violations of 12-2.33 and 12-2.34 of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, thirty dollars (\$30.00) shall be assessed; and
 - 2. If no appearance is made nor the required bail is posted as set forth in paragraph u.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206 but before a Notice of Intent is issued, fifty dollars (\$50.00) shall be assessed; and
 - 3. If a Notice of Intent is issued, eighty dollars (\$80.00) shall be assessed.

- v. Notwithstanding any other provision of this Code to the contrary, violations of subsection 30-20.3(e)(4) of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, forty-five dollars (\$45.00); and
 - 2. If no appearance is made nor the required bail posted as set forth in paragraph v.1 of this subsection after notice is given pursuant to Section 40206 of the Vehicle Code of the State but before a Notice of Intent is issued, seventy-eight dollars (\$78.00); and
 - 3. If a Notice of Intent is issued, one hundred eleven dollars (\$111.00) shall be assessed.

- w. Notwithstanding any other provision of this Code to the contrary, violations of subsections 12-9.12a, of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, fifty-two dollars (\$52.00); and
 - 2. If no appearance is made nor the required bail posted as set forth in paragraph w.1 of this subsection after notice is given pursuant to Section 40206 of the Vehicle Code of the State but before a Notice of Intent is issued, sixty-seven dollars (\$67.00); and
 - 3. If a Notice of Intent is issued, ninety-seven dollars (\$97.00) shall be assessed.

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- x. Notwithstanding any other provision of this Code to the contrary, violation of subsections 12-3.17, 12-3.18, 12-3.19, 12-3.21 and 12-3.22, of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, one hundred fifty-five dollars (\$155.00); and
 - 2. If no appearance is made nor the required bail posted as set forth in paragraph x.1 of this subsection after notice is given pursuant to Section 40206 of the Vehicle Code of the State but before a Notice of Intent is issued, two hundred fifty-five dollars (\$255.00); and
 - 3. If a Notice of Intent is issued, five hundred and five dollars (\$505.00) shall be assessed.

- y. Notwithstanding any other provision of this Code to the contrary, violations of subsections 12-5.6, of this Code shall be punishable by the following fines:
 - 1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, one hundred sixty dollars (\$160.00); and
 - 2. If no appearance is made nor the required bail posted as set forth in paragraph y.1 of this subsection after notice is given pursuant to Section 40206 of the Vehicle Code of the State but before a Notice of Intent is issued, two hundred sixty dollars (\$260.00); and
 - 3. If a Notice of Intent is issued, three hundred fifty dollars (\$350.00) shall be assessed.

Section 6. That the City Council finds and declares that this Ordinance is required for the immediate protection of the public health, safety and welfare for the reasons set forth in the recitals above.

Section 7. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately after its adoption by the City Council.

Section 8. That the City Council declares that, should any provision, section, subsection, sentence, paragraph, clause, phrase 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 any reason of any preemptive legislation, the remaining provisions, sections, subsections, sentences, paragraphs, clauses, phrases or words of this ordinance hereby adopted shall remain in full force and effect.

Section 9. That copies of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Municipal Law Enforcement Services Department and the Compton Station of the Los Angeles County Sheriff’s Department.

Section 10. 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.

Ordinance No. _____
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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, do 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-
ABSENT: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-

CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Attorney

RESOLUTION TITLE: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 30-20.3 AND VARIOUS SPECIFIED SECTIONS OF CHAPTER XII OF THE COMPTON MUNICIPAL CODE.

Ruth Rugley
DEPARTMENT MANAGER’S SIGNATURE

7/13/2011 3:19:14 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/20/2011 4:58:11 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/13/2011 4:25:23 PM
DATE

Dave Hewitt
CITY MANAGER

7/13/2011 3:39:35 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.

