

CITY OF MONTCLAIR

CITY COUNCIL
SUCCESSOR REDEVELOPMENT AGENCY,
MONTCLAIR HOUSING CORPORATION, MONTCLAIR
HOUSING AUTHORITY, AND MONTCLAIR COMMUNITY
FOUNDATION MEETINGS

AGENDA

MONDAY, DECEMBER 5, 2022
7:00 p.m.



Mayor

Javier "John" Dutrey

Mayor Pro Tem

Bill Ruh,

Council Members

Tenice Johnson

Corysa Martinez

Benjamin "Ben" Lopez

City Manager

Edward C. Starr

City Attorney

Diane E. Robbins

City Clerk

Andrea M. Myrick

Location

Council Chamber
5111 Benito Street
Montclair, CA 91763

Webinar Link

<https://zoom.us/j/93717150550>

Dial #

1-669-900-6833

Meeting ID

937-1715-0550



**REGULAR JOINT MEETING OF THE
CITY COUNCIL, SUCCESSOR AGENCY, MONTCLAIR HOUSING CORPORATION,
MONTCLAIR HOUSING AUTHORITY, AND MONTCLAIR COMMUNITY FOUNDATION**

to be held in the Council Chambers
5111 Benito Street, Montclair, California

Monday, December 5, 2022
7:00 p.m.

Remote Participation Information:

Zoom Link: <https://zoom.us/j/93717150550>
Dial Number: 1 (669) 900-6833
Meeting ID: 937-1715-0550

*If you want to submit a public comment or speak on an agenda item, including public hearing and closed session items, please complete a Speaker Card in the Council Chambers or online at <https://www.cityofmontclair.org/public-comment/>. The Mayor/Chair (or the meeting's Presiding Officer) will call on those who submitted requests to speak at the appropriate times during the meeting. Those who did not submit a request to speak who are present at the meeting location may raise their hand during Public Comment to request to speak. Those participating remotely may request speak using the "raise hand" function in Zoom or may dial *9 if on the phone, and then *6 to un-mute when called on to speak. Written comments (200-word limit per agenda item, and 200-word limit for all non-agenda items combined) and requests to speak can also be emailed to cityclerk@cityofmontclair.org at least one hour before the meeting begins.*

Video recordings of Council meetings are available on the City's website at <https://www.cityofmontclair.org/council-meetings/> and can be accessed by the end of the business day following the meeting.

AGENDA

- I. CALL TO ORDER** City Council [CC], Successor Agency Board [SA],
Montclair Housing Corporation Board [MHC],
Montclair Housing Authority Commission [MHA],
Montclair Community Foundation Board [MCF]

II. INVOCATION

In keeping with our long-standing tradition of opening our Council meetings with an invocation, this meeting may include a nonsectarian invocation. Such invocations are not intended to proselytize or advance any faith or belief or to disparage any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

*During Public Comment, you may comment on any subject that **does not** appear on this agenda. Each speaker has up to five minutes. The meeting's presiding officer may provide more or less time to accommodate speakers with special needs or a large number of speakers waiting in line. (Government Code Section 54954.3).*

*If you did not submit a Speaker Card and would like to speak on an item on the **Consent Calendar**, please raise your hand during Public Comment to announce the agenda item you would like to provide comments on. The presiding officer will pull the item from the Consent Calendar and will then call on you to speak at the time of the item's consideration.*

Under the provisions of the Brown Act, the meeting bodies are prohibited from participating in substantial discussion of or taking action on items not listed on the agenda.

VII. PUBLIC HEARINGS

- A. First Reading — Consider Ordinance No. 22-1002 Amending Specific Chapters of Title 10 of the Montclair Municipal Code Related to the Adoption of Building Codes to Regulate Construction in the City Of Montclair and Establishing January 18, 2023 as the Effective Date of the Codes [CC]**

Consider Setting a Public Hearing for Second Reading and to Consider Adoption of Ordinance No. 22-1002 on Monday, December 19, 2022 at 7:00 p.m. in the City Council Chambers [CC]

VIII. CONSENT CALENDAR

A. Approval of Minutes

- 1. Regular Joint Meeting — November 21, 2022 [CC/SA/MHC/MHA/MCF] 67

B. Administrative Reports

- 1. Consider Approval of Warrant Register & Payroll Documentation [CC] 13

- 2. Consider Authorizing City Manager Edward C. Starr to Sign a Letter to the Inland Empire Utilities Agency Regarding the Chino Basin Regional Sewage Service Contract Extension [CC] 14

- 3. Consider Authorizing Staff to Advertise for Bid Proposals for Construction of the Reeder Ranch Park Project [CC] 18

- 4. Consider Authorizing Staff to Advertise for Bid Proposals for Construction and Installation of New Switchgear and a Backup Generator at the Civic Center [CC]
Consider Authorizing the Purchase of a Diesel Generator and a 1000 Amp Transfer Switch from Generac [CC] 20

- 5. Consider Approval of the Montclair Housing Authority Annual Report Prepared Pursuant to Section 3416.1(f) of the Health and Safety Code (SB 341) for Fiscal Year 2021-22 [CC/MHA] 25

- 6. Consider Review and Acceptance of the Montclair Housing Authority Annual Report for Fiscal Year 2021-22 [MHA] 34

C. Agreements

- 1. Consider Approval of Agreement No. 22-113 with Kaiser Foundation Hospitals to Accept a Grant Award in the Amount of \$10,000 to Support the Montclair to College Program [MCF]
Consider Authorizing Executive Director Edward C. Starr to Sign Agreement No. 22-113 [MCF] 38

D. Resolutions

- 1. Consider Adoption of Resolution No. 22-3382 Adopting the City's Conflict of Interest Code, as Amended, Pursuant to the Political Reform Act [CC] 47

- 2. Consider Adoption of Resolution No. 22-3387 Making Factual Findings in Compliance with Ab 361 for the Continuation of Public Meeting Teleconferencing During Public Health Emergencies for the Period of December 5, 2022, Through January 4, 2023 [CC] 58

IX. PULLED CONSENT CALENDAR ITEMS

X. COMMUNICATIONS

A. Department Reports

B. City Attorney

C. City Manager/Executive Director

- D. Mayor/Chairperson
- E. Council Members/Directors
- F. Committee Meeting Minutes *(for informational purposes only)*
 - 1. Public Works Committee Meeting — September 15, 2022 [CC] 62
 - 2. Personnel Committee Meeting — November 21, 2022 [CC] 66

XI. ADJOURNMENT

The next regular joint meeting of the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board will be held on Monday, December 19, 2022, at 7:00 p.m.

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the meeting bodies after publication of the Agenda packet are available for public inspection in in the Office of the City Clerk between 7:00 a.m. and 6:00 p.m., Monday through Thursday. Please call the City Clerk's Office at (909) 625-9416 or send an e-mail to cityclerk@cityofmontclair.org to request documents via e-mail.

If you need special assistance to participate in this meeting, please contact the City Clerk's Office at (909) 625-9416 or e-mail cityclerk@cityofmontclair.org. Notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

I, Andrea M. Myrick, City Clerk, hereby certify that I posted, or caused to be posted, a copy of this Agenda not less than 72 hours prior to this meeting on the City's website at <https://www.cityofmontclair.org/agendas/> and on the bulletin board adjacent to the north door of Montclair City Hall at 5111 Benito Street, Montclair, CA 91763 on Thursday, December 1, 2022.



CITY COUNCIL AGENDA REPORT

DATE: DECEMBER 5, 2022

FILE I.D.: CDV100

SECTION: PUBLIC HEARINGS

DEPT.: COMMUNITY DEV.

ITEM NO.: A

PREPARER: M. WESTERLIN

SUBJECT: FIRST READING — CONSIDER ORDINANCE NO. 22-1002 AMENDING SPECIFIC CHAPTERS OF TITLE 10 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO THE ADOPTION OF BUILDING CODES TO REGULATE CONSTRUCTION IN THE CITY OF MONTCLAIR AND ESTABLISHING JANUARY 18, 2023 AS THE EFFECTIVE DATE OF THE CODES

CONSIDER SETTING A PUBLIC HEARING FOR SECOND READING AND TO CONSIDER ADOPTION OF ORDINANCE NO. 22-1002 ON MONDAY, DECEMBER 19, 2022 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS

REASON FOR CONSIDERATION: California’s building code standards apply statewide, and local jurisdictions are authorized to adopt local ordinances for amendments to these codes for stricter requirements within their jurisdictions. These codes are updated by the state periodically, and the City needs to adopt an ordinance to apply existing and new amendments to the new version of the state’s codes.

The City Council adopts ordinances to make changes to the Montclair Municipal Code (MMC) and set local regulations. Adopting an ordinance requires two approved readings by the City Council, each held at separate public hearings. An ordinance may be adopted only after the second reading is held at a regular City Council meeting occurring at least five days after the introduction of the proposed ordinance. If substantial changes to the ordinance are approved, the amended ordinance must be re-introduced at a public hearing at least five days prior to conducting the second reading and adopting the ordinance.

The City Council is requested to introduce and conduct the first reading of Ordinance No. 22-1002 amending specific chapters of Title 10 of the Montclair Municipal Code related to adoption of Building Codes to regulate construction in the City of Montclair, and set a public hearing for the second reading and adoption of the ordinance at its next regular meeting. A copy of the proposed ordinance is attached for City Council review and consideration.

BACKGROUND: The California Health and Safety Code establishes a Building Standards Commission with duties to review, approve, codify, and publish building standards every three years in its triennial edition of the California Building Standards Code. These Codes, commonly known as the California Code of Regulations, Title 24, incorporate the latest editions of the model codes that apply to all jurisdiction in the State. The full text of Title 24 can be viewed for free at <https://www.dgs.ca.gov/BSC/Codes>. The Commission also establishes a date for the updated codes to become effective throughout the State. The effective date established for this triennial edition is January 1, 2023. The adoption of these Codes regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area or other improvements to real property; maintenance of all buildings or structures in the City of Montclair; and provide for the issuance of permits and collection of fees.

Examples of significant changes to the Codes are:

- The expiration of a building permit will increase from 180 days to 12 months.
- A new section was added that addresses specific aging-in-place design elements in new residential construction to facilitate access to operational features and to allow people to stay longer in their homes as they age.
- New defined term INFLATABLE AMUSEMENT DEVICE to specify characteristics of inflatable structures for recreational purposes that need to be properly constructed and anchored.
- Vehicle impact protection will be required to be installed in a residential garage to protect energy storage systems (batteries) from vehicular impact damage.
- In new construction for single family and multi-family residential homes, heat pump space heaters, gas cook tops and gas clothes dryer hook ups are required to be electric ready. Each of these appliances will be required to have electrical wiring in place to serve the appliance and a breaker installed at the electric panel for a future time when then the appliance is replaced with an electric appliance.
- Multifamily development projects with less than 20 dwelling units and hotels and motels with less than 20 sleeping units or guest rooms have new regulations requiring that ten percent (10%) of the total number of parking spaces support future Level 2 Electric Vehicle service (EVSE); the installation of electric vehicle ready spaces for twenty-five percent (25%) of the total number of parking spaces equipped with low power Level 2 EV charging receptacles; and clarification that if more than one parking space is required per unit, only one charger is required.
- Arc fault circuit interrupters are required in most all rooms within residential construction, providing additional protection against electrical shock hazard for homeowners. Usually utilized as AFCI circuit breakers, they prevent receptacles from arcing.

FISCAL IMPACT: The City Council's adoption of Ordinance No. 22-1002 would have no fiscal impact.

RECOMMENDATION: Staff recommends the City Council take the following actions:

1. Introduce and conduct the first reading of Ordinance No. 22-1002 amending specific chapters of Title 10 of the Montclair Municipal Code related to adoption of Building Codes to regulate construction in the City of Montclair and establishing January 18, 2023 as the effective date of the codes.
2. Set a public hearing for Monday, December 19, 2022, at 7:00 p.m. in the City Council Chambers for second reading and to consider adoption of Ordinance No. 22-1002.

ORDINANCE NO. 22-1002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SPECIFIC CHAPTERS OF TITLE 10 OF THE MONTCLAIR MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2, INCLUDING APPENDIX CHAPTERS C AND F; THE 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE INCLUDING APPENDIX AX; THE 2022 EDITION OF THE CALIFORNIA PLUMBING CODE; THE 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, INCLUDING APPENDIX CHAPTERS A, B, BB, C, CC, H, F, AND K; AND THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS INCLUDING FEES AND PENALTIES

WHEREAS, the California Health and Safety Code establishes a Building Standards Commission whose duties include approval, codification, and publication of building standards in a triennial edition of the California Building Standards Code, commonly called Title 24; and

WHEREAS, the Building Standards Commission also establishes a date that these codes become effective throughout the state; and

WHEREAS, adoption of these codes would regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, or other improvements to real property; maintenance of all buildings or structures in the City of Montclair; and provision for issuance of permits and collection of fees, therefore; and

WHEREAS, Building Standards Code does *not* include the adoption of procedural ordinances by a city or other agency related to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

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

SECTION I. Section 10.08.010 of the Montclair Municipal Code is hereby amended as follows:

10.08.010. Adoption.

Except as provided in this Chapter, those certain building codes known and designated as the California Building Code, ~~2019~~ 2022 Edition, Volumes 1 and 2, including Appendix Chapters "I," and "J," based on the ~~2018~~ 2021 International Building Code as published by the International Code Council, shall be and become the Building Codes of the City of Montclair for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building and/or structure or any appurtenances connected or attached to such buildings or structures throughout the City. The California Building Code and its appendix chapters will be on file for public examination in the office of the Building Official.

SECTION II. Section 10.20.010 of the Montclair Municipal Code is hereby amended as follows:

10.20.010. Adoption.

Except as provided in this Chapter, the California Electrical Code, ~~2019~~ 2022 Edition, based on the ~~2018~~ 2021 National Electrical Code as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of Montclair, regulating all installation, arrangement, alteration, repair, use, and other operation of electrical wiring, connections, fixtures, and other electrical appliances on premises within the City. The California Electrical Code is on file for public examination in the office of the Building Official.

The ~~2019~~ 2022 Edition of the California Electrical Code is hereby adopted with no amendments.

SECTION III. Section 10.28.010 of the Montclair Municipal Code is hereby amended as follows:

10.28.010. Adoption.

There is adopted by the City Council a code known as the California Fire Code, ~~2019~~ **2022** Edition, based on the ~~2018~~ **2021** International Fire Code as published by the "International Code Council," and referenced as the California Code of Regulations, Title 24, Part 9, including Appendices A, B, BB, C, CC, F, H, and K. The California Fire Code and its appendix chapters shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conservation, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City for all fire related issues. The California Fire Code will be on file for public examination in the Office of the Building Official.

SECTION IV. Section 10.28.020 is deleted in its entirety and replaced with the following:

10.28.020. Scope and Administration.

- A. Section 112.4 Violation penalties is hereby revised as follows: Infraction, Misdemeanor, as follows:

112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of either a misdemeanor, infraction or both as prescribed in Section 112.4.2 and 112.4.3. Penalties shall be as prescribed in local ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- B. Sections 112.4.2 Infraction is hereby added as follows:

112.4.2 Infraction. Except as provided in Section 112.4.3, persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction.

- C. Sections 112.4.3 Misdemeanor is hereby added as follows:

112.4.3 Misdemeanor. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative, or who violate the following sections of this code, shall be guilty of a misdemeanor:

- (1) 104.12.2 Obstructing operations
- (2) 104.12.3 Systems and Devices
- (3) 109.6 Overcrowding
- (4) 112.3.2 Compliance with Orders and Notices
- (5) 113.4 Failure to comply
- (6) 305.4 Deliberate or negligent burning
- (7) 308.1.2 Throwing or placing sources of ignition
- (8) 310.7 Burning Objects
- (9) 3107.4 Open or exposed flames

SECTION V. Sections 10.28.022, 10.28.024, 10.28.025, 10.28.042, 10.28.044, and 10.28.048, and 10.28.052 of the Montclair Municipal Code shall be added as follows:

10.28.022 Definitions.

Flow-line. The lowest continuous elevation on a curb defined by the path traced by a particle in a moving body of water at the bottom of the rolled curb.

New construction. For the purposes of enforcing the provisions of the California Fire Code, California Building Code, and the California Residential Building Code, any work, addition to, remodel, repair, renovation, or alteration of any building(s) or structure(s) may be defined as "New Construction" when:

- 50 percent or more of the exterior weight bearing walls are removed or demolished
- 50 percent of the wall plate height is raised
- When a story is added that increases the existing floor area by more than 35 percent
- Additions within 3 years that exceed 50% of existing original floor area

The Building Official shall make the final determination regarding the application of this section

10.28.024 Emergency Planning and Preparedness.

Only the following sections of Chapter 4 of the California Fire Code are adopted:

- 401-401.9
- 402
- 403.1
- 403.2
- 403.4-403.4.4
- 403.10.2.1.1
- 403.12 - 403.12.3
- 404.5- 404.6.6
- 407

10.28.025 Fire Service Features.

The following section Fire Service Features, Chapter 5 of the California Fire Code is adopted in its entirety with the following amendments:

A. Section 501.1 Scope is revised as follows:

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter and the City of Montclair Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development, and the City of Montclair Guideline for Underground Piping for Private Hydrants & Sprinkler Supply Line.

B. Section 503.2.1 Dimensions is revised as follows:

D. Fire Service Features is adopted in its entirety with the following amendment:

Section 501.3 Construction documents is revised as follows:

501.3 Construction documents. Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. The design shall be in accordance with this code, national standards, and the City of Montclair Guideline for Fire Department Access & Water Requires for Commercial & Residential Development, and the City of Montclair Guideline for Underground Piping for Private Hydrants & Sprinkler Supply Line.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). The width is measured flow-line to flow-line.

C. Section 504.5 Escape Windows is added as follows:

504.5 Escape window access. Where escape windows are required by Section 1031.2, fire department access shall be provided to the escape window. An unobstructed setback area shall be provided. The minimum setback distance shall be calculated $((H/5)+2)+P$ = Clear space required.

Where:

H = Height of the windowsill measured from the exterior ground surface

P = 3' ladder pad

D. Section 504.5 .1 Ladder Pad is added as follows:

504.5.1 Ladder Pad. Where a laddering pad is required, it shall be free of obstructions and vegetation for a minimum of 3-foot x 3-foot area. The laddering pad shall be a firm surface such as compacted decomposed granite, concrete, pavers, or asphalt. The laddering pad shall be placed at a distance from the structure as calculated by Section 504.5.

10.28.042 Construction Requirements for Existing Buildings.

Construction Requirements for Existing Buildings from Chapter 11 of California Fire Code shall adopt only the sections listed below:

- 11.3.3.3
- 1103.7
- 1103.7.3
- 1103.7.3.1
- 1103.7.8 – 1103.7.8.2
- 1103.7.9 – 1103.7.9.10
- 1103.8 – 1103.8.5.3
- 1103.9.1
- 1107
- 1113
- 1114
- 1115
- 1116

10.28.044 Energy Systems.

Energy Systems from Chapter 12 of the California Fire Code is adopted in its entirety with the following amendments:

Section 1205.2 Access and Pathways.

Exception 3. Building-Integrated Photovoltaic (BIPV) systems where the BIPV systems are approved, integrated into the finished roof surface and are listed in accordance with a national test standard developed to address Section 690.12(B)(2) of the California Electrical Code. The removal or cutting away of portions of the BIPV system during firefighting operations shall not expose a firefighter to electrical shock hazard and smoke ventilation opportunity areas have been identified.

10.28.048 Marinas.

Marinas from Chapter 36 of the California Fire Code is deleted in its entirety.

10.28.052 Hazardous Materials.

Hazardous Materials – General Provisions from the California Fire Code is adopted in its entirety with the following amendments.

Section 5001.5.2 Hazardous Materials Inventory Statement (HMIS), is hereby amended by modifying the starting paragraph as follows:

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include City of Montclair Chemical Disclosure Statement, which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of chemicals on the premises. The Chemical Disclosure Statement shall include the following information and formatted as specified in the City of Montclair Chemical Disclosure Statement:

1. Product Name
2. Component
3. Chemical Abstract Service (CAS) number
4. Location where stored or used.
5. Container size
6. Hazard classification
7. Amount in storage
8. Amount in use-closed systems
9. Amount in use-open systems

SECTION VI. Sections 10.30.010 and 10.30.020 of the Montclair Municipal Code are hereby amended as follows:

10.30.010. Adoption.

Except as provided in this Chapter, the California Green Standards Code, ~~2019~~ **2022** Edition, as published by the California Building Standards Commission, shall be and become the Green Building Standards Code of the City of Montclair, regulating and controlling the planning, design, operation, use and occupancy of every newly constructed building or structure in the City. The California Green Building Standards Code shall be on file for public examination in the office of the Building Official.

10.30.020. Green Building Standards Code amendments.

The ~~2019~~ **2022** Edition of the California Green Building Standards Code is hereby adopted with no amendments.

SECTION VII. Section 10.32.10 of the Montclair Municipal Code is hereby amended as follows:

10.32.10. Adoption.

Except as provided in this chapter of the International Property Maintenance Code, ~~2018~~ **2022** Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478.is referenced to and, by such reference, incorporated in this chapter and adopted as the Property Maintenance Code of the City of Montclair, except as certain portions are hereinafter specifically amended. One copy of the Property Maintenance Code certified by the City Clerk of the City of Montclair shall be filled and kept in the Building Division for use and examination by the public.

The ~~2018~~ **2021** Edition of the International Property Maintenance Code is hereby adopted with no amendments.

SECTION VIII. Sections 10.36.010 and 10.36.020 of the Montclair Municipal Code are hereby amended as follows:

10.36.010. Adoption.

Except as provided in this Chapter, the California Mechanical Code, ~~2019~~ **2022** Edition, based on the ~~2018~~ **2022** Uniform Mechanical Code as published by the

International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Mechanical Code of the City of Montclair, regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances. The California Mechanical Code is on file for public examination in the office of the Building Official.

10.36.020. Mechanical Code amendments.

The ~~2019~~ 2022 Edition of the California Mechanical Code is hereby adopted with no amendments.

SECTION IX. Sections 10.40.010 and 10.40.020 of the Montclair Municipal Code are hereby amended as follows:

10.40.010. Adoption.

Except as provided in this Chapter, the California Plumbing Code, ~~2019~~ 2022 Edition, based on the ~~2018~~ 2021 **Uniform International** Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO) shall be and become the Plumbing Code of the City of Montclair, regulating erection, installation, alteration, repair, relocation, replacement, maintenance, or use of plumbing systems within the City. The California Plumbing Code is on file for public examination in the office of the Building Official.

10.40.020. Plumbing Code amendments.

The ~~2019~~ 2022 Edition of the California Plumbing Code is hereby adopted with no amendments.

SECTION X. Section 10.42.010 of the Montclair Municipal Code is hereby amended as follows:

10.42.010. Adoption.

Except as provided in this Chapter, the California Residential Code, ~~2019~~ 2022 Edition, based on the ~~2018~~ 2021 International Residential Code, including Appendix Chapters "I," "H" and "AX," based on the ~~2018~~ 2021 International Residential Code, as published by the California Building Standards Commission, shall be and become the Residential Building Code of the City of Montclair, regulating construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwelling and townhouse not more than three stories above grade in height with a separate means of egress and structures accessory thereto in the City. The California Residential Code is on file for public examination in the office of the Building Official.

SECTION XI. Severability.

If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION XII. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION XIII. Posting.

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this XX day of XX, 2022.

ATTEST:

Mayor

City Clerk

I, Andrea M. Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 22-1002 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2022, and finally passed not less than five (5) days thereafter on the XX day of XX, 2022, by the following vote, to-wit:

AYES: XX
NOES: XX
ABSTAIN: XX
ABSENT: XX

Andrea M. Myrick
City Clerk



CITY COUNCIL AGENDA REPORT

DATE:	DECEMBER 5, 2022	FILE I.D.:	FIN540
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	FINANCE
ITEM NO.:	1	PREPARER:	L. LEW/V. FLORES
SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION		

REASON FOR CONSIDERATION: The City Council is requested to consider approval of the Warrant Register and Payroll Documentation.

BACKGROUND: Mayor Pro Tem Ruh has examined the Warrant Register dated December 5, 2022; and the Payroll Documentation dated November 20, 2022, and recommends their approval.

FISCAL IMPACT: The Warrant Register dated December 6, 2022, totals \$992,642.48.

The Payroll Documentation dated November 20, 2022 totals \$739,577.92 gross, with \$515,838.36 net being the total cash disbursement.

RECOMMENDATION: Staff recommends the City Council approve the above-referenced Warrant Register and Payroll Documentation.



CITY COUNCIL AGENDA REPORT

DATE:	DECEMBER 5, 2022	FILE I.D.:	SEW100-A1
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	PUBLIC WORKS
ITEM NO.:	2	PREPARER:	M. HEREDIA
SUBJECT:	CONSIDER AUTHORIZING CITY MANAGER EDWARD C. STARR TO SIGN A LETTER TO THE INLAND EMPIRE UTILITIES AGENCY REGARDING THE CHINO BASIN REGIONAL SEWAGE SERVICE CONTRACT EXTENSION		

REASON FOR CONSIDERATION: The City Council is requested to consider authorizing City Manager Edward C. Starr to execute a letter on behalf of the City of Montclair providing notice to the Inland Empire Utilities Agency (IEUA) regarding the Chino Basin Regional Sewage Service Contract Extension for Continued Service.

BACKGROUND: The Inland Empire Utilities Agency (IEUA), formerly referred to as Chino Basin Municipal Water District (CBMWD) in the original regional sewage service contract, provides wastewater treatment and disposal services for all retail agencies within its boundary. The Regional Contract Agencies (RCAs) include the cities of Chino Hills, Chino, Fontana, Montclair, Ontario, and Upland, and the Cucamonga Valley Water District. These services are administered pursuant to a 50-year regional contract initiated in the late 1970s, which was amended in 1984 and 1994.

On December 20, 2021, the City along with the RCAs sent a joint letter to IEUA to extend the contract that expires on January 2, 2023. The original contract has a renewal provision, subject to a 12-month notification. The purpose of this joint letter from the retail agencies was to fulfill the notification requirement to IEUA to extend the contract. Although the contract negotiations may ultimately yield subsequent modification to certain terms, this extension will carry forward all the existing terms until such modifications are agreed to by all parties.

Over the last year, City staff and the RCAs have actively negotiated with IEUA to update the Agreement. A fundamental change of condition from 1994 has been the expansive progression of recycled water direct use and, most recently, groundwater recharge. There has been progress in making changes to the existing Agreement. However, IEUA is giving the RCAs a deadline to only extend the contract until April 30, 2023. These negotiations are complex and ongoing and an agreement may not be reached by this deadline.

The City intends to continue negotiations by actively participating with, collaborating with, and encouraging fellow RCAs and IEUA to work toward successfully completing the successor agreement. It is the City's interpretation that there is no time limit to extensions in the Agreement, and all terms of the original contract will continue until an updated and amended contract is in place.

The Chino Basin Regional Sewage Service Contract (a 97-page document) can be downloaded or viewed online at the following URL:
<https://www.cityofmontclair.org/documents/chino-basin-regional-sewage-service-contract/>

FISCAL IMPACT: The proposed letter serves as a procedural requirement for continued negotiations to update and amend the current contract. There is no fiscal impact as a result of this action.

RECOMMENDATION: Staff recommends the City Council authorize City Manager Edward C. Starr to sign a letter to the Inland Empire Utilities Agency for the Chino Basin Regional Sewage Service Contract Extension.

December 5, 2022

Shivaji Deshmukh, P.E.
General Manager
Inland Empire Utilities Agency
6075 Kimball Avenue
Chino, CA 91708

Re: Chino Basin Regional Sewage Service Contract Extension

Dear Shivaji,

The City of Montclair (City) is in receipt of your letter dated November 4, 2022 regarding the Chino Basin Regional Sewage Service Contract (Contract) extension through April 2023. Your letter further requests that the City, as one of the RCAs, approve that the Inland Empire Utilities Agency (IEUA) continue to provide ongoing conditional treatment of sewage from the expiration date of January 2, 2023, until April 30, 2023, according to Section 29 of the Contract. We further understand that IEUA intends to prepare an ordinance related to the provision of conditional sewerage treatment and a separate ordinance related to recycled water should the RCAs and IEUA not enter into a new contract after April 30, 2023.

However, we disagree that any firm date should be set for contract negotiations to conclude. We believe that Section 29 of the Contract is clear that an extension lasts until the parties have entered into an agreed upon amendment to the Contract. Subsection 29 (A) of the Contract states explicitly that "If the parties have been unable to agree thereon, then any Contracting Agency, by written notice given to CBMWD at least 12 months prior to the expiration of said term, may elect to receive continued service after the expiration of said term upon the following conditions..." Thus, the Contract does not impose any limit on those contract extension negotiations.

Also, the City disagrees that the sewer services following any date should revert to the process outlined in IEUA ordinances. As is evident from the prolonged negotiations of the amendment to the Contract, the Contract outlines terms that are critically important in the planning, operations, and maintenance of sewer services to serve public and private properties in the RCAs' respective jurisdictions. We do not find it appropriate to default to a process that IEUA can unilaterally mandate. We believe Section 29 is clear that the continued provision of conditional treatment of sewage services will proceed in compliance with the Contract terms applicable before the term expiration.

It is the City's understanding, from comments made by IEUA representatives during the November 16, 2022, Special Joint Workshop of the IEUA Board of Directors and the Regional Sewerage Program Policy Committee, that IEUA's November 4, 2022 correspondence request for counter-signatures by all RCA's, or in the alternative an IEUA ordinance, is based on IEUA's belief that such counter-signatures (or IEUA

ordinance) is needed to ensure IEUA has the authority to enforce the State issued permit describing water quality requirements. While the City does not necessarily agree that such counter-signatures or ordinance is necessary for IEUA to enforce water quality provisions of its operating permit, the City acknowledges IEUA's continuing authority to enforce such provisions as part of its continuing sewer service under Section 29 of the existing Contract.

Although the City is mindful of IEUA's concern over the length of time it has taken to reach an agreement on the amendment to the Contract, there remain critical outstanding issues. City staff has and will continue to actively participate in those negotiations to reach a mutually negotiated amendment to the Contract but does not find imposing a firm deadline productive.

For the reasons mentioned above, the City declines to countersign your November 4, 2022, correspondence but looks forward to participating in the continuing negotiations with IEUA. Please do not hesitate to contact me if you wish to discuss this further.

Sincerely,

Edward C. Starr
City Manager

cc: John Dutrey, Mayor
Bill Ruh, Mayor Pro Tem
City Council Members



CITY COUNCIL AGENDA REPORT

DATE:	DECEMBER 5, 2022	FILE I.D.:	PRK025/525
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	PUBLIC WORKS
ITEM NO.:	3	PREPARER:	S. STANTON
SUBJECT:	CONSIDER AUTHORIZING STAFF TO ADVERTISE FOR BID PROPOSALS FOR CONSTRUCTION OF THE REEDER RANCH PARK PROJECT		

REASON FOR CONSIDERATION: Authorization to advertise for bid proposals for the construction of Public Works projects is subject to City Council approval. The City Council is requested to authorize staff to advertise for bid proposals for construction of the Reeder Ranch Park Project.

BACKGROUND: At the September 8, 2020 City Council Meeting, Council amended the 2019–2024 Capital Improvement Program adding the Reeder Ranch Park Project. The proposed Reeder Ranch Park is located at 4381 Holt Boulevard, just west of the historic Reeder Ranch home and citrus orchard property.

Construction of the new Reeder Ranch Park includes the following amenities as shown on the attached exhibit:

- Community Center
- Public Restrooms
- Outdoor Stage
- Walking Trails
- Fitness Station
- Playground Equipment
- Covered Picnic Tables
- Public Art
- Drop-off Area
- Lighted Parking Lot
- Park Lighting
- Landscaping

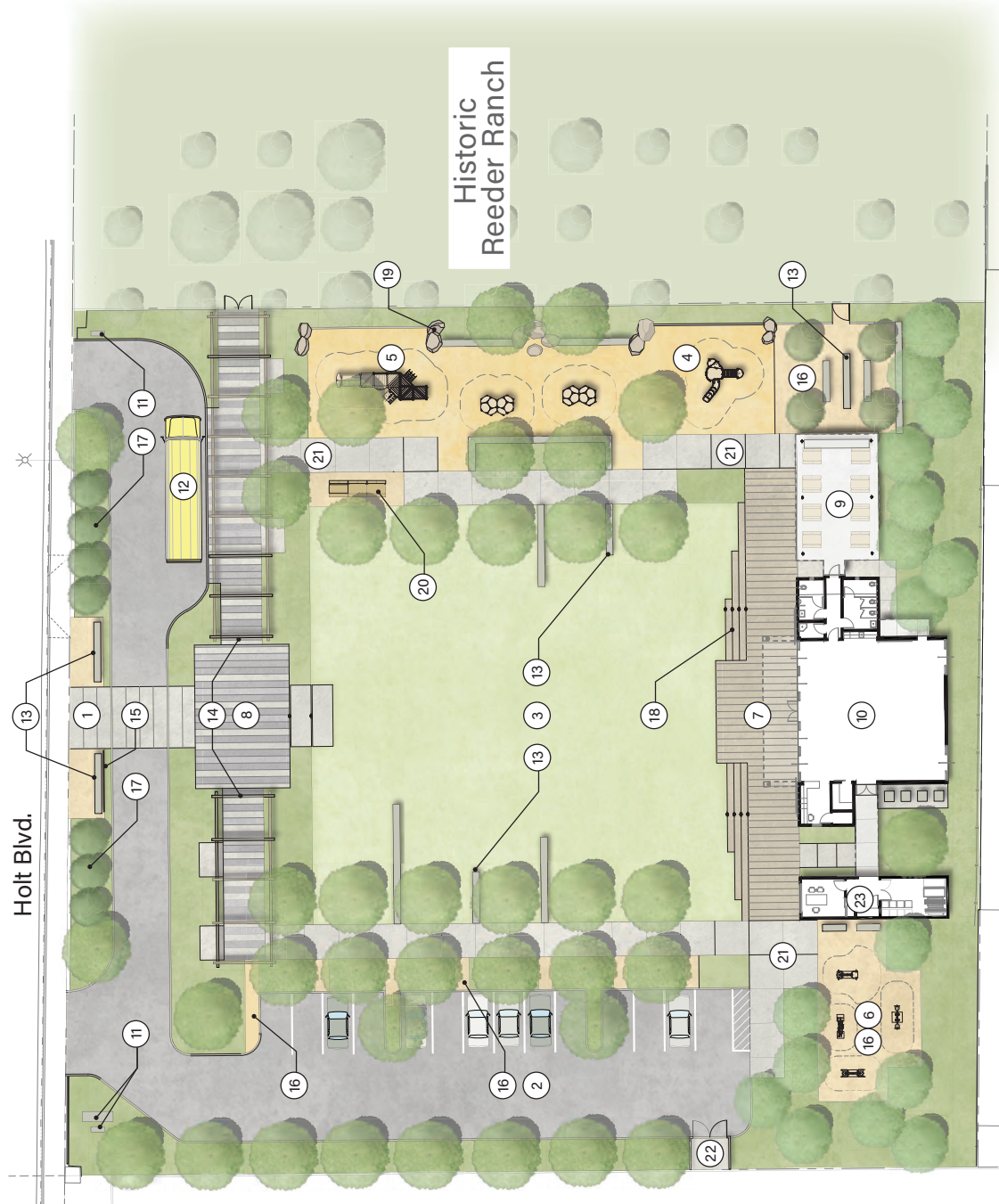
The project will be advertised for approximately six weeks with a bid opening date of Thursday, January 19, 2023. Construction is expected to begin in late March 2023 and be completed in early 2024.

FISCAL IMPACT: The Reeder Ranch Park Project is funded using \$5,137,000 in Statewide Park Development and Community Revitalization Program Grant funds. The cost to advertise this project for bid proposals should not exceed \$3,500.

RECOMMENDATION: Staff recommends the City Council authorize staff to advertise for bid proposals for construction of the Reeder Ranch Park Project.

Legend

- ① Entry Plaza
- ② Parking - 14 Spaces
- ③ Event Lawn
- ④ 2-5 Age Play Area
- ⑤ 5+ Age Play Area
- ⑥ Fitness Area
- ⑦ Stage
- ⑧ Entry Promenade
- ⑨ Covered Picnic Area
- ⑩ Community Center
- ⑪ Backflow Preventer
- ⑫ Bus Dropoff Area
- ⑬ Seat Wall
- ⑭ Arbor
- ⑮ Entry Sign Gate
- ⑯ Decomposed Granite
- ⑰ Citrus Tree
- ⑱ Steps
- ⑲ Natural Play Area Boulders
- ⑳ Seating
- ㉑ Concrete Paving
- ㉒ Trash Enclosure
- ㉓ Accessory Building



SCHEMATIC DESIGN REEDER RANCH PARK - OVERALL ILLUSTRATIVE SITE PLAN

City of Montclair
March 3, 2021

EPTDESIGN



CITY COUNCIL AGENDA REPORT

DATE: DECEMBER 5, 2022 **FILE I.D.:** CVC700
SECTION: CONSENT - ADMIN. REPORTS **DEPT.:** PUBLIC WORKS
ITEM NO.: 4 **PREPARER:** M. HEREDIA

SUBJECT: CONSIDER AUTHORIZING STAFF TO ADVERTISE FOR BID PROPOSALS FOR CONSTRUCTION AND INSTALLATION OF NEW SWITCHGEAR AND A BACKUP GENERATOR AT THE CIVIC CENTER

CONSIDER AUTHORIZING THE PURCHASE OF A DIESEL GENERATOR AND A 1000 AMP TRANSFER SWITCH FROM GENERAC

REASON FOR CONSIDERATION: The Civic Center lacks an adequate backup generator to keep essential services going during a power outage. Design work for a new switchboard and standby generator at the Civic Center is complete and grant funds to purchase the equipment must be spent before the end of the year. The City Council is requested to consider authorizing staff to advertise for bid proposals for construction and installation of new switchgear and a backup generator at the Civic Center, and to authorize the purchase of equipment from Generac prior to the end-of-year grant deadline.

BACKGROUND: The Police Department submitted a grant application to the California Office of Emergency Services (Cal OES) for \$300,000 to purchase a generator to power the Civic Center in the event of an emergency. The existing generator at City Hall does not provide backup energy to other buildings in the Civic Center. The existing and new generators would allow City Hall and the recreation building located at the Civic Center to continue operating during a Public Safety Power Shutdown (PSPS). Additionally, the American Red Cross uses the recreation building as an emergency shelter during disasters. The building has a pantry with large commercial refrigerators and freezers that provide storage for perishable food items and could store perishable medications, which would be jeopardized during a PSPS without a generator to keep them running.

The City also provides food commodities to the needy in the community with monthly food distributions. Since the start of the COVID-19 pandemic, food distribution demand has almost doubled. The Senior Center, part of the Civic Center, is an official cooling center for west-end San Bernardino County residents, providing senior citizens and impoverished community members a place to escape the heat. This project would support other buildings at the Civic Center and preserve food storage for its seniors, residents, and employees during a power emergency.

Staff recommends Generac as the vendor of choice to purchase the diesel generator and transfer switch. They were selected as a sole source vendor as they have coordinated with the design electrical engineer to provide the best equipment available that meets the City's needs. Additionally, the Cal OES Fiscal Year 2020-21 Community Power Resiliency Allocation to Cities Program has a deadline to encumber funds by December 31, 2022.

The project entails grounding, conduits and wires, a 1200A SES-1 enclosure, and a 15kVA Mini Power zone beside the 750kW Generac Genset and the 1000 Amp Transfer Switch. The improvements associated with installing the switchgear and generator will be brought back to City Council after bids are received and before the new generator and switchgear are delivered.

FISCAL IMPACT: The cost to advertise the construction of the project for bids is not anticipated to exceed \$3,500. The cost to purchase the 750kW diesel generator and 1000 Amp Transfer Switch is \$294,916, which will be covered by the Cal OES Grant (Account No. 1163-4426-62050-400-16518). 2021A Lease Revenue Bond proceeds will be used for construction of the project and will be appropriated at a future date.

RECOMMENDATION: Staff recommends the City Council take the following actions:

1. Authorize staff to advertise for bid proposals for construction and installation of new switchgear and backup generator at the Civic Center; and
2. Authorize the purchase of a diesel generator and a 1000 Amp Transfer Switch from Generac.



Date: 11/29/2022

To: City of Montclair
Attn: Mathew Paradis

Reference: Quote # 20679936

Project Name: Montclair City Complex / 750 kW Diesel generator

West Coast Energy Systems is pleased to offer the following proposal:

SCOPE OF SUPPLY:

1 - Generac Industrial Diesel engine-driven generator set with turbocharged/aftercooled 6-cylinder 18.1L engine, consisting of the following features and accessories:

- Stationary Emergency-Standby rated
- 750 kW Rating, wired for 277/480 VAC three phase, 60 Hz
- Permanent Magnet Excitation
- Primary MLCB, 80% rated thermal-magnetic
 - 1000 Amp
- Level 2 Acoustic Enclosure, Steel
 - Industrial grey Baked-On Powder Coat Finish
 - Diesel Particulate Filter Installed
- UL2200
- EPA Certified
- Power Zone Digital Control Panel for Single or MPS Generators
 - Meets NFPA 99 and 110 requirements
 - Temp Range -40 to 70 degrees C
 - Humidity 2 – 95% (Non Condensing)
 - UL6200
 - C-ETL-US
 - CE
 - FCC
 - IEC801 (Radiated Emissions, Susceptibility, and Surge Immunity)
 - 7” Resistive Color Touchscreen
 - Built-in Wi-Fi, Bluetooth, and Webserver
 - IP65 (front)
 - Auto/Manual/Off key switch, Alarm Indication, Not in Auto Indication, audible alarm, emergency stop switch
 - Dual Core Digital Microprocessor
 - RS485, Ethernet and CANbus ports
 - All engine sensors are 4-20ma for minimal interference
 - Sensors: Oil Pressure, optional Oil Temp, Coolant Temp and Level, Fuel Level/Pressure (where applicable), Engine Speed, DC Battery Voltage, Run-time Hours, Generator Voltages, Amps, Frequency, Power, Power Factor
 - Alarm Status: Low or High AC Voltage, Low or High Battery Voltage, Low or High Frequency, Pre-low or Low Oil Pressure, Pre-high or High Oil Temp (optional), Low Water Level and Temp, Pre-high or High Engine Temp, High, Low, and Critical-low Fuel Level/Pressure (where applicable), Overcrank, Over and Under Speed, Unit Not in Automatic
 - Programmable I/O
 - Built-in PLC for special applications
 - Engine function monitoring and control:

- Full range standby operation; programmable auto crank, Emergency Stop, Auto-Off-Manual switch
- Isochronous Governor
 - 0.25% digital frequency regulation with: soft-start ramping - adjustable, gain - adjustable, overshoot limit - adjustable
- 3 Phase RMS Voltage Sensing
 - +/-0.5% digital voltage regulation with: soft-start voltage ramping - adjustable, loss of sensing protection - adjustable, negative power limit - adjustable, Hi/Lo voltage limit - adjustable, V/F slope and gain - adjustable, fault protection
- Service reminders, trending, fault history (alarm log)
- I2T function for full generator protection
- Selectable low-speed exercise
- 2-wire start controls for any 2-wire transfer switch
- 225 AH, 1155 CCA Group 8D Batteries, with rack, installed
- Coolant Heater, 2500W, 240VAC
- Heavy Duty Air Cleaner
- Battery Charger, 10 Amp, NFPA 110 compliant, installed
- 120V GFCI and 240V Outlet
- Flex Fuel Line, shipped loose
- Oil Temp Sender
- 36" 2002 Gallon Double-Wall UL142 Basetank, 40 hour run time at full load
 - External fill and vent
 - Mechanical fuel level indicator gauge
 - Electronic fuel level sender
- Std set of 3 Manuals
- Standard 2-Year Limited warranty
- SD0750KG22181D18PPLY2

1 - TRANSFER SWITCH - TX SERIES

- 1000 Amp, 3 pole, 277/480 VAC three phase, 60 Hz, with 2-Wire Start Circuit
 - Utility Voltage Sensing Controls:
 - Adjustable Drop-out and Pick-up
 - Adjustable Utility Interrupt Delay
 - Adjustable Logic Controls:
 - Minimum Standby Voltage
 - Minimum Standby Frequency
 - Engine Warmup
 - Return to Utility
 - Engine Cooldown
 - Transfer on Exercise
- 3 Owner's Manuals
- 4 Sets of Form C Aux Cont
- Any Breaker (3 Cycle)
- Withstand and Close-On Rating - 100kA Any breaker
- Withstand and Close-On Rating - 200kA Fuse Rating
- Enclosure Heater
- CSA - C22.2 No.178
- UL Listed 1008 by ETL
- NEMA 3R Enclosure
- Non Service Entrance Rated
- Any Breaker (3 Cycle)
- In Phase Only Transfer
- Standard two year basic warranty

Price as quoted

Pricing:

Generator Pricing \$294,916.00 + taxes

Optional Adders via change order:

Factory Start Up with Site load testing\$ Included

SCAQMD Permit Filing with Fees\$ Included

Shipping:

Estimated lead time from factory, excluding transit: **48 weeks ARO.**

Scope Clarifications:

- Estimated Submittal Lead time: 5-7 business days.
- No equipment will be ordered without written release to proceed.
- Pricing includes freight to site.
- Installation, fueling and termination of connections not included. The Energy Systems provided start-up checklist and supporting pictures must be received by Supplier two weeks prior to technician scheduling.
- Installation and mounting of exhaust not included.
- All industrial products require a formal start up by a Generac factory certified technician.
- Pricing is based on work being completed during regular business hours.
- Load bank (if included) is resistive load.
- Training (if included) to be completed same day as start up. Additional charges will apply if a separate trip is required.
- Enclosure color is Generac Industrial grey. Custom colors can be quoted separately.
- **Items Not included unless otherwise noted:** equipment offloading, installation, fuel, permits, signage, taxes, exhaust system backpressure test, exhaust emissions test, infrared scanning, NETA testing, harmonic testing, concrete pad, anchoring, fuel pipe, exhaust pipe, pipe insulation, Building communication integration, license fees.

Terms and Conditions:

1. Offer Validity: 30 days.
2. 10 % deposit required at time of release.
3. Payment terms: NET 30, invoiced at shipment. (Based on Credit Approval)
4. Credit is subject to approval by Energy Systems upon receipt of business credit application.
5. ExWorks factory with freight allowed to the jobsite, on a truck, curbside.
6. Manufacturer lead time to be confirmed upon approved release for production letter and receipt of a West Coast Energy Systems approved purchase order.
7. Equipment cannot be held by Energy Systems or its suppliers without prior written agreement.
8. Any sale of goods or services, and any extension of credit, is governed by and subject to West Coast Energy Systems' Terms and Conditions of Sales and Service ("Terms") located at <http://www.espowergen.com/terms> which is incorporated by reference. The Terms are subject to change at any time and you are advised to frequently re-review the Terms. Unless pursuant to a written agreement mutually executed by both parties, the Terms shall be binding upon the parties, and any other terms, communications or documents are to be disregarded and hereby expressly rejected.

Sincerely,

Paul Crafts

Territory Manager

West Coast Energy Systems

(562) 639-3145 / 928-242-2146 Cell #

pcrafts@energysystems.com





CITY COUNCIL AGENDA REPORT

DATE:	DECEMBER 5, 2022	FILE I.D.:	MHA030
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	FINANCE/MHA
ITEM NO.:	5	PREPARER:	J. KULBECK
SUBJECT:	CONSIDER APPROVAL OF THE MONTCLAIR HOUSING AUTHORITY ANNUAL REPORT PREPARED PURSUANT TO SECTION 3416.1(F) OF THE HEALTH AND SAFETY CODE (SB 341) FOR FISCAL YEAR 2021-22		

REASON FOR CONSIDERATION: Senate Bill 341 became effective on January 1, 2014. The bill amended Section 34176 of the Health and Safety Code and added Section 34176.1. Health and Safety Code Section 34176 revised redevelopment law related to certain expenditure requirements of Low and Moderate Housing Funds of former redevelopment agencies. In general, Section 34176.1 limited future expenditures of administrative funds used for the monitoring and preservation of affordability covenants, directed that certain funds remaining in the Low and Moderate Income Housing Fund be directed to extremely low income households, and added certain audit and reporting requirements.

The report labeled "SB 341 Compliance Report" is attached for consideration by the City Council and Montclair Housing Authority Commission pursuant to Health and Safety Code Section 34176.1 (f). This report indicates that the financial data applicable to the Montclair Housing Authority will be included in the City of Montclair's annual independent financial audit. That process is currently being completed and that report will be provided to the City Council and Montclair Housing Authority Commission upon its receipt from the independent audit firm of Van Lant & Fankhanel, LLC. The City Council and Montclair Housing Authority Commission are requested to consider approval of the SB 341 Compliance Report.

BACKGROUND: As the City Council and Montclair Housing Authority Commissioners will recall, the California Supreme Court's decision in California Redevelopment Association, et. al. v. Matosantos upheld AB X1 26, The Dissolution Act. The Dissolution Act caused the dissolution of all California redevelopment agencies. On January 12, 2012, the City of Montclair City Council elected to become and serve as the Successor Agency to the City's dissolved redevelopment agency. The City is performing its functions as the Successor Agency to the former Redevelopment Agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to review and approval by the County Oversight Board.

On January 12, 2012, pursuant to Section 34176 of the Dissolution Act, the City Council selected the Montclair Housing Authority to assume all housing assets and functions of the former City of Montclair Redevelopment Agency. Therefore, on February 1, 2012, the Montclair Housing Authority became the "Housing Successor" of the former Redevelopment Agency pursuant to the Dissolution Act. The actions of the Housing Successor are not subject to the review and approval of the County Oversight Board.

As indicated, certain provisions of SB 341 require that the Housing Successor prepare a Compliance Report and have an audit completed. The SB 341 Compliance Report responds to the requirements of Section 34176.1 (f) of the Health and Safety Code. The

SB 341 Compliance Report also includes financial data for the Montclair Housing Corporation which operates the properties owned by the Montclair Housing Authority. Primarily, the Report indicates the following:

The Montclair Housing Authority received \$571,992 of interest earnings and \$3,035 from loan payments revenue during Fiscal Year 2021-22. The Montclair Housing Corporation received \$6,590 of interest earnings and \$1,046,930 from rents.

The assets of the Montclair Housing Authority chiefly include real estate composed of the 99 residential units operated by the Montclair Housing Corporation and residual receipts loans.

For Fiscal Year 2021-22, the Montclair Housing Authority had no expenditures. The expenditures shown for the Montclair Housing Corporation include administrative costs by staff, management company costs that include charges for minor repairs and maintenance, major repairs and maintenance and costs for health permits. The excess of revenue for the year is accumulated so that long-term maintenance items can be accomplished in the future.

The report indicates that the carrying value of the housing units owned by the Montclair Housing Authority is \$7.15 million. In Fiscal Year 2021-22 the Montclair Housing Authority received payment in full in the amount of \$3,171,900 from residual receipts loans to Augusta Homes (loans for rehabilitation of mobile home parks). These funds will be utilized for future low-income housing projects. The remaining Neighborhood Partnership Housing Services (loans to home owners for housing rehabilitation), and National Community Renaissance (loans for acquisition and construction of new affordable housing) residual receipts loans are considered uncollectible, however the Housing Authority did receive \$3,035 in loan payments for Fiscal Year 2021-22.

The Montclair Housing Authority currently exceeds its Section 33413 inclusionary housing requirements. The income of the Montclair Housing Authority is non-reoccurring. Without a permanent source of revenue, the Montclair Housing Authority will no longer be able to provide additional affordable housing units.

Within the last 10 years, the City of Montclair Redevelopment Agency Low and Moderate Income Housing Fund provided financing for 228 deed restricted affordable rental housing units. Thirty eight percent of the units were for senior housing.

FISCAL IMPACT: Approval of the Annual Report by the City Council and Montclair Housing Authority Commission will create no fiscal impact for the City or Montclair Housing Authority. With no permanent source of the funding, the Montclair Housing Authority has extremely limited resources for the purpose of providing low and moderate housing.

As indicated, the Audit Report will be supplied to the City Council and Montclair Housing Authority Commission upon receipt from Van Lant & Frankhanel, LLC which should occur prior to January 31, 2022.

RECOMMENDATION: Staff recommends that the City Council and Montclair Housing Authority Commission approve the Montclair Housing Authority Annual Report prepared pursuant to Section 34176.1 (f) of the Health and Safety Code (SB 341) for Fiscal Year 2021-22.

Successor Housing Entity – Montclair Housing Authority

Health and Safety Code Section 34176.1 (f) and Section 33080.1 as well as Section 12463.3 of the Government Code shall not apply. Instead, the housing successor shall conduct, and shall provide to its governing body, an independent financial audit of the Low and Moderate Income Housing Asset Fund within six months after the end of each fiscal year, which may be included in the independent financial audit of the host jurisdiction. If the housing successor is a city or county, it shall also include in its report pursuant to Section 65400 of the Government Code and post on its Internet Web site all of the following information for the previous fiscal year. If the housing successor is not a city or county, it shall also provide to its governing body and post on its Internet Web site all of the following information for the previous fiscal year:

Response:

The Montclair Housing Authority's and Montclair Housing Corporation's financial information is part of the annual financial audit report prepared for the City of Montclair and therefore it meets the requirement by being included "in the independent financial audit of the host jurisdiction".

- (1) The amount deposited to the Low and Moderate Income Housing Asset Fund, distinguishing any amounts deposited for items listed on the Recognized Obligation Payment Schedule from other amounts deposited.

Response:

The operations of Low and Moderate Income Housing are separated and reported by two entities. The Montclair Housing Authority (Housing Authority) is the Successor Housing Entity, which under the redevelopment dissolution law took over housing assets from the City of Montclair Redevelopment Agency Low and Moderate Income Housing Funds upon its dissolution. Those housing assets included single and multifamily residential housing units which are operated and maintained by the Montclair Housing Corporation (Housing Corporation) which is a separate 501(c)(3) non-profit California Corporation. The rents and other income from the housing operations belong to the Housing Authority; however, they are granted to the Housing Corporation for use in covering expenses of operating the various housing units. Below is a summary of the deposits of both of these entities for fiscal year 2021-22:

	<u>Housing Authority</u>	<u>Housing Corporation</u>	<u>Total</u>
Deposits for fiscal year 2021-22	<u>\$3,749,515.34</u>	<u>\$ 1,053,520.82</u>	<u>\$ 4,803,036.16</u>
Deposit detail:			
Grant from Housing Authority - Rental income	\$ -	\$ 1,046,930.81	\$ 1,046,930.81
Mobile Home Park Bonds Payoff	\$3,174,488.53		
Loan Payments Received	\$ 3,034.52		
Interest earnings	571,992.29	6,590.01	578,582.30
Contribution from other governments	-	-	-
	<u>\$3,749,515.34</u>	<u>\$ 1,053,520.82</u>	<u>\$ 1,625,513.11</u>

- (2) A statement of the balance in the fund as of the close of the fiscal year, distinguishing any amounts held for items listed on the Recognized Obligation Payment Schedule from other amounts.

Response:

Since this section does not define what "balance" is required, the fund balances present in the Low and Moderate Income Housing Asset Fund of the Montclair Housing Authority and the fund balance of the Montclair Housing Corporation are presented and detailed into their component amounts. Those balance and amounts are as follows as of June 30, 2022:

	Housing Authority	Housing Corporation	Total
Fund Balance	\$ 7,332,771.97	\$ 2,240,659.17	\$ 9,573,431.14
Components of Fund Balance:			
Nonspendable - Land and Real Estate	\$ 7,158,283.44	\$ -	\$ 7,158,283.44
Nonspendable - Loans Receivable	-	-	-
Restricted for Housing	174,488.53	2,240,659.17	2,415,147.70
	<u>\$ 7,332,771.97</u>	<u>\$ 2,240,659.17</u>	<u>\$ 9,573,431.14</u>

- (3) A description of expenditures from the fund by category, including, but not limited to, expenditures (A) for monitoring and preserving the long-term affordability of units subject to affordability restrictions or covenants entered into by the redevelopment agency or the housing successor and administering the activities described in paragraphs (2) and (3) of subdivision (a), (B) for homeless prevention and rapid rehousing services for the development of housing described in paragraph (2) of subdivision (a), and (C) for the development of housing pursuant to paragraph (3) of subdivision (a).

Response:

Total expenditures for fiscal year 2021-22 by category were as follows:

	Housing Authority	Housing Corporation	Total
Expenditures:			
Administrative costs	\$ -	\$ 137,644.29	\$ 137,644.29
Professional services	-	1,042.50	1,042.50
Management service company costs	-	605,524.25	605,524.25
Repairs and maintenance	-	398,989.66	398,989.66
Permits	-	932.00	932.00
Total	<u>\$ -</u>	<u>\$ 1,144,132.70</u>	<u>\$ 1,144,132.70</u>

Operations of the multifamily residential units owned by the Montclair Housing Authority (Successor Housing Entity) are done through the Montclair Housing Corporation a separate 501(c)(3) nonprofit corporation. As such, the Montclair Housing Authority has not directly incurred any expenditures for monitoring or administering affordability restrictions or covenants as these are done by the Montclair Housing Corporation as part of administering and preserving those properties. All properties owned by the Housing Authority have 55 year deed restrictions present for low and moderate income housing purposes.

- (4) As described in paragraph (1) of subdivision (a), the statutory value of real property owned by the housing successor, the value of loans and grants receivable, and the sum of these two amounts.

Response:

The statutory values of real property, loans and grants receivable at June 30, 2022 were as follows:

	Housing Authority
Real property	\$ 7,158,283.44
Loans receivable (net of allowance for uncollectible)	-
Total Real Property and Receivables	<u>\$ 7,158,283.44</u>

- (5) A description of any transfers made pursuant to paragraph (2) of subdivision (c) in the previous fiscal year and, if still unencumbered, in earlier fiscal years and a description of and status update on any project for which transferred funds have been or will be expended if that project has not yet been placed in service.

Response:

During Fiscal Year 2019-20 transfers of operating monies in the amount of \$160,000 occurred from the Housing Authority to the Housing Corporation. These monies were to provide resources to further maintain the housing units administered by the Housing Corporation and to assist in providing housing for extremely low-income households. No additional transfers of monies have been done by the Montclair Housing Authority or from the Montclair Housing Corporation from June 30, 2021 through June 30, 2022.

- (6) A description of any project for which the housing successor receives or holds property tax revenue pursuant to the Recognized Obligation Payment Schedule and the status of that project.

Response:

The Montclair Housing Authority and the Montclair Housing Corporation receive no property tax revenues. Neither of these entities has received nor currently holds any tax revenues pursuant to a Recognized Obligation Payment Schedule.

- (7) For interests in real property acquired by the former redevelopment agency prior to February 1, 2012, a status update on compliance with Section 33334.16. For interests in real property acquired on or after February 1, 2012, a status update on the project.

Response:

Section 33334.16 of the Health and Safety Code generally requires that for each interest in real property acquired by a redevelopment agency with Low to Moderate Income Housing Fund monies, a redevelopment agency must begin the development or rehabilitation of the property within five years from the date of acquisition. In the case of the former City of Montclair Redevelopment Agency, all properties acquired by the former Redevelopment Agency have been (or are in process of being) rehabilitated or sold for new housing development. The narrative below provides an update on the status of the units and/or property owned by the former City of Montclair Redevelopment Agency upon redevelopment agency dissolution in February 2012.

The former City of Montclair Redevelopment Agency was the owner of 98 units of affordable housing. The housing units were purchased and rehabilitated by the former Redevelopment Agency with Low-and Moderate-Income Housing Funds. The 98 units contain 55 year deed restrictions for affordability; approximately 80 percent of the units are deed restricted for very low income families; and over 300 people currently reside in these units.

On April 4, 2011, the Redevelopment Agency Board of Directors and the Montclair Housing Corporation Board of Directors approved the sale of 98 housing units to the Montclair Housing Corporation with the approval of Redevelopment Agency Special Counsel. The properties were sold by the Redevelopment Agency to the Montclair Housing Corporation for approximately \$12 million with the provision that all loan payments would be forgiven as long as the properties remained affordable housing subject to 55-year affordability covenants. The Montclair Housing Corporation was established in June 1994 to maintain and manage certain rental properties that the former Redevelopment Agency purchased and rehabilitated for the purpose of providing affordable housing with Low- and Moderate-Income Housing Funds to meet Health and Safety Code Inclusionary requirements. The City Council acts as the Board of Directors for the Montclair Housing Corporation.

While auditing the former City of Montclair Redevelopment Agency, the State Controller never questioned the validity of the asset transfer to the Montclair Housing Corporation. However, upon issuance of its draft Report in November 2012, the Controller's Office indicated that the housing units transferred to the Montclair Corporation should be returned to the Successor Agency. Successor Agency staff responded to the State Controller's conclusion indicating that the 98 units were existing units of affordable housing containing over

300 tenants. In addition, all the units contain 55 year affordability covenants. The State Controller's staff verbally communicated to Successor Agency staff saying that the units could be retained by the Montclair Housing Corporation upon adoption of a Resolution affirming such action by the Oversight Board. The Oversight Board approved Resolution No. 13-02 approving the transfer of the housing units to the Montclair Housing Corporation on January 23, 2013. The Final Report issued by the State Controller's Office dated March 6, 2013 indicated the Oversight Board had authorized the property transfer and no further action was necessary.

After receipt and review of Resolution No. 13-02 by the Department of Finance (DOF) a letter was received from DOF on May 15, 2013 disallowing the transfer of the 98 housing units to the Montclair Housing Corporation. The action by DOF indicated no "Meet and Confer" on this action was authorized. The letter from DOF did remand the action back to the Oversight Board for consideration. Successor Agency staff verbally communicated with DOF where it was indicated that the housing assets in question should be placed on the Long Range Property Management Plan. It should be noted that DOF did not question the placement of these 98 housing units as assets on the Housing Asset Transfer list submitted by the Successor Agency and Oversight Board in July 2012. As directed by DOF, staff included the housing units in the first draft of the Long Range Property Management Plan.

After conference with legal counsel, Successor Agency staff submitted Resolution No. 13-10 to the Oversight Board for consideration. This resolution directed the Successor Agency to transfer the 98 units of rental housing to the Montclair Housing Authority (Successor Housing Agency) as housing assets. On September 11, 2013, the Oversight Board adopted Resolution No. 13-10 directing the Successor Agency to transfer the 98 low--and moderate-income housing units to the Montclair Housing Authority. On September 18, 2013, DOF Analyst Hanzhao Meng pulled Resolution No. 13-10 for review.

The Successor Agency to the City of Montclair Redevelopment Agency was finally allowed to delete the 98 units of low-to moderate-income housing (**Housing Assets**) in the Long- Range Property Management Plan that were held by the Montclair Housing Corporation. Per direction from DOF, pursuant to DOF Determination on OB Resolution No. 13-10 dated December 13, 2013, the transfer of the 98 units to the Montclair Housing Authority was approved.

Of the 98 units, the only unit requiring rehabilitation at the time of dissolution was the property at 5444 Palo Verde Street purchased prior to dissolution in 2011. Since its acquisition, this property has undergone extensive rehabilitation to clear trees and overgrown vegetation and to correct a variety of building code violations. The remaining items to be performed on the unit included replacement of broken windows and painting the exterior of the house. The house is currently rented to an income qualifying family.

The Montclair Housing Corporation continues to rent these 98 units along with the newly purchased property to income qualifying families. The majority of units are deed restricted for rental to very low-income families.

The other property owned by the former Redevelopment Agency upon dissolution was located at 4113 Kingsley Street. The .47-acre property was acquired by the former Redevelopment Agency on January 20, 2009. The purchase price for the property was \$330,000. The property was acquired with Low to Moderate Income Housing Funds. At the time the property was acquired, staff held preliminary discussions with National CORE to determine its interest in considering the site for special needs housing. Development of a Special Needs Housing project was of interest to National CORE. National CORE developed similar projects in the past and has partnered with nonprofit social service providers regarding tenancy and social service needs. The proposed location for the National CORE Special Needs project lies directly east of Vista Del Cielo on the southwest corner of Kingsley Street and Pradera Avenue. This site also serves as an entry corner for the Montclair Meadows Foundation Area and the San Antonio Vista Apartments. On September 8, 2009, the Redevelopment Agency Board of Directors approved an Exclusive Right to Negotiate Agreement between the City of Montclair Redevelopment Agency and National CORE regarding the 4113 Kingsley Street site. Through the Exclusive Right to Negotiate Agreement, the Redevelopment Agency Low and Moderate Income Housing Fund provided National CORE with a predevelopment loan of approximately \$252,000. These funds were used to develop building plans for the property and to gain City entitlements. The project was entitled by the Planning Commission on March 14, 2011.

An Option Agreement regarding purchase of 4113 Kingsley Street was approved by the Redevelopment Agency Board of Directors and National CORE on October 19, 2009. The Option Agreement provided National CORE with the ability to apply for United States Department of Housing and Urban Development (HUD) Section 811 funding to finance the development of affordable housing for developmentally disabled persons. The Option Agreement also committed that the Redevelopment Agency Board of Directors would consider providing National CORE with a residual receipts loan of at least \$1.6 million. National CORE received a commitment for funding from the Section 811 program in 2010. However, National CORE still found itself in need of additional funding for the project and sought to apply for the California 9 Percent Low-Income Housing Tax Credit (LIHTC) program. Therefore, on December 30, 2010, the Option Agreement with National CORE was extended until December 30, 2012.

National CORE was successful at receiving 9 Percent LIHTC and with the HUD Section 811 funding, National CORE was ready to finance the 18-unit Special Needs Housing Project for persons with developmental disabilities for several months. National CORE wrote a letter to the Successor Agency seeking to exercise the option for acquisition of the property. In addition, without an open escrow for the site, National CORE would be in danger of losing its commitment for HUD financing.

A public hearing to consider the Disposition and Development Agreement (DDA) with National CORE regarding the Special Needs Housing Project at 4113 Kingsley Street was set to be considered by the Redevelopment Agency Board of Directors and City Council on July 5, 2011. Unfortunately, Governor Brown signed the redevelopment dissolution legislation, AB 1X 26, on June 27, 2011. Therefore, the Redevelopment Agency Board of Directors and City Council were not able to approve the DDA with National CORE and the 4113 Kingsley Street property returned to its state as an unimproved asset of the redevelopment agency.

With the official dissolution of redevelopment agencies on February 1, 2012, the City of Montclair formed the Montclair Housing Authority to assume responsibility for former redevelopment agency housing assets. The City became the successor agency for former redevelopment agency's nonhousing assets. Successor Agency Special Counsel opined that housing assets should be transferred to the housing successor agency by matter of law so a grant deed was not recorded to commemorate the transfer.

With the adoption of AB 1484 on June 27, 2012, the housing assets of each former redevelopment agency were to be listed on a Housing Asset Transfer form and submitted to the Department of Finance (DOF) for approval. The submittal of the Housing Asset Transfer form to DOF had to be completed by August 1, 2012. The Housing Asset Transfer form for the former City of Montclair Redevelopment Agency included the property located at 4113 Kingsley Street. The Housing Asset Transfer form listed this property as a site to be used for an affordable Special Needs Housing project having a valid Option to Purchase Agreement by National CORE. In addition, the Oversight Board approved the Housing Asset Transfer form on July 25, 2012 and adopted Resolution No. 12-11 approving the transfer of housing assets to the Montclair Housing Authority.

On August 25, 2012, the DOF made the determination that the 4113 Kingsley Street property was not a housing asset. Successor Agency staff submitted a Request to "Meet and Confer" regarding this matter on September 13, 2012. The "Meet and Confer" with DOF was conducted on November 21, 2012. Representatives from National CORE and the Successor Agency staff presented the background regarding the property and discussed the lawsuit that would ensue if DOF maintained its position that 4113 Kingsley Street was not a housing asset. Finally, on December 21, 2012 DOF issued a letter reversing the determination that 4113 Kingsley Street was a nonhousing asset.

The Successor Agency Board of Directors approved the transfer of the 4113 Kingsley Street property to the Montclair Housing Authority with a grant deed on January 22, 2013. The Montclair Housing Authority also approved a Purchase and Sale Agreement to National CORE on January 22, 2013 so that National CORE's grant of HUD 811 financing could be preserved. The Montclair Housing Authority approved a Disposition and Development Agreement with National CORE on February 2, 2013, more fully detailing the terms of the purchase agreement between the Montclair Housing Authority and National CORE. The Montclair Housing Authority was not able to provide the \$1.6 million in assistance previously committed by the Redevelopment

Agency. National CORE took possession of the property in early 2013. The 18-unit project was completed and occupied by spring of 2014. National CORE named the Montclair Special Needs Housing Project "San Emi." Subsequent to financing the San Emi Special Needs Housing Project, HUD discontinued the HUD 811 program. San Emi may be the last HUD project constructed with this funding source.

Adults residing in the San Emi Special Needs Housing project need to have the capacity and ability for independent living. However, these residents have the need for special services. Therefore, the Special Needs Housing project is operated slightly differently than the other National CORE Housing Projects (the San Marino Senior Apartments, the San Antonio Vista Apartment Project, or the Vista Del Cielo Apartment Project). The difference in operation is reflected in social service delivery. While all the other National CORE projects have community, recreational, or educational programs, the San Emi Special Needs Housing project has a social service provider that monitors and follows up on the needs of the resident population.

The nonprofit social service provider for the San Emi Project is United Cerebral Palsy of Los Angeles. United Cerebral Palsy of Los Angeles is experienced in operating special needs housing for the developmentally disabled. This organization currently services 11 independent living apartments and 25 community based homes to help address affordable and accessible housing in Los Angeles, Orange, and Santa Barbara counties. The Montclair Special Needs Housing project is the first project served by United Cerebral Palsy of Los Angeles in San Bernardino County.

- (8) A description of any outstanding obligations pursuant to Section 33413 that remained to transfer to the housing successor on February 1, 2012, of the housing successor's progress in meeting those obligations, and of the housing successor's plans to meet unmet obligations. In addition, the housing successor shall include in the report posted on its Internet Web site the implementation plans of the former redevelopment agency.

Response:

The only obligations which remained to be transferred to the housing successor as of February 1, 2012 pursuant to Section 33413 were those units and property detailed in Question 7 above. As stated, all units and property have been transferred and land at 4113 Kingsley Street has been developed for affordable housing. All units transferred or developed are used to satisfy Section 33413 requirements.

As of February 1, 2012 all of the Redevelopment Agency's 33413 objectives were satisfied and an excess of 56 affordable units were produced.

With the completion of the San Emi Special Needs Housing Project in 2014, the Housing Successor Entity (Housing Authority) currently has 73 units of deed restricted affordable housing in excess of current Section 33413 production requirements. At June 30, 2019, the Housing Authority had \$164,025 in cash.

Implementation Plans shall be posted on the Internet Web site.

- (9) The information required by subparagraph (B) of paragraph (3) of subdivision (a).

Response:

The Housing Authority interprets this requirement as follows:

(B) If the housing successor fails to comply with the extremely low income requirement in any five-year report, then the housing successor shall ensure that at least 50 percent of these remaining funds expended in each fiscal year following the latest fiscal year following the report are expended for the development of rental housing affordable to, and occupied by, households earning 30 percent or less of the area median income until the housing successor demonstrates compliance with the extremely low income requirement in an annual report described in subdivision (f).

Section 34176.1 of the Health and Safety Code became effective January 1, 2014. The Successor Housing Authority, at June 30, 2019, has \$164,025 in cash. This source of income is non-reoccurring. The only additional source of funding for the Montclair Housing Authority is made available through the repayment of

residual receipts loans. Residual receipts loans were made to National CORE and Augusta Homes. Residual receipts income is only derived when income exceeds expenses from maintenance, operations, and payment to creditors in a first position. However, residual receipts loans do not constitute a steady income stream and in the past several years, the recipients of the residual receipts loans have been unable to make payments on the loans because operating expenses have just met or exceeded revenue. Therefore, as indicated in Question 8 above, future project revenue to advance new affordable housing projects will not be forthcoming

To comply with requirements to provide housing for extremely low income, staff will recommend that the Housing Authority Board of Directors transfer the most of the cash balance of in the Housing Authority fund to the Housing Corporation to secure deed restrictions for extremely low income persons for one-or two-units for this income category.

The San Emi Special Needs Housing Project was completed in the 2013-14 fiscal year, 17 units of affordable deed restricted housing were created. Eight of the 17 units (47 percent) are provided to persons or families earning 30 percent or less of the area median income. Presuming the provisions of Section 34176.1 (a)(3)(A) begin on January 1, 2014, the Montclair Housing Authority complies with this Section.

- (10) The percentage of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the same time period.

Response:

The following affordable deed restricted rental housing units have been assisted by the City of Montclair Redevelopment Agency or Montclair Housing Authority within the last 10 years:

San Antonio Vista Family Apartments-74 units
San Marino Senior Apartments-84 units
Vista del Cielo Family Apartments-49 units
Montclair Housing Corporation-2 units
San Emi Special Needs Apartments-17 units

The City of Montclair Redevelopment Agency or the Montclair Housing Authority assisted 228 affordable deed restricted rental housing projects in the last 10 years. Eighty four of the 228 rental units or approximately 38 percent of the units were, therefore, deed restricted for use by qualifying senior renters. The percentage of restricted senior units falls below 50 percent of the deed restricted units.

- (11) The amount of any excess surplus, the amount of time that the successor agency has had excess surplus, and the housing successor's plan for eliminating the excess surplus.

Response:

When the City of Montclair Redevelopment Agency was eliminated there was no excess surplus. Because all available amounts, since that point in time, have been distributed to the taxing entities through the Low and Moderate Housing Due Diligence Review and subsequent payment by the Successor Agency, there presently exists no carryover of excess surplus. Because the Montclair Housing Authority (Successor Housing Entity) receives no property taxes, excess surplus provisions do not apply.



CITY COUNCIL AGENDA REPORT

DATE:	DECEMBER 5, 2022	FILE I.D.:	MHA050
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	MHA
ITEM NO.:	6	PREPARER:	T. MARTIN
SUBJECT:	CONSIDER REVIEW AND ACCEPTANCE OF THE MONTCLAIR HOUSING AUTHORITY ANNUAL REPORT FOR FISCAL YEAR 2021-22		

REASON FOR CONSIDERATION: The Montclair Housing Authority (MHA) Commission is required to conduct an annual meeting in December to report the Authority's activities for the preceding fiscal year.

A copy of the MHA Annual Report for Fiscal Year 2021-22 is attached for the MHA Commissioners' consideration.

BACKGROUND: The MHA was created by the City Council on July 18, 2011. The City Council designated itself Commissioners of the MHA and designated certain City officials to serve as officers of the MHA. The City Manager is the Executive Director of the MHA.

The MHA financial statements for the Fiscal Year ending June 30, 2022, are included in the MHA Annual Report for Fiscal Year 2021-22. Total assets for MHA are \$10,337,243. The balance includes the value of the real property owned by the MHA and Residual Loan Receivables. A residual receipt is the repayment of monies borrowed from the former Montclair Redevelopment Agency to carry out a variety of housing programs.

FISCAL IMPACT: There would be no cost associated with the MHA Commissioners' review and acceptance of the Annual Report.

RECOMMENDATION: Staff recommends the Montclair Housing Authority Commissioners review and accept the Montclair Housing Authority Annual Report for Fiscal Year 2021-22.

**Montclair Housing Authority
Annual Report
Fiscal Year 2021-22**

Montclair Housing Authority

Javier John Dutrey, Chair

Bill Ruh, Vice Chair

Tenice Johnson, Commissioner

Corysa Martinez, Commissioner

Benjamin Lopez, Commissioner

Officers

Edward C. Starr, Executive Director

Janet L. Kulbeck, Finance Officer

Andrea M. Myrick, Housing Authority Secretary

In accordance with Section 34328 of the Health and Safety Code of the State of California, below are financial statements for the Montclair Housing Authority (Successor Housing Entity for the City of Montclair Redevelopment Agency) for the Fiscal Year Ended June 30, 2022:

Montclair Housing Authority
Balance Sheet
June 30, 2022

Assets	
Cash in Bank	\$ 3,178,960
Residual Receipt Loan Receivable	
Land and Multifamily Housings Units	<u>7,158,283</u>
 Total Assets	 <u><u>\$ 10,337,243</u></u>
Fund Balance	
<u>Liabilities</u>	
Accounts Payable	<u>\$ -</u>
<u>Fund Balance</u>	
Nonspendable - Unavailable	\$ -
Restricted for Housing	<u>10,337,243</u>
Total Fund Balance	<u>\$ 10,337,243</u>
 Total Liabilities and Fund Balance	 <u><u>\$ 10,337,243</u></u>

Montclair Housing Authority
Statement of Revenues, Expenditures
and Changes in Fund Balance
For the Year Ended June 30, 2022

<u>Revenues</u>	
Interest	\$ 571,992
Loan Payments Received	\$ 3,035
Contribution from Other Governments	<u>-</u>
 Total Revenues	 <u>575,027</u>
<u>Expenditures</u>	
Transfers Out - Housing Operations/Maintenance	-
 Total Expenditures	 <u>-</u>
 Excess of Revenues Over (Under) Expenditures	 575,027
<u>Fund Balances</u>	
Beginning of Fiscal Year	<u>\$ 9,762,216</u>
 End of Fiscal Year	 <u><u>\$ 10,337,243</u></u>



CITY COUNCIL AGENDA REPORT

DATE: DECEMBER 5, 2022 **FILE I.D.:** MCF150/MCF175
SECTION: CONSENT - AGREEMENTS **DEPT.:** MCF/HUMAN SVCS.
ITEM NO.: 1 **PREPARER:** A. COLUNGA
SUBJECT: CONSIDER APPROVAL OF AGREEMENT NO. 22-113 WITH KAISER FOUNDATION HOSPITALS TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$10,000 TO SUPPORT THE MONTCLAIR TO COLLEGE PROGRAM

CONSIDER AUTHORIZING EXECUTIVE DIRECTOR EDWARD C. STARR TO SIGN AGREEMENT NO. 22-113

REASON FOR CONSIDERATION: The Montclair Community Foundation Board is requested to consider authorizing Agreement No. 22-113 with Kaiser Foundation Hospitals to accept a grant award in the amount of \$10,000 to support the Montclair to College Program, and to authorize Executive Director Starr to sign the Agreement.

BACKGROUND: In July 2022, the Montclair Community Foundation (MCF) was invited by Kaiser Permanente Ontario Medical Center Community Health Contributions Program to apply for grant funding under one of their strategic priorities.

The vision of MCF is to work collaboratively to strengthen services and enhance the quality of life for residents by promoting health, wellness and economic stability for all including the most vulnerable in our community. The mission of MCF is to guarantee a quality community for all, by working together as diverse, committed individuals and organizations to make an impact that improves the overall well-being of the community.

The Montclair to College (MTC) program, previously known as Online to College, was established in 1998. MTC is supported by the Montclair Community Foundation (MCF) to offer Montclair students the opportunity to attend Chaffey College through a scholarship that includes tuition, books, parking and other necessary fees. The program began at three Montclair Elementary schools and later expanded to include all elementary schools. MTC continued to evolve and in 2015 MTC began at the 9th grade level at Montclair High School (MHS) to allow for more consistency within the program.

MTC operates with the overall goal of increasing economic prosperity in Montclair through increasing college enrollment rates among students at MHS. In addition to offering MHS students college funding, and educational support, MTC also provides students with the opportunity to participate in college workshops, campus tours, and community activities.

FISCAL IMPACT: Kaiser Foundation Hospitals has approved a grant award to the Montclair Community Foundation in the amount of \$10,000 for MTC. There will be no direct fiscal impact on the Montclair Community Foundation as a result of the approval of Agreement No. 22-113. The term of Agreement No. 22-113 is December 1, 2022 through November 30, 2023.

RECOMMENDATION: Staff recommends the Montclair Community Foundation Board of Directors take the following actions:

1. Approve Agreement No. 22-113 with Kaiser Foundation Hospitals to accept a grant award in the amount of \$10,000 to support the Montclair to College Program; and
2. Authorize Executive Director Edward C. Starr to sign Agreement No. 22-113.

GRANT AGREEMENT

PURPOSE OF GRANT

This grant is made to the Montclair Community Foundation (“Grantee”) for the purpose and with the conditions outlined below. Kaiser Permanente and Montclair Community Foundation are referred to in this Agreement as a “Party” or collectively as the “Parties”.

This grant is restricted to be used only to fund the stated purpose of the grant. In addition to the specific terms listed below for Grant #141493 (the “Grant”), the award of the Grant is contingent upon the Grantee’s compliance with the following terms and conditions and the conditions set forth in the attached appendices. Together, the specific items listed below, the following terms and conditions and all exhibits, appendices and other attachments hereto form “the Agreement.”

Grant Title:	Montclair to College: Increasing Economic Prosperity in Montclair
Grant Number:	141493
Project Contact Person:	Alyssa Colunga, Assistant Director of Human Services & Grants Manager acolunga@montclaircf.org 909-625-9459
Grantee Mailing Address:	5111 Benito Street Montclair, California, 91763
Kaiser Permanente Program Officer:	Martha Valencia Martha.R.Valencia@kp.org 909-427-5268
Grant Period:	12/1/2022 - 11/30/2023
Payment Schedule:	\$10,000.00 to be distributed on execution of the grant agreement.
Reporting Schedule:	Grantee should follow the below reporting schedule. Any questions on specific reporting requirements should be discussed and agreed upon with the grantee’s Program Officer. 1/1/2024, Final Report submitted within KP’s online grants management system. Grantee to report on progress against outlined objectives.

I. GRANT TERMS & CONDITIONS

- A. Use of Grant Funds.** Grantee agrees to use the grant funds solely for the specified purpose. Grant funds may not be expended, loaned, pledged or transferred for reasons other than carrying out the Project without Kaiser Permanente's prior written approval. Grantee may not expend any grant funds for any purpose that is not charitable or educational, for any political or lobbying activity, or for any purpose other than one specified in Section 170(c)(2)(b) of the Internal Revenue Code.
- B. Grant Expenditures.** Grantee agrees that the grant fund expenditures will be allocated as specifically itemized in the budget (if any) and that any re-allocations within the budget in excess of 10% of the total grant amount will require prior written approval.
- C. Grantee Performance Standards.** An essential element of any project is to understand the factors contributing to its overall success, as well as challenges encountered throughout project planning and implementation. Grantee shall provide to Kaiser Permanente regular reports of progress, in a form mutually agreed by the parties, toward achieving the goals of the grant and the quality of work associated therewith and such other performance standards as may be provided for herein. Grantee shall adhere to the report requirements and due dates, if any, set forth on the "Payment Schedule" or in Exhibit A and shall keep Kaiser Permanente apprised of any changes that could adversely impact Grantee's performance and timeline of the Project. If Kaiser Permanente is not satisfied with the quality of Grantee's work or the progress toward achieving the goals of the grant, Kaiser Permanente may provide the Grantee with recommendations regarding ways to improve the quality of the work and progress toward achieving the goals of the grant.
- D. Public Access.** Grantee agrees to deliver to Kaiser Permanente copies of any and all work product, results, reports, publications, data and other materials created or developed through the Project (collectively, "Project Work Product"), in a format of Kaiser Permanente's preference. Grantee hereby grants to Kaiser Permanente a royalty free, non-exclusive, non-sublicensable license during and after the Term of this Agreement to use Project Work Product in furtherance of Kaiser Permanente's community health activities. Further, Grantee agrees to deliver to Kaiser Permanente a copy of any third-party reports, articles or other publications regarding the Project funded by this grant that are available to the public and, upon request, provide reasonable assistance to Kaiser Permanente to obtain rights to reproduce and distribute such publications.
- E. Non-discrimination.** Grantee agrees that, in carrying out the objectives supported by this grant, it will not unlawfully discriminate in its employment practices, volunteer opportunities, or the delivery of programs or services, on the basis of race, color, religion, gender, gender identity/expression, national origin, ancestry, age, medical condition, disability, veteran status, marital status, sexual orientation, or any other characteristic protected by law.
- F. Nonprofit Status.** Grantee represents that it is currently and shall remain during the period funded, a nonprofit public benefit corporation exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code or a local, state or federal government

agency eligible to receive charitable contributions as described in the grant proposal submitted. Grantee agrees to notify Kaiser Permanente immediately of any changes in its tax status during the term of the grant.

G. Change in Grantee Operations. Grantee agrees to advise Kaiser Permanente, within three (3) business days of the occurrence, or actual knowledge of the imminent occurrence, of any of the following changes in Grantee's status.

1. A change to Grantee's financial or other condition sufficient, in Kaiser Permanente's sole discretion, to endanger Grantee's ability to continue to perform its obligations under this Agreement, including, without limitation, any revocation, modification or change otherwise to its exempt 501(c)(3) status;
2. A change to Grantee's organizational mission that, in Kaiser Permanente's sole discretion, substantially reduces the relevance of any grant objectives to that mission or, in the case of a general support grant, that support no longer furthers Kaiser Permanente's charitable purposes and priorities;
3. Grantee no longer retains the services of personnel adequate to enable Grantee to continue to perform its obligations under this Agreement;
4. Grantee's inability to expend grant funds in accordance with the terms of the grant agreement, or;
5. Any development that significantly and adversely affects the operation of the Project or Grantee, including, without limitation, changes to Project scope of grant or timeline.

H. Conflict of Interest. Grantee shall, in connection with the grant submission process, have disclosed to Kaiser Permanente a comprehensive list of Grantee's Directors, Officers and individuals on its governing body and an assessment of their affiliations, if any, to Kaiser Permanente or any of the Permanente Medical Groups and their subsidiaries, for the purpose of identifying and eliminating any possible conflicts of interest. Grantee and Kaiser Permanente agree to promptly disclose any changes to the list of Directors, Officers or individuals on its governing body and their affiliations that may generate a potential conflict of interest during the term of this Agreement to ensure compliance with policy.

I. Future Funding. Grantee acknowledges that Kaiser Permanente and its representatives have made no actual or implied promise of funding except for the amounts specified by this Agreement.

II. PUBLICITY

A. Websites and Other Promotional Opportunities. Grantee will display Kaiser Permanente's logo and other promotional content, such as recognition of Kaiser Permanente's support of Grantee, both as mutually agreed and in accordance with Kaiser Permanente policy, on Grantee's website (which will include links to Kaiser Permanente's website), in possible future publications and in possible future events.

B. Grantee Communications with Media/Use of Logo. Kaiser Permanente requests an opportunity to review and comment on all press releases that are directly related to the Grant. In general, Kaiser Permanente does not allow the use of its logo without prior

approval. If Grantee plans to issue a press release announcing this grant, Grantee agrees to contact Kaiser Permanente at least 15 days before the desired announcement date. Kaiser Permanente must provide advance approval of the press release and the date of release.

C. Communications with Media and Published Materials. Kaiser Permanente may periodically publicize Project progress and/or results through public communications (including press releases), reports, website, and other materials. Grantee agrees that Kaiser Permanente may disclose information about the Project and Grantee's organization and use the logo of the Grantee in such communications, provided however, Kaiser Permanente's use of Grantee's name and logo shall be in accordance with any Grantee policy on those matters provided to Kaiser Permanente in writing. Upon request by Kaiser Permanente, Grantee agrees to provide reasonable assistance to Kaiser Permanente to obtain signed publicity waivers from employees, volunteers, and other persons associated with Grantee (for example, for use of photos or video taken by Kaiser Permanente in connection with the Grant or Project). The terms of this provision survive the expiration of the grant term.

III. GRANT TERMINATION: RIGHT TO MODIFY OR REVOKE PAYMENTS

A. Kaiser Permanente may terminate this Grant for convenience upon 30 days' written notice to Grantee and may terminate this Grant immediately for the reasons specified in this Agreement or for Grantee's engagement in willful misconduct or negligence.

IV. INDEMNIFICATION

A. Each party agrees to defend, indemnify and hold the other party and its officers, employees, directors, owners and authorized agents harmless from and against all third-party claims, suits, damages and liabilities, costs and expenses incurred therewith, including reasonable attorneys' fees, to the extent caused by the negligent or willful act or omission of the indemnifying party, its officers, employees, directors, owners or authorized agents.

V. COMPLIANCE

A. Grantee agrees to comply with all applicable laws in the use of the grant funds and Grantee's development and operation of the Project. Grantee shall (i) maintain, in full force and effect, all required governmental or professional licenses and credentials for itself, its facilities and its employees and all other persons engaged in work in conjunction with this grant, and (ii) perform its duties and obligations under this Agreement according to industry standards and in compliance with all applicable laws. As an organization with numerous contracts with the federal government, Kaiser Permanente and its affiliates are subject to various federal laws, executive orders and regulations regarding equal opportunity and affirmative action. This Section constitutes notice that Grantee may be required to comply with the following Federal Acquisition Regulations (each a "FAR") at 48 CFR Part 52, which are incorporated herein by reference: (a) Equal Opportunity (April 2002) at FAR 52.222-26; (b) Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sept. 2006) at FAR 52.222-35; (c) Affirmative Action for Workers with Disabilities (June 1998) at FAR 52.222-36, and (d) Utilization of Small Business Concerns (May 2004) at FAR 52.219-8. In addition, Executive Order 13495 concerning the obligations of federal contractors and subcontractors to provide notice to employees about their rights under Federal labor laws, or its successor, shall be incorporated herein by reference.

VI. MISCELLANEOUS

A. This Agreement shall be construed under the laws of the State of California. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be one and the same instrument. Grantee may not assign any right, duty, or obligation under this Agreement without prior written approval from Kaiser Permanente. Any change of ownership or control of Grantee shall be deemed an assignment. This Agreement shall be binding upon and inure to the benefit of the parties and their respective, permitted successors and assigns. This Agreement, including any exhibits and attachments (all of which are incorporated into this Agreement by this reference), is the entire agreement of the parties with respect to the subject matter herein, and supersedes any and all other agreements, promises, negotiations or representations, whether oral or written. This Agreement, including exhibits and attachments, may not be amended except in a writing signed by each party. With respect to administration of this grant, the parties understand and agree that each is at all times acting and performing as an independent contractor with respect to the other. Except as expressly set forth in this Agreement, neither party, nor any of its employees, shall be construed to be the agent, employee or representative of the other for any purpose, or liable for any acts or omissions of the other.

SIGNATURE PAGE, Grant #141493

1. Grantee Signature. By signing this Agreement the grantee signatory acknowledges that they have read and understood the Agreement, they have the authority to sign this Agreement and bind the grantee thereto, and that the grantee hereby accepts and agrees to perform all the terms and conditions of this Agreement.

Grantee Organization Signatory

Name: Edward Starr

Title: Executive Director

Organization: Montclair Community Foundation

Signature:

Date Signed:

2. Kaiser Permanente Signature. By signing this Agreement KP signatory acknowledges that they have read and understood the Agreement, they have the authority to sign this Agreement and bind KP thereto, and that KP hereby accepts and agrees to perform all the terms and conditions of this Agreement.

Kaiser Foundation Hospital/Health Plan Signatory

Name: Georgina Garcia

Title: SVP, Area Manager

Organization: Kaiser Foundation Hospital

Signature:

Date Signed:

EXHIBIT A

REPORT GUIDELINES

The national Community Health Grants Program supports Kaiser Permanente’s mission to improve the health of the communities we serve. The results of your grant are important and will help shape the future of Kaiser Permanente’s grantmaking. If your grant includes multiple payments, timely submission of completed reports are required for further payments for this grant, as well as eligibility for consideration of future funding.

Reports should be submitted using Kaiser Permanente’s online grants management system, Mosaic. You will receive a notification from the system around one month prior to the due date of your report.



CITY COUNCIL AGENDA REPORT

DATE:	DECEMBER 5, 2022	FILE I.D.:	FPP150
SECTION:	CONSENT - RESOLUTIONS	DEPT.:	ADMIN. SVCS.
ITEM NO.:	1	PREPARER:	A. MYRICK
SUBJECT:	CONSIDER ADOPTION OF RESOLUTION NO. 22-3382 ADOPTING THE CITY'S CONFLICT OF INTEREST CODE, AS AMENDED, PURSUANT TO THE POLITICAL REFORM ACT		

REASON FOR CONSIDERATION: The City Council is the designated code-reviewing body for the City's Conflict of Interest Code. It is necessary to review the Conflict of Interest Code on a biennial basis, which includes the filing of a Local Agency Biennial Notice and amending the Code to update the list of designated employees who are required to file Statements of Economic Interests and to incorporate any other necessary changes.

A copy of proposed Resolution No. 22-3382 adopting the City's Conflict of Interest code, as amended, pursuant to the Political Reform Act is attached for the City Council's review and consideration.

BACKGROUND: Pursuant to the Political Reform Act of 1974 (Government Code §8100, et seq.), all public agencies are required to adopt a Conflict of Interest Code. A Conflict of Interest Code designates positions required to annually file A Fair Political Practices Commission (FPPC) Statement of Economic Interests (commonly known as the "Form 700"), and assigns disclosure categories specifying the types of interests to be reported. The Form 700 is a public document intended to alert public officials and members of the public to the types of financial interests that may create conflicts of interest.

The City of Montclair Conflict of Interest Code, first adopted on October 4, 1976, contains the requirement that all City Council Members, Planning Commissioners, City Manager, City Attorney, and designated employees responsible for managing public investments annually file Statements of Economic Interests. In addition, the Code requires that there be a listing of designated employees who, by job title, "make or participate in the making of governmental decisions which may have a foreseeable material effect on financial interests."

At its meeting on June 20, 2022, the City Council adopted Resolution No. 22-3358 directing staff to perform a review the City's Conflict of Interest Code and submit the 2022 Local Agency Biennial Notice to the City Council once the review has been completed and no later than October 3, 2022. On September 19, 2022, the City Council received and filed the Biennial Notice and directed staff to promulgate the necessary amendments. Staff is now submitting to the City Council the proposed amendments to the Conflict of Interest Code for adoption.

A minor amendment is proposed for Section 8(E) of the Code's terms to reflect an increase in the reportable gift limit for Calendar Years 2023 and 2024 to \$590, per FPPC updated gift regulations.

Recommended changes to “Exhibit A – City of Montclair Designated Employees” as a result of vacated or defunded positions, departmental reorganizations, reassessment of position responsibilities, and position title changes over the prior two years, are as follows:

Position Additions (Disclosure Categories):

- Assistant City Manager/Human Services Director (2, 3, 4)
- Assistant Code Enforcement Manager (1, 2, 3, 4)
- Assistant Director of Human Services/Grants Manager (2, 3, 4)
- Assistant to the City Manager and Economic Development Agency Director (2, 3, 4)
- Associate Engineer (1, 2, 3, 4)
- Code Enforcement Manager (1, 2, 3, 4)
- Director of Information Technology (2, 3, 4)
- Director of Montclair Economic Development Agency (1, 2, 3, 4)
- Economic Services and Housing Manager (1, 2, 3, 4)
- Equipment Maintenance Manager (2, 3, 4)
- Public Works Facilities/Maintenance Assistant Manager (2, 3, 4)
- Public Works Operations Assistant Manager (1, 2, 3, 4)
- Recreation Manager (2, 3, 4)
- Senior Public Works Inspector (1, 2, 3, 4)

Position Deletions:

- Deputy Director of Economic & Community Development

No amendments are proposed for “Exhibit B – Disclosure Categories.”

The City Council’s adoption of Resolution No. 22-3382 would update the City of Montclair’s Conflict of Interest Code, superseding all prior versions of the Code.

FISCAL IMPACT: There would be no fiscal impact associated with the City Council’s adoption of Resolution No. 22-3382 adopting the City’s Conflict of Interest Code, as amended, pursuant to the Political Reform Act.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 22-3382 adopting the City’s Conflict of Interest Code, as amended, pursuant to the Political Reform Act.

RESOLUTION NO. 22-3382

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR, CALIFORNIA, ADOPTING A CONFLICT OF INTEREST CODE AND SUPERSEDING PRIOR RESOLUTIONS WITH RESPECT TO THE CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974 (Government Code §8100 et seq.) requires cities to adopt a Conflict of Interest Code; and

WHEREAS, the City of Montclair first adopted a Conflict of Interest Code on October 4, 1976; and

WHEREAS, the Conflict of Interest Code must be reviewed every two years and amended when circumstances change; and

WHEREAS, the City Council is the Code Reviewing Body for the City of Montclair; and

WHEREAS, on June 20, 2022, the City Council adopted Resolution No. 22-3358 directing staff to review the City’s Conflict of Interest Code and submit the 2020 Local Agency Biennial Notice; and

WHEREAS, on September 19, 2022, the City Council received and filed the 2020 Local Agency Biennial Notice and directed staff to promulgate the necessary amendments to the City’s Conflict of Interest Code; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair adopts the Conflict of Interest Code of the City of Montclair, along with attached Exhibits A and B, a copy of which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED that nothing in this Resolution supersedes the independent applicability of Government Code §87200.

BE IT FURTHER RESOLVED that all previous Resolutions and Council Actions adopting or amending the City’s Conflict of Interest Code, designated positions, or disclosure categories are hereby superseded.

APPROVED AND ADOPTED this XX day of XX, 2020.

Mayor

ATTEST:

City Clerk

I, Andrea M. Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 22-3382 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2020, and that it was adopted by the following vote, to-wit:

AYES: XX
NOES: XX
ABSTAIN: XX
ABSENT: XX

Andrea M. Myrick
City Clerk

CONFLICT OF INTEREST CODE FOR CITY OF MONTCLAIR

The Political Reform Act, Government Code Sections 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs Section 18730, which contains the terms of a standard Conflict of Interest Code that can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Adm. Code of Regs Section 18730 and any amendments thereto duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Montclair.

Pursuant to Section 4(A) of the standard Code, designated employees, listed on Exhibit A, shall file Statements of Economic Interests with the City Clerk. These Statements shall be retained by the City Clerk.

The City Clerk shall make and retain copies of the Statements of City Council Members, City Administrator, City Attorney, and Planning Commissioners and forward the original of these Statements to the filing officer of the Fair Political Practices Commission.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Administrative Code)

18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation, along with the designation of employees and the formulation of disclosure categories in the Exhibits referred to below constitute the adoption and promulgation of a Conflict of Interest Code within the meaning of Government Code Section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a Conflict of Interest Code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, *et seq.* The requirements of a Conflict of Interest Code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100 and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a Conflict of Interest Code amended or adopted and promulgated pursuant to this regulation are as follows:

Section 1. Definitions

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs Sections 18100, *et seq.*) and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

Section 2. Designated Employees

The persons holding positions listed in Exhibit A are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 3. Disclosure Categories

This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this Code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, *et seq.* Such persons are governed by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit B specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her Statement of Economic Interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

Section 4. Statements of Economic Interests: Place of Filing

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body as provided by the code reviewing body in the agency's Conflict of Interest Code.

Section 5. Statements of Economic Interests: Time of Filing

(A) Initial Statements. All designated employees employed by the City of Montclair on the effective date of this Code, as originally adopted, promulgated, and approved by the code reviewing body, shall file Statements within 30 days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial Statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this Code shall file Statements within 30 days after assuming the designated positions.

(C) Annual Statements. All designated employees shall file Statements no later than April 1 of each year.

(D) Leaving Office Statements. All persons who leave designated positions shall file Statements within 30 days after leaving office.

Section 6. Contents of and Period Covered by Statements of Economic Interests

(A) Contents of Initial Statements. Initial Statements shall disclose any reportable investments, interests in real property, and business positions held on the effective date of the Code. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the effective date of the Code.

(B) Contents of Assuming Office Statements. Assuming Office Statements shall disclose any reportable investments, interests in real property, and business positions held on the date you assumed the office. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position.

(C) Contents of Annual Statements. Annual Statements shall disclose any reportable investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the Statement.

(D) Contents of Leaving Office Statements. Leaving Office Statements shall disclose reportable investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the Statement.

Section 7. Manner of Reporting

Statements of Economic Interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the City Clerk and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property is required to be reported, the Statement shall contain the following:

1. A statement of the nature of the investment or interest.
2. The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged.
3. The address or other precise location of real property.
4. A statement whether the fair market value of the property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value or fifty dollars (\$50) or more in value if the income was a gift and a general description of the business activity, if any, of each source.
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000).
3. A description of the consideration, if any, for which the income was received.
4. In the case of a gift, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity.

2. The name of every person from whom the business entity received payments if the filer's pro rata share of the gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management; a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

- (E) Acquisition or Disposal During Reporting Period.

In the case of an Annual or Leaving Office Statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the Statement, the Statement shall contain the date of acquisition or disposal.

Section 8. Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediately family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by, or promised to the designated employee within twelve (12) months prior to the time the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating:

1. five hundred (\$520) or more in value during Calendar Year 2022; or
2. five hundred ninety dollars (\$590) or more in value during Calendar Years 2023 and 2024;

provided to, received by, or promised to the designated employee within twelve (12) months prior to the time the decision is made.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this Section.

Section 9. Manner of Disqualification

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest.

Section 10. Assistance of the Commission and Counsel

Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this Section requires the attorney for the agency to issue any formal or informal opinion.

Section 11. Violations

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 – 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Endnotes

1. Designated employees who are required to file Statements of Economic Interests under any other agency's Conflict of Interest Code, or under Article 2 for a different jurisdiction, may expand their Statement of Economic Interests to cover reportable interests in both jurisdictions and file copies of this expanded Statement with both entities in lieu of filing separate and distinct Statements, provided that each copy of such expanded Statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.
2. See Government Code Section 81010 and 2 Cal. Code of Regs Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of Statements and forward the originals to the filing officer.
3. For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.
4. Investments and interests in real property which have a fair market value of less than two thousand dollars (\$2,000) are not investments and interests in real property within the meaning of the Political Reform Act; however, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse, and dependent children own, in the aggregate, a direct, indirect, or beneficial interest of 10 percent or greater.
5. A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local, or federal government agency.
6. Income of a business entity is reportable if the direct, indirect, or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.
7. The FPPC has developed a smartphone app to help filers keep track of the gifts received in a calendar year. Visit the FPPC website at <http://www.fppc.ca.gov/Form700/gift-tracking-app.html> for more information.

EXHIBIT A
CITY OF MONTCLAIR DESIGNATED EMPLOYEES

The persons in the following positions are deemed to be "Designated Employees" within the meaning of Government Code Section 72109 and Section 2 of this Conflict of Interest Code. These persons shall file appropriate disclosure statements pursuant to this Code:

<i>Position</i>	<i>Disclosure Categories</i>
Accounting Specialist (Business License)	1,2,3,4
Administrative Analyst	2,3,4
Assistant City Manager/Human Services Director	2,3,4
Assistant Code Enforcement Manager	1,2,3,4
Assistant Director of Human Services/Grants Manager	1,2,3,4
Assistant Public Works Superintendent	2,3,4
Assistant to the City Manager and Economic Development Agency Director	1,2,3,4
Associate Engineer	1,2,3,4
Associate Planner	1,2,3,4
Battalion Chief	1,2,3,4
Benefits Coordinator	2,3,4
Building Inspector	1,2,3,4
Building Maintenance Supervisor	2,3,4
Building Official/Code Enforcement Manager	1,2,3,4
City Clerk	2,3,4
Code Enforcement Manager	1,2,3,4
Code Enforcement Officer	1,2,3,4
Code Enforcement Supervisor	1,2,3,4
Deputy City Attorney	1,2,3,4
Deputy City Manager	1,2,3,4
Deputy Fire Chief	1,2,3,4
Deputy Fire Marshal	1,2,3,4
Director of Administrative Services and Human Resources	2,3,4
Director of Community Development	1,2,3,4
Director of Finance	1,2,3,4
Director of Human Services	2,3,4
Director of Information Technology	2,3,4
Director of Montclair Economic Development Agency	2,3,4
Director of Public Works/City Engineer	1,2,3,4
Economic Development Coordinator/Housing Associate	1,2,3,4
Economic Services and Housing Manager	1,2,3,4
Engineering Division Manager	2,3,4
Environmental Compliance Coordinator	2,3,4
Equipment Maintenance Manager	2,3,4
Executive Director, Office of Public Safety/Police Chief	1,2,3,4
Finance Manager	1,2,3,4
Fire Chief	1,2,3,4
Fire Marshal	1,2,3,4
Information Relations Officer	2,3,4
Information Technology Manager	2,3,4
NPDES Coordinator	1,2,3,4
NPDES Environmental Compliance Inspector	1,2,3,4
Plans Examiner	1,2,3,4
Police Captain	1,2,3,4
Police Chief	1,2,3,4

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Police Lieutenant1,2,3,4
Police Services Supervisor2,3,4
Project Manager2,3,4
Public Safety/Administrative Services Supervisor2,3,4
Public Works Facilities/Maintenance Assistant Manager2,3,4
Public Works Inspector1,2,3,4
Public Works Operations Assistant Manager1,2,3,4
Public Works Superintendent2,3,4
Recreation Manager2,3,4
Senior Building Inspector1,2,3,4
Senior Code Enforcement Officer1,2,3,4
Senior Management Analyst2,3,4
Senior Public Works Inspector1,2,3,4

PENDING APPROVAL

**EXHIBIT B
DISCLOSURE CATEGORIES**

- Category 1** Relates to a reportable interest in investments and real property as defined in Sections 7(A) and 7(E) of this Code.
- Category 2** Relates to a reportable interest in sources of income and gifts as defined in Section 7(B) of this Code.
- Category 3** Relates to a reportable interest in sources of income of a business entity as defined in Section 7(C) of this Code.
- Category 4** Relates to a reportable interest in sources of income of each business entity in which a position of management is held, as defined in Section 7(D) of this Code.



CITY COUNCIL AGENDA REPORT

DATE:	DECEMBER 5, 2022	FILE I.D.:	COV100/CYC125
SECTION:	CONSENT - RESOLUTIONS	DEPT.:	CITY MGR.
ITEM NO.:	2	PREPARER:	A. MYRICK
SUBJECT:	CONSIDER ADOPTION OF RESOLUTION NO. 22-3387 MAKING FACTUAL FINDINGS IN COMPLIANCE WITH AB 361 FOR THE CONTINUATION OF PUBLIC MEETING TELECONFERENCING DURING PUBLIC HEALTH EMERGENCIES FOR THE PERIOD OF DECEMBER 5, 2022, THROUGH JANUARY 4, 2023		

REASON FOR CONSIDERATION: The City Council’s adoption of Resolution No. 22-3387 would extend the City’s remote public meeting procedures under AB 361 for an additional 30 days, expiring January 4, 2023.

BACKGROUND: Governor Newsom’s Executive Order N-29-20, which suspended and modified the Brown Act’s teleconferencing requirements during the COVID-19 pandemic, expired on September 30, 2021. On September 16, 2021, Governor Newsom signed AB 361 into law as an urgency bill and, four days later, executed an order delaying the application of AB 361 until October 2, 2021.

AB 361 permits legislative bodies of state and local entities to continue to meet virtually and remotely through telephonic and internet means (i.e., via teleconference) during a proclaimed state of emergency without having to meet the quorum, posting, physical location access, and other requirements of traditional teleconference meetings under the Brown Act. Under AB 361, a legislative body may hold entirely virtual meetings (or partially virtual meetings) until the end of the current state of emergency and during any future emergency declarations through January 1, 2024. However, to do so, the legislative body must make factual findings to continue teleconferencing every 30 days.

FISCAL IMPACT: There is no direct fiscal impact on the General Fund related to the City Council’s adoption of Resolution No. 22-3387.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 22-3387 making factual findings in compliance with AB 361 for the continuation of teleconferencing during public health emergencies for the period of December 5, 2022, through January 4, 2023.

RESOLUTION NO. 22-3387

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR STATING COMPLIANCE WITH THE PROVISIONS OF ASSEMBLY BILL 361 INCLUDING COMPLIANCE WITH ABBREVIATED TELECONFERENCE REQUIREMENTS FOR OPEN MEETINGS, AND MAKING FACTUAL FINDINGS REGARDING THE COVID-19 PUBLIC HEALTH EMERGENCY FOR THE PERIOD OF DECEMBER 5, 2022, THROUGH JANUARY 4, 2023

WHEREAS, recognizing the continuing public health threat posed by the novel coronavirus, California Governor Gavin Newsom on September 16, 2021 signed Assembly Bill 361 (AB 361), an urgency law establishing procedures for the continuation of teleconferencing during public health emergencies, including the COVID-19 public health emergency; and

WHEREAS, the Montclair City Council, its standing committees, and the Montclair Planning and Community Activities Commissions may continue to meet virtually and remotely through telephonic and internet means (i.e., via teleconference) during a proclaimed state of emergency without having to meet the quorum, posting, physical location access and other requirements of traditional teleconference meetings under the Ralph M. Brown Act—Government Code (GC) sections (§§)54950-54963 (the "Brown Act") open meeting laws until the end of the current state of emergency and during any future state of emergency, up until January 1, 2024; and

WHEREAS, to continue meeting virtually, the Montclair City Council is required to make factual findings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair hereby elects to use AB 361's abbreviated teleconferencing procedures where a state of emergency has been formally proclaimed, but only if at least one of the following three conditions apply, and this election shall hereby include its standing committees and the Montclair Planning and Community Activities Commissions:

1. State or local officials have imposed or recommended measures to promote social distancing at the time the legislative body holds the meeting to adopt AB 361 [GC §54953(e)(1)(A)]; or
2. The legislative body holds a meeting for the first time for the purpose of determining by majority vote whether, as a result of proclaimed state of emergency, meeting in person would present imminent risks to the health and safety of attendees [GC §54953(e)(1)(B)], or
3. The legislative body has determined (per the previous bullet) that, as a result of the proclaimed state of emergency, meeting in person would continue to present imminent risks to the health or safety of attendees [GC §54953(e)(1)(C)].

As to condition No. 1, immediately above:

- On March 16, 2020, the City Council adopted Resolution No. 20-3263 declaring that a local public health emergency exists in the City of Montclair. The public health emergency continues until Resolution No. 20-3263 is rescinded.
- On September 21, 2020, the City Manager introduced, and the City Council adopted, the *City Facilities Public Reopening, Health and Safety Plan. The Plan* introduced a strong, clear and detailed guidance to ensure public health and safety in City facilities. Protocols in *the Plan* are based on a variety of sources including, but not limited to, the federal government's *Opening America* plan, CDC Guidelines, State of California Guidance, EEOC Guidance for the workplace, and the Aspen Institute Return to Play COVID-19 Risk Assessment Tool. A copy of *the Plan* had been provided to each member of the City Council.

BE IT FURTHER RESOLVED that pursuant to AB 361, local legislative bodies electing to use the urgency bill's abbreviated teleconferencing procedures must make the following factual findings within 30 days after teleconferencing for the first time after the expiration of Executive Order No. N-29-20 on September 30, 2021, and every 30 days thereafter until January 1, 2024, or when Montclair City Council Resolution No. 20-3263 declaring a public health emergency is rescinded, whichever comes first:

1. The legislative body has reconsidered the circumstances of the state of emergency; and
2. Either of the following circumstances exist:
 - The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - State or local officials continue to impose or recommend measures to promote social distancing.

As to condition No. 1, immediately above, this Resolution makes factual findings as follows:

- The City Council of the City of Montclair, in reconsideration of the circumstances of the public health emergency related to COVID-19, as expressed in Montclair City Council Resolution No. 20-3263, adopted March 16, 2020, declaring that a local public health emergency exists in the City of Montclair, remains in effect.

As to condition No. 2, immediately above, this Resolution makes factual findings as to the following:

- On September 21, 2020, the City Council adopted the ***City Facilities Public Reopening, Health and Safety Plan***, introducing a strong, clear and detailed guidance to ensure public health and safety in City facilities. Protocols in ***the Plan*** are based on a variety of sources including, but not limited to, the federal governments *Opening America* plan, CDC Guidelines, State of California Guidance, EEOC Guidance for the workplace, and the Aspen Institute Return to Play COVID-19 Risk Assessment Tool. Adoption of ***the Plan*** also incorporated guidance from the California Department of Public Health (CDPH) and the Centers for Disease Control and Prevention (CDC), including public health guidelines that promote personal responsibility for social distancing and compliance with face covering mandates, education on the need to avoid large gatherings, and promotion of protocols related to personal hygiene.

By adoption of this Resolution, the City Council of the City of Montclair reaffirms that it continues to impose measures in City facilities and at City-sponsored events to promote social distancing in compliance with the ***City Facilities Public Reopening, Health and Safety Plan***.

BE IT FURTHER RESOLVED that the City Council of the City of Montclair, its standing committees, and the Montclair Planning and Community Activities Commissions shall further comply with each of AB 361's abbreviated teleconference requirement for open meetings, including the following:

1. Notice and agenda:

- The City of Montclair shall provide notice and post agendas as otherwise required under the Brown Act (setting aside traditional teleconferencing requirements), and shall indicate on the notice the means by which the public may access the meeting and offer comment.
- The agenda shall identify and include an opportunity for all persons to attend via a call-in option or internet-based service. Further, (1) the agenda is not required to be posted at all teleconferencing locations, (2) public access does not need to be assured at all teleconference locations, (3) the notices and agenda do not need to list the teleconferencing locations of the members of the City Council, and (4) a quorum of the members of the City Council do not need to participate within physical boundaries of the City of Montclair.

2. Public comment rules: AB 361 instituted new rules for public comments for timed and untimed public comment periods during legislative body meetings.

- **Timed general public comment period:** The Montclair City Council, its committees, and the Montclair Planning and Community Activities Commissions provide members of the public a timed, general public comment period, and opportunity to register for public comment does not close until the set general public comment period has elapsed.

- **Untimed public comment period per agenda item:** The Montclair City Council, its committees, and the Montclair Planning and Community Activities Commissions provide for a timed, general public comment period.
 - **Timed public comment period per agenda item:** The Montclair City Council, its committees, and the Montclair Planning and Community Activities Commissions provide for a timed public comment period per agenda item.
3. **Prohibition against requirement for public comments to be submitted in advance.** The Montclair City Council, its committees, and the Montclair Planning and Community Activities Commissions comply with AB 361's prohibition against a local legislative body from requiring public comments to be submitted in advance of the meeting.
 4. **Registration for public comment:** The Montclair City Council, its committees, and the Montclair Planning and Community Activities Commissions comply with AB 361 by not imposing a requirement that a member of the public register for public comment before being allowed to provide public comment where a third-party platform (such as Zoom or Microsoft Teams) is employed.
 5. **Disrupted broadcasting procedures:** In the event there is a broadcasting disruption of a meeting of the Montclair City Council, its committees, or the Montclair Planning and Community Activities Commissions to the public by phone or by internet, the Montclair City Council, its committees, and the Montclair Planning and Community Activities Commissions will take no further action on agenda items until public access is restored.
 6. **Standing Committee:** Each standing committee of the Montclair City Council shall fall under the scope of AB 361.
 7. **Montclair Planning and Community Activities Commissions:** The Montclair Planning Commission and the Montclair Community Activities Commission shall fall under the scope of AB 361.

BE IT FURTHER RESOLVED that this action is exempt from review pursuant to the California Environmental Quality Act (CEQA) in accordance with State CEQA Guidelines Section 15061(b)(3), the "common sense" exemption that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of January 4, 2023, or such time as the City Council adopts a subsequent resolution in accordance with GC §54953(e)(3) to extend the time during which meetings may continue to be held remotely by teleconference in compliance with that section.

APPROVED AND ADOPTED this XX day of XX, 2022.

Mayor

ATTEST:

City Clerk

I, Andrea M. Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 22-3387 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2022, and that it was adopted by the following vote, to-wit:

AYES: XX
NOES: XX
ABSTAIN: XX
ABSENT: XX

Andrea M. Myrick
City Clerk

**MINUTES OF THE REGULAR MEETING OF THE PUBLIC WORKS
COMMITTEE HELD ON THURSDAY, SEPTEMBER 15, 2022, AT 4:00 P.M.
HELD VIA ZOOM TELECONFERENCE**

I. CALL TO ORDER

Chair Johnson called the meeting to order at 4:00 p.m.

II. ROLL CALL

Present: Council Member Johnson (Chair); Council Member Martinez (Committee Member); City Manager Starr; Director of Economic Development and Housing Fuentes; Executive Director of Public Safety/Police Chief Avels; Director of Public Works/City Engineer Heredia; Director of Community Development Diaz; Engineering Consultant Hoerning

Absent: None

III. APPROVAL OF MINUTES

No minutes to approve at this time. The minutes for the August 18, 2022 meeting will be submitted at a future meeting.

IV. PUBLIC COMMENT

A member of the community stopped by to express concern that a chain-link fence would be installed by **Monte Vista Elementary School**. His concerns were addressed. A chain-link fence will not be installed.

V. PUBLIC WORKS DEPARTMENT UPDATES/ITEMS

A. OPERATIONS

1. MAINTENANCE ACTIVITIES

An Operations Activities Report for August 2022 was included with the agenda. There were no questions or issues with the report.

2. ADDITIONAL ITEMS — None

B. FACILITIES

1. MAINTENANCE ACTIVITIES

A Facilities Activities Report for August 2022 was included with the agenda. There were no questions or issues with the report.

2. ADDITIONAL ITEMS — None

C. ENGINEERING DIVISION

1. Safe Routes to School (SRTS) Program — Monte Vista Elementary School

Director of Public Works/City Engineer Heredia reported that since the start of the school year, the City has received emails from concerned residents regarding traffic safety in and around **Monte Vista Elementary School**. Parents are crossing Orchard Street illegally, making unsafe u-turns, and parking in the middle of the painted median to drop off their children without regard to motorists on Orchard Street.

The City also received a request from **Ontario-Montclair School District** to install a mid-block crosswalk in front of the school. A mid-block crossing at this location will have other impacts and may create more safety issues.

The **Federal Highway Administration** compiled a crosswalk study in 2000. It states that marked crosswalks should not be installed in close proximity to traffic signals. Pedestrians should be encouraged to cross at the signal in those situations. The traffic signal at Monte Vista Avenue is located 300 feet to the west of the proposed crossing.

Director of Public Works/City Engineer Heredia continued to report that based on studies completed by the **Safe Routes to School Plan**, a mid-block crossing is not recommended, and is not a feasible resolution. It potentially poses more problems and endangers pedestrians by providing a false sense of security to pedestrians, particularly children. Wheelchair ramps, red curbs, and additional lighting would be needed. Parking would most likely be impacted as well.

Director of Public Works/City Engineer Heredia reported the Police Department placed a changeable message board advising the public to use the crosswalk, to not cross, and no u-turns. Public Works staff installed “No Pedestrian Crossing” signs on Orchard Street so the Police Department can enforce the illegal and unsafe crossing in the middle of Orchard Street.

Director of Public Works/City Engineer Heredia continued that staff is evaluating if the median should be painted to prevent parents from illegally parking in the middle of the street.

2. Highway Safety Improvement Program – Grant Applications

Director of Public Works/City Engineer Heredia stated that the City submitted three applications totaling \$2 million in grant funding to improve pedestrian and bicycle safety in three areas of the City. A couple targeted areas are Orchard Street from Mills Avenue to Benson Avenue, and San Bernardino Street from Mills Avenue to Benson Avenue. The goal for these targeted areas is to upgrade stop signs to the flashing LED signs, along with high visibility cross walks, and conflict zones for bike lanes.

Director of Public Works/City Engineer Heredia continued that by obtaining this grant the City can continue to address more areas of concern near **Monte Vista Elementary, Montclair High School, Montera Elementary School**, and along Bandera Street.

Chair Johnson was pleased as she too has received concerns from residents along Bandera Street.

3. Parks and Recreation Master Plan

Director of Public Works/City Engineer Heredia reported that the consultant, **KTU&A**, has received a total of 160 surveys. They are planning the stakeholder meetings and a Council workshop is scheduled for September 26, 2022.

VI. POLICE DEPARTMENT UPDATE/ITEMS — None

VII. COMMUNITY DEVELOPMENT DEPARTMENT PROJECT UPDATES/ITEMS — None

VIII. CAPITAL PROJECT UPDATES

A. LOCAL PROJECTS

1. Zone 5 & 6 Street Rehabilitation Project

Public Works Director/City Engineer Heredia reported that paving continues for the next two months. The current objective is to complete the striping on Orchard Street.

B. REGIONAL PROJECTS

1. I-10 Corridor Project

Public Works Director/City Engineer Heredia reported on the I-10 Corridor project on Monte Vista Avenue. The eastbound on-ramp on Palo Verde Street was opened in late August 2022.

The contractor is now working on the north side of the bridge and the underpass continues to be closed during nighttime hours.

2. Central Avenue Bridge Project

Director of Public Works/City Engineer Heredia stated that the City submitted an application in the amount of \$12 million through the Federal Bridge Investment Program to obtain funding for the construction short-fall to replace the bridge.

Chair Johnson inquired if **Congresswoman Torres** was able to secure funding. City Manager Starr replied she was unable to secure funding.

Director of Public Works/City Engineer continued that obtaining the **Bridge Investment Program (BIP)** funding seems promising as the City received letters of support from surrounding cities, the **San Bernardino County Transportation Authority (SBCTA)**, and the **California Department of Transportation (Caltrans)**.

IX. COMMITTEE AND CITY MANAGER ITEMS — None

X. ADJOURNMENT

At 4:20 p.m., Chair Johnson adjourned the meeting of the Public Works Committee. The next meeting of the Public Works Committee is scheduled to be held at 4:00 p.m. on Thursday, October 20, 2022.

Submitted for Public Works Committee approval,



Nadia Paz

Transcribing Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON MONDAY,
NOVEMBER 21, 2022, AT 5:46 P.M. IN THE CITY
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Pro Tem Ruh called the meeting to order at 5:46 p.m.

II. ROLL CALL

Present: Mayor Pro Tem Ruh, Council Member Johnson, City Manager Starr, and Assistant City Manager/Director of Human Services Richter

III. APPROVAL OF MINUTES

A. Minutes of the Regular Personnel Committee Meeting of November 7, 2022.

Moved by Council Member Johnson, seconded by Mayor Pro Tem Ruh, and carried unanimously to approve the minutes of the Personnel Committee meeting of November 7, 2022.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

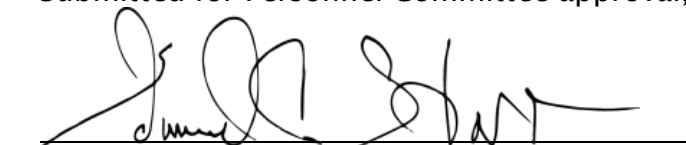
At 5:47 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/terminations, and evaluations of employee performance.

At 6:10 p.m., the Personnel Committee returned from Closed Session. Mayor Pro Tem Ruh stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 6:10 p.m., Mayor Pro Tem Ruh adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr
City Manager

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS, MONTCLAIR HOUSING AUTHORITY COMMISSION, AND MONTCLAIR COMMUNITY FOUNDATION BOARD HELD ON MONDAY, NOVEMBER 21, 2022 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chair Dutrey called the meeting to order at 7:00 p.m.

II. INVOCATION

Ezekiel and Maitrik Patel, Nithyananda Vedic Temple, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Lopez led meeting participants in the Pledge.

IV. ROLL CALL

Present: Mayor/Chair Dutrey; Mayor Pro Tem/Vice Chair Ruh; Council Members/Directors Johnson, Martinez, and Lopez

City Manager/Executive Director Starr; Assistant City Manager/Director of Human Services Richter; Director of Finance Kulbeck; Executive Director of Public Safety/Police Chief Avels; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

- **Ruby Long**, Field Representative for **San Bernardino County Fourth District Supervisor Curt Hagman**, announced the District will host a Christmas Open House event on Thursday, December 8th from 5:30 to 7:30 p.m. at Chino Hills City Hall.
- **Sophia Siquieros**, Field Representative for **U.S. Representative Norma Torres**, announced two upcoming federal infrastructure grant opportunities for organic waste programs and educational outreach programs.
- **Leticia Rodriguez**, resident, voiced concerns over a lack of lighting around the intersection of Fremont Avenue and San Bernardino Street and requested the City Council consider implementing permit parking on Fremont Avenue between Benito and San Bernardino Streets.
- **Carolyn Raft**, resident, spoke in support of additional lighting on the streets for safety and encouraged the Public Works Committee to consider the requested permit parking on Fremont Avenue.
- **Xavier Mendez**, resident, congratulated Mayor Dutrey, Mayor Pro Tem Ruh, and Council Member Martinez on their re-elections and shared concerns from residents he heard while he campaigned.

VII. PUBLIC HEARINGS

A. **Consider Adoption of Resolution No. 22-3381, a Resolution of Necessity for the Acquisition of an Easement of Interest in Certain Real Property, by Eminent Domain, Located in the City of Montclair, San Bernardino County, California (APN 1009-383-17) for the City of Montclair's San Antonio Creek Pedestrian Bike Path Project**

Mayor Dutrey opened the public hearing.

City Clerk Myrick stated proper notice of the hearing was sent to the owner of record and no written comments were received in relation to this item.

No persons with interest in the property spoke.

Bruce Culp spoke in support of Resolution No. 22-3381 and also spoke in support of the San Antonio Creek Pedestrian Bike Path Project.

Xavier Mendez spoke in support of Resolution No. 22-3381 and in opposition to the San Antonio Creek Pedestrian Bike Path Project.

Mayor Dutrey closed the public hearing and the City Council discussed the matter. Discussion focused on concerns regarding the City's inability despite multiple attempts to make contact with the owner; the impact an additional maintenance easement would have on the property owner's options for use of the property; the City's use of eminent domain in general; the public interest being served by the City's ability to acquire the easement for the purpose of making safety improvements to the property; and keeping adjacent residents informed and involved during the improvement and development of the path.

ACTION - Public Hearings - Item A	
ACTING:	City Council
MOTION:	Adopt Resolution No. 22-3381
MADE BY: SECOND BY:	Council Member Johnson Council Member Martinez
RESULT:	With no opposition, motion carried 5-0.

Mayor Pro Tem Ruh left the meeting at 8:08 p.m.

VIII. CONSENT CALENDAR

ACTION - Consent Calendar	
ACTING:	City Council Successor Agency Montclair Housing Corporation Montclair Housing Authority Montclair Community Foundation
MOTION:	Approve the Consent Calendar as presented.
MADE BY: SECOND BY:	Council Member/Director Johnson Council Member/Director Lopez
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Martinez, Johnson, Dutrey None None Ruh
RESULT:	With no opposition, motion carried 4-0

A. Approval of Minutes

1. Regular Joint Meeting — November 7, 2022

ACTION - Consent Calendar - Item A-1	
ACTING:	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
RESULT:	Approved on Consent

B. Administrative Reports

1. Consider Receiving and Filing City Treasurer's Report - October 2022

ACTION - Consent Calendar - Item B-1	
ACTING:	City Council
RESULT:	Approved on Consent

2. Consider Approval of City Warrant Register and Payroll Documentation

ACTION - Consent Calendar - Item B-2	
ACTING:	City Council
RESULT:	Approved on Consent

3. Consider Receiving and Filing SA Treasurer's Report - October 2022

ACTION - Consent Calendar - Item B-3	
ACTING:	Successor Agency Board
RESULT:	Approved on Consent

4. Consider Approval of SA Warrant Register - October 2022

ACTION - Consent Calendar - Item B-4	
ACTING:	Successor Agency Board
RESULT:	Approved on Consent

5. Consider Receiving and Filing MHC Treasurer's Report - October 2022

ACTION - Consent Calendar - Item B-5	
ACTING:	Montclair Housing Corporation Board
RESULT:	Approved on Consent

6. Consider Approval of MHC Warrant Register - October 2022

ACTION - Consent Calendar - Item B-6	
ACTING:	Montclair Housing Corporation Board
RESULT:	Approved on Consent

7. Consider Receiving and Filing of MHA Treasurer's Report - October 2022

ACTION - Consent Calendar - Item B-7	
ACTING:	Montclair Housing Authority Commissioners
RESULT:	Approved on Consent

8. Consider Approval of MHA Warrant Register – October 2022

ACTION – Consent Calendar – Item B-8	
ACTING:	Montclair Housing Authority Commissioners
RESULT:	Approved on Consent

9. Consider Authorizing the a \$7,500 Appropriation from the State Asset Forfeiture Fund for the Purchase of Materials and Hardware for Repairs to the Police Department Firearms Shooting Range

ACTION – Consent Calendar – Item B-9	
ACTING:	City Council
RESULT:	Approved on Consent

C. Agreements

1. Consider Approval of the First Amendment to Agreement No. 22-36 with Sewer Service Providers Within the Inland Empire Utilities Agency Service Area for Additional Costs Related to Negotiations for Revisions to the Chino Basin Regional Sewage Service Contract

Consider Authorizing a \$4,286 Appropriation from the Sewer Fund for Costs Related to the First Amendment to Agreement No. 22-36

ACTION – Consent Calendar – Item C-1	
ACTING:	City Council
RESULT:	Approved on Consent

2. Consider Approval of Agreement No. 22-101 with the San Bernardino County Office of Emergency Services Authorizing the Receipt of \$17,275 from the FY 2021 Homeland Security Grant Program

Consider Authorizing City Manager Starr to Sign Agreement No. 22-101

Consider Authorizing a \$17,275 Appropriation from the Public Safety Grant Fund to Purchase an Electronic Message Board Trailer

Consider Authorizing a \$1,390 Appropriation from the State Asset Forfeiture Fund to Cover the Remaining Balance of the Electronic Message Board Trailer

ACTION – Consent Calendar – Item C-2	
ACTING:	City Council
RESULT:	Approved on Consent

3. Consider Approval of Agreement No. 22-108 with Lexipol, LLC for Continued Maintenance of the Police Department’s Policy and Procedures Manual, Law Enforcement Daily Training Bulletins (DTB), and DTB Management Services

ACTION – Consent Calendar – Item C-3	
ACTING:	City Council
RESULT:	Approved on Consent

4. **Consider Approval of Agreement No. 22-109 with Lexipol, LLC for Continued Maintenance of the Fire Department’s Policy and Procedures Manual and Fire Service Daily Training Bulletins**

ACTION - Consent Calendar - Item C-4	
ACTING:	City Council
RESULT:	Approved on Consent

5. **Consider Awarding a Contract to Arnold Fields Painting in the Amount of \$29,000 with a \$5,000 Contingency for City Hall Interior Painting Services**

Consider Approval of Agreement No. 22-111 with Arnold Fields Painting for City Hall Interior Painting Services Subject to Any Revisions Deemed Necessary by the City Attorney

Consider Authorizing a \$34,000 Appropriation from the Building Maintenance Reserve Fund for City Hall Interior Painting Services

ACTION - Consent Calendar - Item C-5	
ACTING:	City Council
RESULT:	Approved on Consent

6. **Consider Approval of Agreement No. 22-112 with LD King, Inc. for Engineering Design Services for Street and Storm Drain Improvements for the Arrow Highway and Fremont Avenue Improvement Project, Subject to Any Revisions Deemed Necessary by the City Attorney**

Consider Authorizing an \$8,286 Engineering Design Services Contingency for Agreement No. 22-112

Consider Authorizing a \$53,000 Appropriation from the Redevelopment Project Area No. III Tax Allocation Bond Fund for Costs Related to Agreement No. 22-112

ACTION - Consent Calendar - Item C-6	
ACTING:	City Council
RESULT:	Approved on Consent

D. Resolutions — None

IX. PULLED CONSENT CALENDAR ITEMS — None

Mayor Pro Tem Ruh returned to the dais at 8:10 p.m.

X. BUSINESS ITEMS

- A. **Consider Authorizing the Preparation of Action Minutes as the Official Record of City Council and Commission Meetings**

Consider Revising the Retention Period for Video/Audio Recordings of Meetings to “Permanent” for Those with Action Minutes Prepared

The City Council discussed the item. Discussion focused on concern for residents who read the minutes and consideration of staff time to compose more detailed summary minutes.

ACTION - Business Items - Item A	
ACTING:	City Council

ACTION - Business Items - Item A	
MOTION:	Approved on a trial basis for six months, to be evaluated at the second regular meeting in July 2023.
MADE BY: SECOND BY:	Council Member Lopez Mayor Pro Tem Ruh
RESULT:	With no opposition, motion carried 5-0.

XI. COUNCIL WORKSHOP

A. David Turch & Associates, Federal Legislative Advocate Presentation

The City Council continued this presentation to an adjourned meeting on Monday, December 5, 2022, at 5:45 p.m. in the City Council Chambers.

XII. COMMUNICATIONS

A. Department Reports

1. Human Services Department — Upcoming Holiday Activities & Events

Assistant City Manager/Director of Human Services Richter announced that donations for the Holiday Food and Toy Basket Program are being accepted through December 8th with bins available at City facilities. She noted Police and Fire personnel will be hosting a donation drive for the holiday baskets at the Montclair **Costco** on December 2nd and 9th, from 10:00 a.m. to 2:00 p.m. She invited the community to the City's Holly Jolly Holiday event on Thursday, December 1st from 6:00 to 8:30 p.m. at the Youth Center and encouraged nominations for the Community Activities Commission's Annual Holiday Home Decoration Contest due Friday, December 9th at 6:00 p.m.

2. Police Department — Dashing Through Montclair

Executive Director of Public Safety/Police Chief Avels announced that **Santa** and **Mrs. Claus** will be dashing through the streets of Montclair on Saturday, December 3rd from 2:00 to 6:00 p.m.

B. City Attorney

City Attorney Robbins requested the City Council meet in closed session concerning the following:

1. Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation

Garcia v. Lopez, City of Montclair, et al.
Fuentes v. Lopez, City of Montclair, et al.
Kresback v. Hamilton, City of Montclair, et al.
Dowser v. City of Montclair

2. Closed Session Pursuant to Government Code Section 54957.6 Regarding Conference with Designated Labor Negotiator Edward C. Starr

Agency: City of Montclair
Employee: Management
Organizations: Montclair City Confidential Employees Assn.
Montclair General Employees Association
Montclair Fire Fighters Association
Montclair Police Officers Association

3. **Closed Session Pursuant to Government Code Section 54956.9(d)(4) Regarding Potential Litigation**

1 Potential Case

C. **City Manager/Executive Director — None**

D. **Mayor/Chair**

Mayor Dutrey called a special meeting of the City Council on Monday, December 5, 2022, at 5:15 p.m. for a closed session to discuss the renewal of City Manager Starr's contract.

Mayor/Chair Dutrey wished everyone a happy Thanksgiving, thanked all Montclair candidates for running clean campaigns and congratulated those who won their bids for re-election; commended **Monte Vista Water District** Board Member **Tony Lopez** in the audience on his re-election; spoke optimistically about the **Los Angeles County Metropolitan Transportation Authority (Metro)** prioritizing the Gold Line's extension to Montclair and supporting the project's application for a federal Transit and Intercity Rail Capital Program grant at an upcoming **Metro** Board meeting.

E. **Council Members/Directors**

1. Mayor Pro Tem/Vice Chair Ruh emphasized the importance of the Gold Line's extension to the region; congratulated his re-elected colleagues and thanked his opponents for spirited campaigns; announced with deep condolences the passing of former **Chaffey Community College District** Board Member **Katie Roberts** and requested the meeting be adjourned in her memory; and shared passages from the November 4, 1963 speech by President **John F. Kennedy** about Thanksgiving.
2. Council Member/Director Lopez received clarification on military banner relocations due to the ongoing freeway construction and an updated timeline of the alleyway improvement project; thanked former Firefighter/Engineer Robert Estrada, whose last day with the City was November 17; acknowledged the recent passing of **Dr. Michael Flores**, a former **Ontario-Montclair School District** Board Member who was first elected in 2010; and shared Thanksgiving sentiments.
3. Council Member/Director Johnson congratulated her colleagues on their election victories; emphasized her desire to address the housing crisis due to the increasing homeless populations; and expressed her appreciation for all we have in contrast with other countries after her recent trip to Turkey.
4. Council Member/Director Martinez expressed her deepest condolences to the LGBTQ+ community after the horrific mass shooting that took place at **Club Q** in Colorado Springs over the weekend and stated Montclair stands in solidarity with the LGBTQ+ community against hateful rhetoric that inspires such actions.

F. **Committee Meeting Minutes**

The following committee minutes were received and filed for informational purposes:

1. Personnel Committee - November 7, 2022

Council Member/Director Lopez left the meeting at 8:54 p.m.

XIII. CLOSED SESSION

The City Council entered closed session at 8:54 p.m. to discuss pending litigation.

After discussion of the Fuentes and Garcia litigation, Council Member Lopez joined the City Council in closed session at 9:12 p.m.

The City Council resumed discussion of pending litigation and discussed labor negotiations and potential litigation.

XIV. CLOSED SESSION ANNOUNCEMENTS

The City Council returned from closed session at 9:35 p.m.

Mayor Dutrey announced the City Council met in closed session to discuss pending litigation, labor negotiations, and potential litigation; information was received and direction given to staff; and no further announcements would be made at this time.

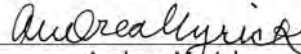
XV. ADJOURNMENT

At 9:36 p.m., the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board were adjourned.

At 9:36 p.m., the City Council was adjourned to Monday, December 5, 2022, at 5:45 p.m. in the City Council Chambers for a Council Workshop Presentation by David Turch & Associates, the City's federal legislative advocate.

The meeting was adjourned in memory of Katherine J. "Katie" Roberts, former Chaffey Community College District Board Member.

Submitted for City Council/Successor Agency Board/Montclair Housing Corporation Board/ Montclair Housing Authority Commission/Montclair Community Foundation Board approval,



Andrea Myrick,
City Clerk