

NOTICE

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

HEARING(S)

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. October 4, 2011

REPORTS OF OFFICERS AND COMMISSIONS

HUMAN RESOURCES

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A METRO PASS SELLER AGREEMENT AND TAP CPOS LICENSE AND SERVICE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

MUNICIPAL LAW ENFORCEMENT SERVICES

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT'S BUDGET ACCEPTING AND APPROPRIATING ADDITIONAL FUNDS PURSUANT TO ASSEMBLY BILL 3229

PUBLIC WORKS-ENGINEERING

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE CONSTRUCTION OF THE NORTHWOOD AVENUE RECONSTRUCTION PROJECT (CIP# 08-06) PERFORMED BY ALL AMERICAN ASPHALT, SANCTION STAFF TO FILE THE NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE, AUTHORIZE A CONTRACT AMENDMENT WITH W2 DESIGN, INC. FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES PERFORMED ON THE PROJECT, AND AUTHORIZE THE RELEASE OF THE CONTRACTOR'S RETENTION
5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE YEAR CONTRACT EXTENSION WITH RON'S MAINTENANCE FOR CATCH BASIN CLEANING AND ISSUE A PURCHASE ORDER FOR AN AMOUNT NOT TO EXCEED NINETY THREE THOUSAND, SEVEN HUNDRED NINETY FIVE DOLLARS (\$93,795.00)
6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE RELEASE / EXONERATION OF BOND AND ACCEPTANCE OF IMPROVEMENTS FOR TRACT MAP NO. 60998 FOR THE WILLOW WALK PROJECT

APPROVAL OF WARRANTS

END CONSENT AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

7. **ORAL/WRITTEN PRESENTATION** - ASSESSMENT OF THE CITY'S FINANCE'S AND OPERATIONAL DELIVERY SYSTEMS

CITY ATTORNEY'S REPORTS

UNFINISHED BUSINESS

8. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SPECIFIC PROVISIONS OF CHAPTER XIV (BUILDING AND HOUSING CODES) AND CHAPTER XVII (MECHANICAL CODE) OF THE COMPTON MUNICIPAL CODE AUTHORIZING THE CITY MANAGER TO

APPOINT A HEARING OFFICER TO PERFORM THE DUTIES OF THE CITY'S HOUSING ADVISORY AND APPEALS BOARD (HAAB) IN THE EVENT THE BOARD LACKS A QUORUM(**Second Reading**)

9. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTION 2-20.2 REGARDING MEMBERSHIP OF THE COMPTON YOUTH LEADERSHIP COUNCIL(**Second Reading**)

NEW BUSINESS

10. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON REPEALING SECTIONS 2-24.1 AND 2-24.2 OF THE COMPTON MUNICIPAL CODE AND AMENDING CHAPTER VII OF THE CODE TO ADD SECTION 7-28 TO PROHIBIT SMOKING AND THE USE OF TOBACCO RELATED PRODUCTS IN CERTAIN AREAS WITHIN THE CITY OF COMPTON(**First Reading**)

COUNCIL COMMENTS

ADJOURNMENT

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

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OCTOBER 4, 2011

The City Council meeting was called to order at 6:04 p.m. in the Council Chambers of City Hall by Mayor Pro-Tem Janna Zurita.

ROLL CALL

Council Members Present: Arceneaux, Jones, Zurita

Council Members Absent: Dobson, Perrodin

Other Officials Present: C. Cornwell, A. Godwin, P. Ewell

5:50 P.M. - PUBLIC HEARING - HUD MANDATED CONSOLIDATE ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) - (CANCELLED)

6:00 P.M. - PUBLIC HEARING - APPEAL BY OUR LADY OF VICTORY DENIAL OF STREET CLOSURE (Item #6)

On motion by Arceneaux, seconded by Jones, the public hearing was opened at 6:06 p.m., by the following vote on roll call:

AYES: Council Members - Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Dobson, Perrodin

Mr. Ewell, City Manager, stated that he was recently notified of a request to withdraw this item, or defer it until the month of December.

Alita Godwin, City Clerk, stated that she was just presented with a letter indicating that the event would be held on December 11, 2011, therefore she advised the City Council to reschedule the hearing to be held prior to the event.

Mayor Pro-Tem Zurita requested legal counsel.

Ruth Rugley, Deputy City Attorney, recommended that the applicant come forward to address whether he would like to re-submit his application for street closure or withdraw the item as previously stated.

Father Francisco, Parish of Our Lady of Victory Church, requested that the hearing be postponed to December to accommodate their event which has been rescheduled for December 9-11, 2011.

Mr. Ewell stated that it is his desire to meet with Father Francisco, well in advance of their event being held so that they can address some of the issues prior to bringing this back in December with recommendations consistent with the church and the community.

#1.

Ms. Rugley reiterated her recommendation for the applicant to withdraw his previous application which was denied and submit a new application to the City Manager or leave it in its current condition and continue the hearing to a date specific.

On motion by Arceneaux, seconded by Jones, the public hearing was continued to November 1, 2011 at 6 p.m., by the following vote on roll call:

AYES: Council Members - Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Dobson, Perrodin

Father Francisco requested that the application be withdrawn in an effort to reapply.

Mr. Ewell accepted Father Francisco's request and added that the November 1, 2011 hearing date would remain on the calendar in lieu of his resubmitted application.

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

Tony Branson, President of the Compton Firefighters Local 2216, stated that he was looking forward as a united coalition of unions to work together with the City to try and bring employees back to work and prevent lay-offs. He welcomed the new City Manager to the City of Compton on behalf of Local 2216. He indicated that he was fifteen years old when he first met Mr. Ewell and stated that he was looking forward to him visiting their fire station again.

James Walker, United Workforce of City of Compton, welcomed the Mr. Ewell back to the City of Compton. He stated that he hopes to work with the City Manager's Office to help restore services, jobs and the financial integrity to the City.

Maria Villa Real, Compton resident, mentioned a situation that occurred last year with the school police. She indicated that it was reported to the school district after which it was investigated. She stated that an outside investigator was hired to conduct the investigation; however it was an ex-employee of the police department that was hired to investigate his ex-boss. She suggested that the Compton citizens had no recourse or opportunities to defend themselves. She stated that after going to a National Association of Justice for Equal National Association for Equal Justice in America (NAJEA) meeting and speaking regarding this issue, the president of the organization met with the superintendent of the district and concluded that nothing was wrong with the officer's conducted and cited that it was the parent's conduct. She reiterated that the citizens had no recourse in the City of Compton.

Detra Buhr, Compton Alumni Ministries, stated that she had previously submitted a facsimile and mail correspondence to the City Attorney, Craig Cornwell and the previous City Manager, Willie Norfleet, regarding egregious conduct on August 27, 2011 at Tragneiw Park. She indicated that the President of the Compton Alumni Ministries applied for a permit on June 20, 2011 to conduct an outreach program at Tragniew Park. She paid the fees for the permit and was issued a permit with no further contact. The money order was held for a month and three days before the event. She then received a called from the Assistant City Manager to notify her that

the event was cancelled. She stated that there was no way to cancel the event and as the event went forward, police went around to the vendors threatening them with citations. There were 15 citations issued that day with some of them citing municipal codes that do not exist according to the website. Officer Daniels directed her to contact the City Attorney to resolve this issue, however after more than thirty days of no contact she has not received any information from the City Attorney.

Mayor Pro-Tem Zurita referred Ms. Buhr to the appropriate staff.

Lorraine Cervantes, Compton resident, requested that the City Attorney host a workshop for the members of the City Council in an effort to educate them on the Brown Act and parliamentary procedures. She expressed a concern for City Attorney Cornwell allowing violations to occur or advising the council members in public or in private. She indicated that she was told that two of the council members personally met with the new City Manager to determine if he would be the person to hire. She added that she was told that the council made a decision on who would be the interim city manager for at least four months without a resume. She questioned how this decision could be made without a resume and concluded that this could not be legal.

Val Dudley, Compton resident, thanked everyone that has been purchasing their office supplies from Staples. She clarified that Staples is not closing, however quotas have to be met at this location. She stated that God has been good to her, because He has given her the opportunity to have another position. She advised shoppers to peruse the clearance aisle and stated that she is looking forward to Mayor Pro-Tem Zurita visiting the store and talking to the employees and shoppers. Mr. Dudley welcomed Mr. Ewell and stated that she knows that the City will be productive with him in command.

Benjamin Holifield, Compton resident, announced that the newest park in the Third District would be opening soon. He commented on the City's emergency preparedness plan and mentioned the training that he received in the City of Carson. He questioned where the citizens were supposed to go, in the event of an emergency and indicated that there was money being allocated from the federal government for emergency preparedness. He requested that a state of the art emergency preparedness plan be prepared, lead by the Fire Department.

Joyce Kelly, Compton resident, questioned the discussion by the City Attorney and the Mayor regarding the 240 trucks traveling on Compton's streets when for over three years, she has requested a left hand turning signal at the intersection of Alondra and Atlantic Boulevard. She notified the City Manager that there are two women who are friends or relatives of people in government in City Hall who are not doing their jobs, but yet, people who were doing their jobs were fired. She asserted that the educated people were fired and asked that the City Manager investigate this matter and bring back the people that know how to run the City.

Lynn Boone, Compton resident, congratulated the new City Manager and advised him to not take offense to her comments. She stated that the Councilperson in the First District voted on the budget with the lay-offs after the Councilperson in the Third District provided legal information regarding the budget without the lay-offs. She stated that this councilperson was backed by an

#1.

Assemblyman and coincidentally has a liaison who is a family member of the Assemblyman. She asserted that this Assemblyman has influence on the dais and will soon become the new City Manager in the next four to five months.

Mayor Pro-Tem Zurita recognized Senator Roderick Wright in the audience.

Senator Roderick Wright reported on the activities occurring at the State level concerning redevelopment agencies. He assured the City Council that they were not being singled out as it relates to funds being allocated to cities. He stated that the economy is bad for everyone and cited that the City of Compton is not alone in its challenges, the State and the federal government included. He indicated that he was looking forward to working with the City Manager to address any issues he may have.

Senator Wright noted that low level inmates were scheduled to be released with the exception of child molesters and rapists.

Councilperson Jones publicly thanked the Senator for his support of the redevelopment agencies.

Mayor Pro-Tem Zurita recognized Judge Kelvin Filer, Compton School Board Satra Zurita, and Bernard Dory.

Bernard Dory announced that Assemblyman Hall III would be hosting a meeting to address the early release of inmates on Friday, October 7, 2011 at 8:30 a.m. at Bateman Hall in Lynwood to address justice realignment and the stress and strain on local communities to receive them. For additional information regarding this event please call (310) 223-1201. Transportation will also be provided at various locations in the City. Other issues to be addressed will be housing, education and employment. Mr. Dory stated that approximately 1,900 inmates are expected to be released into the City of Compton. He noted that this event is about state resources flowing down into municipalities.

CONSENT AGENDA

ITEMS REMOVED FROM THE CONSENT AGENDA - Items Two and Three were removed from the Consent Agenda.

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

AYES: Council Members - Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Dobson, Perrodin

APPROVAL OF MINUTES

1. September 20, 2011

APPROVAL OF WARRANTS

4. Warrant #203597 - Satish Chander - Grant Management Services - \$16,740.00 - Requested by: Public Works

Warrant #203664 - Infosend Inc. - Printing and Mailing of Water Bills - \$15,595.37 - Requested by: Water

Total Amount - \$32,335.37

ITEMS REMOVED FROM THE CONSENT AGENDA**BUILDING AND SAFETY**

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE PROPOSAL FROM MELAD AND ASSOCIATES FOR BUILDING PLAN CHECK SERVICES AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT AGREEMENT

Mayor Pro-Tem Zurita asked the City Manager if these services were currently being provided in-house.

Patrick Stewart, Director of the Building and Safety Department, explained that Melad & Associates was hired to provide structural and mechanical engineering plan check services, which the City does not have on staff. He indicated that plan checks conducted at the counter are residential, small and light commercial.

Mr. Ewell, City Manager, indicated that these services are not being provided in-house due to employees not being certified in the different areas as required.

Mayor Pro-Tem Zurita requested the cost to the City to employ a full-time staff person. Mr. Stewart indicated that it would cost the City \$500,000 annually for a total of three plan checkers.

Mr. Ewell added that these are large plan checks and not necessarily multi-disciplined people can take them on. He cited that a person has to be certified to have the ability to inspect mechanical engineering reviews, grading reviews, electrical plumbing reviews, certification to sign off on these major projects.

Mr. Ewell affirmed that this contract would allow the department to complete this process in a more efficient manner. He added that he would conduct a cost benefit analysis to determine if certain services should be completed in-house.

#1.

On motion by Arceneaux, seconded by Jones, **Resolution # 23,402** entitled “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE PROPOSAL FROM MELAD AND ASSOCIATES FOR BUILDING PLAN CHECK SERVICES AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT AGREEMENT**” was approved, by the following vote on roll call:

AYES: Council Members - Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Dobson, Perrodin

WATER DEPARTMENT

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF PACIFIC STATES FOR THE CONSTRUCTION OF A 750,000 GALLON PORTABLE WATER STORAGE RESERVOIR AT THE SOUTHEAST CORNER OF SEBRIE PARK AND TRANSFER FUNDS BETWEEN ACCOUNTS **(FOUR VOTE REQUIREMENT)**

Mayor Pro-Tem Zurita requested the benefits to installing a reservoir at Sebrie Park.

Kambiz Shoghi, General Manager of the Water Department, stated that the benefits include an upgrade to the water quality in that area and enhance the water pressure.

Mayor Pro-Tem Zurita asked Mr. Shoghi if there were other locations available to install the reservoir.

Mr. Shoghi stated that this area of the City was selected because of their low water pressure and poor water quality. He mentioned that it would be moved to the southeast side of the park which is less visible to the public.

Mayor Pro-Tem Zurita questioned if there would be a significant difference in the cost to install the reservoir somewhere else.

Mr. Shoghi stated that moving the reservoir to another location would defeat the purpose of installing the reservoir and increasing the water pressure and water quality in that area.

Mayor Pro-Tem Zurita requested an image of what the reservoir would look like.

Mr. Ewell, City Manager, agreed that the reservoir would not be sightly and noted that he had spoken with Mr. Shoghi about looking at ways to camouflage it. Conversely, he added that there were four reasons why this reservoir makes sense:

- 1) Increase in water pressure for emergency preparedness purposes; simultaneously increasing the water pressure for residents in the area.
- 2) EPA Grant in the amount of two million dollars.

- 3) City is not obligated by the Metropolitan Water District (MWD) to buy water from them; long term reduces the need to increase rates to the residents in the community.
- 4) Better water quality.

Mr. Ewell stated that an underground reservoir would cost the City one million dollars which the City would have to pay and possibly be distributed among the rate payers. Therefore discussions were held to look for ways to camouflage it and he is a big stickler on ensuring that the aesthetics of communities are protected.

Mayor Pro-Tem Zurita requested the completion date for the project. Mr. Shoghi indicated that the project would be completed within four months.

Mr. Ewell stated that in order to meet the grant fund requirements this project must be completed by next year, or the department will be in jeopardy of losing them.

Mr. Shoghi added that in the event another location is considered an entirely new application and SEQA and EQA report would have to be submitted which will take another six to seven months.

Mr. Ewell stated that at the appropriate time, prior to the final installation, he thinks that it is incumbent upon staff to bring back some aesthetic drawings to show how the reservoir will be camouflaged.

It was moved by Arceneaux, seconded by Jones, **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF PACIFIC STATES FOR THE CONSTRUCTION OF A 750,000 GALLON PORTABLE WATER STORAGE RESERVOIR AT THE SOUTHEAST CORNER OF SEBRIE PARK AND TRANSFER FUNDS BETWEEN ACCOUNTS”** failed, due to the four vote requirement.

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

Item will be brought back at the next regular meeting.

END OF THE CONSENT AGENDA

REGULAR AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

5. APPOINTMENT(S) OF OFFICERS, COUNCIL MEMBERS, BOARDS/COMMISSIONS AND COMMITTEES

JOINT POWERS AUTHORITY - Janna Zurita as Alternate

#1.

On motion by Arceneaux, seconded by Jones, **Councilperson Janna Zurita** was appointed to the alternate position on the Joint Powers Authority, by the following vote on roll call:

AYES: Council Members - Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Dobson, Perrodin

CITY MANAGER'S REPORT

6. **APPEAL REQUEST FOR TEMPORARY STREET CLOSURE PERMIT FOR OUR LADY OF VICTORY CATHOLIC CHURCH (Hearing was rescheduled to November 1, 2011 at 6:00 p.m.)**

CITY ATTORNEY'S REPORTS - There were no City Attorney's Reports.

UNFINISHED BUSINESS - There was no Unfinished Business.

NEW BUSINESS - There was no New Business.

COUNCIL COMMENTS

Mr. Ewell, City Manager, stated that he would be meeting with as many people as he can including the labor unions. He stated that it is important for him to understand what has transpired and whether or not there were any civil service personnel violations and the options available. He indicated that he intends on being very forthright in everything that he does and come back in the next three weeks with an initial report on where he thinks the shortfalls are, any corrective actions that took place, any roles that the labor unions can play to help the City address long term strategies to reducing some of the negative debt of about 45 million dollars.

Councilperson Jones announced that the Compton Initiative would be working in the Fourth District on Saturday, October 15, 2011 to complete the work at Compton High School and Roosevelt Middle School from 7 a.m. to 12 p.m. He encouraged the residents to participate and urged them to call (310) 605-5662 for additional information.

Councilperson Jones invited the residents and their families to participate in "A Day of Fun at the Park" event to be held at Kelly Park on October 29, 2011 from 10 a.m. to 2 p.m. There will be a special focus on physical fitness, nutrition and literacy.

Councilperson Arceneaux mentioned the discussions held earlier regarding the inmates returning to the City of Compton. She indicated that it was incumbent upon the City to come together with the Sheriff's Department, Municipal Law Enforcement and the local churches to address the needs of newly released inmates as they are re-entering society.

Mayor Pro-Tem Zurita welcomed Mr. Ewell back to the City of Compton. She stated that she is looking forward to working with him and getting Compton back on solid ground. She acknowledged that there was a lot of work to do and that there would be challenges, however she indicated that she believed that there were opportunities in Compton.

Mayor Pro-Tem Zurita announced that she has partnered with the “Komen for the Cure” breast cancer awareness organization. She announced that there first event would be held on Sunday, October 23, 2011 to address breast cancer awareness and its effects on the African American community. The event will be held from 1:30 p.m. to 4 p.m. on the Long Beach City College Pacific Coast Campus. For additional information regarding this event, please call (310) 605-5510.

ADJOURNMENT

On motion by Jones, seconded by Arceneaux, the meeting was adjourned at 7:26 p.m., by the following vote on roll call:

AYES: Council Members - Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Dobson, Perrodin

Clerk of the City of Compton

Mayor of the City of Compton

October 18, 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 METRO PASS SELLER AGREEMENT AND TAP CPOS LICENSE AND SERVICE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

SUMMARY

The attached Resolution is for the City Manager to enter into a Metro Pass Seller Agreement and the attendant TAP CPOS License and Service Agreement with the Los Angeles County Metropolitan Transportation Authority (LACMTA).

BACKGROUND

Federal and State statutes require cities to develop and implement mobile source air pollution reduction strategies consistent with regional air quality goals established by the California Clean Air Act of 1988.

The City's program promotes the use of alternative transportation methods (carpool, bike, walk and public transit) to reduce vehicular congestion and emission. Monthly transit passes are provided for commuting to and from work via LACMTA rail/bus transit systems. Additionally, in 1994, the City received LACMTA's approval to provide subsidized bus passes for senior citizens in the community.

In the past, the City of Compton could purchase paper transportation passes from LACMTA and would be invoiced for the passes that were purchased. However, the LACMTA no longer sells paper transportation passes, nor will they continue to invoice the City for services received. Instead, LACMTA has converted to an electronic sell of passes called Transit Access Pass (TAP) and the funds must be pre-loaded into a compact point of sales device (CPOS) supplied by the LACMTA to the City.

#2.

Resolution – Metro Pass Seller Agreement
October 18, 2011
Page Two

In order to receive the CPOS device, the City shall execute the TAP CPOS License and Services Agreement with LACMTA.

FISCAL IMPACT

City Council adopted Resolution #23,390 on September 13, 2011 authorizing the issuance of a purchase order to LACMTA in the amount of \$140,000 from account number 2625-56-0000-4269, the Clean Air Act.

There will be no fiscal impact on the City's General Fund.

RECOMMENDATION

Staff recommends approval of the attached Resolution authorizing the City Manager to enter into above-indicated agreements with the Los Angeles County Metropolitan Transportation Authority.

SHERI D. EATON
ACTING HUMAN RESOURCES DIRECTOR

P. LAMONT EWELL
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A METRO PASS SELLER AGREEMENT AND TAP CPOS LICENSE AND SERVICE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, the Southern California Air Quality Management District has mandated through the Clean Air Act that employers provide ride sharing, alternative transportation and trip reduction programs; and

WHEREAS, the City's program promotes the use of alternative transportation methods (carpool, bike, walk and public transit) to reduce vehicular congestion and emission; and

WHEREAS, the City of Compton, in order to comply with the program guidelines, purchases from the Metropolitan Transportation Authority public transit bus passes on a monthly basis to provide alternative transportation to and from the work site for employees and provide transit services for the elderly; and

WHEREAS, these passes are only available through the Los Angeles County Metropolitan Transportation Authority; and

WHEREAS, the LACMTA no longer sells paper transportation passes; and

WHEREAS, LACMTA has converted to an electronic sell of passes called Transit Access Pass (TAP) and the funds must be pre-loaded into a compact point of sales device (CPOS) supplied by the LACMTA to the City; and

WHEREAS, in order to receive the CPOS device, the City shall execute the TAP CPOS License and Services Agreement with LACMTA; and

WHEREAS, City Council adopted Resolution #23,390 on September 13, 2011 authorizing the issuance of a purchase order to LACMTA in the amount of \$140,000 from account number 2625-56-0000-4269, the Clean Air Act.

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 Metro Pass Seller Agreement and a TAP CPOS License and Service Agreement with the Los Angeles County Metropolitan Transportation Authority for Fiscal Year 2011-2012.

Section 2. That a certified copy of this Resolution shall be filed in the offices of the City Manager, City Attorney, City Controller, Human Resources Department and City Clerk.

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

Resolution No. _____
Page Two

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: ss

I, Alita L. 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: City Attorney

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A METRO PASS SELLER AGREEMENT AND TAP CPOS LICENSE AND SERVICE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

Ruth Rugley
DEPARTMENT MANAGER’S SIGNATURE

10/6/2011 11:06:42 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

10/6/2011 4:28:44 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

10/6/2011 3:54:41 PM
DATE

P. Lamont Ewell
CITY MANAGER

10/6/2011 3:52:19 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.

October 18, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT'S BUDGET ACCEPTING AND APPROPRIATING ADDITIONAL FUNDS PURSUANT TO ASSEMBLY BILL 3229

SUMMARY

This resolution accepts and appropriates Supplemental Law Enforcement Funds from the State of California for law enforcement use pursuant to Assembly Bill 3229.

STATEMENT OF FACT

The City of Compton has received additional funds in the sum of Nine Hundred Forty-Three Dollars and Twenty-Two cents (\$943.22) for Fiscal Year 2011-2012. The Los Angeles County Sheriff's Department, Compton Station, has identified supplemental funding needs for these monies in accordance with the provisions of Assembly Bill 3229.

FISCAL IMPACT

Adoption of this resolution will not have an impact on the General Fund. Estimated revenues and appropriations for Fiscal Year 2011-2012 will be increased as follows:

Account Number	Description	Amount
1033-000-000-3970	Prior Years Revenue	\$943.22
1033-680-000-4269	Other Contract services	\$943.22

#3.

Page Two
October 18, 2011

RECOMMENDATION

Staff recommends adoption of this resolution by Council to amend the Municipal Law Enforcement Services Department's budget to accept and appropriate funds received pursuant to Assembly Bills 3229.

CARL HOUSTON, INTERIM DIRECTOR
MUNICIPAL LAW ENFORCEMENT
SERVICES DEPARTMENT

P. LAMONT EWELL
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT'S BUDGET ACCEPTING AND APPROPRIATING ADDITIONAL FUNDS PURSUANT TO ASSEMBLY BILL 3229

WHEREAS, the City of Compton has received funding pursuant to Assembly Bill 3229 for law enforcement purposes; and

WHEREAS, the Los Angeles County Sheriff's Department, Compton Station, has identified supplemental funding needs in accordance with Assembly Bill 3229; and

WHEREAS, it is necessary to accept and appropriate the monies in the Municipal Law Enforcement Department's 2011-2012 Fiscal Year Budget.

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

SECTION 1. That estimated revenues and appropriations for Fiscal Year 2011-2012 are hereby increased as follows:

Account Number	Description	Amount
1033-000-000-3970	Prior Years Revenue	\$943.22
1033-670-000-4269	Other Contract services	\$943.22

SECTION 2. That a certified copy of this resolution shall be filed in the Offices of the City Manager, City Attorney, City Controller, and the Municipal Law Enforcement Services Department.

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

ADOPTED this ____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

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

#3.

RESOLUTION NO _____
PAGE TWO

I, Alita Godwin, 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 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

#3.

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Law Enforcement

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT’S BUDGET ACCEPTING AND APPROPRIATING ADDITIONAL FUNDS PURSUANT TO ASSEMBLY BILL 3229

Carl Houston
DEPARTMENT MANAGER’S SIGNATURE

9/29/2011 6:42:14 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

10/13/2011 10:15:35 AM
DATE

Stephen Ajobiewe
CITY CONTROLLER

10/13/2011 11:44:49 AM
DATE

P. Lamont Ewell
CITY MANAGER

10/13/2011 8:34:12 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.

October 18, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE CONSTRUCTION OF THE NORTHWOOD AVENUE RECONSTRUCTION PROJECT (CIP# 08-06) PERFORMED BY ALL AMERICAN ASPHALT, SANCTION STAFF TO FILE THE NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE, AUTHORIZE A CONTRACT AMENDMENT WITH W2 DESIGN, INC. FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES PERFORMED ON THE PROJECT, AND AUTHORIZE THE RELEASE OF THE CONTRACTOR'S RETENTION

SUMMARY

It is recommended that the City Council accepts the construction of the Northwood Avenue Reconstruction Project (CIP# 08-06) performed by All American Asphalt, sanction staff to file the Notice of Completion with the Los Angeles County Recorder's Office, authorize a contract amendment with W2 Design, Inc. for additional construction management services performed on the project, and authorize the release of the contractor's retention.

BACKGROUND

Resolution No. 23,138 authorized a contract with All American Asphalt for the Northwood Avenue Reconstruction Project for One Million One Hundred Eighty Thousand One Hundred Thirty-Five Dollars and Eighty-Five Cents (\$1,180,135.85). Additionally, a contingency of up to \$118,014 was also included.

The project area included Northwood Avenue, between Greenleaf Drive and Alondra Boulevard and consisted of pavement grinding and resurfacing over asphalt petro-mat, concrete curb and gutter replacement, and areas of 5-foot by 1-foot aggregate base replacement. Replacement of the sewer main was also included as well.

While the project was being conducted, there were various changes, which included additional expenditures. The changes included: the use of thermoplastic in lieu of paint, asphalt pavement leveling course of 2", and the installation of survey monuments per City standards. The outcome resulted in the project being completed at a final construction cost of \$1,208,941.45, which was within the amount authorized.

#4.

Northwood Avenue Reconstruction Project Staff Report
October 18, 2011
Page Two

Additionally, W2 Design, Inc. provided additional construction management services which required an additional payment of \$6,352.50 to perform extra work. The extra work included structural calculations and a traffic control plan that was necessary to assist the contractor in completing the construction of the project.

STATEMENT OF THE ISSUE

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

All of the work on the project has been completed in a satisfactory manner. Accordingly, staff recommends that the City Council accept the improvements, sanction staff to file the Notice of Completion with the Los Angeles County Recorder's Office, authorize a contract amendment with W2 Designs for additional construction management services performed on the project, and authorize the release of the contractor's retention.

FINANCIAL IMPACT

There is no financial impact connected with release of the retainage. Funds in the amount of \$6,352.50 to pay for the contract increase of W2 Design, Inc will come from Account No 1521-710-01B-4330 (\$3,909.83) and Account No. 5116-7100-4262 (\$2,442.676).

RECOMMENDATION

Staff recommends the adoption of the attached Resolution.

JOHN STRICKLAND JR
PUBLIC WORKS DEPARTMENT

P. LAMONT EWELL
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE CONSTRUCTION OF THE NORTHWOOD AVENUE RECONSTRUCTION PROJECT (CIP# 08-06) PERFORMED BY ALL AMERICAN ASPHALT, SANCTION STAFF TO FILE A NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE, AUTHORIZE A CONTRACT AMENDMENT WITH W2 DESIGN INC. FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES PERFORMED ON THE PROJECT, AND AUTHORIZING THE RELEASE OF THE CONTRACTOR'S RETENTION

WHEREAS, on July 6, 2010, Resolution No. 23,138 authorized a contract with All American Asphalt for the construction of the Northwood Avenue Reconstruction Project (CIP #08-06) in the amount of One Million One Hundred Eighty Thousand One Hundred Thirty-Five Dollars and Eighty-Five Cents (\$1,180,135.85); and

WHEREAS, there was contingency authorized in the amount of up to \$118,014; and

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

WHEREAS, the project has been completed in satisfactory manner at a final construction cost of \$1,208,941.45, which is within the amount authorized, and should be formally accepted; and

WHEREAS, W2 Design, Inc. was awarded a contract on July 6th, 2010 to perform construction management services for \$86,900, where no contingency was included in Resolution No. 23,140; and

WHEREAS, W2 Design Inc. was required to perform \$6,352.50 in unforeseen extra work which included structural calculations and a traffic control plan that was necessary to assist the contractor in completing the construction; and

WHEREAS, the increase amount is available in the Public Works Department FY 2011-2012 Annual Budget, Account No. 1521-710-01B-4330 (\$3,909.83) and 5116-7100-4262 (\$2,442.67); and

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 accepts the completion of the Northwood Reconstruction Project (CIP# 08-06), and authorizes staff to file a Notice of Completion with the County of Los Angeles Recorder's Office and release the contractor's retention.

SECTION 2. That the City Manager is authorized to amend the contract with W2 Design, Inc. by \$6,352.50 for additional construction management services for work performed on the Northwood Avenue Reconstruction Project (CIP# 08-06).

SECTION 3. That the funds for the additional construction management services shall come from Account No. 1521-710-01B-4330 (\$3,909.83) and 5116-7100-4262 (\$2,442.67).

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

SECTION 5. That the Mayor shall sign and the City Clerk shall attest 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 Goodwin, 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 ACCEPTING THE CONSTRUCTION OF THE NORTHWOOD AVENUE RECONSTRUCTION PROJECT (CIP# 08-06) PERFORMED BY ALL AMERICAN ASPHALT, SANCTION STAFF TO FILE THE NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER’S OFFICE, AUTHORIZE A CONTRACT AMENDMENT WITH W2 DESIGN, INC. FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES PERFORMED ON THE PROJECT, AND AUTHORIZE THE RELEASE OF THE CONTRACTOR’S RETENTION

John Strickland
DEPARTMENT MANAGER’S SIGNATURE

9/29/2011 12:04:21 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

10/13/2011 10:21:20 AM
DATE

Stephen Ajobiewe
CITY CONTROLLER

10/13/2011 11:34:11 AM
DATE

P. Lamont Ewell
CITY MANAGER

10/13/2011 8:34:45 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.

October 18, 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 ONE YEAR CONTRACT EXTENSION WITH RON'S MAINTENANCE FOR CATCH BASIN CLEANING AND ISSUE A PURCHASE ORDER FOR AN AMOUNT NOT TO EXCEED NINETY THREE THOUSAND, SEVEN HUNDRED NINETY FIVE DOLLARS (\$93,795.00)

SUMMARY

This resolution requests authorization to enter into a one year contract extension and issue a purchase order to Ron's Maintenance, Inc. for catch basin cleaning services for the City of Compton.

BACKGROUND

In 2005, the City received a Notice of Violation from the Water Quality Board addressing the City's lack of compliance maintaining clean catch basins. As a result, the Public Works Department began to maintain the catch basins on an annual basis.

In August 2007, the Public Works Department staff solicited bids for catch basin cleaning for a three year contract with the following results:

Ron's Maintenance	\$ 70,175.00
Freeway Electric	\$190,475.00
United Storm Water, Inc.	\$294,125.00

Ron's Maintenance presented the lowest most responsive bid, and staff determined based on past experience, that Ron's Maintenance was qualified to do the catch basin clean out. Ron's Maintenance has performed the catch basin clean out for the past 4 years in a satisfactory manner.

In the 2008 – 2009 Fiscal Year, staff authorized the cleaning of 45 additional catch basins for each cycle of the necessary cleaning. Ron's Maintenance submitted a proposal to clean the additional catch basins at a cost of Twenty Three Thousand, Six Hundred Twenty Dollars and No Cents (\$23,620.00), which brought the total contract amount to Ninety Three Thousand, Seven Hundred Ninety Five Dollars and No Cents (\$93,795.00).

Catch Basin Clean Out
October 18, 2011
Page Two

STATEMENT OF THE ISSUE

Common to municipalities around the world is the need to maintain a clean and sanitary environment suitable for humans to live. This responsibility includes providing a system for efficiently moving both wastewater (sewage) and storm water.

A wastewater collection system is typically a network of pipes, manholes, cleanouts, traps, siphons, lift stations and other required structures to collect all the wastewater from an area and transport it to an environmentally safe place such as a treatment plant or disposal system.

Sewer systems can be located above or below ground, typically running parallel to streets, housing, commercial and residential structures. This series of pipes and culverts are engineered as gravity flow systems, built on a slight grade to assist material flow. Most sewers are designed to convey material at a velocity of 2 feet (61 cm) per second. When velocity falls below this rate, solids will settle out of the flow to the bottom of the pipe, reducing flow capacity, and eventually cause a stoppage. If the velocity is designed to flow greater than 10 feet (300 cm) per second, solids could separate from the flow during low usage. At high velocities splashing occurs when the water changes directions, releasing odors and accelerating corrosion of concrete structures.

Partial or complete interruption of the flow may result from an obstruction in the sewer. When a stoppage occurs, material will backup and eventually overflow the system up to the point of the blockage. Streets, homes, and businesses can be damaged from the debris, and human health is threatened with unsanitary conditions and the spread of germs and disease.

The objective of a catch basin and sewer cleaning and maintenance program is to operate and maintain the wastewater collection system so it will function and strive toward the following:

1. Minimize the number of stoppages per mile of sewer pipe
2. Minimize the number of odor complaints
3. Minimize the number of lift station failures
4. Maintain intended flow in the system. Systems around the world vary in many details. Type of material for the pipe, shape, size and location all differ. Regardless of these

Catch Basin Clean Out
October 18, 2011
Page Three

variables these systems must be routinely cleaned to ensure safe, consistent movement of the material.

Staff has negotiated with Ron's Maintenance and they have agreed to perform the necessary catch basin clean out at the same 2009-2010 proposal rate. Ron's Maintenance has also agreed to transport and dispose of all sweepings in accordance with all county, state, and federal requirements at no additional charge. Sweepings will not be unloaded at permanent or temporary storage sites on City, state or federal property within the City boundaries. Ron's Maintenance shall deliver collected street sweepings to a facility to process waste, and shall be solely responsible for all fees involved in the recycling/disposal of sweepings collected in the City. Ron's Maintenance shall be solely responsible for all labor, materials, equipment, fees, and expenses to haul debris away.

Ron's Maintenance has completed the work in a satisfactory manner in the past and has not increased their fees, so staff is requesting that the contract be extended for one additional year for the same price as last year with the added service of waste disposal.

FISCAL IMPACT

Funds for catch basin cleaning are included in the Public Works 2011-2012 fiscal year budget in Account No. 1001-720-000-4269.

RECOMMENDATION

Staff is recommending that the City enter into a contract with Ron's Maintenance for catch basin cleaning and issue a purchase order for an amount not to exceed Ninety Three Thousand, Seven Hundred Twenty Seven Dollars and No Cents (\$93,795.00).

It is recommended that the City Council:

- a. Authorize the City Manager to enter into a contract with Ron's Maintenance for catch basin cleaning for FY 11-12.
- b. Authorize the City Manager to execute a purchase order for an amount not to exceed Ninety Three Thousand, Seven Hundred Twenty Seven Dollars and No Cents (\$93,795.00) for catch basin cleaning.

JOHN D. STRICKLAND, JR.
PUBLIC WORKS DEPARTMENT

P. LAMONT EWELL
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE YEAR CONTRACT WITH RON’S MAINTENANCE FOR CATCH BASIN CLEANING AND ISSUE A PURCHASE ORDER FOR AN AMOUNT NOT TO EXCEED NINETY THREE THOUSAND, SEVEN HUNDRED NINETY FIVE DOLLARS (\$93,795.00)

WHEREAS, to remain in compliance with the National Pollutant Discharge Elimination System (NPDES) requirements, the City must do annual general catch basin cleaning; and

WHEREAS, there is a need to clean the catch basins before a major storm; and

WHEREAS, properly cleaned catch basins are necessary for the preservation of life, health and property in the City; and

WHEREAS, Ron’s Maintenance has performed catch basin cleaning for the City in the past; and

WHEREAS, Ron’s Maintenance is capable of performing the general basin cleaning in a timely manner; and

WHEREAS, Ron’s Maintenance provided the most competitive pricing; and

WHEREAS, staff is recommending that we contract the services of Ron’s Maintenance for catch basin cleanout.

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

SECTION 1. That the City Council finds contracting catch basin cleanout necessary to meet NPDES requirements.

SECTION 2. That the City Council hereby authorizes the City Manager to enter into a one year contract with Ron’s Maintenance to perform catch basin cleaning at cost not to exceed Ninety Three Thousand, Seven Hundred Ninety Five Dollars (\$93,795.00).

SECTION 3. That funds for general catch basin cleaning have been encumbered in Account Number 1001-720-000-4269 of the fiscal year 2011-2012 budget.

SECTION 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

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

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 ENTER INTO A ONE YEAR CONTRACT EXTENSION WITH RON’S MAINTENANCE FOR CATCH BASIN CLEANING AND ISSUE A PURCHASE ORDER FOR AN AMOUNT NOT TO EXCEED NINETY THREE THOUSAND, SEVEN HUNDRED NINETY FIVE DOLLARS (\$93,795.00)

<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.

October 18, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AUTHORIZING THE RELEASE / EXONERATION
OF BOND AND ACCEPTANCE OF IMPROVEMENTS FOR
TRACT MAP NO. 60998 FOR THE WILLOW WALK PROJECT**

SUMMARY

Staff is requesting that the City Council adopt this resolution accepting Tract Map No. 60998 for release / exoneration of bond and acceptance of improvements for the Willow Walk project located at 509 North Tamarind Avenue in the City of Compton.

BACKGROUND

Tract Map No. 60998 is a tract of land subdivided into condominiums, with a total area of 6.523 acres. The location of the subdivision is north of Palmer Street, east of Willowbrook Avenue and south of Elm Street. The tract map was approved by the Development Review Committee, the Subdivision Committee, and the Site Review Committee on June 9, 2004.

The Tract Map has been examined by the Office of the City Engineer, the Planning Director, Community Redevelopment Director, and Chief Building Inspector. All of the provisions of the City's Subdivision Ordinances and State's Subdivision Map Act have been complied with.

Staff has reviewed the request to release and exonerate the above referenced bond and found it to be consistent with the requirements specified at the time the tract map was approved.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution.

JOHN STRICKLAND, JR.
PUBLIC WORKS DEPARTMENT

P. LAMONT EWELL
CITY MANAGER

JS/PLE/daj

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE RELEASE / EXONERATION OF BOND AND
ACCEPTANCE OF IMPROVEMENTS FOR TRACT MAP NO. 60998
FOR THE WILLOW WALK PROJECT

WHEREAS, Tract Map No. 60998 has been examined by the Office of the City Engineer, the Planning Director, Community Redevelopment Director, and the Chief Building Inspector; and

WHEREAS, all the provisions of the City’s Subdivision Ordinances and State’s Subdivision Map Act have been complied with; and

WHEREAS, the map was approved by the Development Review Committee, the Subdivision Committee and the Site Review Committee; and

WHEREAS, staff has reviewed the request to release and exonerate the above referenced bond and found it be consistent with the requirements specified at the time the tract map was approved; and

WHEREAS, it is necessary that the City Council approve the release/exoneration of Tract Map No. 60998.

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

- SECTION 1. That the City Council hereby adopts this resolution authorizing the release/exoneration of Tract Map No. 60998 located at 509 North Tamarind Avenue in the City of Compton.
- SECTION 2. That copies of this resolution shall be filed in the offices of the City Manager, Planning Department, Building Department, Community Redevelopment Agency, and the City Clerk.
- 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

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

#6.

RESOLUTION NO. _____
PAGE 2

I, Alita Goodwin, 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

RESOLUTION NO. 3712
TENTATIVE TRACT MAP NO. 60998

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
COMPTON RECOMMENDING TO THE CITY COUNCIL A DIVISION OF
LAND

WHEREAS, the Planning Commission has had for consideration the approval of Tentative Tract Map No. 60998, a subdivision of land situated in the County of Los Angeles, State of California, described as follows:

Lot 1 of Tract No. 16339 in the City of Compton, County of Los Angeles, State of California, as per map recorded in Book 466, Pages 3 and 4 of Maps, in the Office of the County Recorder of said County, excepting therefrom that portion lying southerly of the following described line:

Beginning at the northwest corner of said Lot 1; thence along the westerly line of said lot 1, south 3° 14' 00" east, 493.75 feet to the true point of beginning; thence leaving said westerly line, north 86° 56' 13" east, 500.96 feet, to the easterly line of said lot,

located at 509 North Tamarind Avenue, Compton, California; and

WHEREAS, the Planning Director submitted a report setting forth the recommendations of the Subdivision Committee and Environmental Review Committee on the division of land at a public hearing on June 9, 2004; and

WHEREAS, evidence was heard from all persons interested in effecting said subdivision and all persons protesting same, and the Planning Commission being fully informed.

F I N D S

1. That the project substantially complies with the standards contained in Chapter XXVIII of the Compton Municipal Code for the design and development of residential subdivisions.
2. That the project conforms to the standards contained in the Uniform Fire Code for the design and development of private streets with dwellings containing fire sprinklers.
3. That the project is consistent with the General Plan and zoning land use designations for this site and will further the objectives and policies contained therein.
4. That the project conforms to the State Subdivision Map Act and the State Seismic Hazards Mapping Act of 1999.
5. That, based on the Initial Study prepared in conjunction with Mitigated Negative Declaration No. 872, the project will not have a significant effect on the environment.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COMPTON RESOLVES:

Section 1. That Mitigated Negative Declaration No. 872 be recommended for adoption by the City Council.

Section 2. That Tentative Tract Map No. 60998 be recommended for approval by the City Council subject to the following conditions:

- a. That a street improvement plan for ingress and egress, interior streets, five lane and emergency access roads, indicating grading, paving and proposed

RESOLUTION NO. 3712
Page 2 of 4

improvements (including sidewalks, curbs and gutters) shall be approved by the Fire and Public Works Departments prior to approval of the Final Map by the City Engineer.

- b. That a street improvement plan for Willowbrook Avenue, Tamarind Avenue and Elm Street, indicating grading, paving and proposed improvements (including sidewalks, landscaping, curbs and gutters), shall be approved by the Public Works Department prior to approval of the Final Map by the City Engineer.
- c. That the southern side of the Elm Street roadway adjacent to the subdivision shall be widened by seven and one half (7.5) feet so that the roadway will be 47.5-feet in width.
- d. That street and traffic signs and traffic signals, as required by the Public Works and Compton Sheriff Department, shall be provided.
- e. That permanent street names for the new interior residential streets within Tentative Tract Map No. 60998 shall be submitted to and approved by the Building, Planning, Fire and Public Works Departments and the Architectural Review Board (ARB) prior to preparation of the Final Map and its submittal to the City Engineer for approval.
- f. That curb cuts and driveway approaches that are not necessary to serve the subdivision shall be replaced with new curbs, gutters and sidewalks as required by the Public Works Department prior to approval of the Final Map by the City Engineer.
- g. That in accordance with Subsection 28-4.3 of the Compton Municipal Code, fees, in lieu of dedication of land, shall be allocated to the Department of Parks and Recreation in an amount equal to 9.7 percent of the fair market value of land comprising the subdivision and that said fees shall be payable to the Planning Department prior to approval of the Final Map by the City Engineer.
- h. That a plan for providing water service to the subdivision, including service lines, water meter locations, materials and equipment, capacity upgrades and easements shall be submitted to and approved by the Compton Municipal Water Department prior to approval of the Final Map by the City Engineer and that water lines and all necessary water service equipment shall be built to City standards and that each lot shall have separate water service.
- i. That a sewer facilities plan for provision of sewer service to the subdivision, including new service lines, capacity upgrades and materials and equipment shall be submitted to and approved by the Public Works Department prior to approval of the Final Map by the City Engineer and that all sewer lines and service equipment shall be built to City standards and that each lot shall have separate sewer service.
- j. That a drainage and runoff plan shall be submitted to and approved by the Building and Safety and Public Works Departments prior to the approval of the Final Map by the City Engineer.
- k. That a plan for providing storm drain and catch basin service to the subdivision, as required, including new service lines, capacity upgrades, easements, material and equipment shall be submitted and approved by the Public Works Department prior to approval of the Final Map by the City Engineer.
- l. That all utility lines (electrical, street lighting, cable television, telephone, etc.) necessary to serve the subdivision shall be placed underground.

RESOLUTION NO. 3712
Page 3 of 4

- m. That a plan for a street lighting system, including maintenance and payment of lighting fees, shall be submitted to and approved by the Public Works Department prior to approval of the Final Map by the City Engineer.
- n. That electrical transmission stations necessary to provide electrical service to the subdivision shall be placed in underground vaults and that there shall be no above ground electrical boxes within the subdivision.
- o. That a plan indicating spacing, placement and location of required fire hydrants shall be submitted to and approved by the Fire Department and Compton Municipal Water Department prior to approval of the Final Map by the City Engineer.
- p. That a plan for the installation and maintenance (including payment of energy costs) of roadway and common area lighting within the PUD and adjacent public rights-of-ways (Willowbrook Avenue, Tamarind Avenue and Elm Street) shall be submitted to and approved by the Public Works Department and shall be included in the Conditions, Covenants and Restrictions (CC&R's) for the PUD.
- q. That fire flow shall be to the satisfaction and approval of the Fire Department prior to approval of the Final Map by the City Engineer.
- r. That percolation tests, compaction tests and geological and/or soils reports, as required by the Public Works Department, shall be provided prior to approval of the Final Map by the City Engineer.
- s. That grading and hydrology plans, as required by the Building and Safety and Public Works Departments shall be submitted to and approved by said departments prior to approval of the Final Map by the City Engineer.
- t. That the recommendations of Albus-Keefe and Associates (Geotechnical Consultants) contained in a geotechnical study for Tentative Tract Map No. 60998 dated October 14, 2003, shall be incorporated into project design to mitigate the adverse effect of potential seismic induced settlements and lateral spreading; that copies of said study shall be submitted to the Building and Safety and Public Works Departments in conjunction with permit requests from said departments; and that those construction-level mitigation measures contained in said report shall be implemented during the grading and construction phases of the PUD.
- u. That the applicant shall comply with all mitigation measures listed in both the geotechnical study prepared by Albus-Keefe and Associates and the mitigated negative declaration prepared by Blodget/Baylosis and Associates, Inc.
- v. That the applicant shall file with the City all deposits and performance bonds as the City Engineer and/or the Chief Building Inspector determine are necessary to comply with Section 28-11 of the Compton Municipal Code.
- w. That a copy of the Final Map and copies of all improvement plans shall be submitted to the Planning Department for inclusion in project files prior to approval of the Final Map by the City Engineer.
- x. That approval of Tentative Tract Map No. 60998 shall be contingent upon approval of General Plan Amendment 04-01 and approval of and compliance with the Conditional Use Permit Case No. 2458.
- y. That the Final Map shall be prepared and filed with the Recorder of Los Angeles County within two years (24 months) after approval of Tentative Tract Map No. 60998 by the City Council.

#6.

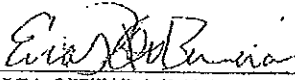
RESOLUTION NO. 3712

Page 4 of 4

2. That preparation and recordation of the Final Map shall meet all requirements of the Subdivision Map Act and of Sections 28-1 through 28-12, inclusive, of the Compton Municipal Code.

Section 3. That copies of this Resolution shall be mailed to the applicant and filed with the Office of the City Clerk, and the Public Works, Municipal Water, Fire, Building and Safety, and Planning Departments.

ADOPTED this 9th day of June, 2004.


ERICA QUIJADA-BARRERA, CHAIRMAN


BARBARA KILROY, INTERIM PLANNING DIRECTOR

1313/1

BOOK 1313 PAGE 1

SHEET 1 OF 3 SHEETS

1 LOT
8.437 AC NET
6.523 AC GROSS

TRACT NO. 60998

REC 30 2005

FILED
AT REQUEST OF OWNER

IN THE CITY OF COMPTON, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA

BEING A SUBDIVISION OF LOTS 1 THROUGH 16 IN BLOCK 7 OF TRACT NO. 3765, AS PER MAP
RECORDED IN BOOK 41 PAGES 88 THROUGH 90, INCLUSIVE, OF MAPS AND A PORTION OF LOT
1, OF TRACT NO. 16339, AS PER MAP RECORDED IN BOOK 468 PAGES 3 AND 4 OF MAPS, IN
THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

FOR CONDOMINIUM PURPOSES
PASCAL R. APOTHELOZ, L.S. 7734
DEVELOPMENT RESOURCE CONSULTANTS

41. MAY 4 PM
1313
1-3
AT PAGE 1-3
OF 1-3
168 N. GILBERT ST., CA

08:020075
05-3239765

Register/Recorder/County Clerk
of P. Williams
Date
FEE \$ 14.00
NA 7201-01-11 6-2002

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR INTERESTED IN THE LANDS INCLUDED HEREIN THE
SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISCRETE BORDER LINES, AND WE CONSENT TO THE
PREPARATION AND FILING OF SAID MAP AND SUBDIVISION.

WE HEREBY DEDICATE TO THE CITY OF COMPTON FOR PUBLIC USE AND ROAD PURPOSES ELM STREET SO
DESIGNATED ON THIS MAP AND ALL USES INCIDENT THEREIN, INCLUDING THE RIGHT TO MAKE
CONNECTIONS THEREWITH FROM ANY ADJOINING PROPERTIES.

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF COMPTON, CALIFORNIA

BY [Signature] BY [Signature]
PRINT NAME: DALE R. JOHNSON PRINT NAME: Anna Thompson
PRINT TITLE: SPECIAL REPRESENTATIVE

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN
CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE
REQUEST OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF COMPTON, CALIFORNIA. IN OCTOBER,
2004, I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED
TENTATIVE MAP. I ALSO STATE THAT THE MONUMENTS OF THE CHARACTER AND LOCATION SHOWN HEREON
ARE IN PLACE OR WILL BE IN PLACE WITHIN TWENTY-FOUR MONTHS FROM THE FILING OF DATE OF THE MAP.
THAT SAID MONUMENTS ARE SUFFICIENT TO DULCE THE SURVEY TO BE REFUSED AND THAT HE NOTES TO
ALL CONTIGUOUS MONUMENTS SHOWN AS "TO BE SET" ARE ON FILE IN THE OFFICE OF THE CITY ENGINEER
WITHIN TWENTY-FOUR MONTHS FROM THE FILING DATE SHOWN HEREON.

PASCAL R. APOTHELOZ, P.L.S. 7734
LICENSE EXPIRES: 12/31/2005

6-2-05
DATE



NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss

ON THIS 20TH DAY OF NOVEMBER, 2005, BEFORE ME,
NOTARY PUBLIC, PERSONALLY APPEARED DALE R. JOHNSON AND ANNA THOMPSON, BOTH
PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE
THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND
ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED
CAPACITIE(S), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S),
OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND:

SIGNATURE [Signature]
NOTARY PUBLIC IN AND FOR SAID STATE
NICOLA STEINKELLNER
(PRINT NAME)

MY PRINCIPAL PLACE OF BUSINESS
IS IN ORANGE COUNTY.

MY COMMISSION EXPIRES APRIL 29, 2008
Commission # 1406780

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE
SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREON, THAT ALL
PROVISIONS OF STATE LAWS AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE
TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY
CORRECT.

Charles Bergman
CHARLES BERGMAN, REC. 031317
CITY ENGINEER, CITY OF COMPTON
LICENSE EXPIRES: 9/30/07

05 DEC 2005
DATE



NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss

ON THIS DAY OF _____, 20____, BEFORE ME,
PERSONALLY APPEARED _____,
PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE
THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND
ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED
CAPACITIE(S), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S),
OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND:

SIGNATURE _____
NOTARY PUBLIC IN AND FOR SAID STATE
(PRINT NAME)

MY PRINCIPAL PLACE OF BUSINESS
IS IN _____ COUNTY.

MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT STATEMENT

I HEREBY STATE THAT ALL SPECIAL ASSESSMENTS LEVIED UNDER THE JURISDICTION OF THE CITY OF
COMPTON TO MOOR THE LAND INCLUDED IN THE WITHIN SUBDIVISION OR ANY PART THEREOF IS SUBJECT,
AND WHICH MAY BE PAID IN FULL, HAVE BEEN PAID IN FULL.

[Signature]
DOUGLAS EATERS, CITY TREASURER
CITY OF COMPTON

12-12-05
DATE



CITY CLERK'S STATEMENT

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

I, ALITA GOODMAN, CITY CLERK OF THE CITY OF COMPTON, DO HEREBY STATE THAT THIS MAP WAS PRESENTED
FOR APPROVAL TO THE COMPTON CITY COUNCIL AT A REGULAR MEETING AND THEREON, HELD ON THE
_____ DAY OF _____, 2005, AND THAT THEREUPON SAID COUNCIL DO, BY ORDER ONLY
PASSED AND ENDED, APPROVE SAID MAP, AND ON BEHALF OF THE PUBLIC:

DO ACCEPT THE OFFER OF DEDICATION FOR PUBLIC USE AND ROAD PURPOSES ELM STREET SO
DESIGNATED ON THIS MAP AND ALL USES INCIDENT THEREIN, INCLUDING THE RIGHT TO MAKE CONNECTIONS THEREWITH
FROM ANY ADJOINING PROPERTIES.

PURSUANT TO SECTION 88434(C) OF THE SUBDIVISION MAP ACT, THE FILING OF THIS MAP CONSTITUTES THE
ASSIGNMENT OF THAT CERTAIN EASEMENT NOT SHOWN ON AND WITHIN THE BOUNDARIES OF THIS MAP
WHICH WERE DEDICATED TO THE CITY OF COMPTON PER DOCUMENT RECORDED SEPTEMBER 18, 1954 AS
INSTRUMENT NO. 6500 OF OFFICIAL RECORDS, RECORDS OF THE COUNTY OF LOS ANGELES.

[Signature]
ALITA GOODMAN, CITY CLERK
CITY OF COMPTON

12-6-05
DATE



SIGNATURE OMISSIONS

THE FOLLOWING SIGNATURES HAVE BEEN OMITTED PURSUANT TO THE PROVISIONS OF SECTION
88434(C)(4)(b) OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT APPEAR INTO A
FREE TITLE, AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOCAL AGENCY:

THE CITY OF COMPTON, A MUNICIPAL CORPORATION, HOLDER OF AN EASEMENT RECORDED SEPTEMBER 18,
1954 AS INSTRUMENT NO. 4875 OF OFFICIAL RECORDS.

THE CITY OF COMPTON, A MUNICIPAL CORPORATION, HOLDER OF AN EASEMENT RECORDED SEPTEMBER 18,
1954 AS INSTRUMENT NO. 6300 OF OFFICIAL RECORDS.

SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, HOLDER OF AN EASEMENT RECORDED SEPTEMBER
22, 1954 AS INSTRUMENT NO. 3003 OF OFFICIAL RECORDS.

GEORGE ELIENS COMPANY HOLDER OF AN EASEMENT RECORDED APRIL 20, 1987 AS INSTRUMENT NO. 1422 OF
OFFICIAL RECORDS.

THE FOLLOWING SIGNATURES HAVE BEEN OMITTED PURSUANT TO THE PROVISIONS OF SECTION 88434(C)(4)(c)
OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT APPEAR INTO A FREE TITLE, AND SAID
SIGNATURES ARE NOT REQUIRED BY THE LOCAL AGENCY:

RUSSETT ZINIS, A SINGLE WOMAN AND ROBERT WISE, A SINGLE MAN, HOLDERS OF AN INTEREST IN, OR RIGHTS
TO, MINERALS, WHICH MAY INCLUDE BUT WHICH MAY NOT BE LIMITED TO, OIL, GAS, OR OTHER
HYDROCARBONS PER DOCUMENT RECORDED OCTOBER 8, 1955 AS INSTRUMENT NO. 65-117737 OF OFFICIAL
RECORDS.

BEATRICE M. EDWARDS, HOLDER OF AN INTEREST IN, OR RIGHTS TO, MINERALS, WHICH MAY INCLUDE BUT
WHICH MAY NOT BE LIMITED TO, OIL, GAS, OR OTHER HYDROCARBONS PER DOCUMENT RECORDED OCTOBER
10, 1955 AS INSTRUMENT NO. 65-118790 OF OFFICIAL RECORDS.

I HEREBY CERTIFY THAT ALL CERTIFICATES HAVE BEEN
FILED AND DEPOSITED HAVE BEEN MADE THAT ARE
REQUIRED UNDER THE PROVISIONS OF SECTIONS 88432
AND 88430 OF THE SUBDIVISION MAP ACT.

RECEIVED OFFICER, CLERK OF THE BOARD
OF SUPERVISORS OF THE COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA
BY: [Signature] 12-25-05
DEPUTY



#6.

1313/2

BOOK 313 PAGE 2

SHEET 3 OF 3 SHEETS

1 LOT
6.437 AC NET
8.523 AC GROSS

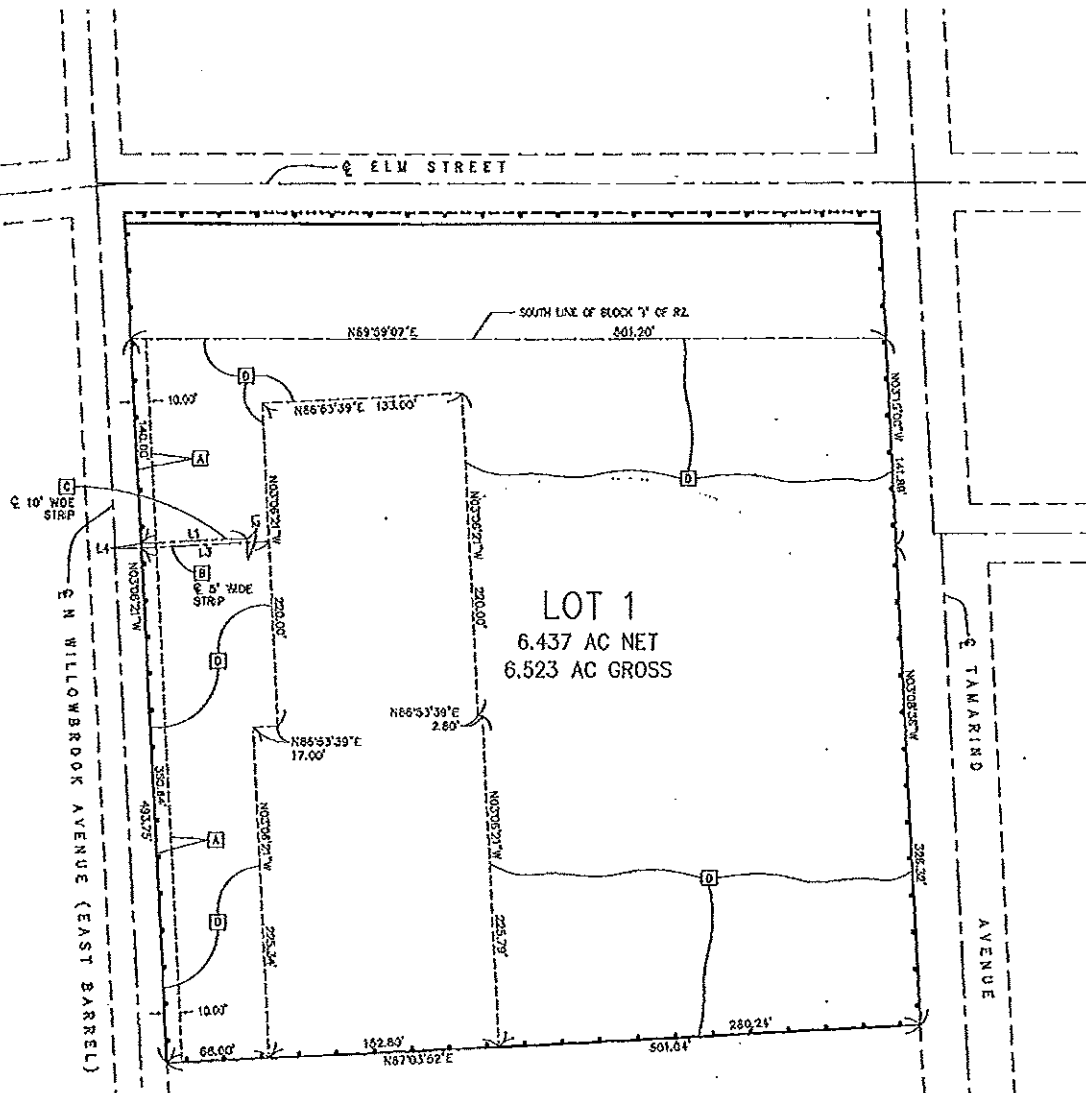
TRACT NO. 60998

IN THE CITY OF COMPTON, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES

PASSAL R. APOTHELOZ, L.S. 7734
DEVELOPMENT RESOURCE CONSULTANTS

DETAIL OF EASEMENTS



EASEMENT NOTES:

- [A] 10.00' EASEMENT GRANTED TO THE CITY OF COMPTON PER DOCUMENT RECORDED JULY 24, 1964 AS INSTRUMENT NO. 4975 OF OFFICIAL RECORDS.
- [B] 5.00' EASEMENT GRANTED TO THE CITY OF COMPTON PER DOCUMENT RECORDED SEPTEMBER 18, 1954 AS INSTRUMENT NO. 8320 OF OFFICIAL RECORDS.
- [C] 10.00' EASEMENT GRANTED TO SOUTHERN CALIFORNIA Edison COMPANY PER DOCUMENT RECORDED SEPTEMBER 22, 1954 AS INSTRUMENT NO. 5033 OF OFFICIAL RECORDS.
- [D] EASEMENT RESERVED BY THE GEORGE ELKINS COMPANY PER DOCUMENT RECORDED APRIL 20, 1957 AS INSTRUMENT NO. 1422 OF OFFICIAL RECORDS.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°53'39"E	79.00'
L2	N03°02'21"W	14.00'
L3	N85°53'39"E	85.00'
L4	N03°02'21"W	111'

INDICATES THE BOUNDARY OF THE LAND
BEING SUBDIVIDED BY THIS MAP.

NOTE:

SEE SHEET 2 FOR BOUNDARY ESTABLISHMENT.

1313/3

DOWN 1313 PAGE 3

SHEET 2 OF 3 SHEETS

1 LOT
6.437 AC NET
6.623 AC GROSS

TRACT NO. 60998

IN THE CITY OF COMPTON, COUNTY OF LOS ANGELES,

STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES

PASCAL R. APOHELOZ, L.S. 7734
DEVELOPMENT RESOURCE CONSULTANTS

BOUNDARY ESTABLISHMENT



SCALE
1"=100'

REFERENCE NOTES:

- R1 = TRACT NO. 16329 FILED IN BOOK 418, PAGES 3-4 OF MAPS.
- R2 = TRACT NO. 3145 FILED IN BOOK 41, PAGES 88-89 OF MAPS.
- R3 = RECORD OF SURVEY 8114 FILED IN BOOK 152, PAGES 41-51 OF RECORDS OF SURVEY.
- R4 = COUNTY OF LA ROAD DEPT. CENTERLINE TIES PER RFB 0722, PAGE 982.
- R5 = LA COUNTY ENGINEER CENTERLINE TIES PER FB 3147, PAGE 139.

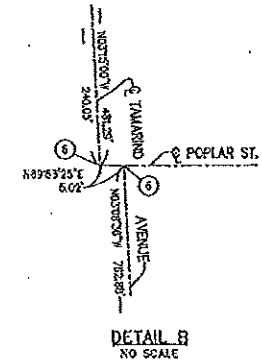
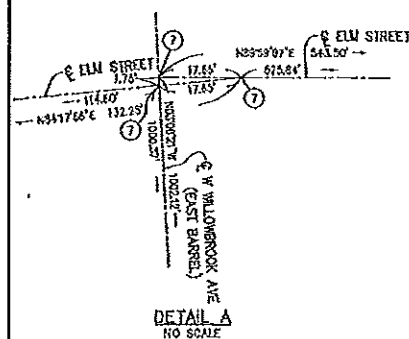
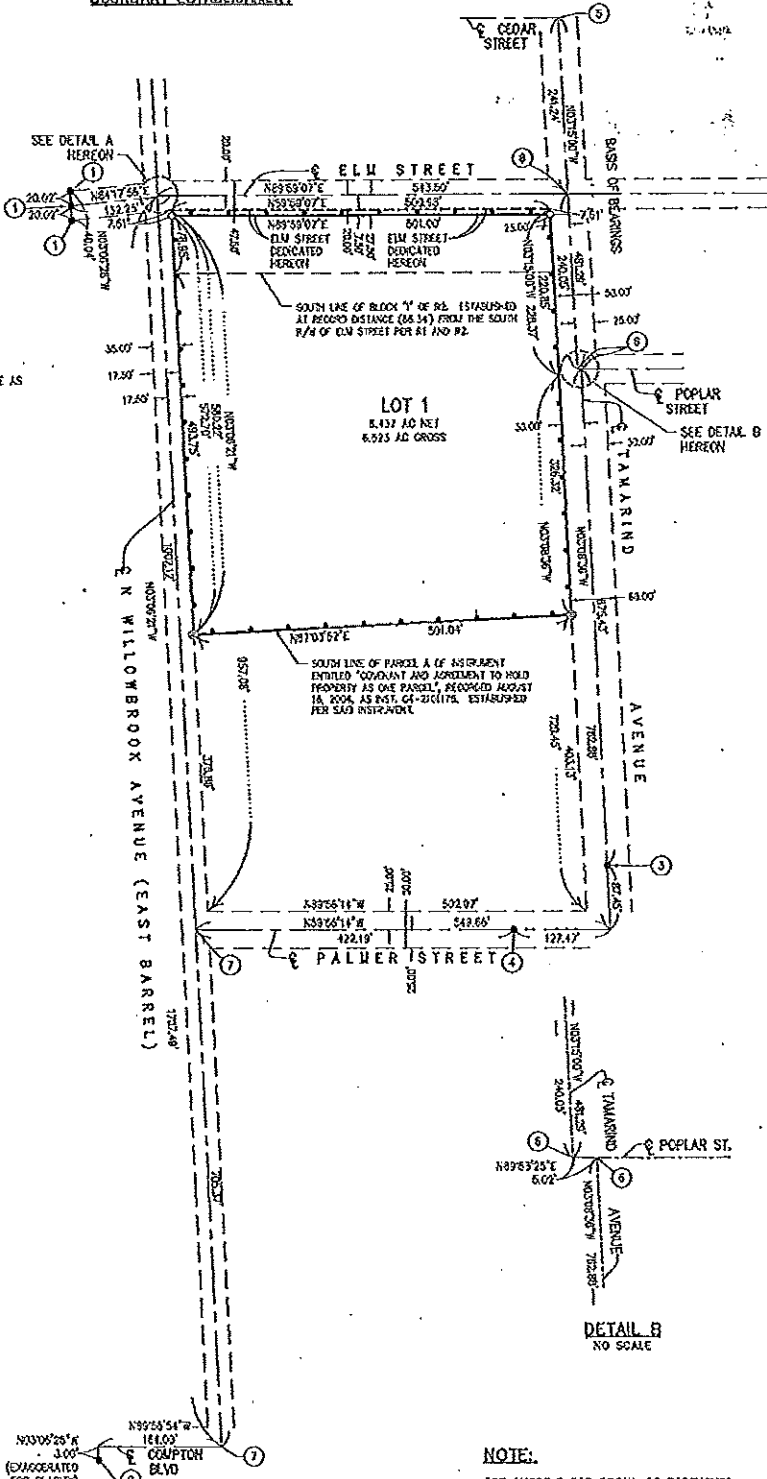
BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING OF NORTH 031500' WEST FOR A PORTION OF THE CENTERLINE OF TARRANT AVENUE AS SHOWN ON R4.

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

MONUMENT AND ESTABLISHMENT NOTES:

- INDICATES FOUND MONUMENT AS NOTED.
- INDICATES LEAD, TAG, AND TAG STAMPED "LS 7734" TO BE SET.
- INDICATES 2" IRON PIPE WITH TAG STAMPED "LS 7734" TO BE SET.
- ① FOUND 2" BRASS DISC STAMPED "ACTO RIGHT OF WAY, IS 3758" PER RL.
- ② FOUND BRASS CAP IN HOLE, "LA COUNTY CONTROL SYSTEM TRAVERSE STATION J-1" PER RL.
- ③ FOUND SPIKE AND WASHER STAMPED "LS 7769", NO REFERENCE, ACCEPTED AS ON THE CENTERLINE OF TARRANT AVENUE, FIELD FOR LINE.
- ④ FOUND SPIKE AND WASHER, NO REFERENCE, ACCEPTED AS ON THE CENTERLINE OF PALMER STREET, FIELD FOR LINE.
- ⑤ FOUND NOTHING, ESTABLISHED BY CENTERLINE TIES PER RL.
- ⑥ FOUND NOTHING, ESTABLISHED BY CENTERLINE TIES PER RL.
- ⑦ FOUND NOTHING, ESTABLISHED BY RECORD DATA PER RL.
- ⑧ FOUND NOTHING, ESTABLISHED BY INTERSECTION.



NOTE:
SEE SHEET 3 FOR DETAIL OF EASEMENTS.



City of Compton
PUBLIC WORKS DEPARTMENT

Office (310) 605-5505
Fax (310) 605-6326

#6.

PUBLIC WORKS DEPARTMENT

REQUEST FOR PUBLIC IMPROVEMENT BOND RELEASE/EXONERATION

Date: June 15, 2011

To: Public Works Inspector
Building and Safety Director
Director of Planning and Economic Development
Director of Community Redevelopment Agency

From: Carolyn Webster, Public Works Department

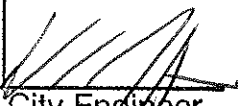
Project: Willow Walk/Tract No. 60998
Bond #: 4410331
Name: The Olsen Company – Tom Moore, Senior Director of Operations
Phone: (562) 370-2228

The applicant has requested exoneration of an improvement bond for the above referenced project. Please sign below when the applicant has completed all requirements as set forth in the conditions of approval for the project and return this form to me for further processing. If there are any items which must be addressed prior to the release of the bond, please contact the applicant to advise him or her of your department's requirements as soon as possible.

Thank you very much for your assistance in this matter.

Carolyn Webster
Public Works Department

I have reviewed the above referenced project conditions of approval and have no objection to the request for bond exoneration.

CITY OF COMPTON	
Name	
APPROVED	
	Date: 8-31-11
City Engineer	

Title

Date

COMPTON CITY HALL
205 S. Willowbrook Avenue, Compton, California 90220

#6.



City of Compton
PUBLIC WORKS DEPARTMENT

Office (310) 605-5505
Fax (310) 605-6326

PUBLIC WORKS DEPARTMENT

REQUEST FOR PUBLIC IMPROVEMENT BOND RELEASE/EXONERATION

Date: June 15, 2011

To: Public Works Inspector
Building and Safety Director
Director of Planning and Economic Development
Director of Community Redevelopment Agency

From: Carolyn Webster, Public Works Department

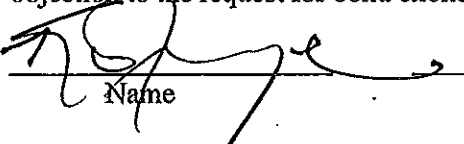
Project: Willow Walk/Tract No. 60998
Bond #: 4410331
Name: The Olsen Company – Tom Moore, Senior Director of Operations
Phone: (562) 370-2228

The applicant has requested exoneration of an improvement bond for the above referenced project. Please sign below when the applicant has completed all requirements as set forth in the conditions of approval for the project and return this form to me for further processing. If there are any items which must be addressed prior to the release of the bond, please contact the applicant to advise him or her of your department's requirements as soon as possible.

Thank you very much for your assistance in this matter.

Carolyn Webster
Public Works Department

I have reviewed the above referenced project conditions of approval and have no objection to the request for bond exoneration.

 Name
D.R. CRA Title

7/7/11
Date

COMPTON CITY HALL
205 S. Willowbrook Avenue, Compton, California 90220



City of Compton
PUBLIC WORKS DEPARTMENT

Office (310) 605-5505
Fax (310) 605-6326

PUBLIC WORKS DEPARTMENT

REQUEST FOR PUBLIC IMPROVEMENT BOND RELEASE/EXONERATION

Date: June 15, 2011

To: Public Works Inspector
Building and Safety Director
Director of Planning and Economic Development
Director of Community Redevelopment Agency

From: Carolyn Webster, Public Works Department

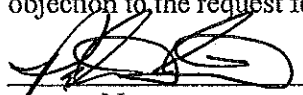
Project: Willow Walk/Tract No. 60998
Bond #: 4410331
Name: The Olsen Company -- Tom Moore, Senior Director of Operations
Phone: (562) 370-2228

The applicant has requested exoneration of an improvement bond for the above referenced project. Please sign below when the applicant has completed all requirements as set forth in the conditions of approval for the project and return this form to me for further processing. If there are any items which must be addressed prior to the release of the bond, please contact the applicant to advise him or her of your department's requirements as soon as possible.

Thank you very much for your assistance in this matter.

Carolyn Webster
Public Works Department

I have reviewed the above referenced project conditions of approval and have no objection to the request for bond exoneration.

 CHIEF BUILDING INSPECTOR 6/21/11
Name Title Date

COMPTON CITY HALL
205 S. Willowbrook Avenue, Compton, California 90220

#6.



City of Compton
PUBLIC WORKS DEPARTMENT

Office (310) 605-5505
Fax (310) 605-6326

PUBLIC WORKS DEPARTMENT

REQUEST FOR PUBLIC IMPROVEMENT BOND RELEASE/EXONERATION

Date: June 15, 2011

To: Public Works Inspector
Building and Safety Director
Director of Planning and Economic Development
Director of Community Redevelopment Agency

From: Carolyn Webster, Public Works Department

Project: Willow Walk/Tract No. 60998
Bond #: 4410331
Name: The Olsen Company – Tom Moore, Senior Director of Operations
Phone: (562) 370-2228

The applicant has requested exoneration of an improvement bond for the above referenced project. Please sign below when the applicant has completed all requirements as set forth in the conditions of approval for the project and return this form to me for further processing. If there are any items which must be addressed prior to the release of the bond, please contact the applicant to advise him or her of your department's requirements as soon as possible.

Thank you very much for your assistance in this matter.

Carolyn Webster
Public Works Department

I have reviewed the above referenced project conditions of approval and have no objection to the request for bond exoneration.

Jack R. Hill

Name

PECO Director

Title

08-24-11

Date

COMPTON CITY HALL
205 S. Willowbrook Avenue, Compton, California 90220

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Public Works-Engineering

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE RELEASE / EXONERATION OF BOND AND ACCEPTANCE OF IMPROVEMENTS FOR TRACT MAP NO. 60998 FOR THE WILLOW WALK PROJECT

John Strickland
DEPARTMENT MANAGER’S SIGNATURE

10/11/2011 5:26:04 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

10/13/2011 10:24:44 AM
DATE

Stephen Ajobiewe
CITY CONTROLLER

10/13/2011 11:41:13 AM
DATE

P. Lamont Ewell
CITY MANAGER

10/13/2011 8:36:16 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.

October 18, 2011

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: AN INITIAL ASSESSMENT OF THE CITY'S FINANCES AND OPERATIONAL DELIVERY SYSTEMS

The following information is in response to the Council's request for a review of the City's budget deficit. This report analyzes the City's finances for the period of FY 2006/2007 through FY 2010/2011. All presented information is based on available records within the City, including annual audited Comprehensive Financial Reports (CFR), internal accounting systems and approved budget documents. The purpose of this initial report is to identify areas throughout the City in need of corrective action.

As with most Cities throughout California, the City of Compton has experienced significant challenges primarily resulting from the impacts of the recent unprecedented recession. During Fiscal Year 2006/2007, the City recorded a positive reserve fund balance of \$22.42 million in its General Fund. The following year, the reserve fund balance was reduced by \$10.64 million leaving a balance of \$11.78 million. The total amount of FY 2007/2008 General Fund expenditures was \$55.57 million; the associated revenue for that period was budgeted at \$44.93 million. In Fiscal Year 2008/2009, this practice continued, \$62.86 million was expended while \$48.49 million in revenue was budgeted, leaving the General Fund reserves to pick up the overage in the amount of \$11.78 million. This action depleted the General Fund reserve and created a deficit of \$2.59 million. By the end of FY 2009/2010, the General Fund deficit ballooned to \$14.61 million. This was the result of increased expenditures that totaled \$73.17 million and revenues of \$61.15 million, expanding the deficit by an additional \$12.02 million. By the end of FY 2010/2011, the City had reached a deficit of approximately \$39.36 million.

With the exception of one-time revenues being transferred into the General Fund, the General Fund revenues from 2006 to 2011 experienced marginal increases. In some of the revenue categories there were actual declines or no appreciable change. The poor economy and increase in unemployment played a large part in the unimpressive revenue levels. However, the City maintained its optimistic view, when projecting General Fund revenues. In some categories, actual revenue was 20% to 30% less than projected. During those years, the General Fund expenditures recorded significant increases in almost all categories reflecting the expanding expenditure base of the City. For example, during FY 2006/2007 through 2010/2011, the City hired 110 full time employees (FTE) some of which were the result of employee retirements and/or dismissals. However, several represented a net increase in the City's workforce. This increased the City's fixed cost due to additional salaries and fringe benefits. Negotiated salary increases for employees added to this expanded base. As we reviewed past budgets, we found that normal annual increases in contract costs for various services were not included in adopted budgets, causing the City's deficit to further increase.

#7.

Additionally, it was determined that a one-time revenue projection from an advertisement contract (91 freeway billboard) in the amount of \$6.2 million was incorporated into the FY 2008/2009 General Fund expenditure budget; however only \$2.4 million was received during that year. With the total amount having been expended as though it had been received, it again caused the City to go deeper into debt. In the following year 2009/2010, another \$2.4 million payment from the advertisement contract was received and spent, creating additional deficit spending. In the same year, the City had to reimburse \$5.3 million for park property from the Community Redevelopment Agency to satisfy a legal requirement. Because the City was without available liquid funds, the \$5.3 million dollar repayment was paid in form of a note. Each example suggests unanticipated or unplanned expenses, with no revenue to fill the gap. In each case, the City appeared to utilize internal borrowing from other non General Funds to make up the shortfalls. It is important to note, that it is not uncommon for Cities to borrow funds from the non-General Fund accounts to assist with short term needs; however under Government Accounting Standards Board (GASB) Statement 54 (Attachment A), they are required to reimburse the funds within a specified period with interest.

In conducting this review, it was also determined that the City does not have a policy in place that requires City Council approval before spending prior years' reserves. Subsequently, the continued reserve spending and fiscal year deficits contributed to the accumulated deficit in the General Fund.

During this same period, the General Liability Fund was building a substantial deficit. In FY 2006/2007, the deficit was approximately \$25 million; by FY 2009/2010 it was reduced to \$19.38 million. Both the City and the Community Redevelopment Agency shared the cost of paying off the General Liability Fund deficit. In FY 2010/2011, the City paid its portion of the cost which totaled \$12.63 million, out of the General Fund, further increasing the City's deficit. As of today, the General Liability Fund deficit has been eliminated.

Fiscal Year 2011/2012

In an effort to begin eliminating the deficit and balance the current budget, the City initiated layoffs (77 employees) and maintenance/operation cuts. However, even with the reduction in workforce, the City maintains a deficit in the amount of \$1.375 million. After reviewing this years' budget, it has also been determined that several key services such as MV Transportation (Compton Renaissance Bus Service) and In House Street Sweeping were not fully funded in the budget. In the case of MV Transportation (Compton Renaissance Bus Service), the approximate costs are \$1.13 million; however only \$488,773 was budgeted, therefore leaving a shortfall of \$641,227. As for In House Street Sweeping, the estimated funds needed to operate are \$225,000; however only \$35,000 was budgeted, creating another shortfall in the amount \$190,000. If these two services were to be included in the budget as fully funded by the General Fund, the deficit would rise by \$831,227, for a total of \$2,206,277.

As of August 2011, the City's expenditures are outpacing the revenues by a ratio of 2 to 1. With the recent layoffs, this ratio should improve, however, given identified funding gaps in the budget; we do not believe that it alone will allow the City to balance the budget by year end. Unless changes are made, services will have to be eliminated and more employees will have to be laid off.

The table below illustrates some of the sources of non General Funds that were used to offset some of the over expenditures and to pay various claims from General Liability. Sources included are the Retirement Fund, Water Fund and Sewer Fund for a total of \$16,053,971 (Refer to the chart below).

Fund	Description	Amount
2100	Retirement Fund	7,336,084
5000	Water	3,561,429
5116	Sewer	4,773,329
7200	Refundable Deposit	383,129
		16,053,971

POTENTIAL ISSUES THAT COULD THREATEN THE GENERAL FUND

City Cash Flow

The City's cash flow has been greatly affected by the increased General Fund expenditures, decrease in revenues and General Liability Fund needs. The lack of funds has also resulted in delay of payments to vendors who have rendered their services, and late payments for crucial City services. The City Treasurer has done everything humanly possible to ensure that payments are released as soon as possible; however with a lack of revenues coming into the City on a daily bases, the ability to pay bills on time is near impossible.

Most Cities receive the majority of their funds in the 3rd Quarter (Jan., Feb., Mar.) and 4th quarter (Apr., May, Jun) from tax revenues. As a way to improve upon this situation, the City Treasurer and City Manager are looking into three potential options such as "Tax Revenue Anticipation Notes" (TRAN), "Tax Anticipation Notes" (TAN) or the creation of a Line of Credit with the City's bank of record. These options would allow the City to have access through short term borrowing and dramatically the City's cash flow and expedite payment releases. The notes would have multiple maturity dates that coincide with the months in which the City receives it majority revenues, allowing the City to retire its debt in a planned and organized manner.

Such a change is critical. A continuation of paying vendors in arrears will actually result in a negative credit rating and poor creditworthiness, which could then lead to higher interest rates when issuing future debt.

Grants

Over the past 5 years, the City has seen a reduction in grants. In addition, the City has been audited by various agencies such as the U.S Department of Housing and Urban Development (HUD) and Office of Inspector General for HUD (OIG), not including the other agencies who have requested to arrange an on-site meeting this year such as the California Department of Parks and Recreation. Some of these audits have resulted in requests for repayment with non-federal funds totaling over \$3 million. Currently, the new Grants Manager and City Manager are working together to bring the City back into compliance by working with the funding agencies to ensure we fully comply with their regulations and draw down funds for reimbursements in a timely manner. In addition, the Grants Division will work closely with its state and federal lobbyist consultants to ensure that we take advantage of the grant opportunities that best fits the needs of the City.

Bond Indebtedness

The City has issued six (6) bonds from FY 2006/2007 through FY 2009/2010, which includes, Lease Revenue Bonds (Fund 3030) from the Public Finance Authority, Series "A" and Series "A", "B" and "C" Bonds from the Community Redevelopment Agency (CRA) and Water/Sewer Fund Bonds (Refer to chart below). Each of these bonds has a designated revenue stream for repayment, except for the Lease Revenue Bonds. The principal and interest payments are paid by the General Fund through the Public Finance Authority.

Agency	Bond / Debt Description	Date Issued	Principal Balance	Interest Payable	Total Debt
CRA	1995 Series "C" Refunding Bonds	7/1/1995	32,210,219	33,027,542	65,237,761
CRA	2006 Series "A" Refunding Tax Allocation Bonds*	7/6/2006	24,203,797	1,864,000	26,067,797
CRA	2010 Series "A", "B" and "C" Second Lien Bonds*	6/9/2010	99,970,195	101,073,346	201,043,541
CRA	Tax Sharing debt	Various	1,676,476	-	1,676,476
	Subtotal - CRA		158,060,687	135,964,888	294,025,575
PFA	2008 Series Lease Revenue Bonds*	5/1/2008	45,146,353	34,277,976	79,424,329
	Subtotal - PFA		45,146,353	34,277,976	79,424,329
Sewer	1998 Sewer Revenue Refund Bonds	6/1/1998	5,625,000	2,179,141	7,804,141
Sewer	2009 Series Sewer Revenue Bonds*	5/20/2009	18,281,899	20,557,507	38,839,406
	Subtotal - Sewer		23,906,899	22,736,648	46,643,547
Water	2009 Series Water Revenue Bonds*	5/20/2009	43,034,689	48,479,525	91,514,214
Water	Water Utility Note	12/15/1994	84,201	9,688	93,889
	Subtotal - Water		43,118,890	48,489,213	91,608,103
Rubbish	2000 Solid Waste Revenue Bonds	6/29/2000	1,025,000	265,800	1,290,800
Rubbish	Capital Lease debt	Various	40,194	2,251	42,445
	Subtotal - Rubbish		1,065,194	268,051	1,333,245
General City	Energy Retrofit / Revenue Enhancement Loan*	7/31/2006	3,067,193	939,568	4,006,761
General City	Capital Lease Obligation	Various	667,185	140,098	807,283
General City	Housing Section 108 Notes	8/9/2001	4,100,000	1,480,485	5,580,485
General City	Energy Conservation Assistance Loan	10/21/2004	104,131	3,096	107,227
			7,938,509	2,563,247	10,501,756
	Grand Total		279,236,532	244,300,023	523,536,555

As shown above the City accumulated total indebtedness of \$233,704,126 within the past five (5) years after issuance of these bonds and \$207,191,922 in total interest that would need to be repaid during the life of these bonds (**Refer to bonds marked with an asterisk**).

Cost Overrun- Capital Construction Projects

The Martin Luther King (MLK) Transit Center was one of the projects funded by the CRA issued bonds. Due to several plan revisions and delays in completion dates, to date the project has gone over budget by approximately \$2.9 million. An additional \$2 million is needed to complete the project.

Accrued Time

The City has approximately \$8.1 million of unbudgeted accrued vacation time, unused sick time and compensation time on the books for the current staff. Some City staff have exceeded their total number of accumulated hours allowed by the Memorandum of Understanding (MOU). This issue has raised a red flag due to the potential financial liability it could bring to the City. In an effort to reduce costs, the City began enforcing the rule in the MOU for the various bargaining units to bring the City Staff back into compliance.

OPEB and Health Insurance Payments

Currently, the City has a benefit package where the employer pays all health (subject to the specified maximum), deferred compensation and (PERS) retirement benefits for their employees. The yearly payment for medical insurance is \$7.57 million dollars, deferred compensation is \$1.73 million and (PERS) retirement is \$3.4 million dollars for a total of \$12.7 million dollars. The City has a dedicated tax revenue that is used to cover these payments; however these revenues do not take into account increases in insurance costs, potentially creating a shortfall in the near future.

SUMMARY

Based on our initial review, over the last five years the City's financial position has been significantly weakened. General Fund reserves have been completely exhausted. A negative fund balance has accrued to an estimated \$39.36 million dollars as of June 30, 2011. A significant amount of borrowed funds are owed to other non General Fund accounts. The current year budget, with an estimated \$1.375 million dollar deficit, is likely to have been understated when applying added cost to services that were not funded. Additionally, the projected expenditures in this year's budget appear to be outpacing projected revenues. Given the poor cash flow of revenue into the City, the financial problem will further complicate the current situation. Finally, although employees are committed to the city and working to provide the best service possible, without restructuring the organization, we will be unavailable to provide the highest level of service.

RECOMMENDATIONS

Despite the findings of this review, the City is capable of developing a plan to resolve each of these concerns. It will take time and effort but it is quite achievable. However, hard decisions will need to be made to restructure the City's finances and operational system. With the support of the City Staff, City Manager and our Elected Officials, this can and must be achieved in time.

We have begun development of a 3-Tier Action Plan. It composed of short-term, medium-term and long-term goals that the City should focus its attention on. In general, the 3-Tier Action Plan is as follows:

Short-Term Corrective Actions

- **Complete Review of Current Budget**
 - A complete review and determination of the actual financial gaps in the current year's budget is needed in order to complete a realistic corrective plan.
- **Eliminate Unneeded Spending**
 - Department Directors have been given instruction to stop all discretionary spending. Directors are to assess whether or not an expenditure is necessary to perform an essential service.
- **Close the current budget gap of \$1.375 million**
 - Bargaining Unions have been notified of the estimated budget gap and have expressed their desire and willingness to work with the City. This reflects a true commitment to the welfare of this City. It is essential that we begin formal Meet and Confer sessions with all bargaining units to discuss ways in which we can begin eliminate the deficit.

#7.

- Conduct a cost benefit analysis to determine if the issuance of short term borrowing through the use of Tax Revenue Anticipation Notes, Tax Anticipation Notes or a Line of Credit can be utilized to smooth out the City's cash flow and pay bills in a more timely fashion.
- Review existing vendor/service contracts for possible renegotiation of terms. In some cases, the contracts can be terminated, if the services are no longer needed.
- Review all current bonds to determine if we can reduce our debt payments by refinancing at today's lower interest rates.
- **Identify Uncollected Receivables**
 - Focus our attention on identifying all uncollected receivables such as unpaid parking tickets and/or citations, business license fees and other forms of payments owed to the City.
- **Review City Operations/Staff**
 - At the beginning of FY 2011/2012, as part of the efforts to reduce the City's deficit, 77 employees were laid off. However during that time, there was a lack of determination of how the remaining staff should be properly assigned to ensure maximum effectiveness of employees.
- **Resale Previously Purchased Police Communication Equipment**
 - During FY 2010/2011, the City purchased \$1.128 million worth of the police communication equipment. Since the re-establishment of the Police Department was not approved, it would be in the City's best interest to attempt to sale the equipment and try to recoup some of the costs.
- **Grant Activities**
 - The Grants Manager and Administrative Assistant have been moved to the City Manager's Office to develop a comprehensive overview of the City's grants. In addition, the Grants Manager will work with City Manager to ensure that all grant opportunities for the City are being taken advantage of and maintain compliance with the existing grants.
- **Accrued Time**
 - City Manager will work with Department Directors to ensure that all employees comply with the rules set in the MOU regarding accumulated vacation, sick and compensated time.

Medium-Term Corrective Action

- **Review Rates and Charges for City Services**
 - Department Directors are being assigned the task of reviewing all charges for various City services to ensure that all fees are current and comparable to Cities similar in size. These recommendations will be presented to the City Council for approval.
- **Refine and Implement Performance Evaluations**
 - Many employees are not being properly evaluated each year. This practice has resulted in confusion within the workplace and lack of consistency with respect to how employees are treated.
- **Enhance the Internal Financial Software Programs within the City**

- Currently, the City's financial systems are out of date. If new systems were to be installed, it would improve our financial efficiency and processes and allow for better accounting of funds.
- **Policies and Procedures**
 - Currently, the City is in need of updating, and in some cases creating new policies and procedures for various operations of the City. Once approved policies and procedures are in place, it will create uniformity in the workplace.
- **Redesign Management and Department Structures**
 - The City will review and restructure the management and department structures to improve upon effectiveness while attempting reducing cost.
- **Sale Unused Properties**
 - Conduct a review of current City owned properties. Provide a recommendation to the Council on potential sales. Proceeds from the sale could then be used to reduce the General Fund deficit.
- **Repay or Refinance the City's Bonds to Reduce Debt Service**
 - The City should take advantage of record low interest rates in the market by refinancing its debt and paying off bonds that currently have higher interest rates.

Long-Term Corrective Actions

- **Expansion of Economic Base**
 - The City should develop a comprehensive citywide Economic Development Plan to analyze the regional economy, create development goals and objectives, and identify investment priorities and funding sources to diversify the City's current tax base.
- **Reduce Compensated Absences**
 - The City Attorney's Office has begun effectively reducing the long term absences of employees who continue to be paid while off work on leave of absence for various reasons. This effort must continue to be a priority focus of the City.



GOVERNMENT ACCOUNTABILITY BRIEF

Especially for members in Government

#7.

ATTACHMENT A June 2010

GASB Statement No. 54, More than Just a Pretty Face

How It Relates to Governmental Entities

Government Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions, is a sleeping giant. Many governments have overlooked Statement No. 54 in the midst of the most profound recession since the Great Depression and the implementation of Statement No. 51, Accounting and Financial Reporting for Intangible Assets, and Statement No. 53, Accounting and Financial Reporting for Derivative Instruments.

However, when Statement No. 54 is implemented for fiscal years beginning after June 15, 2010, it could unleash the largest changes to governmental fund financial statements since the implementation of GASB Statement No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments*, and perhaps National Council on Governmental Accounting (NCGA) Statement No. 1, *Governmental Accounting and Financial Reporting Principles*. Statement No. 34 was implemented in fiscal year 2002 for the largest governments and NCGA Statement No. 1 in fiscal year 1981 for all governments.

Even though Statement No. 34 defined a major fund for presentation purposes, and separated those funds from other funds, since 1981 there has been significant variation in how standards are applied. Enabling statutes and operations differ from government to government. This variation has led to a divergence in practices and confusion over the definition of fund balance. Statement No. 54 goes a long way toward resolving those differences.

Statement No. 54 cannot be overlooked. It not only changes the presentation of the elements of fund balance – a key indicator of interperiod equity – but it also clarifies the definitions of special revenue funds, capital projects funds and to some extent “rainy-day” or stabilization funds. Since Statement No. 54 challenges norms that have been in place since the implementation of Statement No. 34, stakeholders who rely on fund-based information should be educated about the changes. A detailed analysis by preparers may also be needed so that Statement No. 54 can be properly implemented.



Fund Balance Categories

Statement No. 54 results in a number of changes, among which is the alignment of the definitions of different fund-balance categories, which are explained below.

- **Non-spendable** are balances in permanent funds and inventories that are permanently precluded from conversion to cash. They could also apply to long-term receivables if the receivable is not restricted, committed or assigned. Cemetery trusts where individuals leave funds to a government for perpetual care are typical examples of non-spendable balances. Inventories are also non-spendable because by their nature, they are not cash or convertible to cash unless sold. The vast majority of governments do not sell inventory. Rather, they consume it. Had the government sold inventory, any inventory balance would fall under the other categories explained in this section: restricted, committed, assigned or unassigned.
- **Restricted** requires that inflows and outflows of resources and balances be constrained to a specific purpose by enabling legislation, external parties or constitutional provisions. Enabling legislation authorizes a government to levy, charge or otherwise mandate payment of resources from external providers. It also includes a legally enforceable requirement that the resources can only be used for specific purposes enumerated in the law. Restricted fund balances are defined similarly to restricted net assets (explained in GASB Statement No. 34, as amended by Statement No. 46, *Net Assets Restricted by Enabling Legislation*).
- **Committed** are those balances with constraints imposed by the government using the highest level of decision-making authority. The constraint can only be removed or changed by the same decision-making authority taking the same type of action. An example of a commitment is when a city council decides in an ordinance to spend a certain amount of funds for construction and the council is the highest decision-making authority. Only another ordinance can overturn the original action. Also, the commitment action should occur by the end of a fiscal year. However, in some governments the commitment funding may occur in a post year-end supplemental action that is retroactive to the prior fiscal year. A key difference between committed and restricted fund balances is that committed have the legislative process while restricted have external or other constitutional provisions as forces of law.
- **Assigned** are amounts intended for a specific purpose by a government's management (department/agency heads and other signatory authorities) and are

also appropriations of existing fund balances. Examples of assigned amounts are the net balances of non-budgeted funds and situations where a manager signs a multi-year contract for a specific purpose.

- **Unassigned** are amounts available for any purpose. They are not precluded by a management decision, law or constitutional provision in the general fund. Negative unassigned amounts could occur in funds other than the general fund when assigned, committed or restricted amounts are too high. If a negative unassigned amount occurs, the assigned, committed and other amounts should be reduced until the negative is cleared.

The new fund-balance categories focus largely on the nature of inflows in relation to laws and management decisions. One widely used omission concerns reserves of balances. Reserves will no longer be presented, nor will encumbrances, in the fund financial statements. Reserves are either renamed as restricted, committed or assigned balances.

Finally, a government can be compelled legally by an external party to use revenue source proceeds only for its specific purpose. On the other hand, a government may commit existing revenue streams and may not be legally required to ultimately spend the proceeds on the specific purpose. It may, by using the same highest level of decision-making authority, change the commitment's purpose or remove the limitation altogether.

Fund Definitions

Other changes, in addition to fund balance categories, are likely to occur when Statement No. 54 becomes effective, including fund definitions. However, they are what is widely used in practice for the most part. The following are among the key upcoming changes:

- **Capital Projects Funds** may undergo the greatest change for some governments. Capital projects funds will be used to account for and report financial resources that are restricted, committed or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets. Capital projects funds exclude capital-related outflows financed by proprietary funds or for assets that will be held in trust for individuals, private organizations or other governments.
- **Special Revenue Funds** will report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.

These changes in fund definitions have resulted in an additional challenge for large, general-purpose governments that frequently fund (not construct) facilities for other governments or entities, such as affordable housing. Those facilities may now need to be recorded in a special revenue fund.

However, because of Internal Revenue Service rules on tax-exempt borrowing, bond proceeds that fund these transactions benefiting other governments might have to be segregated from other inflows and accounted for separately in special revenue funds. Finally, stabilization or "rainy-day" amounts, which are largely savings accounts that support operations, should either be restricted or committed, depending on legislation. Or, they should have an unassigned fund balance if legislation that funds or creates the stabilization fund is silent on the issue.

Best Practices in Implementation

It is necessary for preparers to closely analyze all governmental funds in a government and work with legal and budgetary staff to gain assurance that fund balances will be reported properly.

Some funds may no longer be special revenue funds, and capital project funds may differ for statutory or budgetary purposes and GAAP. The analysis of a capital project fund may therefore have to be at the individual project level. This analysis will also be a challenge for governments with large capital programs and complex capital authorizations.

To properly implement Statement No. 54, governments should perform the following:

- Explain the order of spending from restricted, committed, assigned or unassigned balances in their summary of significant accounting policies footnote to the basic financial statements.
- Draft a fund balance policy that identifies the highest level of decision-making authority needed to commit a balance and the person authorized to assign a balance.
- Disclose any minimum fund-balance requirements within the summary of significant accounting policies footnote to the basic financial statements.

They should also review their fund structure as soon as possible and define any necessary changes in presentation. The differences between commitments and assignments should also be defined. In addition, governments should determine if they have the information needed to restate previous fund balance statements in statistical sections of comprehensive annual financial reports to make previous



For More Information

State and Local Governments: Checklists and Illustrative Financial Statements

http://www.cpa2biz.com/AST/Main/CPA2BIZ_Primary/Accounting/IndustryspecificGuidance/Government/PRDOVR~PC-008793/PC-008793.jsp

AICPA National Governmental Accounting and Auditing Update Conference (GAAC) East and West

August 16-17, 2010 – Washington, D.C.

http://www.cpa2biz.com/AST/Main/CPA2BIZ_Primary/Accounting/FinancialReporting/PRDOVR~PC-GAACEAST/PC-GAACEAST.jsp

September 27-28, 2010 – Las Vegas, NV

http://www.cpa2biz.com/AST/Main/CPA2BIZ_Primary/Accounting/FinancialReporting/PRDOVR~PC-GAACWEST/PC-GAACWEST.jsp

years' information comparable to current disclosure. This step, though not required, is recommended because a reader of the financial statements may want to perform a long-term trend analysis on the elements of fund balance.

Auditor Concerns

In addition to its impact on fund balance categories and fund definitions, the implementation of Statement No. 54 raises a number of concerns for auditors that require proactive approaches.

Auditors will need to become very familiar with Statement No. 54 changes that concern the manner in which restrictions, commitments and assignments are determined, and if there are minimum-balance requirements or other policies and procedures in law or practice. Laws and regulations will need to be analyzed for all governmental funds as policies and procedures will need to support whether fund balances are supporting the restrictions, commitments or assignments. Auditors will also have to be concerned with why fund balances are changing beyond the normal inflows and outflows of resources.

Since audit opinions are required only for the major funds and for the non-major funds in the aggregate, changes directly to those fund balances or placement will increase audit risk.

Indeed, GASB Statement No. 54 is more than just a pretty face.

Author bio

Eric S. Berman, CPA, is Chairman of the AICPA's Government Performance and Accountability Committee.

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October 18, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SPECIFIC PROVISIONS OF CHAPTER XIV (BUILDING AND HOUSING CODES) AND CHAPTER XVII (MECHANICAL CODE) OF THE COMPTON MUNICIPAL CODE AUTHORIZING THE CITY MANAGER TO APPOINT A HEARING OFFICER TO PERFORM THE DUTIES OF THE CITY'S HOUSING ADVISORY AND APPEALS BOARD (HAAB) IN THE EVENT THE BOARD LACKS A QUORUM

SUMMARY

The City Council will consider adopting an Ordinance that will amend specific provisions of Chapters XIV (Building and Housing Codes) and XVII (Mechanical Code) of the Compton Municipal Code. The proposed Ordinance will authorize the City Manager to appoint a qualified and specifically knowledgeable person as a Hearing Officer to perform the duties of the City's Housing Advisory and Appeals Board (also known as HAAB) in the event that the HAAB lacks the requisite membership quorum necessary to perform its duties.

BACKGROUND

The City of Compton, pursuant to the authority granted to local jurisdictions by the California Building Code (Code), has adopted this Code as part of the City's Municipal Code and established a local Housing Advisory and Appeals Board (HAAB) in accordance with the Code. The function of HAAB is to hear appeals regarding the City's requirements relating to the use, maintenance and/or change of occupancy of buildings and structures, including requirements governing alterations, additions, repairs, demolitions and moves.

STATEMENT OF ISSUE

In recent years, the ability of HAAB to perform its duties has been hampered by the Board's lack of quorum of available and qualified members. Despite efforts by the City to appoint qualified members to the Board, the City must still offer some type of administrative due process for appeals by any person, firm or corporation adversely affected by a decision, order or determination by the City relating to the application of the California building standards or any other

#8.

Staff Report Re Ordinance of the City Council Amending Chapters XIV and XVII of the Compton Municipal Code by Authorizing the Appointment of Hearing Officer to Perform the duties of HAAB if the Board lacks a Quorum.
October 18, 2011, page 2

applicable rule or regulation adopted by the City. Because the HAAB lacks the requisite quorum to perform its duties, the City is in dire need to create an alternative method to afford due process to appeals submitted relating to the application and/or interpretation of the building requirements of the City. The appointment of a Hearing Officer, by the City Manager, to perform the duties of the HAAB will allow the City to afford due process to any appeals submitted to the City in accordance with the requirements of the California Building Code.

FISCAL IMPACT

Provided that HAAB lacks a quorum at a time when an appeal has been submitted to the City, the financial impact to the City will be the cost to obtain a qualified individual who can serve as a designated hearing officer.

RECOMMENDATION

It is the recommendation of this office that the City Council adopt the attached Ordinance.

CRAIG J. CORNWELL
CITY ATTORNEY

Attachment: Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SPECIFIC PROVISIONS OF CHAPTER XIV (BUILDING AND HOUSING CODE) AND CHAPTER XVII (MECHANICAL CODE) OF THE COMPTON MUNICIPAL CODE AUTHORIZING THE APPOINTMENT OF A HEARING OFFICER TO PERFORM THE DUTIES OF THE HOUSING ADVISORY AND APPEALS BOARD (HAAB) IN THE EVENT THE BOARD LACKS A QUORUM

WHEREAS, the City has adopted the California Building Code as part of the City's Municipal Code and established a Housing Advisory and Appeals Board (HAAB) pursuant to the authority granted local jurisdictions by the California Building Code; and

WHEREAS, the function of the HAAB is to hear appeals regarding the requirements of the City relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alterations, additions, repairs, demolitions and moves; and

WHEREAS, in recent years, the duties of HAAB have been hampered by the lack of membership quorum despite efforts on behalf of the City to appoint qualified individuals; and

WHEREAS, because HAAB lacks the requisite quorum, the City has a dire need to create an alternative method to afford due process to appeals submitted relating to application of the building requirements of the City; and

WHEREAS, the appointment of a qualified and specifically knowledgeable person to serve as a hearing officer to perform the functions of the HAAB is a viable option to satisfy due process regarding appeals relating to the requirements of the City's Building and Housing Codes and Mechanical Code; and

WHEREAS, to give effect to the authorization of the appointment of a hearing officer by the City Manager to perform the functions of the HAAB, several provisions of the Building and Housing Codes and Mechanical Code must be amended.

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

Section 1. That Section 14-1.2 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-1.2 Building Official.

Wherever the term Building Official is used in said Building Code, it shall mean the Chief Building Inspector, who is charged with the administration and enforcement of its provisions. In the absence of the Chief Building Inspector, the Senior Building Inspector will assume the administration and enforcement duties of the Chief Building Inspector.

Section 2. That Section 14-1.5 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-1.5 Amendment: Section 105 - BOARD OF APPEALS.

Section 105 of the Building Code shall be replaced in its entirety by the following:

SECTION 105 - HOUSING ADVISORY AND APPEALS BOARD (HAAB) OR HEARING OFFICER

Appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the Building Code shall be administered by one of the following means:

a. Housing Advisory and Appeals Board (HAAB)

There is hereby created a Housing Advisory and Appeals Board (hereinafter the "HAAB" or the "Board") consisting of five (5) voting members who are not employees of the City of Compton and who are qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances. The Board is authorized by the City Council to hear appeals regarding the requirements of the City relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving. The Building Official shall be an ex officio member of the Board and shall act as Secretary to said Board, but shall have no vote on any matter before the Board. The Board shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules of procedure for conducting its business and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant, and may recommend to the City Council new legislation as is consistent therewith. The Board shall have no authority relative to interpretation of the administrative provisions of the Building Code nor shall it be empowered to waive requirements of the Code.

Members of the Board shall receive compensation at a rate set by resolution of the City Council for attendance at meetings.

A majority of the membership of the Board shall constitute a quorum to perform the duties of the Board. In the absence of a quorum, a Hearing Officer may perform the duties of the Board.

b. Hearing Officer

Provided that the Board is unable to constitute a quorum, the City Council hereby authorizes the City Manager to appoint a Hearing Officer who is not an employee of the City and who is qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances to perform the same duties of the Board. The same rights, rules and procedures that apply to the administration of duties by the Board shall also apply to the administration of duties by the Hearing Officer as well.

Section 3. That Section 14-1.27 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-1.27 Notices of Hearings.

Upon receiving a request for a hearing, the Building Official shall set the matter for a hearing before the Board or Hearing Officer and shall serve a notice, not less than ten (10) days prior thereto, upon the person requesting such hearing and upon every person upon whom the notice provided for in subsection 14-1.20 of this section was served.

Section 4. That Section 14-1.28 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-1.28 Procedure.

Unless inconsistent with any other provisions of subsections 14-1.20 through 14-1.34 of this section, all procedures taken by the Board, a Hearing Officer or the City shall proceed as provided for in this Section, including costs collected, in the case of substandard and unsafe buildings.

Section 5. That Section 14-1.29 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-1.29 Securing Structures by City: Authorized.

If a person is properly served a notice pursuant to the provisions of subsection 14-1.20 to secure or close a building so as to prevent unauthorized persons from gaining access thereto and neither he nor any other person requests a hearing, or after a hearing the Board or Hearing Officer determines that such person is obliged to so secure or close such building, the City may perform the work as provided for in this section in the case of a substandard or unsafe building if such building is not secured or closed within ten (10) days after service of the notice if no hearing is requested, or within the time specified by the Board or Hearing Officer.

Section 6. That Section 14-3.3 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.3 Other Definitions.

As used in this Section:

Board, unless otherwise specified, shall mean the Housing Advisory and Appeals Board (HAAB).

Building Official, unless otherwise specified, shall mean and include the Chief Building Inspector or his duly authorized representative.

Department, unless otherwise specified, shall mean the Department of Building and Safety.

Hearing Officer, unless otherwise specified, shall mean a person who is appointed by the City Manager to perform the duties of the Board, provided that the Board is unable to constitute a quorum.

Section 7. That Section 14-3.7 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.7 Hearings: Notices.

If the Building Official shall determine from the report that there is a probable cause to believe that the building or structure is a dangerous building or substandard residential building, he or she may request that the matter be set for hearing by the Board or Hearing Officer and a notice of such hearing shall be given as set forth in subsections 14-3.8 through 14-3.13 of this section.

Section 8. That Section 14-3.14 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.14 Hearings.

The Board or a duly appointed Hearing Officer designated by the City Manager shall:

a. Hold a hearing as requested by the Building Official and hear and consider any evidence pertaining to the matter set forth in the report offered by the owner, occupant, or person in charge and control, mortgagee or beneficiary under any deed of trust, lessee, or any other person having any estate or interest in such building or structure; and

b. Make written findings of fact as to whether or not the building or structure in question is a dangerous building or substandard residential building within the terms of this section.

Section 9. That Section 14-3.15 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.15 Hearings: Records.

A record of the entire proceedings shall be made by tape recording or any other means of permanent recording determined to be appropriate by the Board or Hearing Officer.

Section 10. That Section 14-3.17 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.17 Repair, Vacation and Repair, or Demolish: Requests for Reports of Other Departments.

a. In the course of any proceedings taken hereunder, whenever either the Board, Hearing Officer, or Building Official shall have cause to require additional evidence as to whether or not any building or structure is a fire or life hazard, or is detrimental to the health of the persons living therein, in comparison with buildings or structures constructed in accordance with the minimum requirements of this Code, the Board, Hearing Officer, or Building Official may request that such building or structure be inspected by the Fire Department or by the County Health Department, as the case may be, or by both such departments.

b. The department to which such request is directed shall cause the building or structure to be inspected with particular reference to the characteristics inquired about and a report thereof in writing shall be transmitted to the requesting authority within five (5) days after the receipt of the request for such report. The report shall be considered along with other evidence at the hearing.

Section 11. That Section 14-3.18 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.18 Hearings: Findings.

Within sixty (60) days after the conclusion of the hearing, the Board or Hearing Officer shall submit its finding and recommendations to the Building Official.

Section 12. That Section 14-3.19 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.19 Repair, Vacation and Repair, or Demolish: Orders.

If, from the findings and recommendations of the Board or Hearing Officer and the report of inspection, the Building Official shall determine that the building or structure

involved is a dangerous building or substandard residential building within the terms of this section, then he or she shall issue an order:

- a. That the occupant, lessee, or other person in possession shall vacate such building, or that he or she may remain in possession while repairs are being made; or
- b. That any mortgagee, beneficiary under a deed of trust, or any other person having an interest or estate in such building may, at his own risk, repair, vacate and repair, or demolish such building.

Section 13. That Section 14-3.20 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.20 Repair, Vacation and Repair, or Demolish: Orders: Contents.

a. The order to repair, vacate and repair, or demolish shall set forth the street address of the building or structure and a legal description of the premises sufficient for identification. Such order shall contain a statement of the particulars which render the building or structure a dangerous building or substandard residential building and a statement of the things required to be done.

b. Such order shall specify the time within which the work required shall be commenced, which shall be not less than ten (10) days nor later than thirty (30) days after the issuance of the order, and shall further specify a reasonable time within which the work shall be completed.

c. Notwithstanding the provisions of paragraphs a. and b. above, upon a written application by an interested party for good cause shown and where no imminent risk to life or property is present, the Building Official, the Board, or Hearing Officer (in case an appeal is made to it pursuant to the provisions of subsection 14-3.22 of this section) may grant a reasonable extension of time, not to exceed one hundred twenty (120) days, within which the work required shall be commenced.

d. The time for completion may be extended for cause by the Building Official, the Board or Hearing Officer, in case an appeal is made to it pursuant to the provisions of said subsection 14-3.22.

Section 14. That Section 14-3.22 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.22 Repair, Vacation and Repair, or Demolish: Orders: Appeals.

Within ten (10) days after the service of the order, as provided in subsection 14-3.21 of this Section, the owner or other person having the charge and control of any building or structure affected by such order may appeal said order in accordance with such procedure as may be established by the respective Board or Hearing Officer. If such an order is not appealed, it shall become final and unappealable on the eleventh (11th) day after service.

Upon such appeal, the Board or Hearing Officer may affirm, modify, or annul the order appealed from, including any of the terms or conditions thereof. The order on appeal shall become final upon its approval by a Board resolution or written order by the Hearing Officer.

No order to repair, vacate and repair, or demolish any structure shall be enforced if annulled by the Board or Hearing Officer on appeal or enforced contrary to any modification of such order made by the Board or Hearing Officer on appeal. The

Building Official shall order a public hearing by the Housing Advisory and Appeals Board or Hearing Officer, or the City Council to adopt a resolution.

Section 15. That Section 14-3.23 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.23 Repair, Vacation and Repair, or Demolish: Orders: Violations.

a. The owner or other person having the charge and control of any building or structure determined by the Department, or by the Board or Hearing Officer upon appeal, to be a dangerous building or substandard residential building who shall fail to comply with any order to repair, vacate and repair, or demolish such building shall be guilty of a misdemeanor.

b. The occupant or lessee in possession of such building or structure who fails to comply with any order to vacate such building in accordance with any order given as provided for in this section shall be guilty of a misdemeanor.

c. Any person who removes any notice or order posted as required in this section shall be guilty of a misdemeanor.

d. No utility company or supplier shall service the owner or occupants of any apartment, dwelling, building, or structure which is posted until notified by the Building Official.

Section 16. That Section 14-3.24 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.24 Repair, Vacation and Repair, or Demolish: Orders: Failure to Comply: Action of the Department.

Whenever an order to repair, vacate and repair, or demolish any building or structure has not been complied with within the time set by the Department, including such additional time as the Department (or the Board or Hearing Officer upon appeal) may for good cause have extended, the Department shall have the power, in addition to any other remedy provided, to:

a. Cause the material of any such building or structure to be sold in any manner which the Department may determine; provided, however, any such sale shall be upon the condition that the building or structure be forthwith demolished, the wreckage and debris thereof be removed, and the lot be cleaned. The Department may sell any such building singly or otherwise, as the Department may find desirable, in order to insure that the consideration obtained from one (1) or any number of such buildings shall be adequate to pay the costs of demolition and of cleaning the sites. Any surplus from the sale of any such building or structure, or group of buildings or structures, over and above the costs of demolition and of cleaning the sites, shall be retained to be distributed to the parties or persons lawfully entitled thereto; or

b. Cause the building or structure to be repaired or demolished by such means as the Department may deem advisable. The costs therefor shall be paid from the Repair and Demolition Fund and assessed against the property upon which the particular building or structure is located.

Any work to be accomplished pursuant to the provisions of this subsection shall be performed in accordance with established practices of City procedures.

When the Department determines to cause the repair or removal of the building or structure, the Department shall notify the owner or other person in charge or control thereof of its intention so to do and shall specify a date certain upon which it shall solicit bids to accomplish the necessary work, which date shall be not sooner than ten (10) days after the date such notice is given.

Section 17. That Section 14-7.2 of Chapter XIV (HOUSING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-7.2 Building Official.

Wherever the term Building Official is used in said Housing Code, it shall mean the Chief Building Inspector, who is charged with the administration and enforcement of its provisions. In the absence of the Chief Building Inspector, the Senior Building Inspector will assume the administration and enforcement duties of the Chief Building Inspector.

Section 18. That Section 14-7.3 of Chapter XIV (HOUSING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-7.3 Amendment: Section 203 - BOARD OF APPEALS.

Section 203 of the Housing Code is replaced in its entirety by the following:

SECTION 203 - HOUSING ADVISORY AND APPEALS BOARD (HAAB) OR HEARING OFFICER

Appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the Housing Code shall be administered by either of the following means:

a. Housing Advisory and Appeals Board (HAAB)

There is hereby created a Housing Advisory and Appeals Board (hereinafter the "HAAB" or the "Board") consisting of five voting (5) members who are not employees of the City of Compton and who are qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances. The Board is authorized by the City Council to hear appeals regarding the requirements of the City relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving. The Building Official shall be an ex officio member of the Board and shall act as Secretary to said Board, but shall have no vote on any matter before the Board. The Board shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules of procedure for conducting its business and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant, and may recommend to the City Council new legislation as is consistent therewith. The Board shall have no authority relative to interpretation of the administrative provisions of the Housing Code nor shall it be empowered to waive requirements of the Code.

Members of the Board shall receive compensation at a rate set by resolution of the City Council for attendance at meetings.

A majority of the membership of the Board shall constitute a quorum to perform the duties of the Board. In the absence of a quorum, a Hearing Officer may perform the duties of the Board.

b. Hearing Officer

Provided that the Board is unable to constitute a quorum, the City Council hereby authorizes the City Manager to appoint a Hearing Officer who is not an employee of the City and who is qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances to perform the same duties of the Board. The same rights, rules and procedures that apply to the administration of duties by the Board shall also apply to the administration of duties by the Hearing Officer as well.

Section 19. That Section 14-8.5 of Chapter XIV (HOUSING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-8.5 Administration.

a. *Service of Order.* The City shall issue an order, as provided in paragraph b. below, to the owner of each building within the scope of this Chapter in accordance with the minimum time periods for service of such orders set forth in Table Nos. 14-B and C. The City shall, upon receipt of a written request from the owner, order a building to comply with this Chapter prior to the normal service date for such building set forth in this section.

b. *Contents of Order.* The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment, and upon the order shall specify that the building has been determined by the City to be within the scope of this Chapter and, therefore, is required to meet the minimum seismic standards of this Chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of subsection 14-8.5, which sets forth the owner's alternatives and time limits for compliance.

c. *Appeal from Order.* The owner or person in charge or control of the building may appeal, as provided for in this Chapter, the City's initial determination that the building is within the scope of this Chapter. Such appeal shall be filed within sixty (60) days from the service date of the order described in this subsection 14-8.6. Any such appeal shall be decided by the Board or Hearing Officer no later than sixty (60) days after the date that the appeal is filed. Such appeal shall be made in writing upon appropriate forms provided therefor by the City, and the grounds thereof shall be stated clearly and concisely. Each appeal shall be accompanied by a filing fee as set forth in paragraph f. of this subsection.

Appeals or request for slight modifications from any other determination, orders or action by the City pursuant to this Chapter shall be made in accordance with the procedures established in Section 106 of the Uniform Building Code.

d. *Recordation.* At the time that the City serves the aforementioned order, the City shall file with the Office of the County Recorder a certificate stating that the subject building is within the scope of Earthquake Hazard Reduction in Existing Buildings of the Compton Municipal Code. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance is not exhibited.

If the building is either demolished, found not to be within the scope of this Chapter, or is structurally capable of resisting minimum seismic forces required by this Chapter as a result of structural alterations or an analysis, the City shall file with the Office of the

County Recorder a certificate terminating the status of the subject building as being classified within the scope of Earthquake Hazard Reduction in Existing Buildings of the Compton Municipal Code.

e. *Enforcement.* If the owner or other person in charge or control of the subject building fails to comply with any order issued by the City pursuant to this Chapter within any of the time limits set forth in subsection 14-8.5, the City shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated or such additional time as may have been granted by the Board or Hearing Officer, the Building and Safety Director may order its demolition in accordance with the provision of this Code.

f. *Appellate Fee; Building and Safety Director.*

1. The fee for an appeal of the Building and Safety Director's action shall be seventy-five (\$75.00) dollars.*

2. The fee for an appeal to the City Council of any action of the Board or Hearing Officer shall be two hundred fifty (\$250.00) dollars.

*Fees increased/decreased pursuant to subsection 14-8.2(f), may be set by Council resolution.

Section 20. That Section 17-1.4 of Chapter XVII (MECHANICAL CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

17-1.4 Amendment: Section 110 - BOARD OF APPEALS.

Section 110 of the Mechanical Code is replaced in its entirety by the following:

SECTION 110 - HOUSING ADVISORY AND APPEALS BOARD (HAAB) OR HEARING OFFICER

Appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the Mechanical Code shall be administered by either of the following means:

a. Housing Advisory and Appeals Board (HAAB)

There is hereby created a Housing Advisory and Appeals Board (hereinafter the "HAAB" or the "Board") consisting of five voting (5) members who are not employees and who are qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances. The Board is authorized by the City Council to hear appeals regarding the requirements of the City relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving. The Building Official shall be an ex officio member of the Board and shall act as Secretary to said Board, but shall have no vote on any matter before the Board. The Board shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules of procedure for conducting its business and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant, and may recommend to the City Council new legislation as is consistent therewith. The Board shall have no authority relative to interpretation of the administrative provisions of the Mechanical Code nor shall it be empowered to waive requirements of the Code.

Members of the Board shall receive compensation at a rate set by resolution of the City Council for attendance at meetings.

A majority of the membership of the Board shall constitute a quorum to perform the duties of the Board. In the absence of a quorum, a Hearing Officer may perform the duties of the Board.

b. Hearing Officer

Provided that the Board is unable to constitute a quorum, the City Council hereby authorizes the City Manager to appoint a Hearing Officer who is not an employee of the City and who is qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances to perform the same duties of the Board. The same rights, rules and procedures that apply to the administration of duties by the Board shall also apply to the administration of duties by the Hearing Officer as well.

Section 21. **SEVERABILITY**

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, to be unconstitutional or otherwise invalid, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance hereby adopted shall remain in full force and effect which can be implemented without the invalid provisions, and to this end, the provisions of this Ordinance are declared to be severable.

Section 22. **DISTRIBUTION**

That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Municipal Law Enforcement Services, Building and Safety, and the Planning and Economic Development Department.

Section 23. **EFFECTIVE DATE**

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

Section 24. **ATTESTATION**

That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
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 meeting thereof held on _____ day of _____, 2011.

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

AYES: COUNCIL MEMBERS–
NOES: COUNCIL MEMBERS–
ABSTAIN: COUNCIL MEMBERS–
ABSENT: COUNCIL MEMBERS–

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Attorney

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SPECIFIC PROVISIONS OF CHAPTER XIV (BUILDING AND HOUSING CODES) AND CHAPTER XVII (MECHANICAL CODE) OF THE COMPTON MUNICIPAL CODE AUTHORIZING THE CITY MANAGER TO APPOINT A HEARING OFFICER TO PERFORM THE DUTIES OF THE CITY'S HOUSING ADVISORY AND APPEALS BOARD (HAAB) IN THE EVENT THE BOARD LACKS A QUORUM

Ruth Rugley
DEPARTMENT MANAGER’S SIGNATURE

9/26/2011 10:46:21 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

10/6/2011 10:15:31 AM
DATE

Stephen Ajobiewe
CITY CONTROLLER

10/6/2011 10:04:43 AM
DATE

P. Lamont Ewell
CITY MANAGER

10/6/2011 10:00:59 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.

October 18, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

**RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COMPTON AMENDING CHAPTER II OF THE COMPTON
MUNICIPAL CODE BY AMENDING SECTION 2-20.2
REGARDING MEMBERSHIP OF THE COMPTON YOUTH
LEADERSHIP COUNCIL**

SUMMARY:

The City Council will consider adopting an Ordinance that will amend Section 2-20.2 of the Compton Municipal Code to remove the restriction that membership on the Compton Youth Leadership Council be limited to students of the Compton Unified School District.

BACKGROUND:

On June 11, 1991, the City Council adopted Ordinance No. 1,856 (codified at Section 2-20 of the Compton Municipal Code), which established the Compton Youth Commission. On January 23, 2007, the City Council amended Section 2-20 in its entirety, and among other matters, the name of the Compton Youth Commission was changed to the Compton Youth Leadership Council pursuant to Ordinance No. 2,150.

Pursuant to Ordinance No. 2,150, the stated goals of the Compton Youth Leadership Council includes providing youth with the opportunity to make recommendations relative to policies that affect their lives; expose and educate youth relative to the nature of City government; provide a forum for the exchange of ideas and information among youths; and conduct workshops on important issues facing youth. The stated objectives of the Youth Council include the development and recommendation of programs intended to promote full acceptance of youth in all aspects of community life; cooperation with community agencies for the fostering mutual understanding and respect for youth; cooperation with City departments, agencies and commissions in identifying youth problems which they may be concerned; recommendation to the City Council and City departments changes in procedures, policies and/or legislation for the purpose of improving youths' input in community; and building working relationships with Compton Unified School District and other local education agencies.

#9.

Staff Report Re Ordinance of the City Council Amending
CMC Section 2-20.2 – Compton Youth Leadership Council
October 18, 2011, page 2

STATEMENT OF ISSUE:

Section 2-20.2 of the Compton Municipal Code currently limits membership on the Compton Youth Leadership Council to residents of the City of Compton who are students of the Compton Unified School District.

The City Council believes that the goals and objectives of the Youth Council would be better served if input and participation from all youth between the ages of thirteen (13) and eighteen (18) who are residents of the City of Compton are eligible for membership on the Youth Council.

The attached Ordinance will amend Section 2-20.2 of the Compton Municipal Code so as to allow youth who are residents of the City of Compton, regardless of the educational institution that they attend, to be eligible for membership on the Compton Youth Leadership Council.

RECOMMENDATION:

It is the recommendation of staff that the Council adopt the attached Ordinance.

**P. LAMONT EWELL
CITY MANAGER**

Attachments: Proposed Ordinance

PLE:CJC:RAR:rar

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF COMPTON AMENDING CHAPTER II OF THE
COMPTON MUNICIPAL CODE BY AMENDING SECTION
2-20.2 REGARDING MEMBERSHIP OF THE COMPTON
YOUTH LEADERSHIP COUNCIL

WHEREAS, on June 11, 1991, the City Council of the City of Compton adopted Ordinance No. 1,856, which established the Compton Youth Commission (renamed the Compton Youth Leadership Council on January 23, 2007); and

WHEREAS, the stated goals of the Compton Youth Leadership Council include providing youth with the opportunity to make recommendations relative to policies that affect their lives; expose and educate youth relative to nature of city government; provide forum for exchange of ideas and information among youths; and conduct workshops on important issues facing youth; and

WHEREAS, the stated objectives of the Council are to develop and recommend programs intended to promote full acceptance of youth in all aspects of community life; cooperate with community agencies fostering mutual understanding and respect for youth; cooperate with City departments, agencies and commissions in identifying youth problems which they may be concerned; recommend to the City Council and City departments changes in procedures, policies and/or legislation for the purpose of improving youths' input in community; and build working relationship with Compton Unified School District and other local education agencies; and

WHEREAS, Section 2-20.2 of the Compton Municipal Code currently limits membership on the Compton Youth Leadership Council to residents of the City of Compton who are students of the Compton Unified School District; and

WHEREAS, in efforts to better serve the goals and objectives of the Youth Commission it is believed that input and participation from all youth between the ages of thirteen (13) and eighteen (18) who are residents of the City of Compton should be eligible for membership on the Youth Council, regardless of the educational institution that they attend.

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

Section 1. That Section 2-20-2 (Commission Members) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

2-20.2 Commission Members.

Members of the CYLC shall be residents of the City of Compton. Any member of the CYLC shall be deemed to have resigned and their membership on the CYLC automatically vacated in the event said member ceases to be a resident of the City of Compton.

Section 2. That if any provision of this Ordinance is determined by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such invalidity shall not affect the remaining provision of this Ordinance which can be implemented without the invalid provisions, and, to this end, the provisions of this Ordinance are declared to be severable.

ORDINANCE NO. _____
Page 2

Section 3. That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Municipal Law Enforcement Services and the Los Angeles County Sheriff's Department, Compton Station.

Section 4. That this Ordinance shall take effect thirty (30) days after its adoption.

Section 5. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

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

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

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

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

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Attorney

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTION 2-20.2 REGARDING MEMBERSHIP OF THE COMPTON YOUTH LEADERSHIP COUNCIL

Ruth Rugley
DEPARTMENT MANAGER’S SIGNATURE

10/4/2011 1:14:10 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

10/6/2011 10:16:20 AM
DATE

Stephen Ajobiewe
CITY CONTROLLER

10/6/2011 10:16:31 AM
DATE

P. Lamont Ewell
CITY MANAGER

10/6/2011 10:13:21 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.

October 18, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON REPEALING SECTIONS 2-24.1 AND 2-24.2 OF THE COMPTON MUNICIPAL CODE AND AMENDING CHAPTER VII OF THE CODE TO ADD SECTION 7-28 TO PROHIBIT SMOKING AND THE USE OF TOBACCO RELATED PRODUCTS IN CERTAIN AREAS WITHIN THE CITY OF COMPTON**

SUMMARY

The City Council will consider adopting an Ordinance that will amend Chapter VII of the Compton Municipal Code by adding new Section 7-28 to regulate smoking in certain places within the City of Compton. The proposed Ordinance will allow the City to restrict smoking and tobacco use in public places, limit public exposure to secondhand smoke and promote a healthy environment for the residents in the City of Compton.

BACKGROUND

A recent report of the Surgeon General concluded that smoking and tobacco use causes adverse health outcomes, particularly cancer and cardiovascular and pulmonary diseases, through mechanisms that include DNA damage, inflammation and oxidative stress.¹ Consequently, tobacco use remains the leading preventable cause of premature death in the United States and there is no risk-free level of exposure to tobacco smoke.² Secondhand smoke has repeatedly been identified as a health hazard resulting in harmful effects to non-

¹ U.S. Department of Health and Human Services. *How Tobacco Smoke Cause Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.

² Id.

**Staff Report re Add Section 7-28 to CMC
Smoke-Free Ordinance
October 18, 2011, page 2**

smokers who are exposed to it, including children.³ In order to combat the health effects of secondhand smoke, many cities and counties in California are working to protect their residents from the dangers of secondhand smoke exposure by adopting comprehensive ordinances that include smoke restrictions in many areas of the community, from parks to multi-unit residential housing to ATM lines. (See Exhibit A attached hereto and incorporated by this reference.)

In addition to the health risks associated with smoking in public places, there are other reasons to restrict smoking in certain outdoor areas. Cigarette butts are common items found along parks. Cigarette litter damages the environment and poses a hazard to children, pets and wildlife that may ingest cigarette butts.⁴ Not only do these recreation areas suffer from cigarette trash, these areas are also subject to the risk of fire as a result of a cigarette butt that has not been fully extinguished.

California law prohibits smoking in virtually all indoor places of employment reflecting the state policy to protect against the dangers of exposure to secondhand smoke thereby rendering sections 2-24.1 and 2-24.2 moot.⁵ Additionally, California law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions.⁶ Furthermore, California law as well as the Compton Municipal Code declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance.⁷ Finally, local governments have broad latitude to declare nuisances and are not constrained by prior definitions of nuisance.

STATEMENT OF ISSUE

This proposed smoking and tobacco use ordinance provides that smoking shall be prohibited in the following unenclosed areas within the City of Compton:

1. Dining areas.

³ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Secondhand Smoke*. 2006. Available at www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm.

⁴ Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, www.surfridersd.org/hotyb.php. March 10, 2011.

⁵ California Labor Code Section 6404.5 and California Government Code Section 7597.

⁶ California Health and Safety Code Section 104495.

⁷ California Civil Code Section 3479 and Compton Municipal Code Section 7-13.

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2. Service areas.
3. Common areas of multi-unit residences.
4. Public parks.
5. Other public places, including streets and sidewalks, when being used for a public event, including but not limited to a farmer's market, concert, parade, fair, festival, or any other event open to the general public.

Smoking is also prohibited in enclosed places including:

Multi-unit residential housing with more than three adjacent units. Existing units impacted by this ordinance will have until January 1, 2013 to come into compliance. New Multi-Unit Residences that receive a certificate of occupancy after the effective date of this Chapter shall have 100% of its units non-smoking.

FISCAL IMPACT

There is no financial impact.

RECOMMENDATION

It is the recommendation of this office that the City Council adopt the attached Ordinance.

**CRAIG J. CORNWELL
CITY ATTORNEY**

ORDINANCE NO. _____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
REPEALING SECTIONS 2-24.1 AND 2-24.2 OF THE COMPTON
MUNICIPAL CODE AND AMENDING CHAPTER VII OF THE CODE TO
ADD SECTION 7-28 TO PROHIBIT SMOKING AND THE USE OF
TOBACCO RELATED PRODUCTS IN CERTAIN AREAS WITHIN THE
CITY OF COMPTON**

WHEREAS, smoking and tobacco use causes adverse health outcomes, particularly cancer and cardiovascular and pulmonary diseases, through mechanisms that include DNA damage, inflammation and oxidative stress; and

WHEREAS, the evidence on the mechanisms by which smoking causes disease indicates that there is no risk-free level of exposure to tobacco smoke; and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard and placed in the same category as toxic automotive and industrial air pollutants by the California Air Resource Board; and

WHEREAS, 15.9% of City of Compton residents are smokers; and

WHEREAS, creating smoke-free areas helps protect the health of the 84.1% of Compton residents who are non-smokers; and

WHEREAS, 76.0% of Compton residents who live in apartments, prefer to live in a completely non-smoking apartment building, according to a non-scientific survey conducted by the Los Angeles County Department of Public Health; and

WHEREAS, cigarette butts are a major source of litter and pose a health threat to young children who may handle and possibly ingest them; and

WHEREAS, California law prohibits smoking in virtually all indoor places of employment reflecting the state policy to protect against the dangers of exposure to secondhand smoke thereby rendering sections 2-24.1 and 2-24.2 moot; and

WHEREAS, California law declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance; and

WHEREAS, local government have broad latitude to declare nuisances and are not constrained by prior definitions of nuisance; and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions; and

WHEREAS, it is the intent of the City Council, by adopting this Ordinance, to provide for the public health, safety and welfare by regulating the inherently dangerous activity of smoking and tobacco use around non-smokers, especially children; by protecting the public from exposure to secondhand smoke in places where they live, work and play; and by affirming and promoting a healthy environment in the City of Compton.

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

SECTION 1. That Chapter II of the Compton Municipal Code is hereby amended to delete Section 2-24.1 and Section 2-24.2 in their entirety.

SECTION 2. That Chapter VII of the Compton Municipal Code is hereby amended to add Section 7-28 to read as follows:

7-28 SMOKING PROHIBITED BY LAW IN CERTAIN AREAS

7-28.1 PURPOSE AND INTENT

The City Council finds that smoking, or the use of any other tobacco product, is a serious danger to the health, discomfort and welfare to non-smokers who are present in unenclosed areas where there is exposure to secondhand smoke. The U.S. Surgeon General and the U.S. Environmental Protection Agency have concluded that secondhand smoke causes lung cancer and heart disease in healthy non-smokers. In order to protect the public and promote public health, safety and welfare, the declared purposes of this Section are to prohibit smoking, or other use of tobacco products, in certain places where non-smokers, are subject to the exposure of secondhand smoke.

7-28.2 DEFINITION

The following words and phrases, whenever used in this Section, shall be defined as follows:

- a. *Common Area* means every enclosed or unenclosed area of a multi-unit residence that residents of more than three units of that multi-unit residence are entitled to enter or use including, but not limited to, hallways, paths, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages or lots, laundry rooms, restrooms, cooking areas and eating areas.
- b. *Dining Area* means any area, including streets and sidewalks, which is available to, or customarily used by, the general public or an employee and which is designed, established, or regularly used for consuming food or drink.
- c. *Enclosed area* means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has any type of overhead cover and at least three (3) walls or other vertical boundaries of any height. For purposes of this definition, it is not a requirement for such overhead cover or walls (or other vertical boundaries) to include vents or other openings.
- d. *Multi-Unit Residence* means property containing three (3) or more adjoining units, as defined in this Section, used for dwelling purposes.
- e. *Person* means any natural person, business, association, non-profit entity, personal representative, receiver, trustee, assignee, or any other legal entity including government agencies.
- f. *Playground* means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on the public or private school grounds, or on city, county, or state park grounds.
- g. *Public Park* means a park, playground, swimming pool, playing field, and any other area or facility devoted to green-space or recreational use that is

owned, leased, or operated by the City of Compton, or for which the City has the right to possession.

j. *Public Place* means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.

k. *Recreational Area* means any area, including streets and sidewalks, that is publicly or privately owned and open to the general public for recreational purposes, regardless of any fee or age requirement. *Recreational area* includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller and ice skating rinks, skateboard parks, and amusement parks.

l. *Restaurant* means any coffee shop, cafeteria, luncheonette, soda fountain, fast food service, or other establishment where cooked or otherwise prepared food is sold to the public. It shall not include the on-site cafeteria or lunchroom that is part of a business.

m. *Service Area* means any publicly or privately owned area, including streets and sidewalks that is designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service or to make a transaction, whether or not such service or transaction includes the exchange of money. The term *Service Area* includes, but is not limited to, areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops, bus shelters, mobile vendor lines or cab stands.

n. *Smoke* means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization and the apparent purpose of such release is for human inhalation of the byproducts. *Smoke*, for purposes of this definition, does not include combustion of material that contains no tobacco or nicotine where the purpose of inhalation is solely for smell, such as smoke from incense. The term *Smoke* includes, but is not limited to, tobacco smoke, electronic cigarette vapors, and marijuana smoke.

o. *Smoking* means the carrying of a lighted pipe, lighted cigar, an operating electronic cigarette or a lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

p. *Tobacco Product* means any manufactured substance made from the tobacco plant, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and smokeless tobacco, or products prepared from tobacco and designed for smoking or ingestion.

q. *Unenclosed Area* means any area that is not an enclosed area, as defined in this Section.

r. *Unit* means a personal dwelling space and includes any associated exclusive-use enclosed area enclosed or unenclosed area such as a private balcony, porch, deck, or patio.

7-28.3 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN CERTAIN AREAS

Smoking and the use of tobacco products are prohibited in the unenclosed areas of the following places within the City of Compton, except places where smoking or the use of tobacco products are already prohibited by state or federal law, in which case those laws apply.

- (1) Dining areas.
- (2) Service areas.
- (3) Common areas of multi-unit residences.
- (4) Other public places, including streets and sidewalks, when being used for a public event, including but not limited to a farmer's market, concert, parade, fair, festival, or any other event open to the general public.

7-28.4 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN PUBLIC PARKS AND RECREATIONAL AREAS

Smoking or use of tobacco-related products is prohibited in any public park or recreational area within the City of Compton.

7-28.5 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN MULTI-UNIT RESIDENCES

(a) New Multi-Unit Residences

In every new Multi-Unit Residence that receives a certificate of occupancy after the effective date of this Section, one hundred percent (100%) of the Units (including private outdoor spaces associated with such Units, such as balconies, patios and decks), shall be non-smoking Units by law.

- 1. Required Lease Terms: Every lease or other agreement for the occupancy of a Unit in a new Multi-Unit Residence shall include:
 - a. A clause stating that Smoking is prohibited in the Unit;
 - b. A clause stating that it is a material breach of the lease or agreement to (i) violate any law regulating Smoking while on the Premises; (ii) Smoke in the Unit; or (iii) Smoke in any Multi-Unit Residence Common Area in which Smoking is prohibited; and
 - c. A clause stating that all occupants of the Multi-Unit Residence are express third-party beneficiaries of the above required clauses.
- 2. The California Apartment Association's Form 34.0, revised 1/07, meets the requirements for lease terms as outlined and is an option for use to comply with this section.

(b) Existing Multi-Unit Residences.

In every Multi-Unit Residence existing on the effective date of this Chapter, not subject to subsection (a) above, one hundred percent (100%) of

the Units (including private outdoor spaces associated with such Units, such as balconies, patios, and decks), shall by law be non-smoking Units by January 1, 2013. A person with legal control over a Multi-Unit Residence, such as, for example, a Landlord or homeowners' association, may make Units non-smoking prior to January 1, 2013.

1. Required Lease Terms: By January 1, 2013, every lease or other agreement for the occupancy of a Unit in an existing Multi-Unit Residence shall include:
 - a. A clause stating the Smoking is prohibited in the Unit;
 - b. A clause stating that it is a material breach of the lease or agreement to (i) violate any law regulating Smoking while on the Premises; (ii) Smoke in the Unit; or (iii) Smoke in any Multi-Unit Residence Common Area in which smoking is prohibited; and
 - c. A clause stating that all occupants of the Multi-Unit Residence are express third-party beneficiaries of the above required clauses.
2. The California Apartment Association's Form 34.0, revised 1/07, meets the requirements for lease terms as outlined and is an option for use to comply with this section.

(c) The lease or agreement terms required by subsection (a) and (b) are hereby incorporated by law into any lease or other agreement for the occupancy of a Unit in a Multi-Unit Residence made on or after the effective date of this Section and which does not fully comply with subsection (a) or (b).

(d) A tenant who breaches the Smoking regulations of a lease or knowingly allows another person to do so shall be liable to: (i) the Landlord; and (ii) any occupant of the Multi-Unit Residence who is exposed to secondhand smoke as a result of that breach. A Landlord shall not be liable to any person for a tenant's breach of smoking regulations if the Landlord has fully complied with the requirements of this Chapter.

(e) Failure to enforce any smoking regulation of a lease or agreement on one or more occasions shall not constitute a waiver of the lease or agreement provisions required by this Chapter and shall not prevent future enforcement of any such smoking regulation on another occasion.

7-28.6 REASONABLE SMOKING DISTANCE REQUIRED

a. Smoking in all unenclosed areas, where smoking is not otherwise prohibited, shall be prohibited within twenty-five (25) feet from any doorway, window, opening, or vent into an enclosed area in which smoking is prohibited, except while the person smoking is actively passing on the way to another destination and provided smoke does not enter any enclosed area in which smoking is prohibited.

b. Smoking in unenclosed areas, where smoking is not otherwise prohibited, shall be prohibited within twenty-five (25) feet from any unenclosed

areas in which smoking is prohibited under this Section, except while the person smoking is actively passing on the way to another destination and provided smoke does not enter any unenclosed area in which smoking is prohibited.

c. The prohibitions in subdivisions (a) and (b) shall not apply to unenclosed areas of private residential properties that are not multi-unit residences.

7-28.7 ENFORCEMENT

a. Enforcement of this chapter shall be the responsibility of the City Manager or his or her designee. In addition, any peace officer or code enforcement official also may enforce this chapter.

b. The remedies provided by this Section are cumulative and in addition to any other remedies available at law or equity.

c. Each incident of smoking or tobacco use in violation of this Section is an infraction subject to a one hundred dollar (\$100.00) fine. In the discretion of the City Attorney, violations may be prosecuted as infractions or misdemeanors when the interests of justice so require.

d. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Section shall also constitute a violation of this Section.

e. No Person shall intimidate, harass, or otherwise retaliate against any Person who seeks compliance with this Chapter. Moreover, no Person shall intentionally or recklessly expose another Person to Smoke in response to that Person's effort to achieve compliance with this Chapter. Violation of this subsection shall constitute a misdemeanor.

f. Any violation of this Section is hereby declared to be a public nuisance.

g. In addition to other remedies provided by this Section or by other law, any violation of this Section may be remedied by a civil action brought by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

h. Any Person acting for the interests of itself, its members, or the general public may bring a civil action in any court of competent jurisdiction, including small claims court, to enforce this chapter against any Person who has violated this chapter two or more times. Upon proof of the violations, a court shall grant all appropriate relief, including: (1) awarding damages; and (2) issuing an injunction or a conditional judgment. If there is insufficient or no proof of actual damages for a specific violation, the court shall award one-hundred and fifty dollars (\$150) for each violation as statutory damages.

i. Except as otherwise provided, enforcement of this section is at the sole discretion of the City of Compton. Nothing in this section shall create a right of action in any Person against the City of Compton or its agents to compel public enforcement of this chapter against private parties.

7-28.8 SIGN POSTING REQUIREMENT

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A Person, Employer, or Nonprofit Entity that has legal or de facto control of an Unenclosed Area in which Smoking is prohibited by this chapter shall post a clear, conspicuous and unambiguous "No Smoking" or "Smokefree" sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the Reasonable Smoking Distance requirement set forth in this chapter. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of Smoking in violation of any other provision of this Section.

SECTION 3. SEVERABILITY

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 4. DISTRIBUTION

That a copy of this Ordinance shall be forwarded to the offices of the City Manager, City Attorney, General Services, Municipal Law Enforcement Services and the Los Angeles County Sheriff's Department, Compton Station.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from after adoption by the City Council.

SECTION 6. ATTESTATION

That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause same to be published as required by law.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

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STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

I, Alita Godwin, City Clerk of the City of Compton, do hereby certify that the foregoing 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:	COUNCILMEMBERS-
NOES:	COUNCILMEMBERS-
ABSENT:	COUNCILMEMBERS-

CLERK OF THE CITY OF COMPTON