



**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

Tuesday, January 16, 2024  
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

*Please be advised that those participating via Zoom do so at their own risk. The meeting will not be suspended or cancelled if any technical issues occur during the meeting.*

*If you want to provide comments on an agenda item, including public hearing and closed session items, please complete a Speaker Card located 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](mailto: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**

- A. Introduction of New Police Officer  
B. Community Activities Commission Military Banner Presentation

**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 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. 24-1005 Amending Title 11 of the Montclair Municipal Code, Chapters 11.02 (Definitions), 11.38 (Development Standards Generally), and 11.77 (Administrative Permit) to allow Monitored Electrified Security Fences in Specified Commercial and Industrial Zones within City Limits (Case No. 2023-35) [CC]

Consider Setting a Public Hearing for Second Reading and to Consider Adoption of Ordinance No. 24-1005 on Monday, February 5, 2024, at 7:00 p.m. in the City Council Chambers [CC]

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**VIII. CONSENT CALENDAR**

- A. Approval of Minutes

- 1. Regular Joint Meeting — December 18, 2023 [CC/SA/MHC/MHA/MCF] 94

- B. Administrative Reports

- 1. Consider Receiving and Filing of Treasurer’s Report [CC] 19

- 2. Consider Approval of Warrant Register & Payroll Documentation [CC] 20

- 3. Consider Receiving and Filing of Treasurer’s Report [SA] 21

- 4. Consider Approval of Warrant Register [SA] 22

- 5. Consider Receiving and Filing of Treasurer’s Report [MHC] 23

- 6. Consider Approval of Warrant Register [MHC] 24

- 7. Consider Receiving and Filing of Treasurer’s Report [MHA] 25

- 8. Consider Approval of Warrant Register [MHA] 26

- 9. Consider Receiving and Filing a Report on Extraordinary Expenditures Related to All Cost Components Regarding the Matters of Garcia/Fuentes v. Lopez, Including Expenditures Related to Addressing Legal Claims, Conducting Investigations, Settlements, and Litigation [CC] 27

- 10. Consider Authorizing the Use of 2020 Justice Assistance Grant Funds Toward the Cost of Transitioning to a Records Management System Compliant with the National Incident-Based Reporting System [CC] 31

- 11. Consider receiving and filing the Fiscal Year 2022-23 Compliance Report for State-Mandated Annual Fire Inspections in the City of Montclair as Required by California Health and Safety Code Section 13146.4 [CC] 33

- C. Agreements

- 1. Consider Approval of Agreement No. 24-01 with the County of San Bernardino to Provide for the Receipt of Grant Funds from the 2023 Justice Assistance Grant Award [CC]

Consider Authorizing City Manager Edward C. Starr to Sign Said Agreement [CC]

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2. Consider Approval of Agreement No. 24-02, Amendment No. 4 to Agreement No. 73-230, a Joint Powers Authority (JPA) Agreement with the San Bernardino Council of Governments (SBCOG), Setting Forth a Process For Determining Annual Assessments to Member Agencies of SBCOG Effective Fiscal Year 2024-25 and each Fiscal Year Thereafter; Allowing for Optional Subscription Assessments for Specified Programs; and Establishing a Revised Annual Membership Fee for Montclair and Other Member Agencies of SBCOG for Fiscal Year 2024-25 [CC] 67

3. Consider Approval of Agreement No. 24-03 with Red Dot Industrial Park, LLC for the Maintenance and Use of the Common Walls at Reeder Ranch Park, Subject to any Revisions Deemed Necessary by the City Attorney [CC] 79

D. Resolutions

1. Consider Adoption of Resolution No. 24-3425 Authorizing Salaries and Classification Titles for City Employees on a Consolidated Salary Schedule [CC] 85

**IX. PULLED CONSENT CALENDAR ITEMS**

**X. COMMUNICATIONS**

A. Department Reports — None

B. City Attorney

C. City Manager/Executive Director

D. Mayor/Chairperson

E. Council Members/Directors

F. Committee Meeting Minutes *(for informational purposes only)*

1. Personnel Committee Meeting — December 18, 2023 [CC] 93

**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, February 5, 2024 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 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](mailto: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](mailto: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, January 11, 2024.*



# CITY COUNCIL AGENDA REPORT

**DATE:** JANUARY 16, 2024

**FILE I.D.:** CDV021

**SECTION:** PUBLIC HEARINGS

**DEPT.:** COMMUNITY DEV.

**ITEM NO.:** A

**PREPARER:** M. DIAZ

**SUBJECT:** FIRST READING — CONSIDER ORDINANCE NO. 24-1005 AMENDING TITLE 11 OF THE MONTCLAIR MUNICIPAL CODE, CHAPTERS 11.02 (DEFINITIONS), 11.38 (DEVELOPMENT STANDARDS GENERALLY), AND 11.77 (ADMINISTRATIVE PERMIT) TO ALLOW MONITORED ELECTRIFIED SECURITY FENCES IN SPECIFIED COMMERCIAL AND INDUSTRIAL ZONES WITHIN CITY LIMITS (CASE NO. 2023-35)

CONSIDER SETTING A PUBLIC HEARING FOR SECOND READING AND TO CONSIDER ADOPTION OF ORDINANCE NO. 24-1005 ON MONDAY, FEBRUARY 5, 2024, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS

**REASON FOR CONSIDERATION:** The City Council is requested to amend the Montclair Municipal Code (MMC) to allow monitored electrified security fences in specified commercial and industrial zones within City limits. Proposed Ordinance No. 24-1005, if approved, would make changes to the MMC and establish local regulations regarding the use of monitored electrified security fence systems in certain commercial and industrial areas in the City as a supplemental means for protecting outdoor areas from persistent trespassing, vandalism, and theft.

Adoption of an ordinance requires two readings, each held at separate public hearings before the City Council, with at least five days between each reading of the ordinance. If the City Council requires substantial changes to the ordinance, 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.

A copy of proposed Ordinance No. 24-1005 is attached to this report.

**BACKGROUND:** Amarok, LLC, a nationwide electrified security fence company (applicant), is requesting a Zoning Code Amendment to allow the use of monitored electrified security fence systems within specified commercial and industrial locations of the City. Currently, the Municipal Code does not permit the use of electrified security fences of any kind within City boundaries. California Civil Code of Section 835 allows the use of a low-voltage “electrified security fence system” to protect and secure commercial, manufacturing, or industrial property, if permitted by a local ordinance, and subject to specified minimum requirements. Moreover, Civil Code Section 835 (b) (1) does not allow the installation and operation of an “electrified security fence” in a residential zone. The proposed Ordinance would comply with State law including the prohibited use of electrified security fences in any residential zone, including mixed-use zones.

The request to allow monitored electrified security fencing originated from two industrial businesses located on the south side of Brooks Street abutting the railroad which have experienced ongoing difficulties in securing their properties from trespassing and theft. The close proximity of the Union Pacific railroad corridor to the industrial properties abutting the corridor and nearby street overpasses have made them susceptible to ongoing vandalism and theft. Restricted access and lack of adequate visibility to the corridor contribute to the problem of adequately securing properties.

On November 27, 2023, the Planning Commission conducted a public hearing and fully studied the proposed Ordinance. The Planning Commission recommended approval of the Ordinance with minor changes by a 5-0 vote (PC Resolution No. 23-1988). Planning Commission Resolution No. 23-1988 incorporates the requested changes.

### **Proposed Zoning Code Amendments**

The proposed Ordinance would require changes to Title 11- Zoning and Development - of the Montclair Municipal Code (MMC). The full text of the proposed changes is contained in the proposed Ordinance, attached to this report.

A summary of the key provisions of the proposed Ordinance is as follows:

- **New Definitions added to Section 11.02 Definitions:**

**“Electrified Fence”** - means any fence, barrier, or enclosure partially or totally enclosing a building, field, or yard, carrying any electrical pulse or charge through any part, section, or element, which is designed to or placed so that a person or animal coming into contact with the conductive element of the fence receives an electrical shock. Any unmonitored electrified security fence within the City is prohibited.

**“Monitored Electrified Security Fence”** - means a perimeter alarm system that transmits a signal intended to alert the business utilizing the system and an alarm monitoring service in response to an intrusion or burglary with an assembly of battery-powered equipment, including but not limited to:

1. A monitored alarm device and energizer which is intended to periodically deliver non-lethal electric pulses to a security fence;
2. A battery charging device used exclusively to charge the system's battery;
3. Audible and video surveillance equipment; and
4. Other integrated components.

**“Key Box (e.g. “Knox Box”)** means a secure device with a lock operable only by emergency personnel, and containing building entry keys and other keys that may be required for access in an emergency pursuant to the latest California Fire Code.

- **New Chapter at 11.38.100 - Monitored Electrified Security Fence**

The addition of Chapter 11.38.100 is to provide a set of regulations and procedures necessary for considering the approval of a permit to use an electrified security fencing system as a supplemental means to secure commercial or industrial property properties where other conventional means for securing a site have failed to protect outdoor areas.

The following are selected portions from the proposed text in Chapter 11.38.100.

#### **Components of a Monitored Electrified Security Fence**

1. *Physical Barrier:* An electric security fence consisting of 12.5 gauge galvanized steel wires running horizontally and supported by regularly spaced vertical support poles. The wires would be no higher than 10 feet, or two feet higher than an existing permitted wall or decorative fence, whichever is lower. The electric security fence system is required to be 4-8 inches behind a minimum 6-foot-high non-electrified perimeter fence or wall.

2. *Power Source:* The primary power source for this system is a 12V/DC battery, charged by a solar panel. No part of the system connects to the electrical grid, and it does not carry continuous current.
3. *Shock:* If a breach occurs, the electric fence delivers a 7,000-volt non-lethal shock to the trespasser. Activation of the electrified security fence would be only after business hours.
4. *Alarms and Lights:* Any attempt to scale or touch the fence triggers an alarm and turn on bright LED lights. When activated, the system will go into alarm mode and notify a monitoring operator.
5. *Signs:* Warning signs that read "Warning – Electric Fence" (in English and Spanish) at intervals of not more than 30 linear feet will be installed.
6. *Certification:* Electrified security fence systems are required to be constructed and operated in conformance with the specifications outlined in International Electrotechnical Commission (IEC) Standard No. 60335-2- 76, current edition.

### Locations

1. Allowed in the Commercial and Industrial zones as specified in the Ordinance (e.g., outdoor storage, vehicle and large equipment rental, parking lots, etc.) and when deemed essential to supplement existing security measures.
2. Prohibited within specific plans, including the *North Montclair Downtown Specific Plan* (NMDSP) and *Montclair Place District Specific Plan* (MPDSP) areas.
3. Prohibited within 10 feet of a front or street-side property line or any public right-of-way.
4. Prohibited within 300 feet of a public park/open space, church, and/or school facility (public or private).

### Amendment of Chapter 11.77 – Administrative Permit

To review and approve requests for electrified fences, Chapter 11.77 will be amended to add electrified security fence requests as a type of application subject to the approval and issuance of an Administrative Permit. As such, the following change to Section 11.77.020 (Scope) will be as follows:

“C. Applications to install electrified security fences pursuant to the requirements and findings contained in Chapter 11.38.100 of the MMC.”

### **Discussion**

The topic of electrified security fences first arose a few years ago by the applicant at the behest of existing businesses within an industrial area of the City located on Brooks Street along the Union Pacific Rail corridor. The intention was to provide an additional security option for these businesses to utilize in handling excessive trespassing and theft. At that time, City staff did not support the use of electrified fencing over concerns about the technology, aesthetics of such systems, and public safety. In 2023, following years of continuous and increasing problems with trespassing and theft they were experiencing, the issue of allowing electrified security fencing revived. In developing the proposed ordinance, staff considered how an electrified security fence might be used with the least impact on the community when necessary.

### Monitored Electrified Security Fence

The type of electrified fence system permitted under consideration in the ordinance is for a “monitored” system only, meaning that it operates in the same manner as a burglar alarm for open outdoor areas. The intent of installing a monitored electric security fence system is to help some businesses deter persistent criminal activity, where other measures have not been successful.

When contact occurs with the monitored electrified security fence, or the system detects a breach, an audible alarm triggers and sends a signal to a monitoring station. The monitoring station then verifies the reason for the alarm and either silences it or notifies emergency responders. Even if an intruder manages to breach the monitored electrified security fence, the monitoring component of the system has already detected the breach and the monitoring company initiates the process for verifying the nature of the situation before contacting law enforcement. As part of the approved permit, applicants would be required to comply with existing City provisions for alarm systems in the City.

Survey of Local Jurisdictions Policy on Monitored Electrified Security Fence Systems

City staff surveyed a number of local jurisdictions on the use of monitored electrified security fence systems within their respective communities. Some cities prohibit their use while others have adopted an Ordinance or other policy procedure to address requests. Jurisdictions that allow electrical security fences limit their use to industrial or rural areas consistent with State law. Montclair’s proposed Ordinance would do the same.

<i>Jurisdiction</i>	<i>Allowed: Yes or No</i>	<i>Review Process</i>
Claremont	No	N/A
Upland	No	N/A
La Verne	Yes	Administrative Approval or CUP
Ontario	Yes	Administrative Approval or CUP
Colton	Yes	Administrative Approval or CUP
Fontana	Yes	Administrative Approval for Industrial Areas only
Rialto	Yes	Administrative Approval or CUP
Riverside	Yes	Administrative Approval
San Bernardino	Yes	Industrial zones are located behind a primary fence.
San Bernardino County	Yes	Industrial districts and other limited circumstances when required by City, County, State, or Federal agency

Locations

State law already prohibits the use of an electrified security fence in residential areas, so electrified security fences of any kind are not permitted in residential areas of the City. The prohibition would extend to existing and future mixed-use zones of the City where both residential and commercial uses are present or will be. In addition, the Ordinance prohibits the installation of any electrified security fence within 300 feet of a public park/open space, church, and/or school facility (public or private).

The primary locations where a monitored electrified security fence might be utilized are within the industrial zones of the City, particularly along the railway corridors that cut

across the City. More specifically, the type of businesses with a particular interest in a monitored electric security fencing system are those that have fleet vehicles and/or outdoor storage of high-value equipment (e.g., boom and scissor lifts, mini excavators, trailers, etc.) and supply or construction materials. Properties on the south side of Brooks Street that back up to the north side of the Union Pacific railroad corridor have been highly interested.

The Union Pacific corridor cuts through the middle of the City and has historically helped define the City's industrial area. The railway primarily accommodates freight trains on at least three tracks within a right-of-way that ranges from approximately 100 feet on the west end of the City to over 300 feet in width where it meets the City of Ontario border. Over the past few years, thefts from idle freight trains have become a threat to one of California's major supply chains. Due to the proximity of idle freight trains (adjacent to bridges and other areas along the San Antonio Flood Control Channel), neighboring businesses have also fell victim to similar crimes. Unlike the south side of the corridor, industrial properties directly abut the north side of the corridor for nearly all of its length through the City. Given the length and width of the Union Pacific corridor, respective distances from adjacent streets and limited visibility, the properties adjacent to the corridor have been more vulnerable to criminal activity (theft, trespassing, break-ins, etc.).

### Aesthetics and Safety

The proposed standards in the Ordinance seek to maximize public safety and address aesthetic and security concerns to the greatest extent possible. Regarding the appearance of monitored electrified security fences, the Ordinance requires that they must be behind a minimum permitted six-foot decorative or solid fence or wall at prescribed or approved setbacks of the underlying zone. This requirement serves to mitigate/screen the presence of a permitted monitored electric security fence and prevent accidental contact. An existing or proposed chain link fence is not considered a decorative fence meeting the intent of the ordinance.

The visible wires extending above a fence or wall are slender and of a color that will somewhat blend into the sky behind them. Since each application and site will be different from another site, the Ordinance gives the Director the discretion to work with applicant to fine-tune the proposal and mitigate any potential site-specific visibility or aesthetic concerns that may be present.

As indicated above, the power source for the monitored electric security fence is a 12 Volt battery charged by a solar panel. As such, the system does not connect to the electrical grid or have a continuous current. The system will only provide a brief shock to repulse a person making contact with the wires when the fence system is activated. During regular business hours, the system is required to be off and only operational after the property closes for the day/evening. Police and Fire Department personnel will be able to deactivate the fence to respond to calls for service. Staff believes the above features and standards, in addition to required warning signs, are appropriate measures to prevent inadvertent contact and risk of shock.

The Ordinance also requires all applicants issued permits to install or use a monitored electrified security fence system to defend, indemnify, and hold harmless the City from all claims, actions, or proceedings arising out of any personal injury, including death, or property damage caused by the electric fence.

### Review Process



Allowing a monitored electrified security fencing “by right” is not a part of the proposed ordinance as each request is subject to review on a case-by-case basis via the recommended Administrative Permit (AP) review process. Further, submittal of an application would not guarantee approval. Many cities use a similar administrative process, which is less complicated than processing a Conditional Use Permit (CUP) since approval runs with the land in perpetuity. The AP process offers an easier path to revoke a permit for failure to comply with the requirements of the ordinance.

As part of the review process, the party requesting approval to install a monitored electrified security fence is required to demonstrate the need for its use as a supplemental measure to bolster existing security measures on the property. In granting an AP for the use of a monitored electrified security fence system, the Director of Community Development may require additional conditions than those required by the provisions of Chapter 11.38.100, to protect both the health and safety of the public and property values in the area.

Although a monitored electric security fence system can provide an additional layer of protection, it cannot fully deter a person with a determined interest to trespass and/or steal; it can provide a reasonable deterrent. Finally, the use of an electrified security fence is not expected to be widespread in the community due to the requirements of the proposed ordinance and the cost of installing, operating, and maintaining a system.

### **Public Notice and Comment**

On November 17, 2023, a notice of a public hearing on proposed Ordinance No. 24-1005 was published in the *Inland Valley Daily Bulletin* per State law, for the November 27, 2023 Planning Commission meeting. Prior to the meeting, there were no comments regarding the proposal. During the meeting, in addition to the applicant, one business owner on Brooks Street provided comments in support of the proposed ordinance.

On January 5, 2024, a notice of a public hearing on proposed Ordinance No. 24-1005 was published in the *Inland Valley Daily Bulletin* per State law, for the January 16, 2024, City Council meeting. As of the writing of this report, staff received one comment in opposition to the proposed Ordinance.

### **Environmental Assessment**

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15311 (Accessory Structures) of the CEQA Guidelines. As such, there is no substantial evidence that the proposed Ordinance will potentially significantly impact the environment.

**FISCAL IMPACT:** No impact to the General Fund. The applicant paid for the proposed code amendment process and will pay for the cost of public notifications in the *Inland Valley Daily Bulletin*. The cost for review of future Administrative Permit applications for a monitored electrified security fence would be borne by future property owners at the fee for such permits as listed on the established City Fee Schedule approved by and amended from time to time by the City Council.

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

1. Introduce and conduct the first reading of Ordinance No. 24-1005 to amend Title 11 of the Montclair Municipal Code, Chapters 11.02 (definitions), 11.38 (Development Standards Generally), and 11.77 (Administrative Permit) to allow monitored electrified security fences in specified commercial and industrial zones within the City Limits (Case No. 2023-35); and
2. Set a public hearing for second reading and to consider adoption of Ordinance No. 24-1005 on Monday, February 5, 2024, at 7:00 p.m. in the City Council Chambers.

**ORDINANCE NO. 24-1005**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING CHAPTER 11.02 OF THE MONTCLAIR MUNICIPAL CODE ADDING NEW DEFINITIONS INCLUDING A DEFINITION FOR MONITORED ELECTRIFIED SECURITY FENCE AND AMENDING CHAPTERS 11.38 AND 11.77 TO ADD TO ESTABLISH NEW STANDARDS AND PROCEDURE FOR ALLOWING MONITORED ELECTRIFIED SECURITY FENCES IN SPECIFIED COMMERCIAL AND INDUSTRIAL ZONES WITHIN THE CITY**

**WHEREAS**, on October 2, 2023, AMAROK, LLC, a full-perimeter security company based in Columbia, South Carolina, submitted an application requesting a zoning code amendment to allow monitored electrified security fence systems within the City boundaries; and

**WHEREAS**, AMAROK, LLC, is seeking a code amendment to the Montclair Municipal Code, that would allow business owners located on properties zoned C-3 (General Commercial Zone), MIP (Manufacturing Industrial Park Zone), M-1 (Limited Manufacturing Zone), and M-2 (General Manufacturing Zone) to allow the use of monitored electric fence security systems inside their existing perimeter fence or wall; and

**WHEREAS**, a “Monitored Electrified Security Fence System” means a perimeter alarm system that transmits a signal intended to alert the business utilizing the system and an alarm monitoring service in response to an intrusion or burglary; and

**WHEREAS**, California Civil Code Section 835, allows the use of a low-voltage “electrified security fence” to protect and secure commercial, manufacturing, or industrial property, if permitted by a local ordinance, and subject to specified minimum requirements; and

**WHEREAS**, California Civil Code Section 835 (b) (1), does not allow the installation and operation of an “electrified security fence” in a residential zone; and

**WHEREAS**, the City has received reports of several incidents involving trespassing, burglary, and major theft on properties located on the south side of Brooks Street adjacent to the Union Pacific Railroad right-of-way; and

**WHEREAS**, on June 20, 2023, City staff met with the owners of two businesses on Brooks Street to discuss issues regarding incidents of trespassing, burglary, and major theft on properties occurring on their properties and their desire to enhance security utilizing an electrified security fence; and

**WHEREAS**, on July 17, 2023, the City Council Real Estate Committee staff discussed the potential use of monitored electric security fences within specific areas within the City; and

**WHEREAS**, the Montclair Municipal Code currently has no provisions addressing the use of monitored electrified security fence systems within the City, and is, therefore, not a permitted use; and

**WHEREAS**, the purpose of this Ordinance is to provide regulations and a process for considering the approval of permits for allowing the use of monitored electrified security fencing as a supplemental means for securing industrial and commercial properties where other conventional means for securing a site have failed to protect outdoor areas from persistent trespassing, vandalism, and theft activities; and

**WHEREAS**, the purpose of this Ordinance is to add standards and procedures for monitored electrified fence systems to the Montclair Municipal Code; and

**WHEREAS**, the City of Montclair, California (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

**WHEREAS**, pursuant to the police powers delegated to the City of Montclair by the California Constitution, the City is authorized to enact laws that promote the public health, safety, and general welfare of its citizens; and

**WHEREAS**, the City Council deems it to be necessary and appropriate to provide for certain standards and regulations relating to the location, placement, design, construction, and maintenance of monitored electrified security fence systems on public and private property in the City; and

**WHEREAS**, the Planning Commission of the City of Montclair held a public hearing on November 27, 2023, after giving published notice of the proposed code amendment to allow monitored electrified security fences in specified locations within the City; and

**WHEREAS**, the Planning Commission adopted Resolution No. 23-1998, by a vote of 5 to 0, and recommended approval with minor changes of the Ordinance to the City Council; and

**WHEREAS**, on January 5, 2024, a notice of a public hearing for Ordinance No. 24-1005 was published in the Inland Valley Daily Bulletin per State law for the January 16, 2024, City Council meeting, and

**WHEREAS**, the City Council of the City of Montclair held a public hearing regarding the proposed ordinance; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

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

**SECTION I.** The foregoing Recitals are adopted as findings of the City Council as though set forth fully within the body of this Ordinance.

**SECTION II.** Chapter 11.02 "Definitions" of Title 11 (Zoning and Development) of the Montclair Municipal Code is hereby amended to add the following definitions:

**11.02 Definitions.**

**"Electrified Fence"** - means any fence, barrier, or enclosure partially or totally enclosing a building, field, or yard, carrying any electrical pulse or charge through any part, section, or element, which is so designed or placed that a person or animal coming into contact with the conductive element of the fence receives an electrical shock. The use of any unmonitored electrified security fence not complying with MMC is prohibited.

**"Monitored Electrified Security Fence"** - means a perimeter alarm system that transmits a signal intended to alert the business utilizing the system and an alarm monitoring service in response to an intrusion or burglary with an assembly of battery-powered equipment, including but not limited to:

1. A monitored alarm device and energizer which is intended to periodically deliver non-lethal electric pulses to a security fence; and
2. A battery charging device used exclusively to charge the system's battery; and
3. Audible and video surveillance equipment; and
4. Other integrated components.

**"Key Box (e.g. "Knox Box")** means a secure device with a lock operable only by emergency personnel, and containing building entry keys and other keys that may be required for access in an emergency by the latest California Fire Code.

**SECTION III.** Section 11.38.100 of Chapter 11.38 of Title 11 (Zoning and Development) of the Montclair Municipal Code shall be added as shown in Exhibit A; and

**SECTION IV.** Chapter 11.77 of Title 11 (Administrative Permit) of the Montclair Municipal Code shall be amended to add the following application type at Section 11.77.020 (Scope) as follows:

“C. Applications to install monitored electrified security fences pursuant to the requirements and findings contained in Chapter 11.38.100 of the MMC.”

**SECTION V:** The proposed Amendment is exempt from further California Environmental Quality Act (CEQA) review under Section 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15311 (Accessory Structures) of the CEQA Guidelines.

**SECTION VI.** 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 VII.** The City Clerk shall certify 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, 2024.

**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. 24-1005 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2024, and finally passed not less than five (5) days thereafter on the XX day of XX, 2024, by the following vote, to-wit:

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

\_\_\_\_\_  
Andrea M. Myrick,  
City Clerk

## New Zoning Code Section 11.38.100

### 11.38.100 - Monitored Electrified Security Fences

This chapter is intended to provide the regulations and procedure necessary for considering the approval of a permit to use an electrified security fencing system as a supplemental means for securing industrial and commercial properties where other conventional means for securing a site have failed to protect outdoor areas from persistent trespassing, vandalism, and theft activities. In granting such permits, the Director of Community Development may require conditions, in addition to those required by the provisions of this title, to protect both the health and safety of members of the public and property values in the area.

#### A. Monitored Electrified Security Fence Allowed.

Only monitored electrified security fence systems designed to carry non-lethal pulses of direct current to deter potential intruders shall be allowed in the City as provided in this section and subject to the following standards:

1. All monitored electrified security fence systems shall be a product listed by a Nationally Recognized Testing Laboratory (e.g., UL, CSA, IAPMO) in compliance with International Standard IEC 60335-2-76.
2. Monitored electrified security fences shall be pulsed output-type system only. Continuous output-type systems are prohibited.
3. The energizer for an electrified security fence must be driven by a commercial storage battery not to exceed 12 Volts DC. No part of the system shall connect to the electrical grid or carry continuous current.
4. Supplemental lighting, audible, and video surveillance equipment connected to an alarm monitoring company shall be installed as required by the Director of Community Development.
5. A Key Box (e.g. "Knox Box") or other similar approved device shall be installed for emergency access to property by Police and Fire Department personnel. The location of the key box shall be determined by the Fire Marshal.
6. Installation of all monitored electrified security fence systems shall be completed by a licensed C-10 electrical contractor in conformity with this Section and the safety requirements of IEC 60335-2-76.
7. The monitored electrified security fence system shall comply with the provisions of California Civil Code Section 835.
8. No part of a monitored electrified security fence shall be allowed to extend into the public right-of-way or public park/open space.
9. Before the installation of a monitored electrified security fence is permitted under this Section, the owner must provide written notice to the Fire Marshal of the proposed location of the electrified security fence.

#### B. Restricted Use

The installation of a monitored electrified security fence is restricted to the following areas and zoning districts as indicated and/or defined on the City of Montclair Official Zoning Map:

1. Commercially Zoned Property (C-3-General Commercial Zone):
  - a. Permitted outdoor storage of equipment or machinery, motor vehicle storage, major utility and recycling facilities, or contractor yard, in conjunction with a permitted and operating business, except where abutting a residentially-zoned property or use.

- b. On developed properties where one or more general boundary lines of property abuts a railway, overpass, freeway, drainage channel, or other extraordinary or unusual physical condition(s).
  - c. Wireless Telecommunication Facilities sites located 100 feet from a residential use or zone.
2. Industrially Zoned Property (MIP-Manufacturing Industrial Park Zone; M-1-Limited Manufacturing Zone); M-2-General Manufacturing Zone), such as:
- a. Where general warehousing, outdoor storage of equipment or machinery, motor vehicle storage areas, freight/logistics uses, major utility and recycling facilities, contractor yards, and mini or self-storage facilities are lawfully permitted and operating.
  - b. On developed properties where one or more boundary lines of property abuts a railway, overpass, freeway, drainage channel, or other extraordinary or unusual physical condition(s).
  - c. Wireless Telecommunication Facilities sites 100 feet from a residential use or zone.
3. Prohibited Locations:
- a. Single-family and multifamily zones and properties. Mixed-use developments are considered a multifamily zone.
  - b. Properties adjacent to a residential zone and use.
  - c. Within the boundaries of the *North Montclair Downtown Specific Plan (NMDSP)* and *Montclair Place District Specific Plan (MPDSP)* areas;
  - d. Within 10 feet of a front or street side property line or any public right-of-way.
  - e. Within 300 feet of a public park/open space, church, and/or school facility (public or private).
  - f. Within the public right-of-way.
4. Exempt Locations Citywide
- a. Federal or State-owned properties or uses not adjacent to residential zones and uses.
  - b. City facilities (not including Public Parks).
  - c. Unoccupied Public Utility Infrastructure Facilities (e.g. substations, water tanks, telecommunication sites, etc.). Such facilities shall meet the requirements of and obtain an approved Alarm Permit per Section 11.38.200.
5. Uses not listed above in 11.38.120(1) and (2) are not eligible to use monitored electrified security fences unless the Director of Community Development, or his/her designee, determines the use is similar and the monitored electrified security fence can meet all other applicable requirements of this Chapter.

**C. Permits Required.**

It shall be unlawful for any person to install, maintain, or operate an electrified fence system of any kind in violation of this Section. Any approved electrified fence security system shall require the following:

- 1. An Administrative Permit issued by the Community Development Department as defined and regulated in Chapter 11.77 of the MMC (Administrative Permit).
  - a. Administrative Permits for monitored electrified security fences are not transferable unless the new owner of the business for which an Administrative Permit was issued is not making any substantive changes to the operation of the business as determined by the Director. A new business license, Alarm Permit, and updated Administrative Permit shall be required.

- b. New businesses, new development of the property, expansion, or substantial changes to the use of the property as determined by the Director shall require the removal of the electrified security fence system or submittal of a new application for an Administrative Permit, subject to the requirements of this Chapter.
2. Building Permit(s) issued by the Building Division. The monitored electrified security fence system shall comply with all applicable local and state regulations.
  - a. It shall be unlawful to operate a monitored electrified security fence system until the building permit final has been issued by the Building Official or designee.
  - b. Unpermitted, inoperable, or abandoned monitored electrified fence systems shall be immediately removed from the premises by the applicant and/or property owner.
3. An Alarm User Permit according to Chapter 4.12.040 of the Montclair Municipal Code.

#### **D. Justification for Monitored Electrified Security Fence**

As part of the application for an Administrative Permit to install a monitored electrified security fence, the applicant shall submit a written justification for utilizing such a system on-site. The applicant shall provide:

1. A notarized authorization letter from the property owner (if different from the applicant) allowing the applicant to apply for, install, and operate an electrified security fence system on the subject property.
2. A detailed site plan showing existing improvements and location for the proposed monitored electrified fence security system and its various components (e.g. screen wall or fence, system materials, power source, key box, cut-off switch, cameras, lights, etc.).
3. A written request that includes the intended purpose for an electrified security fence system, facts, and/or diagrams to support the need for an electrified fence security system including but not limited to Police reports (e.g. calls for service, arrests, loss statements, etc.). The written request shall also demonstrate that all reasonable measures (e.g., existing fences or walls, security guards, conventional alarms, etc.) have not been successful in mitigating or preventing security breaches or property theft.
4. The established fee for a permit to install a monitored electrified security fence shall be paid by the applicant at the time of application submittal.

#### **E. Findings for Approval**

In approving an Administrative Permit for a monitored electrified security fence system, the Director of Community Development, or his/her designee, shall make all of the following findings:

1. Based on the justification provided by the applicant, and site inspection(s), the proposed use of a monitored electrified fence system is warranted and after all other reasonable efforts have been attempted, and would be an effective means of deterring potential intruders; and
2. The proposed monitored electrified security fence system complies with all requirements of this section; and
3. The installation of the proposed monitored electrified security fence system will not have a detrimental effect on the appearance of the street, pose a direct danger to members of the public, or adversely affect the use of surrounding properties. In some cases, the Director, or his/her designee, may require new or existing exterior fences to be installed or modified with additional details (e.g. mesh, slats, increased height, etc.), or low-growing landscaping (on the exterior side of the non-electrified fence or wall) as a means of protecting the aesthetics of commercial areas and to further prevent unintentional contact with the electrified security fence.



## **F. Permit Revocation**

If an approved monitored electrified security fence system is found not to comply with any provision of this Section and the applicant has not taken the initiative to address the deficiency within ten (10) days of written notice from the City, the City may revoke the Administrative Permit approval. Upon permit revocation, the permit holder/applicant shall receive a statement from the Community Development Department describing the reason for the revocation and shall immediately turn off the electric pulse for the fence.

## **G. Appeal.**

A decision of the Director of Community Development may be appealed to the Planning Commission within 10 days of the Director's decision. The appeal shall be made on forms prescribed by the Planning Division and fees paid per the fee resolution. The submission of the application and fees shall constitute the filing of the appeal. The Planning Commission shall review the appeal at a regularly scheduled meeting according to the schedule of meetings and deadlines for submission of applications. The Commission shall either uphold, reverse, or modify the Director's decision.

If anyone is aggrieved or affected by the decision of the Planning Commission, they may appeal the decision to the City Council within 10 days of the decision of the Planning Commission. The appeal shall be submitted per the above appeal provisions. The City Council shall review the appeal and either uphold, reverse, or modify the Planning Commission's decision. The City Council's decision shall be final.

## **H. Installation Requirements.**

### **1. Decorative Perimeter Fence or Wall Required.**

- a. No monitored electrified security fence system shall be installed or operated unless it is completely behind a new or existing permitted non-electrified decorative fence or wall of at least six feet in height (New or existing chainlink fences are not considered to be decorative). The installation of a standalone electrified fence system is prohibited.
- b. An electrified fence, or portion thereof, shall be a minimum of 10 feet back from any street property line.
- c. For new or existing buildings with frontages abutting a public or private sidewalk, or within 10 feet of a street property line, an electrified fence shall be set back from the face of the building by at least five feet.
- d. The non-electrified perimeter fence shall be separated from the electrified fence system between four to eight inches inside the non-electric perimeter barrier, except for gate openings with insulated contacts.
- e. The inside area between the non-electric perimeter fence and the monitored electrified security fence shall be kept clear of landscaping, shrubbery, debris, or material of any kind.
- f. Barbed, razor, or similar wires shall be removed from existing walls and fences.

### **2. Design.**

- a. A monitored electrified security fence system shall be installed to appear as minimally intrusive as possible as viewed from any public or private street.
- b. The number of vertical support posts shall be minimized and evenly spaced to the greatest extent possible.

### **3. Height.**

Monitored electric security fence systems shall be limited to a maximum height of 10 feet, or two feet higher than an existing and permitted wall or fence barrier, whichever is lower. Height shall be measured from an adjacent public sidewalk or level-paved surface, whichever is closer.

4. Warning Signs.

Monitored electrified security fences shall be identified by warning signs. The warning signs shall conform to the following requirements:

- a. Warning signs shall be located on both sides of the electrified security fence, parallel with the direction of the fence, at not more than 30-foot intervals and shall read: "WARNING - ELECTRIC SECURITY FENCE" and include commonly recognized symbol for shock, consistent with California Civil Code Section 835.
- b. The text shall be printed in English and Spanish. All lettering shall be a minimum of one (1) inch high.
- c. Warning sign dimensions shall be a minimum of four inches high by eight inches wide.
- d. The warning signs shall consist of a yellow background with black text and must be kept in good condition to ensure visibility.

5. Electrical Shut-Off for Emergencies.

Installation of a cut-off switch capable of disconnecting and de-energizing the fence from the controller in case of emergencies, electrical storms, etc., is required. A key box/switch or keypad shall be installed to provide secure access to the cut-off switch. The key box/switch or keypad shall be provided with a reflective marker displayed in an approved location.

All electrified security fence systems shall also have an approved visual signal indicator next to the key switch for emergency responders that indicates if the battery-operated alarmed electric fence is energized or de-energized. The signal indicator shall be lit when the fence is charged and not lit when not charged.

**I. Hours of Activation**

An electrified security fence shall be energized only during the hours when the general public does not have access to the protected property.

**J. Alarm System**

All approved monitored electrified security fence systems shall require and include an interface with an alarm system to be monitored during all times after a business is closed, or at all times when electrified security fences are installed to protect unoccupied public utility properties. The alarm system shall be registered with the City, subject to the requirements of Chapter 4.12 of the Montclair Municipal Code, including service fees for false alarm service calls.

**K. Indemnification**

The property owner and the applicant issued permits to install and use a monitored electrified security fence system as provided in this Section shall agree, as a condition of permit issuance, to defend, indemnify, and hold harmless the City of Montclair and its agents, officers, consultants, independent contractors and employees from any claims, actions or proceedings arising out of any personal injury, including death, or property damage caused by the electrified fence.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	FIN520
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	FINANCE
<b>ITEM NO.:</b>	1	<b>PREPARER:</b>	J. KULBECK
<b>SUBJECT:</b>	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

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**REASON FOR CONSIDERATION:** The City Council is requested to consider receiving and filing the City of Montclair Treasurer's Report for the month ending December 31, 2023.

**BACKGROUND:** Included in the City Council's agenda packet is a copy of the Treasurer's Report for the period ending December 31, 2023.

**FISCAL IMPACT:** Routine—report of City's cash and investments.

**RECOMMENDATION:** Staff recommends the City Council receive and file the Treasurer's Report for the month ending December 31, 2023.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	FIN540
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	FINANCE
<b>ITEM NO.:</b>	2	<b>PREPARER:</b>	A. VONG/V. FLORES
<b>SUBJECT:</b>	CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION		

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

**BACKGROUND:** Mayor Pro Tem Johnson has examined the Warrant Register dated January 16, 2024; and the Payroll Documentation dated December 3, 2023, and December 17, 2023, and recommends their approval.

**FISCAL IMPACT:** The Warrant Register dated January 16, 2024, totals \$2,329,031.48.

The Payroll Documentation dated December 3, 2023, totals \$954,504.06 gross, with \$664,301.15 net being the total cash disbursement.

The Payroll Documentation dated December 17, 2023, totals \$831,148.84 gross, with \$585,063.58 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

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	FIN510
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	SA
<b>ITEM NO.:</b>	3	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

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**REASON FOR CONSIDERATION:** The City Council acting as Successor to the Redevelopment Agency Board of Directors (Successor Agency Board) is requested to consider receiving and filing the Successor to the Redevelopment Agency Treasurer's Report for the month ending December 31, 2023, pursuant to state law.

**BACKGROUND:** Included in the Successor Agency Board's agenda packet is a copy of the Successor to the Redevelopment Agency Treasurer's Report for the period ending December 31, 2023.

**FISCAL IMPACT:** Routine—report of the Successor Agency's cash.

**RECOMMENDATION:** Staff recommends the Successor Agency Board receive and file the Successor to the Redevelopment Agency Treasurer's Report for the month ending December 31, 2023.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	FIN530
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	SA
<b>ITEM NO.:</b>	4	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER APPROVAL OF WARRANT REGISTER		

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**REASON FOR CONSIDERATION:** The City Council acting as Successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Warrant Register for the month ending December 31, 2023, pursuant to state law.

**BACKGROUND:** Vice Chair Johnson has examined the Successor to the Redevelopment Agency Warrant Register dated 12.01.23-12.31.23 in the amounts of \$5,286.22 for the Combined Operating Fund and \$0.00 for the Redevelopment Obligation Retirement Funds, and finds it to be in order.

**FISCAL IMPACT:** Routine—report of Agency's obligations.

**RECOMMENDATION:** Vice Chair Johnson recommends the City Council as Successor to the Redevelopment Agency Board of Directors approve the Successor to the Redevelopment Agency Warrant Register for the period ending December 31, 2023.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	FIN525
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	MHC
<b>ITEM NO.:</b>	5	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

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**REASON FOR CONSIDERATION:** The Montclair Housing Corporation Board of Directors is requested to receive and file the Montclair Housing Corporation Treasurer's Report for the month ending December 31, 2023, pursuant to state law.

**BACKGROUND:** Included in the Montclair Housing Corporation Board agenda packet is a copy of the Treasurer's Report for the period ending December 31, 2023.

**FISCAL IMPACT:** Routine—report of the Montclair Housing Corporation's cash and investments.

**RECOMMENDATION:** Staff recommends the Montclair Housing Corporation Board of Directors receive and file the Treasurer's Report for the month ending December 31, 2023.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	FIN545
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	MHC
<b>ITEM NO.:</b>	6	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER APPROVAL OF WARRANT REGISTER		

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**REASON FOR CONSIDERATION:** The Montclair Housing Corporation Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending December 31, 2023, pursuant to state law.

**BACKGROUND:** Vice Chair Johnson has examined the Warrant Register dated 12.01.23-12.31.23 in the amount of \$111,002.56 for the Montclair Housing Corporation and finds it to be in order.

**FISCAL IMPACT:** Routine—report of Montclair Housing Corporation's obligations.

**RECOMMENDATION:** Vice Chair Johnson recommends the Montclair Housing Corporation Board of Directors approve the Warrant Register for the period ending December 31, 2023.





# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	FIN525
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	MHA
<b>ITEM NO.:</b>	7	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

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**REASON FOR CONSIDERATION:** The Montclair Housing Authority Commission is requested to receive and file the Montclair Housing Authority Treasurer's Report for the month ending December 31, 2023, pursuant to state law.

**BACKGROUND:** Included in the Montclair Housing Authority Commission's agenda packet is a copy of the Treasurer's Report for the period ending December 31, 2023.

**FISCAL IMPACT:** Routine—report of Montclair Housing Authority's obligations.

**RECOMMENDATION:** Staff recommends the Montclair Housing Authority Commission receive and file the Treasurer's Report for the month ending December 31, 2023.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	FIN545
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	MHA
<b>ITEM NO.:</b>	8	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER APPROVAL OF WARRANT REGISTER		

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**REASON FOR CONSIDERATION:** The Montclair Housing Authority Commission is requested to consider receiving and filing the Warrant Register for the month ending December 31, 2023, pursuant to state law.

**BACKGROUND:** Vice Chair Johnson has examined the Warrant Register dated 12.01.23-12.31.23 in the amount of \$0.00 for the Montclair Housing Authority and finds it to be in order.

**FISCAL IMPACT:** Routine—report of Montclair Housing Authority's obligations.

**RECOMMENDATION:** Vice Chair Johnson recommends the Montclair Housing Authority Commission approve the Warrant Register for the period ending December 31, 2023.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	PER775/CYC145
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	CITY MGR.
<b>ITEM NO.:</b>	9	<b>PREPARER:</b>	E. STARR

**SUBJECT:** CONSIDER RECEIVING AND FILING A REPORT ON EXTRAORDINARY EXPENDITURES RELATED TO ALL COST COMPONENTS REGARDING THE MATTERS OF GARCIA/FUENTES V. LOPEZ, INCLUDING EXPENDITURES RELATED TO ADDRESSING LEGAL CLAIMS, CONDUCTING INVESTIGATIONS, SETTLEMENTS, AND LITIGATION

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**REASON FOR CONSIDERATION:** Among the requirements established by adoption of Resolution No. 22-3339, the City Council directed that the City Manager shall provide regular reports that publicly identify extraordinary expenditures related to all cost components regarding the matters of *Garcia/Fuentes v. Lopez*, including expenditures related to addressing legal claims, conducting investigations, settlements, and litigation. Providing such information, particularly when it involves public officials, responds to the City Council’s fiduciary obligations and the need for public transparency.

**BACKGROUND:** On April 4, 2022, the Montclair City Council adopted Resolution No. 22-3339, disapproving and censuring certain behavior of Montclair City Council Member Benjamin Lopez, and ratifying actions taken and recommended by the City Manager.

The City Council, in its role as the governing body of the City of Montclair, has a duty to the residents and employees of Montclair to ensure that the laws of the United States and the State of California are followed and the rules, regulations, policies and ordinances of the City are complied with. Furthermore, this duty is primary in the area of employer/employee relations.

In pursuit of the above duty, it is essential for the effective governance of the City of Montclair for the public to have confidence in the integrity, dignity, competence, professionalism, decorum and behavior of its elected and appointed leaders and their fair, respectful, courteous, and dignified treatment and regard for the employees of Montclair and members of the public.

It is also essential that members of the City Council demonstrate the highest level of professionalism while in office and not behave or perform in a manner that is detrimental to the City or adverse to the City’s interests.

In consideration of these duties, roles, and obligations, at its meeting of August 2, 2021, the City Council approved Agreement No. 21-47 with EXTTI, Inc. for professional workplace services in expert testimony, training, and investigations. The independent investigator was hired to conduct an investigation into allegations made by certain employees of the City concerning alleged inappropriate interactions by Council Member Benjamin Lopez.

Regarding those allegations, at a March 1, 2022 special meeting, the Montclair City Council was made aware of two verified complaints in lawsuits filed by two City of Montclair employees against both Council Member Benjamin Lopez and the City of Montclair (herein, “*Garcia/Fuentes v. Lopez*”). The complaints contained allegations of discrimination based on sexual orientation and unlawful sexual harassment charged against Council Member Benjamin Lopez.

The March 1, 2022 special meeting adjourned to closed session where the independent investigator from EXTTI, Inc. provided the City Council with an oral presentation of the investigation and the findings reached by the independent investigator. The Montclair City Council duly considered and weighed the information and evidence received through the oral presentation of the independently conducted workplace investigation.

The workplace investigation sustained allegations that Council Member Benjamin Lopez, as a private individual and outside the course and scope of his duties, responsibilities, and performance as a member of the City Council did (1) conduct an extended conversation with one employee about his sexual orientation; and (2) intentionally hide his identity from another employee when they communicated on social media dating sites, and that their communication thereon included sharing sexually explicit content and photographs.

At the March 21, 2022 regular meeting of the City Council, discussion occurred to consider censuring Council Member Benjamin Lopez for certain conduct and behavior, and the City Council's discussion on censure included the following:

1. The filing of complaints by certain employees;
2. Information regarding the hiring of a workplace investigator;
3. Actions taken by the City Manager to protect employees of the City of Montclair, including restrictions imposed on Council Member Lopez;
4. Other prohibitions the City Council may consider imposing on Council Member Lopez; and
5. A discussion of the censure process.

At the conclusion of discussion at the March 21, 2022 regular meeting, the City Council adopted a motion directing staff to prepare a Resolution of Censure of City Council Member Benjamin Lopez for City Council consideration at the April 4, 2022 City Council meeting.

At the April 4, 2022 meeting, the City Council did find that the interaction that Council Member Benjamin Lopez had with certain employees was "reprehensible, inappropriate, abusive, and disrespectful" and "brought disrepute to the City of Montclair and the Montclair City Council." Further, the City Council stated that it did not condone or approve of the type of conduct and behavior exhibited by Council Member Benjamin Lopez, and found it necessary and prudent to declare its strong disapproval of such conduct and behavior.

Based on the nature of the allegations and findings reached by the independent investigator that sustained the allegations, together with the filing of two verified complaints in lawsuits by the two employees containing allegations of discrimination based on sexual orientation and unlawful sexual harassment against Council Member Benjamin Lopez, the City Council determined that there was sufficient cause to consider adoption of a "Resolution of Censure," and adopted Resolution No. 22-3339 censuring Council Member Benjamin Lopez for the behavior and conduct described therein, and further expressed the strongest possible disapproval and disavowal thereof.

The City Council concurrently determined that the City Manager had a duty and responsibility to the City's employees to protect them from harassment, discrimination, bullying and retaliation, whether it is from a member of the public, another employee of the City, or from a member of the City Council; and, therefore, the City Council ratified a March 3, 2022, document prepared by the City Manager entitled, "*Restrictions on Access to City Facilities and Prohibition Against Contact with City Employees*," a copy of

which was transmitted to Council Member Benjamin Lopez via email and home delivery and, by reference thereto, those documented set of restrictions were incorporated into Resolution No. 22-3339.

Among the requirements established by adoption of Resolution No. 22-3339, the City Council directed that the City Manager shall provide regular reports that publicly identify extraordinary expenditures related to all cost components regarding the matters of *Garcia/Fuentes v. Lopez*, including expenditures related to addressing legal claims, conducting investigations, settlements, and litigation. Providing such information, particularly when it involves public officials, responds to the City Council’s fiduciary obligations and the need for public transparency.

Accordingly, in keeping with City Council direction, **Exhibit 1**, attached hereto, fully lists all litigation, mediation, and settlement expenditures as of December 31, 2023, related to the matter of *Garcia/Fuentes v. Lopez*, the total of which is currently listed as \$703,052.09. Identified expenditures do not list City staff time nor the loss of productivity related to dealing with matters concerning *Garcia/Fuentes v. Lopez*.

Furthermore, as it relates to the \$3,439 in expenditures made to the law firm Liebert Cassidy Whitmore for sexual harassment training as required by Resolution No. 22-3339, and despite numerous efforts made to advise Council Member Lopez of the date and time for the scheduled training, the record reflects that Council Member Lopez did not attend the scheduled training.

The City Council is also advised that because the City filed a cross-complaint against Council Member Benjamin Lopez [a cross-complaint is an independent action arising out of the same transaction brought by a party against a co-party to the transaction] pursuant to the California Code of Civil Procedure, litigation costs related to *Garcia/Fuentes v. Lopez* shall continue until the cross-complaint is resolved, either by settlement between the parties (City of Montclair, joined by Garcia and Fuentes) and the co-party (Lopez), or by trial decision made in superior court. Quarterly reports will be presented to the City Council regarding ongoing expenditures concerning matters related to *Garcia/Fuentes v. Lopez*.

**FISCAL IMPACT:** In summation of **Exhibit 1**, the current and ongoing expenditures related to matters concerning *Garcia/Fuentes v. Lopez* include the following:

**SUMMARY – EXHIBIT 1**

<b>Law Firm/Independent Investigator</b>	<b>Expenditure to Date (December 31, 2023)</b>
Hannemann Law Firm	\$557,750.00
McCune & Harber	\$65,552.66
Robbins & Holdaway	\$40,795.00
EXTTI, Inc.	\$25,725.00
Richards Watson Gershon	\$9,790.43
Liebert Cassidy Whitmore	\$3,439.00
<b>TOTAL:</b>	<b>\$703,052.09</b>

**RECOMMENDATION:** City Staff recommends the City Council receive and file a report on extraordinary expenditures related to all cost components regarding the matters of *Garcia/Fuentes v. Lopez*, including expenditures related to addressing legal claims, conducting investigations, settlements and litigation.

**GARCIA/FUENTES V. LOPEZ LITIGATION COSTS  
EXHIBIT 1**

<b>Robbins &amp; Holdaway</b>		
<b>Date</b>	<b># Hours</b>	<b>Amount</b>
06/30/21	3.0	630.00
07/31/21	3.6	756.00
08/31/21	7.2	1,512.00
09/30/21	2.8	588.00
10/31/21	1.6	336.00
11/30/21	11.0	2,310.00
12/31/21	5.4	1,134.00
01/31/22	11.7	2,457.00
02/28/22	29.2	6,132.00
03/31/22	8.6	1,816.00
04/30/22	11.9	2,499.00
05/31/22	8.0	1,680.00
06/30/22	16.0	3,360.00
07/31/22	7.1	1,491.00
08/31/22	1.4	294.00
09/30/22	5	1,050.00
10/31/22	19.4	4,850.00
11/30/22	11.4	2,850.00
12/31/22	0.1	25.00
01/31/23	12.9	3,225.00
02/28/23	1.1	275.00
03/31/23	1.2	300.00
04/30/23	0	0.00
05/31/23	0	0.00
06/30/23	1.2	300.00
07/31/23	0.1	25.00
08/31/23	0.7	175.00
09/30/23	1.6	400.00
10/31/23	0.3	75.00
11/30/23	1	250.00
		<b><u>40,795.00</u></b>

<b>EXTTI</b>		
<b>Date</b>	<b>Invoice #</b>	<b>Amount</b>
08/31/21	17669	4,900.00
09/30/21	17742	875.00
10/31/21	17814	1,225.00
11/30/21	17883	1,312.50
12/31/21	17955	9,100.00
02/28/22	18076	3,762.50
03/31/22	18134	4,550.00
		<b><u>25,725.00</u></b>

<b>Liebert Cassidy Whitmore</b>		
<b>Date</b>	<b>Invoice #</b>	<b>Amount</b>
05/31/22	220111	249.00 Training Slide Review
06/30/22	222210	3,190.00 Training Slide Draft
		<b><u>3,439.00</u></b>

<b>McCune &amp; Harber</b>		
<b>Date</b>	<b>Invoice #</b>	<b>Amount</b>
03/31/22	110336	1,505.00
04/30/22	110766	5,948.00
05/31/22	111195	5,365.40
06/30/22	111602	8,833.90
07/31/22	111990	7,132.50
07/20/22	2550	7,750.00 Mediation Fee
08/31/22	112456	1,785.50
09/30/22	112859	2,185.50
10/31/22	113306	3,096.70
11/30/22		3,045.10
01/31/23	114759	1,875.42
02/28/23	115201	384.30
03/31/23	115686	924.14
05/31/23	116618	100.00
06/30/23	117092	1,380.00
07/31/23	117555	1,368.74
08/31/23	118031	5,440.00
09/30/23	118489	5,907.60
10/31/23	118931	260.00
11/30/23	119375	703.86
12/31/23	119814	561.00
		<b><u>65,552.66</u></b>

<b>Hannemann Law Firm</b>		
<b>Date</b>	<b>Invoice #</b>	<b>Amount</b>
		550,000.00 Case Settlement
		7,750.00 Mediation Fees
		<b><u>557,750.00</u></b>

<b>Richards Watson Gershon</b>		
<b>Date</b>	<b>Invoice #</b>	<b>Amount</b>
11/30/21	234934	1,461.50
12/31/21	235393	711.00
01/31/22	235742	3,794.81
02/28/22	23192	2,315.62
03/31/22	236633	1,507.50
		<b><u>9,790.43</u></b>

<b>Totals</b>	
Robbins And Holdaway	40,795.00
McCune & Harber	65,552.66
Liebert Cassidy Whitmore	3,439.00
Richards Watson Gershon	9,790.43
EXTTI	25,725.00
Hannemann Law Firm	557,750.00
	<b><u>703,052.09</u></b>



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	PDT362
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	POLICE
<b>ITEM NO.:</b>	10	<b>PREPARER:</b>	M. BUTLER
<b>SUBJECT:</b>	CONSIDER AUTHORIZING THE USE OF 2020 JUSTICE ASSISTANCE GRANT FUNDS TOWARD THE COST OF TRANSITIONING TO A RECORDS MANAGEMENT SYSTEM COMPLIANT WITH THE NATIONAL INCIDENT-BASED REPORTING SYSTEM		

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**REASON FOR CONSIDERATION:** The City Council is requested to consider authorizing the use of 2020 Justice Assistance Grant (JAG) funds toward the cost of purchasing a new records management system that is compliant with the National Incident-Based Reporting System (NIBRS).

**BACKGROUND:** In June 2016, the Federal Bureau of Investigation (FBI) informed all states that it would be transitioning to a NIBRS-only data collection by January 1, 2021—the FBI’s NIBRS has become the national standard for law enforcement crime data reporting in the United States. All federal, state, local, and tribal agencies are now required to use NIBRS for data reporting; however, prior to this date, the Police Department’s (Department) record management system used the Uniform Crime Reporting (UCR) system. Thus, in December 2019, the City entered into Agreement No. 19-103 with the City of West Covina/West Covina Service Group (WCSG) and Mark43 for upgrades to the Department’s computer-aided dispatch and records management software and service (CAD/RMS). These upgrades were necessary because the Department’s legacy system was reaching its end of lifecycle, and the Department needed a system that was NIBRS-compliant.

In August 2020, staff submitted a narrative and budget to the County proposing to use JAG 2020 funds on the purchase of electric bikes and safety equipment. During the delay in receiving award funds, the Department submitted a budget modification request to the County in May 2023 to modify its JAG 2020 budget by spending its allocation toward the cost of transitioning to a NIBRS-compliant records management system—DOJ had given prior approval to any agency that would be submitting a budget modification request to use funds toward NIBRS compliance

The County is the JAG Program Administrator and disburses appropriate grant allocations to eligible jurisdictions. The City entered into Agreement No. 22-38 with the County in May 2022 to provide for the receipt of grant funds. Due to lawsuits against the federal government over new conditions that state and local governments were required to satisfy in order to receive Byrne grants, the County of San Bernardino Board of Supervisors did not accept the JAG 2020 award from the U.S. Department of Justice (DOJ) until December 2021. The County has also been in the process of transitioning to a new grants management system, which has caused more delays in receiving grant funds.

In December 2023, the Department received \$13,844 from the 2020 Edward Byrne Memorial JAG Program. JAG Program awards are for the exclusive use of law enforcement services and programs and are designed to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice.

**FISCAL IMPACT:** In FY 2020–21, the cost for the newly upgraded records management system (Mark43), which included full NIBRS compliance, was \$107,454. JAG 2017 funds (\$15,005), JAG 2018 funds (\$15,175), and JAG 2019 funds (\$14,709) have already been successfully applied to this cost. With all federal administrative holds released now on all JAG awards, the Department will prioritize projects starting with JAG 2021.

If authorized by the City Council, the \$13,844 from JAG 2020 would be used to reimburse the SB 509 Public Safety Fund 1143 toward the cost of the Department’s new NIBRS-compliant records management system.

**RECOMMENDATION:** Staff recommends the City Council authorize the use of 2020 JAG funds toward the cost of transitioning to a records management system compliant with NIBRS.







# CITY COUNCIL AGENDA REPORT

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**DATE:** JANUARY 16, 2024                      **FILE I.D.:** PDT175/PDT362  
**SECTION:** CONSENT - AGREEMENTS                      **DEPT.:** POLICE  
**ITEM NO.:** 1    **PREPARER:** M. BUTLER

**SUBJECT:** CONSIDER APPROVAL OF AGREEMENT NO. 24-01 WITH THE COUNTY OF SAN BERNARDINO TO PROVIDE FOR THE RECEIPT OF GRANT FUNDS FROM THE 2023 JUSTICE ASSISTANCE GRANT AWARD

CONSIDER AUTHORIZING CITY MANAGER EDWARD C. STARR TO SIGN SAID AGREEMENT

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**REASON FOR CONSIDERATION:** The City Council is requested to consider approval of Agreement No. 24-01 with the County of San Bernardino to provide for the receipt of grant funds from the 2023 Justice Assistance Grant (JAG) award and authorizing City Manager Edward C. Starr to sign said Agreement.

**BACKGROUND:** Since 2005, the JAG Program has provided funding to state and local governments for support of a broad range of activities intended to prevent and control crime and improve the criminal justice system. The JAG Program is the primary provider of federal criminal justice funding to states and units of local government and furthers the Department of Justice’s mission to prevent or reduce crime and violence. JAG Program awards are for the exclusive use of law enforcement services and programs and are designed to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice. These funds shall supplement existing services and shall not be used to supplant any existing funding for law enforcement services.

In July 2023, staff submitted a project proposal to the County for JAG 2023 to use grant funds on the purchase of automated external defibrillators (AEDs). Police officers, who are trained in the proper use, maintenance, and deployment of AEDs, are often the first to arrive on scene of a cardiac emergency and can begin lifesaving measures before emergency medical personnel are available. If this project is approved by DOJ, these additional AEDs would be placed in patrol cars that are not currently AED equipped and would replace broken and worn out AEDs.

Pursuant to the grant requirements, the City entered into Agreement No. 23-71 in September 2023 with the County related to distribution of 2023 JAG Program Award funds. This Interlocal Agreement, or Memorandum of Understanding, was signed by local jurisdictions identifying the County as the fiscal agent and JAG Program Administrator for these joint funds. This agreement allows the County to release pass-through funds to the 18 participating towns and cities in accordance with the grant agreement.




In November 2023, the Board of Supervisors of San Bernardino County accepted the grant award from the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance under the FY 2023 Edward Byrne Memorial JAG Program. As a subrecipient, the City has been allocated \$18,962 from JAG 2023. The County, acting in its capacity as JAG Program Administrator, shall disburse appropriate grant allocations, less a 5 percent administrative fee as allowable under JAG guidelines.

The JAG Program further requires participating jurisdictions receiving grant funds to execute sub-award grant agreements in order to acknowledge receipt of the federal award information and applicable compliance requirements, including special conditions for each federal sub-award. By entering into proposed sub-award grant Agreement No. 24-01, the City agrees to undertake and carry out activities delineated by the grant award, and to the conditions or limitations set forth in the grant award.

**FISCAL IMPACT:** The City of Montclair’s 2023 JAG allocation is \$19,960—the San Bernardino County of Board Supervisors would retain a 5 percent administrative fee of \$998. Approval of proposed Agreement No. 24-01 would result in an \$18,962 JAG Program fund allocation to the Police Department’s budget.

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

1. Approve Agreement No. 24-01 with the County of San Bernardino to provide for the receipt of grant funds from the 2023 Justice Assistance Grant award.
2. Authorize City Manager Edward C. Starr to sign said Agreement.

 <p><b>San Bernardino County</b> 385 North Arrowhead Avenue San Bernardino, CA 92415-0120</p> <p>Law and Justice Group 909-387-5005</p>	<p><b>Grant Sub-Award</b></p>	<p>PAGE 1 OF 31</p>
<p>SUBRECIPIENT NAME AND ADDRESS (Including Zip Code)</p> <p>City of Montclair 5111 Benito Street, PO Box 2308 Montclair, CA 91763-2808</p>	<p>AWARD NUMBER: 15PBJA-23-GG-03189-JAGX</p> <p>SUB-AWARD NUMBER: 15PBJA-23-GG-03189-JAGX-Montclair</p>	
<p>SUBRECIPIENT IRS/VENDOR NO.</p> <p>95-6005731</p>	<p>PROJECT PERIOD: FROM 10/01/2022 TO 09/30/2026</p> <p>BUDGET PERIOD: FROM 10/01/2022 TO 09/30/2026</p>	
<p>SUBRECIPIENT UEI NO.</p> <p>YM87HK81HED6</p>	<p>AWARD DATE 09/26/2023</p> <p>PREVIOUS AWARD AMOUNT \$0</p>	
<p>PROJECT TITLE</p> <p>San Bernardino County and Disparate Jurisdictions 2023 Justice Assistance Grant Projects</p>	<p>AMOUNT OF THIS AWARD \$18,962</p> <p>TOTAL SUB-AWARD \$18,962</p>	
<p>SPECIAL CONDITIONS</p> <p>THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S), WHICH INCLUDE THE AWARD CONDITIONS (PAGES 2-27), AND THE SUBRECIPIENT MONITORING PROCEDURES FOR THE COUNTY OF SAN BERNARDINO LAW AND JUSTICE GROUP (PAGES 28-31).</p>		
<p>STATUTORY AUTHORITY FOR GRANT</p> <p>Title I of Public Law 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151-10158); see also 28 U.S.C. 530C(a)</p>		
<p>CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)</p> <p>16.738 - Edward Byrne Memorial Justice Assistance Grant Program</p>		
<p>GRANTEE APPROVAL</p>		<p>SUBRECIPIENT ACCEPTANCE</p>
<p>TYPED NAME AND TITLE OF APPROVING OFFICIAL</p> <p>Michael Fermin, Chair San Bernardino County Law and Justice Group</p> <p></p> <p>_____ SIGNATURE OF APPROVING OFFICIAL</p> <p></p> <p>_____ DATE</p>		<p>TYPED NAME AND TITLE OF AUTHORIZED SUBRECIPIENT OFFICIAL</p> <p>Edward C. Starr, City Manager City of Montclair</p> <p>_____ SIGNATURE OF AUTHORIZED SUBRECIPIENT OFFICIAL</p> <p>_____ DATE</p>

## **Award Conditions**

**This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.**

### **1**

Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards

Consistent with Executive Order 14074, "Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety," OJP has prohibited the use of federal funds under this award for purchases or transfers of specified equipment by law enforcement agencies. In addition, OJP requires the recipient, and any subrecipient ("subgrantee") at any tier, to put in place specified controls prior to using federal funds under this award to acquire or transfer any property identified on the "controlled equipment" list. The details of the requirement are posted on the OJP web site at <https://www.ojp.gov/funding/explore/prohibited-and-controlled-equipment> (Award condition: Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards), and are incorporated by reference here.

### **2**

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

### **3**

Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OWW, as appropriate) for guidance.

#### **4**

##### Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2022 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2022 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2022 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

#### **5**

##### Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or

beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

## **6**

### Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

## **7**

### Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

## **8**

### Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2022, are set out at <https://www.ojp.gov/funding/Explore/FY22AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

## **9**

## Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

### **10**

#### Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OWW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

### **11**

#### Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions"



(ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

## **12**

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

## **13**

Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The

"de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

## 14

### Employment eligibility verification for hiring under the award

#### 1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

#### 2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

#### 3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

#### 4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). E-Verify employer agents can email E-Verify at [E-VerifyEmployerAgent@dhs.gov](mailto:E-VerifyEmployerAgent@dhs.gov).

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

## 15

### OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

## **16**

### Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

## **17**

### Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

## **18**

### Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://onlinegfmt.training.ojp.gov/>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

## **19**

### Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

## **20**

Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

## **21**

Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded

program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

## **22**

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at [OJP.ComplianceReporting@ojp.usdoj.gov](mailto:OJP.ComplianceReporting@ojp.usdoj.gov). For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

## **23**

Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

## **24**

All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web

site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

## **25**

Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

## **26**

Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

## **27**

Requirement to report potentially duplicative funding



If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

## **28**

### Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

## **29**

### Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

### **30**

#### Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

### **31**

#### Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [https://it.ojp.gov/gsp\\_grantcondition](https://it.ojp.gov/gsp_grantcondition). The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

## **32**

### Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

## **33**

### Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).

## **34**

### Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

**35**

Any written, visual, or audio publications funded in whole or in part under this award, with the exception of press releases, shall contain the following statements: "This project was supported by Grant No. <AWARD\_NUMBER> awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.

**36**

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service: "This Web site is funded in whole or in part through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)." The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

**37**

Verification and updating of recipient contact information

The recipient must verify its Grant Award Administrator, Financial Manager, and Authorized Representative contact information in JustGrants, including telephone number and e-mail address. If any information is incorrect or has changed, the award recipient's Entity Administrator must make changes to contact information through DIAMD. Instructions on how to update contact information in JustGrants can be found at <https://justicegrants.usdoj.gov/training/training-entity-management>.

**38**

## Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

### **39**

Recipients utilizing award funds for forensic genealogy testing must adhere to the United States Department of Justice Interim Policy Forensic Genealogical DNA Analysis and Searching (<https://www.justice.gov/olp/page/file/1204386/download>), and must collect and report the metrics identified in Section IX of that document to BJA.

### **40**

#### Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

### **41**

All State and Local JAG recipients must submit quarterly Federal Financial Reports (SF-425). Additionally, State JAG and Local JAG Category Two (\$25K or more) must submit semi-annual performance reports through JustGrants and Local JAG Category One (Less than \$25K) must submit annual performance reports through JustGrants. Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website: <https://bjapmt.ojp.gov/>. For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage (<https://bjapmt.ojp.gov/help/jagdocs.html>). Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

### **42**

#### Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on

the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

### **43**

Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2022

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2022), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

### **44**

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. With the exception of Forensic Genetic Genealogy, no profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS. Booking agencies should work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see National Rapid DNA Booking Operational Procedures Manual).

### **45**

Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18

U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

#### **46**

Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

#### **47**

Certification of body armor "mandatory wear" policies, and compliance with NIJ standards

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that each law enforcement agency receiving body armor purchased with funds from this award has a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards, and is listed on the NIJ Compliant Body Armor Model List. In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ



standard information and the NIJ Compliant Body Armor List may be found by following the links located on the NIJ Body Armor page: <https://nij.ojp.gov/topics/equipment-and-technology/body-armor>

## **48**

Extreme risk protection programs funded by JAG must include, at a minimum: pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, at minimum, notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses; the right to be represented by counsel at no expense to the government; pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the State's evidentiary body, and sufficient to ensure the full protections of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation; and penalties for abuse of the program.

## **49**

Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

## **50**

FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards

("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

## **51**

Exceptions regarding Prohibited and Controlled Equipment under OJP awards

Notwithstanding any provision to the contrary in the other terms and conditions of this award, including in the condition regarding "Compliance with restrictions on the use of federal funds-- prohibited and controlled equipment under OJP awards," the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to Other LEAs" and the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to NON-LEAs" do not apply to this award.

## **52**

The recipient agrees that no funds under this grant award (including via subcontract or subaward, at any tier) may be used for unmanned aircraft systems (UAS), which includes unmanned aircraft vehicles (UAV), or for any accompanying accessories to support UAS.

## **53**

Initial period of performance; requests for extension.

The recipient understands that for award amounts of less than \$25,000 under JAG (Category 1), the initial period of performance of the award is two years. The recipient further understands that any requests for an extension of the period of performance for an award of less than \$25,000 will be approved automatically for up to a total of two additional years, pursuant to 34 U.S.C. 10152(f) and in accordance with the program solicitation associated with this award.

Any request for an extension of the period of performance beyond a four-year award period will require approval, and the approval (if any) will be at the discretion of the Director of BJA.

## **54**

Applicants must ensure that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at [www.lep.gov](http://www.lep.gov).

## **55**

### Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

## **56**

### Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

## **57**

### Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion,

perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

## **58**

### Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

## **59**

### Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

## **60**

The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

## **61**

The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

## **62**

In accepting this award, the recipient agrees that grant funds cannot be used for Facial Recognition Technology (FRT) unless the recipient has policies and procedures in place to ensure that the FRT will be utilized in an appropriate and responsible manner that promotes public safety, and protects privacy, civil rights, and civil liberties and complies with all applicable provisions of the U.S. Constitution, including the Fourth Amendment's protection against unreasonable searches and seizures and the First Amendment's freedom of association and speech, as well as other laws and regulations. Recipients utilizing funds for FRT must make such policies and procedures available to DOJ upon request.

### **63**

Withholding of funds for Required certification from the chief executive of the applicant government

The recipient may not expend or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and an Award Condition Modification has been issued to remove this condition.

### **64**

Withholding of funds for Memorandum of Understanding

The recipient may not expend or draw down any award funds until OJP has reviewed and approved the Memorandum of Understanding (MOU), and an Award Condition Modification has been issued to remove this condition.

### **65**

Withholding of Funds for Body-Worn Camera Certification

The recipient may not expend or draw down any award funds until the recipient submits, and OJP has reviewed, the required certification regarding body-worn cameras, and an Award Condition Modification has been issued to remove this condition.

### **66**

Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or

procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIS), and are incorporated by reference here.

**Subrecipient Monitoring Procedures  
County of San Bernardino  
Law and Justice Group**



**Grant Award/Sub-Award Process**

When the Law and Justice Group (L&JG) has been notified that it has been awarded a grant, a Board Agenda Item to accept the grant will be prepared and submitted to the Board of Supervisors (BOS) for approval. Where there is a sub-award to be granted, a Sub-Award Agreement will be prepared by the L&JG (recipient) and approved by the BOS and the subrecipient. The appropriate officials will sign the sub-award documents. The Sub-Award Agreement will identify the federal award information and applicable compliance requirements, including applicable special conditions for each federal sub-award. The Sub-Award Agreement will include the Grant Award Number, Award Date, Catalog of Federal Domestic Assistance (CFDA) number, Project Title, Project Period, Award Amount, and all applicable Special Conditions for the sub-award. The L&JG's Subrecipient Monitoring Procedures will be included in the Sub-Award Agreement.

**Grant Revenue**

When notified that a grant award has been made, the Grant Coordinator requests a budget code for the grant award from the Auditor-Controller/Treasurer/Tax Collector (ATC), and submits appropriate budget documents for the Board of Supervisors approval. Once the budget is established, the Grant Coordinator requests a drawdown of grant funds and deposits the funds into the applicable special revenue fund. Timeframes for the drawdown requests will be accomplished in accordance with award requirements specified by the awarding agency. The Grant Coordinator maintains a record of revenues requested and received and reconciles the account.

**Disbursement of Funds to Subrecipients**

When disbursing sub-award funds to subrecipients, the Grant Coordinator will prepare the appropriate payment document. The payment document is reviewed and approved by the Chair of the L&JG. The ATC processes payments and disbursement of funds.

To notify subrecipients of the federal award number, CFDA number, and the amount of federal funds at the time of the disbursement of funds, the following steps will be followed:

- The payment documents will reference the federal award number, CDFA number, and the amount of federal funds.
- Correspondence will be sent to subrecipients at the time of disbursement identifying the payment and detailing the required federal information.

**Subrecipient Monitoring Requirement**

Sub-awards will be monitored in accordance with all applicable statutes, regulations, the Uniform Grant Guidance, OMB Circulars, and guidelines, including the Office of Justice Programs Financial Guide. The recipient will include the applicable conditions of this award in any sub-award. The recipient is responsible for the following:

- Ensure that every sub-award is clearly identified to the subrecipient as a sub-award and includes applicable conditions of the federal award.
- Evaluate each subrecipient's risk of noncompliance with federal statutes, regulations and the terms and conditions of the sub-award for purposes of determining the appropriate subrecipient monitoring procedures.
- Oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to the use of funds.
- Review financial and performance reports.
- Follow-up and ensure that subrecipients take timely and appropriate action on all deficiencies pertaining to the federal award provided to the subrecipient from the pass-through entity detected through audits, on-site monitoring visits, and other means.
- Issue a management decision for audit findings pertaining to the federal award provided to the subrecipient from the pass-through entity as required by 2 CFR 200.521 Management Decision.
- Verify that every subrecipient who is expected to expend \$750,000 or more is audited as required by 2 CFR 200 Subpart F Audit Requirements.
- Consider whether the results of the subrecipient's audits, on-site monitoring visits or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.
- Consider taking enforcement against noncompliant subrecipients as described in 2 CFR 200.338 Remedies.

#### **Subrecipient Monitoring Process**

On-site monitoring of grant-funded projects may be conducted by the U.S. Department of Justice or the County of San Bernardino. At that time, the identified subrecipient agency will be required to provide documentation supporting expenditures, and/or a physical review of items funded through the grant may be requested.

To ensure full compliance with this legislative mandate, all grant related documentation to include timesheets, invoices, purchase orders, canceled checks, and contracts must be maintained in a location accessible to the person responsible for managing the sub-award, and the agency's chief executive.

If it is determined funds are not being used for approved purposes, or if proper documentation is not maintained, the amount in question must be returned to the U.S. Department of Justice. The subrecipient agency may also be deemed ineligible for future federal funding.

#### **On-Site Monitoring**

The County of San Bernardino L&JG may conduct on-site monitoring. The monitoring will be based upon performance and reported expenditure of funds. The monitoring will be based upon performance, tracked through reports and regular correspondence. This method will ensure the subrecipient in greatest need for assistance in managing their award is provided the necessary tools to be in full compliance with U.S. Department of Justice requirements.

If selected for monitoring, the subrecipient will be notified at least 20 days prior to the monitoring. The staff person responsible for managing the sub-award, the staff person assigned to managing fiscal operations, the chief executive of the subrecipient agency, and any other applicable persons directly involved in the oversight of grant funds will be asked to attend. Appropriate documentation will also be requested for review. During the monitoring, the following items will be reviewed and/or discussed:



invoices, timesheets, canceled checks, equipment purchased, policies and procedures, financial status reports, performance reports and grant files.

If the subrecipient is non-compliant with award requirements, the following actions will be taken: The County of San Bernardino will assist the subrecipient with the resolution of identified issues, a recommendation to the U.S. Department of Justice for a federal monitoring of the sub-award will be made, future payments will be withheld until all issues are resolved, and closer oversight of the subrecipient by San Bernardino County will be implemented.

**Project Accounting and Record Keeping**

Adequate control of funds received to ensure compliance with federal and state regulations and grant sub-award conditions will be accomplished. Separate records are maintained for each project to avoid commingling of project funds with other funds.

**Obligation and Expenditure of Funds**

All Grant funds must be obligated by the termination date of the project. Grant funds legally obligated by the termination date must be expended within the timeframe specified within the Grant Contract, Agreement, or Sub-Award Agreement. Justice Assistance Grant funds must be expended by the end of the project period.

**Reporting Requirements**

Submission of financial reports will be accomplished in accordance with the guidelines specified in the Grant Contract, Agreement, or Sub-Award Agreement.

**Subrecipient Audits – Uniform Grant Guidance and OMB Circular A-133 Compliance**

Subrecipients are required to comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200 (Uniform Grant Guidance) for federal awards made on or after December 26, 2014, or with the OMB Circular A-133 for federal awards made prior to December 26, 2014.

A single or program specific audit is required in any year that a government expends \$750,000 or more a year in federal awards. Both the Uniform Grant Guidance and the OMB Circular A-133 require audits to be completed and submitted to the Federal Audit Clearinghouse (FAC) no later than nine (9) months after the close of each fiscal year during the term of each grant award. As a condition of the sub-award agreement, the Law and Justice Group will require the subrecipient to submit a copy of the audit, including any corrective action plan within 30 days from the date of submission to the FAC. The Grant Coordinator will review and ensure that the subrecipient audit reports are received and that all audit findings have been resolved. Failure of the subrecipient to have audits performed as required may result in the withholding of new discretionary awards and/or withholding of funds.

**Project Closeout**

The Grant Coordinator will schedule, monitor, and ensure timely completion of all required closeout activities and final financial reports in conformance with the guidelines required by the awarding agency.

**Inventory Control**

Subrecipients will maintain an inventory of equipment purchased with grant funds and submit inventory records to the Grants Coordinator if requested. Records shall be retained for a period of three years from the date of the disposition or replacement or transfer at the discretion of the awarding agency. As

equipment or other non-expendable property is purchased and received, it will be permanently marked, a property inventory record completed, and the property inventory record will be made part of the permanent grant sub-award file. Disposition of equipment will be done in accordance with the awarding agency's guidelines.

**Retention Period**

Project records must be maintained for the required period after the awarding agency determines that the grantee has met all the project requirements and the project has been accepted for closeout. Records will be maintained for a minimum of three years. The three-year retention period starts from the date of the submission of the closure of the single audit report which covers the grant period and lasts until completion of any disputes arising prior to the expiration of the three year period, whichever is later.

APPROVED BY:



G. Christopher Gardner, Chair  
Law and Justice Group

June 1, 2020

Date



# CITY COUNCIL AGENDA REPORT

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**DATE:** JANUARY 16, 2024

**FILE I.D.:** COG200

**SECTION:** CONSENT - AGREEMENTS

**DEPT.:** CITY MGR.

**ITEM NO.:** 2

**PREPARER:** E. STARR

**SUBJECT:** CONSIDER APPROVAL OF AGREEMENT NO. 24-02, AMENDMENT NO. 4 TO AGREEMENT NO. 73-230, A JOINT POWERS AUTHORITY (JPA) AGREEMENT WITH THE SAN BERNARDINO COUNCIL OF GOVERNMENTS (SBCOG), SETTING FORTH A PROCESS FOR DETERMINING ANNUAL ASSESSMENTS TO MEMBER AGENCIES OF SBCOG EFFECTIVE FISCAL YEAR 2024-25 AND EACH FISCAL YEAR THEREAFTER; ALLOWING FOR OPTIONAL SUBSCRIPTION ASSESSMENTS FOR SPECIFIED PROGRAMS; AND ESTABLISHING A REVISED ANNUAL MEMBERSHIP FEE FOR MONTCLAIR AND OTHER MEMBER AGENCIES OF SBCOG FOR FISCAL YEAR 2024-25

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**REASON FOR CONSIDERATION:** On January 3, 2024, the San Bernardino Council of Governments (SBCOG) Board of Directors accepted three recommendations from the SBCOG Ad Hoc Committee—the Ad Hoc Committee was created to determine the future direction of SBCOG.

Adopted Ad Hoc Committee recommendations include the following:

1. Increase SBCOG's work capacity and program of services, including adding staffing;
2. Increase SBCOG's budget to accommodate expanding the work capacity and program of services offered by SBCOG, including adding staffing to achieve SBCOG Board objectives; and
3. Develop funding for SBCOG's proposed, expanded budget and work program by asking member agencies to the San Bernardino Associated Governments (SANBAG) Joint Powers Authority (JPA) Agreement to approve Amendment No. 4 (attached to this agenda report as Agreement No. 24-02), thereby establishing a process for determining annual membership fees on an annual basis; allowing for optional subscription assessments for specified programs enrolled in voluntarily by member agencies; and establishing a revised annual membership fee for Montclair (and other member agencies) under the process set forth herein effective for Fiscal Year 2024-25.

In addition, Agreement No. 24-02 provides for the renaming of SANBAG to the San Bernardino Council of Governments (SBCOG)—the name the entity currently operates under.

The Montclair City Council is requested to consider approval of Agreement No. 24-02, attached to this agenda report. Agreement No. 24-02 is subject to final approval by the City Attorney.

**BACKGROUND:** At the June 14, 2023, General Policy Committee (GPC) meeting of SBCOG, a proposed work plan update for SBCOG was considered.

At the preceding July 5, 2023, SBCOG Board meeting, the Board considered and approved a GPC recommendation to form a SBCOG Ad Hoc Committee (Ad Hoc Committee) to (i) develop a plan for expanding the work capacity of, and program of services offered by, SBCOG; and (ii) develop a revised JPA-membership dues schedule that reflects annual dues increases paid by member agencies to provide funding for SBCOG's proposed, expanded work capacity/program of services. Accordingly, an Ad Hoc Committee was formed to develop a work plan that would include revised budget parameters, expanded services and programs, and potential adjustments to JPA membership fees.

In developing a proposed work plan, the Ad Hoc Committee analyzed the programs offered by, and budgets and funding sources for, neighboring sister COGs, including the San Gabriel Valley Council of Governments (SGVCOG), Western Riverside Council of Governments (WRCOG), and the Coachella Valley Association of Governments (CVAG). The analysis demonstrated that through their respective service programs and funding sources, the preceding entities offered a broader array of programs and services in comparison to SBCOG. Specifically, the analysis determined that SBCOG's minimal operating funds and staff, which are distinctively separate from SBCTA's operating program, effectively limit SBCOG's ability to provide a broader program of services for its member agencies. In addition, neighboring COGs were also structured to offer a set of general services (or baseline services) to all participating jurisdictions, plus subscription services provided to those jurisdictions opting to benefit from a program of available services.

**Tables 1 and 2**, attached to this agenda report, and developed by the Ad Hoc Committee, itemize budget requirements and various programs and services likely to be offered by SBCOG through a revised work plan. Items contained in **Table 1** represent optional subscription services, and items contained in **Table 2** represent expanded baseline functions of SBCOG.

To address the issue of funding for a broader scale of baseline programs offered through SBCOG, the Ad Hoc Committee submitted the following baseline-level option for increased COG services and expansion of the SBCOG budget:

- **Baseline-level.** The Ad Hoc Committee identified the offering of a baseline schedule of services as a starting point for a revised work plan for SBCOG. The baseline program includes increasing SBCOG staff from the current 1.3 employees to 3 full-time employees, plus consultant support. At the baseline-level, personnel would carry out the functions of project management, liaison services, regional advocacy, and grant writer/coordinator (**Table 2**).

As proposed by the Ad Hoc Committee, the baseline-level would increase the annual SBCOG Budget from the current \$658,000 annually to approximately \$1.5 million, including funding for three employees. To achieve the \$1.5 million funding level for baseline services, plus annual increases, the Ad Hoc Committee recommended increases to annual JPA Membership fees, and that the baseline-level of services and higher membership fees be incorporated into the SBCOG budget planning process starting with Fiscal Year 2024-25 and continuing through succeeding years. The formula for adjusting annual membership fees would incorporate the lesser of the Consumer Price Index (CPI) or 2 percent to cover normal budget increases.

The proposed \$1.5 million first-year funding level would not include revenue from grant-funded projects or subscription services. For example, in calendar years 2024 and 2025 SBCOG is projected to receive significant increases in grant dollars from the Regional Early Action Program 2.0 (REAP 2.0), funded through the California Department of Housing and Community Development (HCD) and the Southern

California Association of Governments (SCAG). These grant funds would be separate from the source funds from SBCOG member agencies, and would be allocated for their defined purposes.

As part of the baseline discussion, the Ad Hoc Committee proposed the following three alternative funding scenarios regarding the distribution of SBCOG baseline costs to member agencies:

- a. *100% Population*;
- b. *100% Sales and Property Tax Revenues Received*; or
- c. *50% Population/50% Sales and Property Tax Revenues Received*.

The Ad Hoc Committee recommended the *50% Population/50% Sales and Property Tax Revenues Received* formula as the proposed cost allocation method.

The baseline-level recommendation would also increase SBCOG's staffing level incrementally over two years to give SBCOG an opportunity to hire employees, establish an SBCOG work plan, and contract with consulting firms.

**Table 3**, attached to the agenda report, depicts the shares of the \$1.5 million in annual SBCOG dues that would be assessed to each member jurisdiction based on the proposed *50% Population/50% Sales and Property Tax Revenues Received* methodology—Montclair's proposed annual membership fee would increase from the current \$15,540 to \$31,370, as indicated in columns 8 and 10, respectively.

To achieve the funding target for SBCOG, the Ad Hoc Committee recommended amending the JPA Agreement. The existing JPA Agreement specifies the particular method by which member agencies are to be assessed for membership dues; i.e., that methodology utilizes a *50% Population/50% Assessed Valuation* formula, plus other approved assessments as depicted in **Table 3**, column 8.

However, continuing with that methodology under the proposed revision to the baseline-level scenario (*50% Population/50% Sales and Property Tax Revenues Received* methodology) would be burdensome to many agencies across the region—**Table 4** attached to this agenda report, demonstrates the cost to member agencies if member's dues assessments were to be made with the existing *50% Population/50% Assessed Valuation* formula—Table 2 shows impacts under \$1.5 million (column 13) and \$3 million (column 15) SBCOG budget scenarios.

Revising the new assessment formula for member agency cost allocations to *50% Population/50% Sales and Property Tax Revenues Received*, as indicated in **Table 3**, column 10, results in a more equitable method of assessing member agency dues, and would require an amendment to the JPA Agreement.

While developing a revised cost allocation methodology, the Ad Hoc Committee ultimately determined that state sales and property tax allocation methods could be modified by future legislative action, thereby adversely impacting any proposed allocation formula utilizing this methodology—sales and property taxes revenues received represent fifty percent of SBCOG's revised membership fee methodology. SBCOG membership allocations could also be affected by significant shifts in population. To address these concerns, Agreement No. 24-02 excludes language specific to the use of an allocation formula for assessing annual membership fees; instead, allocation of annual membership fees would rely on an SBCOG Board-approved policy for assessing membership fees, with each member agency's assessment to be approved through adoption of their respective annual budgets. Because SBCOG is a joint powers authority, with Board representation comprised of

one representative from each member agency, it is expected that the SBCOG Board would act in the interest of the majority of member agencies.

Going forward, the scope of SBCOG Board policy will remain centered around the current allocation structure based on population and assessed valuation. This policy would memorialize the existing members' dues structure as the starting basis point, as indicated the following discussion (Base Assessment), and incorporate other current and proposed components to establish the JPA membership fee:

- a. Base Assessment. The prior year's base assessment would be used to calculate the succeeding year's (Fiscal Year 2024-25) base adjustment. The revised calculation would be based on the annual percentage change in population for each member agency, plus the annual percentage change in assessed valuation for each member agency, added together and divided by two (2) to arrive at the annual increase—see **Table 3**, columns 2 and 3 for the 2022 population estimate and assessed value per agency for Fiscal Year 2022-23 and column 5 for the current allocation based the Original Bases Assessment; plus
- b. Revised Assessment. The revised assessment is arrived at by using the *50% Population/50% Sales and Property Tax Revenues Received* methodology to achieve the \$1.5 million budget requirement—see **Table 3**, column 4 for the value, per agency, of the *50% Population/50% Sales and Property Tax Revenues Received* methodology and column 9 for the allocation per agency.
- c. FY 2015-16 Additional Assessment. The additional annual assessment of \$133,418 (or \$5,337 per member agency) adopted in Fiscal Year 2015-16—see **Table 3**, column 6; plus
- d. FY 2021-22 Additional Assessment. The additional annual assessment of \$200,000 (or \$8,000 per member agency) adopted in Fiscal Year 2021-22—see **Table 4**, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%—see **Table 3** column 7; plus
- e. Any further assessment to fund any gap between the SBCOG Board-approved annual budget and the total of the assessments set forth in “a.”, “b.”, “c.” and “d.”, above. In determining the amount of said gap, no grant moneys shall be considered. This “gap” assessment shall be based on the following—one-half on the population of each signatory member, and one-half on the combined General Fund property tax and General Fund base sales tax revenue rate of each signatory member, where “base sales tax” means the statewide sales tax and is exclusive of any additional local sales taxes, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%; plus
- f. Further assessments to fund optional or subscription programs and projects beyond those identified in the annual budget—assessed on a cost-allocation basis to fund the cost of the program or project.

At its meeting of January 3, 2024, the SBCOG Board of Directors approved recommendations of the Ad Hoc Committee as discussed herein, and ordered submission of Amendment No. 4 (represented here as Agreement No. 24-02) to the JPA Agreement to all member agencies of the JPA for consideration.

Following execution of Amendment No. 4 by all member agencies, SBCOG will work through the Ad Hoc Committee and the City/County Managers' Technical Advisory Committee to identify program and project priorities and amend the approved work plan.

**FISCAL IMPACT:** The revised, proposed annual SBCOG JPA membership fee for the City of Montclair for Fiscal Year 2024-25 is \$31,370 (versus the current assessment of \$15,540), and would be included in Montclair's proposed Fiscal Year 2024-25 Budget.

**RECOMMENDATION:** Staff recommends the City Council Approve Agreement No. 24-02, Amendment No. 4 To Agreement No 73-230, a Joint Powers Authority (JPA) Agreement with the San Bernardino Council of Governments (SBCOG), setting forth a process for determining annual assessments to Member Agencies of SBCOG effective Fiscal Year 2024-25 and each fiscal year thereafter; allowing for optional subscription assessments for specified programs; and establishing a revised annual membership fee for Montclair and other Member Agencies of SBCOG for Fiscal Year 2024-25.

# TABLE 1

## 2023-2025 SBCOG WORK

### SBCOG COG/Equity Work Plan and Budget

Program/Project	COG	SBCTA	Partners	Grant Funds	FY
1 San Bernardino Regional Housing Trust Implementation				\$ 362,500.00	2022-2024
2 Smart County Master Plan			\$ 1,000,000.00		2022-2024
3 Small Business Study		\$ 50,000.00			2022-2024
4 Equity Framework - Strategy to work with NGOs and CBOs and SBCTA/SBCOG Policies/Processes/Projects		\$ 200,000.00		\$ 50,000.00	2023-2025
5 Outdoor Equity Program		\$ 10,000.00		\$ 689,000.00	2022-2025
6 SBCOG Regional Advocacy Strategy	\$ 50,000.00				
<b>SBCOG Work Plan Functions and Cost Borne by SBCOG</b>					
7 Countywide Vision Leadership					
8 Countywide Vision Element Group Participation					
9 Sponsorship Program Administration Annually					
10 Business to Business Equity Track					
11 CALCOG Dues					
12 Project Controls					
13 Stipends					
14 Marketing					
15 Grant Writing					
	\$ 50,000.00	\$ 260,000.00	\$ 1,000,000.00	\$ 1,101,500.00	

Total SBCOG Work Plan Projects 2023-2025 \$ 2,411,500.00



# TABLE 2

2018 - 2023 COG Work Plan and Budget

Program/Project	1	2	3	4	5	6	7
	Total Cost	SBCTA	Partners	Grant Funds	COG	Funding Needed	FY
1. Optimizing Emergency Medical Services in San Bernardino County	\$ 300,000.00		\$ 150,000.00		\$ 150,000.00	\$ -	18-19
2. Workforce Resource ID and Toolkit	\$ 130,000.00				\$ 130,000.00	\$ -	18-19
3. Housing Strategic Plan and Summit	\$ 300,000.00				\$ 300,000.00	\$ -	18-19
4. CASE/School District Coordination	\$ 50,000.00				\$ 50,000.00	\$ -	18-19
5. Speaker Series - Partnership with WRCOG	\$ 25,000.00				\$ 25,000.00	\$ -	18-19
6. Broadband Needs Assessment	\$ 90,000.00				\$ 90,000.00	\$ -	19-20
7. Internship Program Plan	\$ 100,000.00				\$ 100,000.00	\$ -	19-20
8. Shared Services Program Plan	\$ 200,000.00				\$ 200,000.00	\$ -	19-20
9. Policy Toolkit for Healthy Communities Strategy Implementation	\$ 150,000.00				\$ 67,000.00	\$ 83,000.00	20-21
10. Healthy Development Checklist 2.0	\$ 150,000.00					\$ 150,000.00	20-21
11. Local Staff Training/Collaboration	\$ 25,000.00					\$ 25,000.00	20-21
12. Regional/BiCounty Healthy Communities Summit	\$ 25,000.00					\$ 25,000.00	20-21
13. SB 1000 (EJ)	\$ 150,000.00					\$ 150,000.00	19-20
14. IEEO	\$ -				\$ -	\$ -	Ongoing
15. Summer Meals Partnership	\$ -				\$ -	\$ -	Ongoing
16. Census 2020	\$ -				\$ -	\$ -	Ongoing
17. Alignment SBC	\$ -				\$ -	\$ -	Ongoing
18. California Association of Councils of Government	\$ -				\$ -	\$ -	Ongoing
19. Countywide Transformation Plan	\$ -				\$ -	\$ -	Ongoing
20. Green House Gas Reduction Plan	\$ 400,635.00			\$ 400,635.00		\$ -	Ongoing
21. Countywide Habitat Preservation	\$ 400,000.00		\$ 220,000.00	\$ 30,000.00		\$ 150,000.00	Ongoing
22. Climate Adaptation	\$ 600,000.00			\$ 600,000.00		\$ -	Ongoing
23. ZEV	\$ 170,000.00			\$ 170,000.00		\$ -	Ongoing
24. Forest Management Plan	\$ 266,000.00		\$ 190,000.00		PB (76500)	\$ -	Ongoing
25. Open Data Portal Dashboard	\$ 50,000.00			\$ 30,000.00		\$ 20,000.00	18-19
26. Marketing	\$ 75,000.00					\$ 75,000.00	18-19
27. Grant Writing (Existing Contract)	\$ 379,500.00				PB (379,500)	\$ -	Ongoing
28. Grant Writing (new 2 year contract in 2019)	\$ 285,000.00	\$ 142,500.00			\$ 142,500.00	\$ -	19-20
	\$ 4,321,135.00	\$ 142,500.00	\$ 560,000.00	\$ 1,230,635.00	\$ 1,349,500.00	\$ 583,000.00	OG-21

PB is Previously Budgeted and Funded

Remaining Fund Balance \$ 50,500.00

# TABLE 3

## SBCOG General Assessment Dues & Potential Increase

Jurisdiction	Population 2022	Assessed Value Fiscal Year 2022/2023	Base Sales Tax + Property Tax Revenues (1)	Original Assessment (2)	2016 Assessment (3)	2022 Assessment (4)	Total Current Assessments (2)+(3)+(4)	New	
								Assessment 50% Population/ 50% Revenue	Total Current Assessments + New Assessment (5)
Adelanto	36,357	\$3,011,709,510	8,290,201	\$1,856	\$5,337	\$8,000	\$15,193	\$10,379	\$25,572
Apple Valley	75,628	\$7,557,490,866	25,206,081	\$4,166	\$5,337	\$8,000	\$17,503	\$23,345	\$40,848
Barstow	25,202	\$1,724,738,920	19,590,846	\$1,200	\$5,337	\$8,000	\$14,537	\$10,247	\$24,784
Big Bear Lake	5,041	\$4,416,276,035	18,299,262	\$1,204	\$5,337	\$8,000	\$14,541	\$5,221	\$19,762
Chino	91,998	\$17,295,592,739	75,528,060	\$6,985	\$5,337	\$8,000	\$20,322	\$38,292	\$58,614
Chino Hills	77,964	\$14,639,278,992	32,696,782	\$5,915	\$5,337	\$8,000	\$19,252	\$25,546	\$44,798
Colton	53,617	\$5,016,940,896	31,398,593	\$2,873	\$5,337	\$8,000	\$16,210	\$19,534	\$35,744
Fontana	212,809	\$27,019,267,552	108,163,439	\$13,084	\$5,337	\$8,000	\$26,421	\$73,906	\$100,327
Grand Terrace	13,042	\$1,347,509,349	5,765,052	\$729	\$5,337	\$8,000	\$14,066	\$4,339	\$18,405
Hesperia	100,324	\$8,075,905,550	23,814,083	\$5,065	\$5,337	\$8,000	\$18,402	\$28,847	\$47,249
Highland	56,546	\$4,500,367,999	21,881,584	\$2,843	\$5,337	\$8,000	\$16,180	\$18,124	\$34,304
Loma Linda	25,349	\$2,827,789,573	12,255,309	\$1,466	\$5,337	\$8,000	\$14,803	\$8,664	\$23,467
Montclair	37,846	\$4,280,071,001	31,424,075	\$2,203	\$5,337	\$8,000	\$15,540	\$15,830	\$31,370
Needles	4,876	\$495,248,695	8,921,710	\$270	\$5,337	\$8,000	\$13,607	\$3,114	\$16,721
Ontario	179,516	\$36,223,657,090	243,176,826	\$14,216	\$5,337	\$8,000	\$27,553	\$95,842	\$123,395
Rancho Cucamonga	174,476	\$32,965,855,079	87,561,737	\$13,287	\$5,337	\$8,000	\$26,624	\$60,344	\$86,968
Redlands	72,585	\$12,032,086,055	66,216,730	\$5,129	\$5,337	\$8,000	\$18,466	\$31,673	\$50,139
Rialto	103,954	\$13,115,586,958	111,985,260	\$6,372	\$5,337	\$8,000	\$19,709	\$49,142	\$68,851
San Bernardino	220,840	\$19,097,789,522	129,701,848	\$11,462	\$5,337	\$8,000	\$24,799	\$80,540	\$105,339
Twentynine Palms	27,685	\$1,137,526,790	10,674,796	\$1,139	\$5,337	\$8,000	\$14,476	\$8,865	\$23,341
Upland	79,139	\$11,592,952,948	41,173,743	\$5,217	\$5,337	\$8,000	\$18,554	\$27,692	\$46,246
Victorville	136,561	\$11,444,656,207	65,149,801	\$7,001	\$5,337	\$8,000	\$20,338	\$46,484	\$66,822
Yucaipa	54,494	\$5,524,015,696	19,954,046	\$3,020	\$5,337	\$8,000	\$16,357	\$17,217	\$33,574
Yucca Valley	21,813	\$2,270,934,302	11,976,891	\$1,223	\$5,337	\$8,000	\$14,560	\$7,771	\$22,331
County	300,003	\$42,962,663,648	1,122,622,000	\$19,698	\$5,330	\$8,000	\$32,928	\$318,100	\$351,028
	2,187,665	\$290,515,911,972	2,333,448,755	\$137,523	\$133,418	\$200,000	\$470,941	\$1,029,059	\$1,500,000

**NOTES:**

- (1) Base sales tax (7.75%) and property tax amounts obtained from financial statements for FY 2022, except for Town of Apple Valley FY 2021 and City of Adelanto FY 2020. Additional local tax is deducted.
- (2) Original assessment based on 50% population and 50% assessed value. Amounts are adjusted every fiscal year.
- (3) In FY2015/2016, the Board of Directors approved an additional \$133,418 every fiscal year for Council of Government (COG) activities.
- (4) In FY2021/2022, the Board of Directors approved additional monetary obligations for COG activities: \$66,675 for FY22-23, \$133,350 for FY23-24, \$200,000 for FY24-25 and escalation every fiscal year
- (5) \$1.5M total sum of current assessments plus the net amount of \$1,029,059 distributed based on 50% Population/50% Revenue.

# TABLE 4

## San Bernardino County Transportation Authority General Assessment Dues Calculation Fiscal Year 2023/2024 Budget

JURISDICTION:	POP. 2022	% OF TOTAL POP.	ASSESSED VALUE BEFORE RDA 2022/2023	% OF TOTAL VALUE	AVG. % POP. & VALUE	FY2023/2024 ASSESSMENT AMOUNT (5)	FY2023/2024 MANDATORY MONETARY OBLIGATIONS AMOUNT (6)	FY2023/2024 OTHER MONETARY OBLIGATIONS AMOUNT (5)+(6)	FY2023/2024 TOTAL AMOUNT (7)	INCREASE IN DUES TO TOTAL \$1.5M (8)	\$1.5 M TOTAL DUES (9)	INCREASE IN DUES TO TOTAL \$3M (10)	\$3 M TOTAL DUES (11)
Adelanto	36,357	1.662%	\$3,011,709,510	1.037%	1.349%	\$1,856	\$5,337	\$10,671	\$12,527	\$14,784.32	\$27,311	35,024	\$47,551
Apple Valley	75,628	3.457%	\$7,557,490,866	2.601%	3.029%	\$4,166	\$5,337	\$10,671	\$14,837	\$33,191	\$48,028	78,630	\$93,467
Berston	25,202	1.152%	\$1,724,738,920	0.594%	0.873%	\$1,200	\$5,337	\$10,671	\$11,871	\$9,564	\$21,435	22,656	\$34,527
Big Bear Lake	5,041	0.230%	\$4,416,276,035	1.520%	0.875%	\$1,204	\$5,337	\$10,671	\$11,875	\$9,591	\$21,466	22,720	\$34,596
Chino	91,998	4.205%	\$17,295,592,739	5.953%	5.079%	\$6,985	\$5,337	\$10,671	\$17,656	\$55,655	\$73,311	131,845	\$149,501
Chino Hills	77,964	3.564%	\$14,639,278,992	5.039%	4.301%	\$5,915	\$5,337	\$10,671	\$16,586	\$47,131	\$63,717	111,653	\$128,236
Colton	53,617	2.451%	\$5,016,940,896	1.727%	2.089%	\$2,873	\$5,337	\$10,671	\$13,544	\$22,888	\$36,432	54,222	\$67,766
Fontana	212,809	9.728%	\$27,019,267,552	9.300%	9.514%	\$13,084	\$5,337	\$10,671	\$23,755	\$104,246	\$128,001	246,957	\$275,157
Grand Terrace	13,042	0.596%	\$1,347,509,349	0.464%	0.530%	\$729	\$5,337	\$10,671	\$11,400	\$5,807	\$17,207	13,757	\$25,157
Hesperia	100,324	4.586%	\$8,075,905,550	2.780%	3.683%	\$5,065	\$5,337	\$10,671	\$15,736	\$40,354	\$56,090	95,597	\$111,333
Highland	56,546	2.585%	\$4,500,367,999	1.549%	2.067%	\$2,843	\$5,337	\$10,671	\$13,514	\$22,648	\$36,162	53,651	\$67,165
Loma Linda	25,349	1.159%	\$2,827,789,573	0.973%	1.066%	\$1,466	\$5,337	\$10,671	\$12,137	\$11,681	\$23,818	27,671	\$39,808
Montclair	37,846	1.730%	\$4,280,071,001	1.473%	1.602%	\$2,203	\$5,337	\$10,671	\$12,874	\$17,549	\$30,423	41,573	\$54,447
Needles	4,876	0.223%	\$495,248,695	0.170%	0.197%	\$270	\$5,337	\$10,671	\$10,941	\$2,155	\$13,096	5,105	\$16,046
Ontario	179,516	8.206%	\$36,223,657,090	12.469%	10.337%	\$14,216	\$5,337	\$10,671	\$24,887	\$113,267	\$138,154	268,326	\$293,213
Rancho Cucamonga	174,476	7.975%	\$32,965,855,079	11.347%	9.661%	\$13,287	\$5,337	\$10,671	\$23,958	\$105,861	\$129,819	250,782	\$274,740
Redlands	72,585	3.318%	\$12,032,086,055	4.142%	3.730%	\$5,129	\$5,337	\$10,671	\$15,800	\$40,867	\$56,667	96,814	\$112,614
Rialto	103,954	4.752%	\$13,115,586,958	4.515%	4.633%	\$6,372	\$5,337	\$10,671	\$17,043	\$50,766	\$67,809	120,265	\$137,308
San Bernardino	220,840	10.095%	\$19,097,789,522	6.574%	8.334%	\$11,462	\$5,337	\$10,671	\$22,133	\$91,319	\$113,452	216,333	\$238,466
Twentynine Palms	27,685	1.266%	\$1,137,526,790	0.392%	0.829%	\$1,139	\$5,337	\$10,671	\$11,810	\$9,078	\$20,888	21,506	\$33,316
Upland	79,139	3.618%	\$11,532,952,948	3.970%	3.794%	\$5,217	\$5,337	\$10,671	\$15,888	\$41,568	\$57,456	98,472	\$114,360
Victorville	136,561	6.242%	\$11,444,656,207	3.939%	5.091%	\$7,001	\$5,337	\$10,671	\$17,672	\$55,781	\$73,453	132,144	\$149,816
Yucaipa	54,494	2.491%	\$5,524,015,696	1.901%	2.196%	\$3,020	\$5,337	\$10,671	\$13,691	\$24,064	\$37,765	57,007	\$70,698
Yucaipa Valley	21,813	0.997%	\$2,270,934,302	0.782%	0.889%	\$1,223	\$5,337	\$10,671	\$11,894	\$9,745	\$21,639	23,086	\$34,980
County	300,003	13.713%	\$42,962,663,648	14.788%	14.251%	\$19,598	\$5,330	\$10,664	\$30,262	\$156,148	\$186,410	389,912	\$400,174
	<b>2,187,665</b>	<b>100.000%</b>	<b>\$290,515,911,972</b>	<b>100.000%</b>	<b>100.000%</b>	<b>\$137,523</b>	<b>\$133,418</b>	<b>\$266,768</b>	<b>\$404,291</b>	<b>\$1,095,709</b>	<b>\$1,500,000</b>	<b>\$2,595,709</b>	<b>\$3,000,000</b>

**NOTES:**

- 1) Population Source: Most recent Measure 1 population data, which is the Department of Finance estimate as of January 1 reconciled to the total population for San Bernardino County.
- 2) Net Assessed Value Source: Property Tax Section, County Auditor/Controller.
- 3) These calculations are based on the most recent data received from the County of San Bernardino.
- 4) Assessed valuation of jurisdiction includes properties within redevelopment areas.
- 5) In FY2015/2016, the Board of Directors approved an additional \$133,418 to FY2023/2024 dues for Council of Government (COG) activities.
- 6) In FY2021/2022, the Board of Directors approved the following additional monetary obligations for Council of Government (COG) activities: \$66,675 for FY23-24, \$200,000 for FY24-25. Furthermore, the Board approved to escalate this additional monetary obligation by the lower of CPI factor or 2% per year, starting from FY25-26.
- 7) Assessment dues based on average population and assessed valuation and other monetary obligations.
- 8) Increased amount based on average population and assessed valuation for total assessments of \$1.5M.
- 9) Assessment dues based on average population and assessed valuation and other monetary obligations and increase of \$1,095,709 for total assessments of \$1.5M (7+8).
- 10) Increased amount based on average population and assessed valuation for total assessments of \$3M.
- 11) Assessment dues based on average population and other monetary obligations and increase of \$2,595,709 for total assessments of \$3M (7+10).

**SANBAG JPA Amendment #4**

**Amended Agreement for the Joint Exercise of Powers  
Relative to the San Bernardino Associated Governments**

This Amendment No. 4 to the Agreement for the Joint Exercise of Powers (“Agreement”) Relative to the San Bernardino Associated Governments is entered into by and between San Bernardino County, a political subdivision of the State of California; the City of Adelanto, a charter city; the Town of Apple Valley, a municipal corporation; the City of Barstow, a municipal corporation; the City of Big Bear Lake, a charter city; the City of Chino, a municipal corporation; the City of Chino Hills, a municipal corporation; the City of Colton, a municipal corporation; the City of Fontana, a municipal corporation; the City of Grand Terrace, a municipal corporation; the City of Hesperia, a municipal corporation; the City of Highland, a municipal corporation; the City of Loma Linda, a charter city; the City of Montclair, a municipal corporation; the City of Needles, a charter city; the City of Ontario, a municipal corporation; the City of Rancho Cucamonga, a municipal corporation; the City of Redlands, a municipal corporation; the City of Rialto, a municipal corporation; the City of San Bernardino, a charter city; the City of Twentynine Palms, a municipal corporation; the City of Upland, a municipal corporation; the City of Victorville, a charter city; the City of Yucaipa, municipal corporation; and the Town of Yucca Valley, a municipal corporation.

**RECITALS**

1. WHEREAS, each party to the Agreement is a public agency and is authorized to enter into this Amendment No. 4;
2. WHEREAS, each party to the Agreement entered into and executed a Joint Powers Agreement creating an organization (San Bernardino Associated Governments) to explore and study countywide, subregional and regional problems and to effect improved intergovernmental cooperation; and
3. WHEREAS, the parties have previously amended the Agreement three times, the last time being in 1975; and
4. WHEREAS, the parties desire to amend the Agreement to rename the entity formed by the Agreement to be San Bernardino Council of Governments; and
5. WHEREAS, the Agreement’s funding mechanism is outdated, and as such, the parties desire to amend the Agreement to provide greater funding to the joint powers entity in a more equitable manner.

NOW, THEREFORE, the parties hereto agree as follows:

1. The joint powers entity formed by the Agreement shall be known as the San Bernardino Council of Governments (“SBCOG”). All instances of “San Bernardino Associated Governments” in the Agreement are replaced with “San Bernardino Council of Governments.” All instances of “SANBAG” are replaced with “SBCOG.” All instances of “the Association” or “the association” in reference to the joint powers entity are replaced with “the COG.”
2. The article titled “ASSESSMENTS” is removed and replaced in its entirety with the following:

**ASSESSMENTS**

10. In reviewing the budget, the Board of Directors shall determine what assessments are necessary. Such assessments shall be calculated in accordance with SBCOG policy adopted by the Board of Directors. The policy will identify a particular method or formula specifying

how member agency dues shall be assessed, and will also allow for optional, subscription assessments that member agencies may opt in to on a voluntary basis, based on a Board-adopted budget or budget amendment and a subscription work program.

Each party shall be informed of its estimated assessment by April 1. After the final budget becomes effective, the Board of Directors shall determine the precise amount of the assessment, if any may be necessary, and the parties shall be so informed. Assessments shall be payable on or before August 1 for the fiscal year starting July 1.

In addition to the assessments referenced in the preceding paragraphs, advances from the public funds of the parties hereto may be made for the purposes set forth in this Agreement. When such advances are made, they shall be repaid from the first available funds.

The Board of Directors shall have the power to authorize utilization of personnel, equipment, or property of one or more of the parties to this Agreement in complete or partial satisfaction of such party's obligations to pay assessments or make advances.

All assessments or other monetary obligations hereunder shall be paid to the COG and shall be authorized for expenditure by a majority vote of the Board of Directors in connection with the adoption of the annual budget.”

- 3. This Amendment No. 4 shall become binding upon each party hereto upon that party's execution.

Signed and attested by the following:

<b>Jurisdiction</b>	<b>Date</b>
_____ City of Adelanto	_____
_____ City of Apple Valley	_____
_____ City of Barstow	_____
_____ City of Big Bear Lake	_____
_____ City of Chino	_____
_____ City of Chino Hills	_____
_____ City of Colton	_____
_____ City of Fontana	_____
_____ City of Grand Terrace	_____
_____ City of Hesperia	_____
_____ City of Highland	_____
_____ City of Loma Linda	_____
_____ <i>See Signatures for Montclair Below</i>	_____
_____ City of Montclair	_____

<b>Jurisdiction</b>	<b>Date</b>
City of Needles	
City of Ontario	
City of Rancho Cucamonga	
City of Redlands	
City of Rialto	
City of San Bernardino	
City of Twentynine Palms	
City of Upland	
City of Victorville	
City of Yucaipa	
Town of Yucca Valley	
County of San Bernardino	

SBCOG Board Adopted: January 3, 2024

**City of Montclair**

\_\_\_\_\_  
Javier John Dutrey, Mayor

**Attest:**

**Approved as to Form:**

\_\_\_\_\_  
Andrea M. Myrick, City Clerk

\_\_\_\_\_  
Diane E. Robbins, City Attorney



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	PRK525
<b>SECTION:</b>	CONSENT - AGREEMENTS	<b>DEPT.:</b>	PUBLIC WORKS
<b>ITEM NO.:</b>	3	<b>PREPARER:</b>	R. ORTEGA
<b>SUBJECT:</b>	CONSIDER APPROVAL OF AGREEMENT NO. 24-03 WITH RED DOT INDUSTRIAL PARK, LLC FOR THE MAINTENANCE AND USE OF THE COMMON WALLS AT REEDER RANCH PARK, SUBJECT TO ANY REVISIONS DEEMED NECESSARY BY THE CITY ATTORNEY		

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**REASON FOR CONSIDERATION:** The City Council is requested to consider approving Agreement No. 24-03 with Red Dot Industrial Park, LLC for the Maintenance and Use of the Common Walls at the Reeder Ranch Park.

A copy of proposed Agreement No. 24-03 is attached for the City Council's review and consideration.

**BACKGROUND:** On March 19, 2020, the City was notified of its successful application with the Statewide Park Development and Community Revitalization Program for construction of a new park on a City-owned lot adjacent to the Reeder Citrus Ranch property. The grant was awarded to the City to design and build Reeder Ranch Park, a 1.56-acre neighborhood multi-benefit park with athletic and passive recreational play opportunities. The park when complete will include a 2,500 square-foot recreational building, bike racks, fruit trees, a fitness equipment area, lighting throughout the park, a parking lot, a playground, artwork, as well as benches and companion seating around the playground and barbeque area.

On February 21, 2023, the City Council awarded the construction of the Reeder Ranch Park Project to PUB Construction, Inc. and appropriated sufficient funds for construction of the project.

On the south side of the Reeder Ranch Park site there are two buildings that flank the new Reeder Ranch Multi-Purpose and Annex Buildings, which are owned by the Red Dot Industrial Park, LLC. The City has negotiated the agreement to use the common building walls to display mural artwork that supports Montclair's Reeder Ranch Park. The proposed designs are attached. The City will be responsible for maintaining the murals and adjacent landscape areas. These murals will be visible from Holt Boulevard and serve to frame the Multi-Purpose and Annex Building complex. The murals also provide the site artwork contemplated in the Statewide Park Development and Community Revitalization Program Grant.

**FISCAL IMPACT:** The Reeder Ranch Park Project is funded by the Statewide Park Development and Community Revitalization Program Grant Fund in the amount of \$5,137, 00 and 2021 Lease Revenue Bond funds. The cost to prepare the artwork, ready the building surface, and construct the murals is included in the funds allocated for the construction project.

**RECOMMENDATION:** Staff recommends that the City Council approve Agreement No. 24-03 with Red Dot Industrial Park, LLC for the maintenance and use of the common walls at Reeder Ranch Park, subject to any revisions deemed necessary by the City Attorney.

# Murals at Reeder Ranch Park



Right wall



Left wall



**CITY OF MONTCLAIR**  
**MAINTENANCE AND USE AGREEMENT**

THIS MAINTENANCE AND USE AGREEMENT (“Agreement”) is made and entered into as of January 16, 2024, by and between the City of Montclair, a California municipal corporation City of Montclair, and Red Dot Industrial Park, LLC. The City and Private Owner are sometimes referred to together herein as the “Parties.”

RECITALS

This License Agreement is made with reference to the following facts:

A. City is the owner of certain real property located at 4405 Holt Blvd in the City of Montclair, County of San Bernardino, State of California, commonly referred to as Reeder Ranch Park (hereinafter, “Site”).

B. Private Owner is the owner of certain real property located at 4382 and 4392 Brooks St in the City of Montclair, County of San Bernardino, State of California, commonly known as Red Dot Industrial Park, LLC [APN 1012051060000] (hereinafter, “the Property”).

C. The Site and the Property are separated by a common wall (the “Common Wall”) located at the northern edge of the Property and southern edge of the Site. Private Owner has installed and maintained certain plant material with roots on the Property at the southern edge of the Common Wall but with vines and branches that extend over the top of the Common Wall onto the north facing portion of the Common Wall (the “North Face”). Part of the separation between the Property and the Site is also the side of two buildings on the Property extending the northern edge of the Property and the southern edge of the Site, flush with the Common Wall; those building faces so facing the Site are referred to herein as the “Building Sides.”

D. Certain plant material with roots on the Property also extend onto the Building Sides.

E. The Parties mutually desire to set forth their mutual understandings regarding the responsibilities of the respective Parties with respect to the south facing portion of the Common Wall (the “South Face”) and the North Face, as well as the Building Sides.

AGREEMENTS OF THE PARTIES

NOW THEREFORE, in consideration of the mutual covenants and obligations of the parties herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section 1. Maintenance and Use of the Common Wall.

(a) South Face. Private Owner shall maintain at its cost the South Face, including without limitation plant material located nearby and/or adjacent to the Common Wall. Private Owner shall take reasonable steps from time to time to eliminate or minimize the encroachment of plant material rooted in the Property as against the North Face and the Site.

(b) North Face. City shall maintain at its cost the North Face and the Building Sides. City may, at its discretion, cause a mural and/or other art work to be displayed on the North Face and the Building Sides; the City is not obligated to repaint the North Wall or the Building Sides at any particular interval. Private Owner agrees that City may cut plant material which is at or beyond the top of the Common Wall and may remove any plant material which extends onto the North Face, the Building Sides, and/or the Site.

(c) Term of Agreement. This Agreement shall take effect upon the date of approval first above written and the term of this Agreement shall continue until the twentieth (20<sup>th</sup>) anniversary of the date of approval; in addition, unless terminated prior to the twentieth (20<sup>th</sup>) anniversary, this Agreement shall be deemed to be automatically extended for a period of an additional twenty (20) years.

(d) Condition of the Common Wall and Building Sides. The Parties, neither of whom has investigated the condition of the Common Wall and Building Sides, are informed and believe that the Common Wall and Building Sides are in good condition. This Agreement shall not alter any duties which exist prior to the approval of this Agreement concerning the structural integrity of the Common Wall and Building Sides or any duties to repair or replace the Common Wall or Building Sides.

Section 2. Termination, Default, & Restoration of Land to Original Condition.

(a) Termination Without Cause. Prior to the installation of a mural or other artwork on the North Face and Building Sides, this Agreement may be terminated without cause by either party upon giving ninety (90) days written notice to the other Party. After a mural or other artwork is installed on the North Face and or Building Sides, this Agreement shall not be subject to be terminated without cause by the Private Owner.

(b) Default and Cure Provisions; For Cause. In addition to the rights described in Section 2(a), either Party shall have the right to terminate this Agreement upon notice and an opportunity to cure being given to the other Party as follows: "Default" means the failure of either Party to perform or violation of any term, condition, covenant or agreement of this Agreement, and the continuation of such failure or violation for a period of thirty (30) days after one Party shall have given the other Party written notice specifying the same, or in the case of a situation in which the default cannot reasonably be cured within thirty (30) days, if the Party receiving such notice of Default shall not promptly, within thirty (30) days after receipt of such notice, commence to remedy the situation by a means that can reasonably be expected to remedy the situation within a reasonable period of time, not to exceed thirty (30) days from the notice of Default, and diligently pursue the same to completion.

(c) Effect of Termination. Termination of this Agreement shall in no way prejudice any of the rights and remedies available to either Party at law or in equity.

Section 3. Compliance with Laws.

Each Party shall perform hereunder in compliance with all applicable laws, including without limitation the Montclair Municipal Code as it may be amended from time to time.

Section 4. No Duty to Warn.

Neither Party has a duty to inspect the Common Wall and Building Sides or to warn the other Party or any person of any other latent or patent defect, condition or risk that might be incurred with respect to the Common Wall and Building Sides.

Section 5. Notices.

Any notices required to be given under this License Agreement shall be sent to the following parties by either fax transmission or first class mail postage prepaid as follows:

To CITY:

Mikey Fuentes  
Dir. of Economic Development  
City of Montclair  
5111 Benito Street  
Montclair, CA 91763

To PRIVATE OWNER:

Red Dot Industrial Park LLC  
Roberts Property Management  
11325 La Mirada Blvd  
Whittier, CA 90604

Section 6. Entire Agreement.

This Agreement sets forth the entire agreement of the parties with respect to the subject matter hereof and supersedes all prior discussions, negotiations, understandings or agreements relating thereto.

Section 7. No Oral Modification.

No alteration or variation of this Agreement shall be valid or binding unless made in writing and signed by the parties hereto.

Section 8. Assignment.

Private Owner may not assign any of their rights under this Agreement, either voluntarily or by operation of law. City may, in its sole and absolute discretion, assign this Agreement to any successor in interest to the Site.

Section 9. Governing Law.

This Agreement shall be construed in accordance with and governed by the laws of the State of California.

Section 10. Authority.

Each signatory hereto warrants to the other party its authority to sign on behalf of the party for whom its purports to sign.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

**CITY**

City of Montclair

By: \_\_\_\_\_  
Javier John Dutrey, Mayor

Attest:

By: \_\_\_\_\_  
Andrea M. Myrick, City Clerk

Approved as to Form:

By: \_\_\_\_\_  
Diane E. Robbins, City Attorney

**PRIVATE OWNER:**

Red Dot Industrial Park, LLC.

By: \_\_\_\_\_  
\_\_\_\_\_,  
Roberts Property Management,  
Authorized Agent for Red Dot  
Industrial Park, LLC.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	JANUARY 16, 2024	<b>FILE I.D.:</b>	PER710
<b>SECTION:</b>	CONSENT - RESOLUTIONS	<b>DEPT.:</b>	ADMIN. SVCS.
<b>ITEM NO.:</b>	1	<b>PREPARER:</b>	A. MYRICK
<b>SUBJECT:</b>	CONSIDER ADOPTION OF RESOLUTION NO. 24-3425 AUTHORIZING SALARIES AND CLASSIFICATION TITLES FOR CITY EMPLOYEES ON A CONSOLIDATED SALARY SCHEDULE		

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**REASON FOR CONSIDERATION:** For the purpose of ongoing transparency, the City Council is requested to annually review and authorize the wage provisions and classification titles for all employees of the City of Montclair.

A copy of proposed Resolution No. 24-3425 is attached for the City Council's review and consideration.

**BACKGROUND:** Proposed Resolution No. 24-3425 reflects salary adjustments for all salary increases as described below. The Fiscal Year 2023-2024 salary adjustments for these employees are shown in Schedule "A" of Resolution No. 24-3425.

- On December 18, 2023, the Personnel Committee/City Manager approved wage increases for all part-time benefited and selected part-time employees.
- On December 18, 2023, the City Council approved:
  - Agreement No. 23-90 regarding the negotiated salary increases with the Management (Nonsafety and Safety) Employees through FY 2023-24, and
  - Agreement No. 23-91 regarding the negotiated salary increases with the Executive Management Employees through FY 2023-24.
- On November 6, 2023, the City Council approved and adopted Agreement No. 23-68 regarding the negotiated salary increases with the City Manager through December 31, 2026.
- On December 19, 2022, the City Council approved:
  - Agreement No. 22-114 regarding the negotiated salary increases with the Montclair City Confidential Employees' Association (MCCEA) through FY 2023-24.
  - Agreement No. 22-115 regarding the negotiated salary increases with the Montclair Police Officers' Association (MPOA) through FY 2024-25,
- On September 20, 2021, the City Council approved Agreement No. 21-57 regarding the negotiated salary increases with the Montclair General Employees' Association (MGEA) through FY 2023-24.
- On June 21, 2021, the City Council approved Agreement No. 21-29 regarding the negotiated salary increases with the Montclair Firefighters' Association (MFFA) through FY 2025-26.

City of Montclair employee salaries are also available for public access online at <https://publicpay.ca.gov/> and at <https://www.cityofmontclair.org/salary-schedule/>.

**FISCAL IMPACT:** The City Council's adoption of proposed Resolution No. 24-3425 would create no financial impact to the City General Fund.

**RECOMMENDATION:** Staff recommends the City Council adopt Resolution No. 24-3425 authorizing the salaries and classification titles for City employees on a consolidated salary schedule.

RESOLUTION NO. 24-3425

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE SALARIES AND CLASSIFICATION TITLES FOR CITY EMPLOYEES ON A CONSOLIDATED SALARY SCHEDULE

WHEREAS, pursuant to Government Code Section 3500, *et seq.*, City of Montclair representatives met and conferred with the appropriate representatives of each employee association; and

WHEREAS, on December 18, 2023, the Personnel Committee/City Manager approved wage increases for all part-time benefited employees and selected part-time employees; and

WHEREAS, on December 18, 2023, the City Council approved Agreement No. 23-90 regarding the negotiated salary increases with the Management (Nonsafety and Safety) Employees through June 30, 2024; and

WHEREAS, December 18, 2023, the City Council approved Agreement No. 23-91 regarding the negotiated salary increases with the Executive Management Employees through June 30, 2024; and

WHEREAS, on November 6, 2023, the City Council approved and adopted Agreement No. 23-68 regarding the increase in salary for the City Manager for a term of four years through December 31, 2026; and

WHEREAS, on December 19, 2022, the City Council approved Agreement No. 22-114 regarding the negotiated salary increases with the Montclair City Confidential Employees' Association (MCCEA) through June 30, 2024; and

WHEREAS, on December 19, 2022, the City Council approved Agreement No. 22-115 regarding the negotiated salary increases with the Montclair Police Officers' Association (MPOA) through June 30, 2025; and

WHEREAS, on September 20, 2021, the City Council approved Agreement No. 21-57 regarding the negotiated salary increases with Montclair General Employees' Association (MGEA) through June 30, 2024; and

WHEREAS, on June 21, 2021, the City Council approved Agreement No. 21-29 regarding the negotiated salary increases with the Montclair Firefighters' Association (MFFA) through June 30, 2026; and

WHEREAS, for the purpose of ongoing transparency, the City Council has asked to annually review and authorize the wage provisions and classification titles for all employees of the City of Montclair.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby find and determine that the salaries and classification titles of the City employees be as listed in Schedule "A" attached to this Resolution.

BE IT FURTHER RESOLVED that such salaries and classification titles shown in Schedule "A" shall remain in effect, and that the City Clerk shall certify to the passage of this Resolution and the Mayor shall sign the same.

APPROVED AND ADOPTED this XX day of XX, 2024.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

I, Andrea M. Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 24-3425 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, 2024, and that it was adopted by the following vote, to-wit:

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

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Andrea M. Myrick  
City Clerk



Consolidated Salary Schedule "A"  
Adopted Pursuant to Resolution No. 24-3425

**CITY OF MONTCLAIR SALARY SCHEDULE**

ALPHA RANGE LISTING

Classification	A	B	C	D	E
<b>PART-TIME/HOURLY</b>					
Accounting Specialist	23.95010	25.14762	26.40502	27.72530	29.11154
Administrative Aide	27.26313	28.62629	30.05758	31.56050	33.13846
Administrative Secretary (Relief)	24.19217	25.40181	26.67190	28.00550	29.40577
Administrative Technician (PTB)	24.19217	25.40181	26.67190	28.00550	29.40577
Benefits Coordinator	31.82435	33.41556	35.08633	36.84060	38.68269
Code Enforcement Officer (Relief)	29.28508	30.74931	32.28675	33.90110	35.59615
Community Building Supervisor	16.00191	16.80200	17.64210	18.52421	19.45042
Custodian	20.06758	21.07096	22.12454	23.23080	24.39231
Customer Service Representative/Office Specialist	20.61813	21.64904	22.73152	23.86810	25.06154
Deputy City Clerk	33.08688	34.74121	36.47827	38.30220	40.21731
Data Entry Clerk	16.98716	17.83652	18.72834	19.66476	20.64800
Economic Development Consultant	--	--	--	62.93000	66.10000
Facility Coordinator	16.00191	16.80200	17.64210	18.52421	19.45042
Fire Technician	16.57947	17.40844	18.27886	19.19281	20.15245
Graffiti Abatement Aide	16.00000	--	--	--	--
Graffiti Abatement Worker	21.58644	22.66575	23.79906	24.98900	26.23846
Health Education Intern	16.88524	17.72950	18.61597	19.54677	20.52411
Health Education Specialist [Grant]	20.58502	--	--	--	--
Information Technology Systems Analyst	43.93702	46.13388	48.44060	50.86260	53.40577
Instructor	16.00191	16.80200	17.64210	18.52421	19.45042
Junior Intern	16.00191	16.80200	17.64210	18.52421	19.45042
Kitchen Assistant [Grant]	18.21873	19.12967	20.08615	21.09046	22.14498
Lead Mechanic	21.38204	22.45114	23.57370	24.75238	25.99000
Leadworker, Maintenance	24.90894	26.15440	27.46212	28.83520	30.27692
Learning Leader [Grant]	18.99620	19.94601	20.94331	21.99048	23.09000
Maintenance Worker	21.58644	22.66575	23.79906	24.98900	26.23846
Mechanic Aide	18.68000	19.61000	20.59000	21.62000	22.71000
Medical Clinic Coordinator	25.00000	26.00000	27.00000	--	--
Medical Clinic Specialist	22.26046	23.37346	24.54213	25.76930	27.05769
Mini-School Coordinator	16.47755	17.30142	18.16649	19.07482	20.02856
Nutrition Site Manager	19.61168	20.59226	21.62187	22.70297	23.83812
Office Specialist	20.41887	21.43979	22.51177	23.63730	24.81923
Park Leader	16.00191	16.80200	17.64210	18.52421	19.45042
Park Maintenance Specialist	19.38287	20.35201	21.36961	22.43810	23.56000
Payroll Analyst	32.54579	34.17306	35.88173	37.67580	39.55962
Police Background Investigator	29.36225	30.83036	32.37188	33.99048	35.69000
Police Cadet	16.57947	17.40844	18.27886	19.19281	20.15245
Police Dispatcher (Relief)	27.49038	--	--	--	--
Police Services Specialist (Relief)	21.15923	22.21719	23.32806	24.49450	25.71923
Program Aide	16.26521	17.07847	17.93239	18.82901	19.77046
Receptionist/Office Specialist	19.94417	20.94138	21.98844	23.08790	24.24231
Recreation Intern	16.88524	17.72950	18.61597	19.54677	20.52411
Recreation Leader	16.00191	16.80200	17.64210	18.52421	19.45042
Recreation Specialist	16.15479	16.96253	17.81066	18.70119	19.63625
Senior Intern	16.78331	17.62248	18.50360	19.42878	20.40022
Senior Leadworker	30.02071	31.52175	33.09785	34.75280	36.49038
Senior Learning Leader	23.68560	24.86988	26.11338	27.41905	28.79000
Senior Police Cadet	18.67738	19.61125	20.59181	21.62141	22.70248
Senior Police Dispatcher (Relief)	29.66002	31.14300	32.70017	34.33520	36.05192
Senior Recreation Leader	17.48828	18.36270	19.28083	20.24487	21.25712
Senior Recreation Specialist	17.64697	18.52932	19.45578	20.42857	21.45000
Sewer Maintenance Specialist	19.38287	20.35201	21.36961	22.43810	23.56000
Sports Coordinator	17.77860	18.66753	19.60091	20.58095	21.61000
Street Maintenance Specialist	19.38287	20.35201	21.36961	22.43810	23.56000

**Consolidated Salary Schedule "A"**  
**Adopted Pursuant to Resolution No. 24-3425**

<b>Classification</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>PART-TIME/HOURLY</b>					
Substitute Learning Leader	19.09357	20.04825	21.05066	22.10319	23.20835
Technical Services Specialist	29.36225	30.83036	32.37188	33.99048	35.69000
Transportation Coordinator	18.35463	19.27236	20.23598	21.24778	22.31016
Volunteer Services Coordinator (Modified Duty)	30.53872	32.06565	33.66893	35.35238	37.12000
<b>PART-TIME/MONTHLY</b>					
City Attorney	6400	--	--	--	--
Council Member	742	1150	--	--	--
Mayor	1042	1650	--	--	--
Planning Commissioner	250	--	--	--	--
Reserve Code Enforcement Officer	300	--	--	--	--
Reserve Police Captain	600	--	--	--	--
Reserve Police Lieutenant	125	--	--	--	--
Reserve Police Officer	300	--	--	--	--
Reserve Police Sergeant	400	--	--	--	--
<b>FULL-TIME</b>					
Accountant	4874	5117	5373	5642	5924
Accounting Specialist	4151	4359	4577	4806	5046
Administrative Aide	4726	4962	5210	5470	5744
Administrative Analyst	5735	6022	6323	6639	6971
Administrative Coordinator	5516	5792	6082	6386	6705
Administrative Secretary	4193	4403	4623	4854	5097
Administrative Services Coordinator	4948	5195	5455	5728	6014
Administrative Specialist	4193	4403	4623	4854	5097
Assistant City Manager/Human Services Director	13875	14569	15297	16062	16865
Assistant Code Enforcement Manager	7689	8073	8477	8901	9346
Assistant Director of Housing/Planning Manager	9304	9769	10258	10770	11309
Assistant Director of Human Services	6559	6887	7232	7593	7973
Assistant Director of Human Services/Grants Manager	10190	10700	11234	11796	12386
Assistant Engineer	7190	7549	7927	8323	8739
Assistant Fire Chief	13138	13795	14484	15209	15969
Assistant Planner	5294	5559	5117	6129	6435
Assistant Public Works Manager	6610	6941	7288	7652	8035
Assistant Senior Learning Coordinator	3888	4083	4287	4501	4726
Associate Engineer	7563	7941	8338	8755	9193
Associate Planner	6343	6660	6993	7343	7710
Benefits Coordinator	5516	5792	6082	6386	6705
Benefits Specialist	4642	4874	5117	5373	5642
Building Inspector	5307	5573	5851	6144	6451
Building Maintenance Supervisor	6940	7287	7652	8034	8436
Building Maintenance Technician	4264	4477	4701	4936	5183
Building Official/Code Enforcement Manager	9304	9769	10258	10770	11309
City Clerk	8073	8477	8901	9346	9813
City Clerk/Human Resources Manager	10190	10700	11234	11796	12386
City Manager	--	--	--	--	25376
City Planner/Planning Manager	9304	9769	10258	10770	11309
Code Enforcement Officer	5076	5330	5596	5876	6170
Code Enforcement Supervisor	6284	6598	6928	7274	7638
Community Compliance Specialist	5076	5330	5596	5876	6170
Community Health Education Coordinator [Grant]	4777	5016	5267	5530	5807
Community Services Supervisor	5587	5866	6160	6468	6791
Custodian	3478	3652	3835	4027	4228
Customer Service Representative/Office Specialist	3574	3753	3940	4137	4344
Deputy City Clerk	5735	6022	6323	6639	6971
Deputy Director of Community & Economic Development	10700	11235	11797	12387	13006
Deputy Fire Marshal	6951	7299	7664	8047	8449
Diagnostic Specialist	4692	4926	5173	5431	5703
Director of Community Development	13244	13906	14601	15331	16098
Director of Montclair Economic Development Agency	13244	13906	14601	15331	16098
Director of Finance	13244	13906	14601	15331	16098

**Consolidated Salary Schedule "A"**  
**Adopted Pursuant to Resolution No. 24-3425**

<b>Classification</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>FULL-TIME</b>					
Director of Human Services	13244	13906	14601	15331	16098
Director of Information Technology	13244	13906	14601	15331	16098
Director of Public Works/City Engineer	13907	14602	15332	16099	16904
Economic Development Coordinator/Housing Associate	6425	6747	7084	7438	7810
Economic Promotions Coordinator	5516	5792	6082	6386	6705
Economic Services & Housing Manager	8483	8907	9352	9820	10311
Employment & Personnel Coordinator	5254	5516	5792	6082	6386
Engineering Division Manager	9304	9769	10258	10770	11309
Environmental Compliance Coordinator	5238	5500	5775	6064	6367
Environmental Control Specialist	4873	5117	5372	5641	5923
Equipment Maintenance Manager	7191	7551	7928	8325	8741
Equipment Maintenance Supervisor	6475	6798	7138	7495	7870
Equipment Mechanic	4239	4451	4673	4907	5152
Executive Director of Engineering/Major Projects Manager	--	--	--	--	20833
Executive Director Office of Public Safety	16012	16813	17654	18536	19463
Facilities Specialist	5204	5464	5737	6024	6325
Field Groundskeeper	4318	4533	4760	4998	5248
Finance Manager	9304	9769	10258	10770	11309
Finance Supervisor	7748	8136	8542	8970	9418
Fire Battalion Chief	11515	12091	12696	13330	13997
Fire Captain	8613	9044	9496	9970	10469
Fire Engineer	7067	7420	7791	8181	8590
Firefighter (Paramedic)	6796	7135	7492	7867	8260
GIS Specialist	5740	6027	6328	6645	6977
Graffiti Abatement Worker	3742	3929	4125	4331	4548
Health Education Specialist [Grant]	3568	3746	3934	4130	4337
Housing Associate	5561	5839	6131	6437	6759
Housing Specialist	4193	4403	4623	4854	5097
Human Services Specialist	3668	3852	4044	4247	4459
Information Relations Officer	5516	5792	6082	6386	6705
Information Technology Analyst	7616	7997	8396	8816	9257
Information Technology Manager	9304	9769	10258	10770	11309
Information Technology Specialist	5740	6027	6328	6645	6977
Irrigation Specialist	4318	4533	4760	4998	5248
Junior Accountant	4642	4874	5117	5373	5642
Leadworker, Facilities	4318	4533	4760	4998	5248
Leadworker, Maintenance	4318	4533	4760	4998	5248
Marketing and Promotions Coordinator	5516	5792	6082	6386	6705
Maintenance Worker	3742	3929	4125	4331	4548
Medical Clinic Specialist	3858	4051	4254	4467	4690
Montclair After-School Program Supervisor	5587	5866	6160	6468	6791
Montclair After-School Program Coordinator	4554	4781	5020	5271	5535
Motor Sweeper Operator	4062	4265	4478	4702	4937
Nat'l. Pollutant Discharge Elimination Sys. (NPDES) Coord.	5501	5776	6064	6368	6686
NPDES/Environmental Compliance Inspector	4815	5056	5309	5574	5853
Office Specialist	3539	3716	3902	4097	4302
Payroll Analyst	5641	5923	6220	6530	6857
Personnel Services Coordinator	4948	5195	5455	5728	6014
Plans Examiner	6475	6798	7138	7495	7870
Police Captain	13409	14080	14784	15523	16299
Police Chief	16366	17303	18267	19257	20276
Police Dispatch Supervisor	6895	7240	7602	7982	8381
Police Dispatcher	4765	--	--	--	--
Police Lieutenant	11724	12311	12926	13572	14251
Police Officer	7153	7510	7886	8280	8694
Police Officer Trainee	6263	--	--	--	--
Police Sergeant	9509	9984	10483	11008	11558
Police Services Specialist	3668	3851	4044	4246	4458

**Consolidated Salary Schedule "A"**  
**Adopted Pursuant to Resolution No. 24-3425**

<b>Classification</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>FULL-TIME</b>					
Police Services Supervisor	5967	6265	6579	6908	7253
Project Manager	6016	6317	6633	6965	7313
Property Custody Clerk	3493	3668	3851	4044	4246
Public Safety Administrative Services Supervisor	8736	9173	9632	10113	10619
Public Works Facilities/Maintenance Assistant Manager	7696	8080	8484	8909	9354
Public Works Inspector	5204	5464	5737	6024	6325
Public Works Manager	9304	9769	10258	10770	11309
Public Works Operations Assistant Manager	7696	8080	8484	8909	9354
Recreation Coordinator	3888	4083	4287	4501	4726
Receptionist/Office Specialist	3457	3630	3811	4002	4202
Recreation Manager	6610	6941	7288	7652	8035
Recreation Supervisor	4487	4711	4947	5194	5454
Secretary	3728	3915	4111	4316	4532
Senior Accountant	5923	6220	6531	6857	7200
Senior Building Inspector	6166	6474	6798	7138	7495
Senior Citizens Supervisor	5587	5866	6160	6468	6791
Senior Code Enforcement Officer	5587	5866	6160	6468	6791
Senior Human Services Supervisor	5294	5559	5837	6129	6435
Senior Information Technology Specialist	6438	6760	7098	7453	7826
Senior Leadworker	5204	5464	5737	6024	6325
Senior Learning Coordinator	4487	4711	4947	5194	5454
Senior Management Analyst	7689	8073	8477	8901	9346
Senior Public Works Inspector	6610	6941	7288	7652	8035
Senior Planner	7337	7704	8089	8493	8918
Senior Police Dispatcher	5141	5398	5668	5951	6249
Senior Recreation Supervisor	5294	5559	5837	6129	6435

**MINUTES OF THE MEETING OF THE MONTCLAIR  
PERSONNEL COMMITTEE HELD ON MONDAY,  
DECEMBER 18, 2023, AT 6:00 P.M. IN THE CITY  
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Mayor Pro Tem Johnson called the meeting to order at 6:03 p.m.

**II. ROLL CALL**

Present: Mayor Pro Tem Johnson, Council Member Ruh, 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 December 4, 2023.**

Moved by Council Member Ruh, seconded by Mayor Pro Tem Johnson, and carried unanimously to approve the minutes of the Personnel Committee meeting on December 4, 2023.

**IV. PUBLIC COMMENT - None**

**V. CLOSED SESSION**


At 6:04 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/terminations, and evaluations of employee performance.

At 6:43 p.m., the Personnel Committee returned from Closed Session. Mayor Pro Tem Johnson stated that no announcements would be made at this time.

**VI. ADJOURNMENT**

At 6:43 p.m., Mayor Pro Tem Johnson 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, DECEMBER 18, 2023, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

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

II. INVOCATION

Police Department Chaplain Vicki Brobeck gave the invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

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

City Manager/Executive Director Starr; Assistant City Manager/Director of Human Services Richter; Director of Finance Kulbeck; Director of Public Works/City Engineer Heredia; Acting Police Chief Reed; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS

A. Community Activities Commission Presentation of 2023 Holiday Home Decoration Contest Winners

Community Activities Commission (CAC) Chairperson Wells announced the winners of the City of Montclair's 25th Annual Holiday Home Decoration Contest. Of the 20 nominations received, the CAC selected three winners, as follows:

- *Sounds & Sights of Christmas*: The Bryant Family, 9743 Lehigh Ave.
- *Candy Cane Corner*: The Ferreyra Family, 10158 Tudor Ave.
- *Merry and Bright*: The Rodriguez Family, 4570 Moreno St.

Mayor Dutrey and City Council presented the winning families with Award Certificates and gift cards to Montclair restaurants.

B. Introduction of New Police Officers

Acting Police Chief Reed introduced three new Police Officers: **Steven Silos**, **Rick Dominguez**, and **George Morones**. Mayor Dutrey and the City Council welcomed Officers Silos, Dominguez, and Morones to the Montclair City family.

VI. PUBLIC COMMENT

- **Herman Janssen**, commenting on behalf of **Bill Kaufman**, expressed he is looking forward to a potential cannabis business on Central Avenue and Moreno Street opening next year and wished everyone a Merry Christmas.
- **Xavier Mendez**, Planning Commissioner and former Montclair Public Works Superintendent, commented on the passing of retired Montclair Motor Sweeper Operator **Richard Salazar**. **Mr. Salazar** was born and raised in the City of Montclair, worked for the City for over 30 years, and took pride in his work as a Motor Sweeper Operator.
- **Veronica Milliman**, Ambassador for **Montclair Chamber of Commerce**, announced the Chamber will be hosting the Montclair Firefighter Recognition Luncheon at the **Chino Basin Water**

**Conservation District** on January 11th at noon, and three ribbon cutting events at noon for **Al Pastor Taqueria** on January 18th, **Shi Math Educational Foundation** on January 24th, and **Archive Workforce** on January 25th.

**VII. PUBLIC HEARINGS — None**

**VIII. CONSENT CALENDAR**

<b>ACTION - Consent Calendar</b>	
<b>ACTING:</b>	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
<b>DISCUSSION:</b>	Items B-9, B-10, C-1, C-2, C-3, C-4, C-5, and C-7
<b>MOTION:</b>	Continue Item C-6; and approve the remainder of the Consent Calendar as presented.
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member/Director Ruh Mayor Pro Tem/Vice Chair Johnson
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
<b>RESULT:</b>	Motion carried 5-0.

**A. Approval of Minutes**

**1. Regular Joint Meeting — November 20, 2023**

<b>ACTION - Consent Calendar - Item A-1</b>	
<b>ACTING:</b>	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**B. Administrative Reports**

**1. Consider Receiving and Filing City Treasurer’s Report - November 2023**

<b>ACTION - Consent Calendar - Item B-1</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**2. Consider Approval of City Warrant Register and Payroll Documentation**

<b>ACTION - Consent Calendar - Item B-2</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**3. Consider Receiving and Filing SA Treasurer’s Report – November 2023**

<b>ACTION – Consent Calendar – Item B-3</b>	
<b>ACTING:</b>	Successor Agency Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**4. Consider Approval of SA Warrant Register – November 2023**

<b>ACTION – Consent Calendar – Item B-4</b>	
<b>ACTING:</b>	Successor Agency Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**5. Consider Receiving and Filing MHC Treasurer’s Report – November 2023**

<b>ACTION – Consent Calendar – Item B-5</b>	
<b>ACTING:</b>	Montclair Housing Corporation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**6. Consider Approval of MHC Warrant Register – November 2023**

<b>ACTION – Consent Calendar – Item B-6</b>	
<b>ACTING:</b>	Montclair Housing Corporation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**7. Consider Receiving and Filing of MHA Treasurer’s Report – November 2023**

<b>ACTION – Consent Calendar – Item B-7</b>	
<b>ACTING:</b>	Montclair Housing Authority Commissioners
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**8. Consider Approval of MHA Warrant Register – November 2023**

<b>ACTION – Consent Calendar – Item B-8</b>	
<b>ACTING:</b>	Montclair Housing Authority Commissioners
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**9. Consider Authorizing the Receipt of \$17,605 from the 2022 Justice Assistance Grant to Purchase Spike Strips and Breaching Tools**

Mayor Pro Tem Johnson expressed concern regarding excessive property damage caused by vehicle-mounted battering rams.

Acting Police Chief Reed explained the entry tools the Police Department is currently utilizing and will be purchasing are small handheld devices that cause minimal damage to the door.



<b>ACTION – Consent Calendar – Item B-9</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**10. Consider Declaring Three Noncompliant Vehicles as Surplus and Available for Donation to the City of Huatabampo, Sonora in Mexico**

Council Member Martinez noted that donating the City’s Public Work vehicles that no longer meet California’s emission standards is an impressive show of the City’s ingenuity.

<b>ACTION – Consent Calendar – Item B-10</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**11. 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 2022-23**

<b>ACTION – Consent Calendar – Item B-11</b>	
<b>ACTING:</b>	City Council Montclair Housing Authority Commissioners
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**12. Consider Review and Acceptance of the Montclair Housing Authority Annual Report for Fiscal Year 2022-23**

<b>ACTION – Consent Calendar – Item B-12</b>	
<b>ACTING:</b>	Montclair Housing Authority Commissioners
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**C. Agreements**

**1. Consider Approval of Agreement No. 23-90, the Labor Agreement for Management (Nonsafety & Safety) Employees Regarding the Terms and Conditions of Employment for the Period of July 1, 2023, to June 30, 2024**

**Consider Approval of Agreement No. 23-91, the Labor Agreement for Executive Management Employees Regarding the Terms and Conditions of Employment for the Period of July 1, 2023, to June 30, 2024**

**Consider Authorizing the Transfer of the Appropriate Additional Compensation from the Personnel Adjustment Reserve Fund to the General Operating Fund**

Council Member Lopez asked when these items were discussed in Closed Session and if these agreements were retroactive.

City Manager Starr advised that the items were discussed in May and June and have already been implemented; however, the language is now incorporated into the agreements.

<b>ACTION – Consent Calendar – Item C-1</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**2. Consider Approval of Agreement No. 23-92 with Abound Food Care to Provide Edible Food Recovery Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Member Lopez asked staff for the draft ordinance as mentioned in the staff report and inquired how the contract will enforce the ordinance.

City Manager Starr advised that the draft ordinance mentioned is no longer a draft as it was adopted by City Council in May 2022 and clarified that processes will be developed by Abound Food Care to ensure and track compliance.

ACTION – Consent Calendar – Item C-2	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

**3. Consider Approval of Agreement No. 23-93 with Flock Group Inc. for a 5-Year Lease for 60 Automated License Plate Reader Cameras**

**Consider Authorizing a \$63,500 Appropriation from the Federal Asset Forfeiture Fund to Pay Costs Associated with Agreement No. 23-93**

**Matthew Wheaton**, resident, inquired as to what capacity the cameras will be used and if they will be utilized for activities other than amber alerts and stolen vehicles.

Acting Police Chief Reed explained that the cameras are not surveillance or traffic enforcement cameras; rather, their purpose is for license plate and image distribution. They continue to be utilized for various purposes including grand theft auto, missing persons, and locating suspects that have committed violent crimes.

Mayor Dutrey commented that this is very powerful technology and he is glad that additional cameras will be added throughout the City.

ACTION – Consent Calendar – Item C-3	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

**4. Consider Approval of Agreement No. 23-94 with University Enterprises Corporation at California State University San Bernardino (Inland Empire Small Business Development Center) for the Lease of a City-Owned Facility, Subject to Any Revisions Deemed Necessary by the City Attorney**

Mayor Pro Tem Johnson commented that having the Inland Empire Small Business Development Center partner with the Chamber of Commerce will allow for additional tools to help the local business community grow.

ACTION – Consent Calendar – Item C-4	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

**5. Consider Approval of Agreement No. 23-95 with NextRequest for the Use of its Online Public Records Request Management System, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Member Lopez commented that he appreciated the explanation of the process relating to public records requests and asked what the reason is for entering into an agreement.

City Clerk Myrick explained how the NextRequest platform would streamline the current process and compile all staff communications and responses for each request.

ACTION - Consent Calendar - Item C-5	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

**7. Consider Approval of Agreement No. 23-97 Amending Agreement No. 20-23 with Biggs Cardosa Associates, Inc., for Design Services Associated with the Central Avenue Bridge Project, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Member Lopez stated this item would continue the contract with the consulting firm relating to the Central Avenue Bridge Project and asked for clarification on funding.

City Manager Starr advised that the City could potentially receive additional grants for the project, however typically there is a local match that would be required from the City.

ACTION - Consent Calendar - Item C-7	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

**D. Resolutions — None**

**IX. PULLED CONSENT CALENDAR ITEMS**

**C. Agreements**

**6. Consider Approval of Agreement No. 23-96 with Biggs Cardosa Associates, Inc., for Design Services Associated with the Holt Boulevard and Pacific Electric Trail Bridge Project**

City Attorney Robbins advised that Item C-6 will be continued to a future City Council Meeting.

**X. COMMUNICATIONS**

**A. Department Reports — None**

**B. City Attorney**

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

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

*Rivera v. Montclair*

**2. Closed Session Pursuant to Government Code §54956.8 Regarding Real Property Negotiations**

*Properties: APN 1010-054-01-0-000*

*Negotiating Parties: City of Montclair and Nelson Hugo Flores & Roxana Vasquez*

*City Negotiator: Edward C. Starr, City Manager*

*Under Negotiation: Recommendations Regarding Purchase Price*

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

D. **Mayor/Chairperson**

1. **Notice of Cancellation – January 2, 2024 Regular Joint Meeting**

Mayor/Chair Dutrey announced the January 2, 2024 regular joint meeting is cancelled.

2. Mayor/Chair Dutrey complimented the Holly Jolly and Dashing through Montclair events; commented on **San Bernardino County Transportation Authority's (SBCTA) I-10 Express Lanes Project**, informing the public that the Monte Vista Interchange will not be complete until Summer 2024; announced tonight's meeting would be adjourned in memory of former **Supreme Court Justice Sandra Day O'Connor**, former City of Chino Council Member **Glenn Duncan**, former City of Ontario Council Member and retired **Ontario-Montclair School District** Deputy Superintendent **Patrick John King**, retired Montclair Motor Sweeper Operator **Richard Salazar**, and Montclair Medical Clinic Volunteer **Dr. Anita Kay Kalousek**; and wished everyone a Merry Christmas, Happy Hanukkah, Happy New Year, and peace for 2024 in Ukraine, Israel, Gaza, Sudan, the Middle East, and the United States.

E. **Council Members/Directors**

1. Council Member/Director Ruh commented on the City's holiday events and spoke on various events in our region; read an excerpt from **G.K. Chesterton's** book, "Brave New Family"; and wished everyone a Merry Christmas.
2. Council Member/Director Lopez spoke on **Fourth District County Supervisor Curt Hagman's** annual Christmas open house event; remembered former City of Chino Council Member **Glenn Duncan**, Former City of Ontario Council Member **Patrick John King**, and retired Montclair Motor Sweeper Operator **Richard Salazar**; commented the **SBCTA's I-10 Express Lanes Project** and asked that the candlesticks be replaced at the Monte Vista Intersection; thanked staff for all their hard work during the holidays; and wished everyone a Merry Christmas.
3. Mayor Pro Tem/Vice Chair Johnson thanked staff for all their hard work and wished everyone Happy Holidays, a Merry Christmas, Season's Greetings, Happy Hanukkah, Feliz Navidad, Happy Kwanzaa, and prosperity in the New Year.
4. Council Member/Director Martinez thanked staff and volunteers for their hard work; encouraged the public to shop local and support the community; and wished everyone a Happy Holiday.

F. **Committee Meeting Minutes**

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

1. Personnel Committee – November 20, 2023

XI. **CLOSED SESSION**

At 8:36 p.m., the City Council went into closed session to discuss real property negotiations and pending litigation.

XII. **CLOSED SESSION ANNOUNCEMENTS**

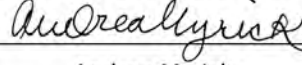
The City Council returned from closed session at 9:02 p.m.

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

**XIII. ADJOURNMENT**

At 9:02 p.m., the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board were adjourned.

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



Andrea Myrick,  
City Clerk

*The meeting was adjourned in memory of retired Montclair Motor Sweeper Operator **Richard Salazar**, Montclair Medical Clinic Volunteer **Dr. Anita Kay Kalousek**, former City of Chino Council Member **Glenn Duncan**, former City of Ontario Council Member **Patrick John King**, and former Supreme Court Justice **Sandra Day O'Connor**.*

PENDING APPROVAL

**CITY OF MONTCLAIR**

**TREASURER'S REPORT**

**FOR THE MONTH ENDING**

**December 31, 2023**

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STATEMENT OF CASH AND INVESTMENTS BY FUND

**SCHEDULE 3**

STATEMENT OF CASH AND INVESTMENT ACCOUNTS

**GRAPH**

CASH AND INVESTMENTS BY TYPE

**CITY OF MONTCLAIR  
STATEMENTS OF COMPLIANCE WITH THE INVESTMENT POLICY  
AND INVESTMENT STRATEGY**

**December 31, 2023**

COMPLIANCE STATEMENT

The City has the following amount invested in various financial instruments. This conforms with the investment policy approved by the City Council.

Total Investments \$ 48,997,052

During the current month the City was in compliance with the internal control procedures set forth in the Investment Policy.

INVESTMENT STRATEGY FOR THE UPCOMING MONTH

During the upcoming month, surplus moneys will be invested in the Local Agency Investment Fund and other investments authorized in the Investment Policy. The City has sufficient monies available to meet expenditures during the next six month period.



CITY OF MONTCLAIR  
STATEMENT OF CASH AND INVESTMENTS BY FUND  
AS OF December 31, 2023

Fund	Beginning Balance	Receipts	Disbursements	Interfund Transfers	Ending Balance
General Fund	\$ (6,822,446.29)	\$ 3,600,683.58	\$ 2,794,355.63	\$ -	\$ (6,016,118.34) (1)
Gas Tax Fund	70,074.24	90,574.92	45,719.26	-	114,929.90 (2)
Road Maintenance - Section 2032	2,420,183.60	68,638.05	-	-	2,488,821.65
Measure I Fund	6,091,878.34	78,380.93	-	-	6,170,259.27
Traffic Safety	132,606.87	5,939.76	-	-	138,546.63
Disability Access Fund - Bus. License	(1,329.78)	524.00	-	-	(805.78)
Park Maintenance	1,541,907.06	-	3,287.76	-	(1,541,907.06) (2)
Park Development	(51,180.16)	-	6,595.01	-	(57,755.17) (2)
CDBG	(55,425.00)	-	-	-	(55,425.00) (2)
SB2 Planning Grant	13,322.36	-	45,379.27	-	(32,056.91)
Air Quality Improvement Trust	(53,669.45)	15,268.19	21,125.37	-	(59,526.63) (2)
Senior Nutrition Program	-	-	-	-	-
American Rescue Plan	102,654.70	-	-	-	102,654.70
Forfeiture Fund - State	83,683.54	-	11,990.26	-	71,693.28
Proposition 30/SB 109	101,033.02	53,111.00	55,577.02	-	98,567.00
SB 509 Public Safety	634,044.39	7,826.70	15,034.34	-	626,836.75
Forfeiture Fund-Federal/DOJ	3.21	0.20	-	-	3.41
Asset Seizure Fund	29,277.10	-	-	-	29,277.10
Section 11489 Subfund	128,001.12	-	-	-	128,001.12
Fed Asset Forfeiture-Treasury	71,496.00	-	-	-	71,496.00
School District Grant Fund	409,588.89	23,987.97	-	-	433,596.86
State Supplemental Law Enforcement	17,865.51	30,573.00	-	-	48,438.51
Local Law Enforcement Block Gr	2,484.85	-	-	-	2,484.85
PC 1202.5 Crime Prevention	113,336.96	-	-	-	113,336.96
Recycling Grant Fund	(0.32)	-	-	-	(0.32) (2)
Statewide Park Dev Grant	(14,139.32)	-	3,864.56	-	(18,003.88) (2)
Homeless Housing Assist. Preven	(85,783.50)	-	3,450.25	-	(89,243.75) (2)
LEAP Grant	(828,075.91)	-	201,933.98	-	(1,030,009.79) (2)
After School Program Fund	1,290.78	-	-	-	1,290.78
City of Hope	51,644.57	-	3,268.91	-	48,375.66
Safety Dept. Grants	1,370.50	-	-	-	1,370.50 (2)
OSMD Immunization Grant	2,304.71	-	-	-	2,304.71
Kaiser Permanente Grant	18,428.42	-	88.53	-	18,339.89
Resource Center Grant - OMSD	(13,438.86)	3,092.87	2,531.61	-	(12,877.60) (2)
Title IIB Sr Support Services	7,785.58	-	46.12	-	7,739.46
Healthy Community Strategic Plan	48,439.00	-	-	-	48,439.00
ASES Supplemental Grant	(7,902.03)	2,890.11	2,598.30	-	(7,610.22) (3)
E.M.S. - Paramedic Fund	2,865,310.97	957,507.76	628,054.89	-	3,194,763.84
Economic Development	1,700.00	-	-	-	1,700.00
City Contributions/Donations Fund	1,241,227.89	605,791.09	142,448.54	-	1,704,570.44
Sewer Operating Fund	2,675,540.73	-	-	-	2,675,540.73
Sewer Replacement Fund	48,945.58	85,047.96	2,207.88	-	131,785.66
CFD 2011-1 (Paseos)	83,038.24	22,049.81	801.23	-	104,286.82
CFD 2011-2 (Arrow Station)	5,167,345.77	-	-	-	5,167,345.77
Inland Empire Utility Agency	1,003,145.44	-	-	-	1,003,145.44
Sewer Expansion Fee Fund	1,572,248.99	-	-	-	1,572,248.99
Developer Impact Fees - Local	932,863.77	-	-	-	932,863.77
Developer Impact Fees - Regional	294,124.17	-	-	-	294,124.17
Burniec Pavement Impact Fees	219,720.15	-	-	-	219,720.15
PUC Reimbursement Fund-MVGS	383,396.52	-	-	-	383,396.52
Utility Underground In-Lieu	108,202.34	3,584.56	-	-	111,786.90
General Plan Update Fee	879,108.20	-	-	-	879,108.20
Housing Fund	137,307.61	-	-	-	137,307.61
Public Education/Govt. PEG Fee Fund	(2,175,456.06)	-	649,874.31	-	(2,825,330.37) (4)
Infrastructure Fund	-	-	-	-	-
COVID-19	4,963,351.84	-	-	-	4,963,351.84
Successor Agency Bonds-Taxable	8,119,091.54	-	63,085.00	-	8,056,006.54
Successor Agency Bonds-Tax Exempt	(423,157.84)	-	218,937.43	-	(642,095.27)
2021 Lease Revenue Bond Proceeds	(1,145,838.66)	223,131.48	-	-	(922,707.18) (5)
2014 Lease Revenue Bond Debt Svc	1,668,758.88	-	-	-	1,668,758.88
2021 Lease Revenue Bond Debt Svc	2,856,712.32	826,587.60	-	-	3,683,299.92
Pension Obligation Bond Debt Svc	0.96	-	-	-	0.96 (1)
Contingency Fund	33,039,478.98	-	23,017.96	-	33,016,461.02 (1)
Assigned General Fund Reserves	\$ 68,732,102.63	\$ 6,705,201.54	\$ 4,945,273.42	\$ -	\$ 70,492,030.75
TOTALS					

Negative Cash Notes follow this presentation.

### Notes on Negative Cash Balances

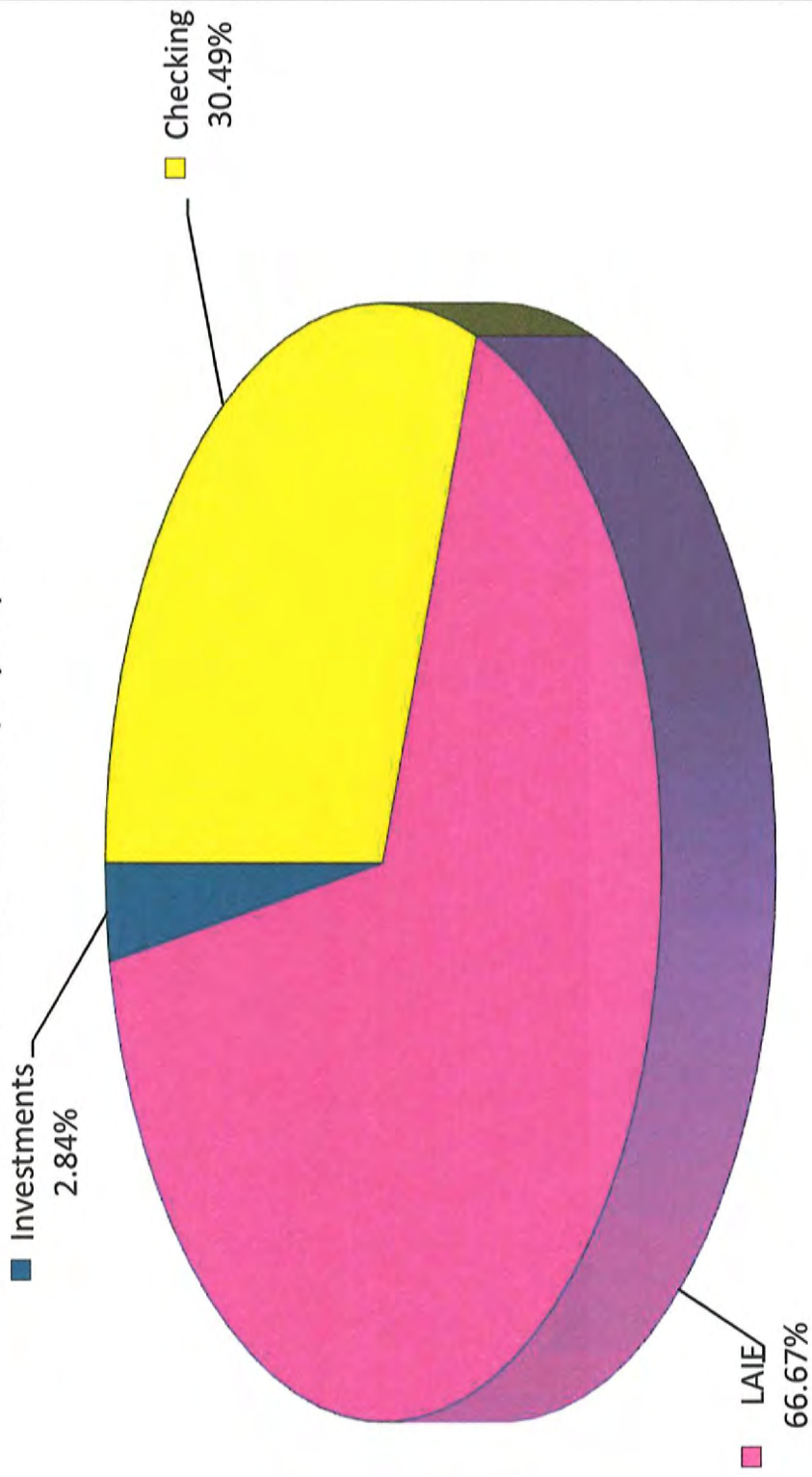
- (1) The General Operating Fund may have a negative cash for the majority of the fiscal year awaiting property and sales tax collections. This is covered by the Contingency Fund and other General Fund Reserve Funds until those collections are received. As Contingency and General Reserves exceed this negative, the City is not utilizing restricted resources.
- (2) These are reimbursable grant funds that utilize general pool monies initially to cover expenditures pending reimbursement from the granting agencies. Therefore, it is not uncommon for these to be negative until that reimbursement is received.
- (3) This fund has operational deficits annually. At the end of the fiscal year it is restored by a General Fund Transfer.
- (4) The Infrastructure Fund receives transfers from other funds to accomplish infrastructure projects. Those transfers are usually recorded when the projects nears completion or prior to mid-year budget preparation. Any negative in that fund will be eliminated at those times. Transfers from these funds (C.D.B.G., Gas Tax, Measure I, etc.) may go negative on cash pending collections of these revenues. In this way we can determine if obligations for projects are exceeding current resources.
- (5) This debt service operation utilizes transaction and use taxes which are part of the sales tax and Successor Agency property taxes. These have been sufficient in prior fiscal years to cover the necessary debt service; however, they are not completely received until fiscal year-end. Once debt service is covered the excess will be transferred to the General Fund.

**CITY OF MONTCLAIR  
STATEMENT OF CASH AND INVESTMENT ACCOUNTS  
AS OF December 31, 2023**

	Par Value	Purchase Date	Maturity Date	Coupon Interest Rate	Current Market Value	Balance at Cost	Totals
<b>CHECKING ACCOUNT</b>							
Checking Account							\$ 21,492,506.77
Asset Seizure Account							\$ 2,472.06
<b>CASH W/FISCAL AGENT, CD's, LAIF DEPOSITS, AND SHORT-TERM U.S. AGENCY SECURITIES</b>							
Local Agency Investment Fund (LAIF)				3.930%	46,092,873.76	46,997,051.92	
First American Government					2,000,000.00	2,000,000.00	
					<u>\$ 48,092,873.76</u>		\$ 48,997,051.92
<b>U.S. AGENCY SECURITIES</b>							
					\$ -		\$ -
<b>TOTAL</b>							<u>\$ 70,492,030.75</u>

Current market values obtained from US Bank.

**CITY OF MONTCLAIR**  
**CASH AND INVESTMENTS BY TYPE**  
**December 31, 2023**  
**Total Cash & Investments \$70,492,031**



**CITY OF MONTCLAIR AS SUCCESSOR TO  
THE REDEVELOPMENT AGENCY  
TREASURER'S REPORT**

**FOR THE MONTH ENDING**

**December 31, 2023**

**CITY OF MONTCLAIR AS SUCCESSOR TO  
THE REDEVELOPMENT AGENCY  
STATEMENT OF CASH BY FUND  
December 31, 2023**

**COMBINED OPERATING FUND**

Operating	<u>(2,901.67)</u>	\$ (2,901.67)
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**LRPRP Fund**

Operating	<u>0.00</u>	\$ 0.00
-----------	-------------	---------

**RORF**

	3,499,779.34	
RORF Area I	0.00	
RORF Area II	0.00	
RORF Area III	0.00	
RORF Area IV	0.00	
RORF Area V	0.00	
RORF Area VI	0.00	
		\$ 3,499,779.34

**TOTAL CASH**

	<u><u>\$ 3,496,877.67</u></u>
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**CITY OF MONTCLAIR AS SUCCESSOR TO  
THE REDEVELOPMENT AGENCY  
STATEMENT OF CASH  
December 31, 2023**

**Checking Account**

US Bank

3,496,877.67

**TOTAL CASH**

3,496,877.67

**NOTE:**

In accordance with State law, the Successor Agency receives the monies necessary to cover its obligations for the upcoming six month period. The monies are received in January and June of each year.

The Successor Agency has sufficient funds available to meet expenditures during the upcoming six-month period.

**CITY OF MONTCLAIR AS SUCCESSOR TO  
THE REDEVELOPMENT AGENCY  
WARRANT REGISTER**

**FOR THE MONTH ENDING**

**December 31, 2023**



City of Montclair  
 Final Warrant Register  
 Council Date 01/16/2024  
 Regular Warrants  
 Checking Account: Successor to the RDA

	Warrants	US Bank transfers	Area Totals
SRDA Combined Operating Fund	0.00	5,286.22	<b>5,286.22</b>
RORF (Redevelopment Obligation Retirement Funds)	0.00	0.00	<b>0.00</b>
	0.00	5,286.22	
<b>December 2023 Total</b>			<b>5,286.22</b>

Note: Reimburse City for 12/07 payrolls  
 Reimburse City for 12/20 payrolls

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**Vice Chair Johnson**

# Book Transfer Daily Activity Detail

CITY OF MONTCLAIR  
SinglePoint  
Reported Activity From 12/01/2023 To 12/29/2023  
Printed on 01/04/2024 at 3:28 PM PST



Effective Date	Amount	From: Debit Account Number	To: Credit Account Number	Status
12/20/2023	\$2024.45	153499275813	153499275805	Completed

**Debit Account Name** CITY OF MONTCLAIR SUCCESSOR AGENCY  
**Debit Account Type** DDA  
**Credit Account Name** CITY OF MONTCLAIR GENERAL ACCOUNT  
**Credit Account Type** DDA  
**Template Name** .  
**Memo** Reimb City for 12/20/23 Payroll  
**Initiate Date** 12/19/2023  
**Initiate Time** 06:23PM CDT  
**Initiated By** JKULBECK  
**Modify Date** 12/20/2023  
**Modify Time** 08:05AM CDT  
**Modified By** .  
**Completed Date** 12/20/2023  
**Completed Time** 08:05AM CDT

Effective Date	Amount	From: Debit Account Number	To: Credit Account Number	Status
12/07/2023	\$3261.77	153499275813	153499275805	Completed

**Debit Account Name** CITY OF MONTCLAIR SUCCESSOR AGENCY  
**Debit Account Type** DDA  
**Credit Account Name** CITY OF MONTCLAIR GENERAL ACCOUNT  
**Credit Account Type** DDA  
**Template Name** .  
**Memo** Reimburse City for 12/07/23 Payroll  
**Initiate Date** 12/07/2023  
**Initiate Time** 04:55PM CDT  
**Initiated By** JKULBECK  
**Completed Date** 12/07/2023  
**Completed Time** 04:55PM CDT

---

**Total Number of Book Transfers:** 2  
**Total Amount of Book Transfers:** \$5,286.22

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--- End of Report ---

**CITY OF MONTCLAIR  
HOUSING CORPORATION  
TREASURER'S REPORT  
FOR THE MONTH ENDING**

**December 31, 2023**

**TABLE OF CONTENTS**

**SCHEDULE 1 - STATEMENT OF CASH AND INVESTMENTS**

**CASH AND INVESTMENTS GRAPH**

CITY OF MONTCLAIR  
HOUSING CORPORATION  
STATEMENT OF CASH AND INVESTMENTS  
December 31, 2023

	<u>Interest Rate</u>	<u>Market Value</u>	<u>Book Value</u>
<b>Checking Account</b>			
US Bank			305,311.60
<b>Investments</b>			
LAIF	3.96%	1,055,739.29	<u>1,070,395.42</u>
<b>TOTAL CASH &amp; INVESTMENTS</b>			<u><u>1,375,707.02</u></u>

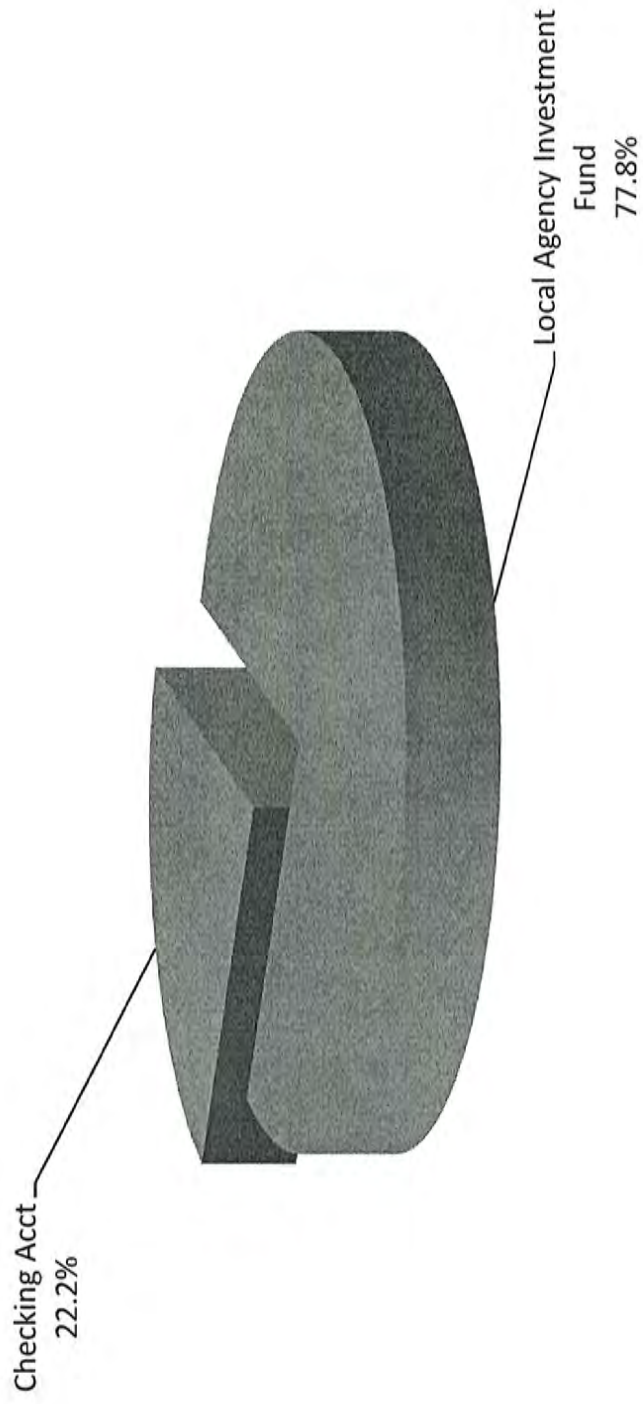
**NOTE:**  
Pursuant to the Corporation's Investment Policy, all moneys are invested in banks, the Local Agency Investment Fund, and in securities with maturities of no greater than three years.

The Corporation has sufficient funds available to meet expenditures during the upcoming six-month period.

The Corporation is in compliance with the internal control procedures set forth in its Investment Policy.

**CITY OF MONTCLAIR  
HOUSING CORPORATION  
CASH AND INVESTMENTS GRAPH  
December 31, 2023**

**Total Cash & Investments - \$1,375,707**



**CITY OF MONTCLAIR  
HOUSING CORPORATION  
WARRANT REGISTER  
FOR THE MONTH ENDING  
December 31, 2023**

City of Montclair  
Final Warrant Register  
Council Date 01/16/2024  
Regular Warrants  
Checking Account: MHC

<u>Warrants</u>	<u>ACH Transfers</u>	<u>Voided Checks</u>	<u>US Bank transfers</u>	<u>Totals</u>
110,959.18	0.00	0.00	43.38	<b>111,002.56</b>

**December 2023 Total**

**111,002.56**

US Bank transfers:

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**Vice Chair Johnson**



# Accounts Payable

## Checks by Date - Summary by Check Number

User: cramirez  
Printed: 1/4/2024 3:26 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
5576	Arti005	Artic Plumbing And Drain Cleaning	12/07/2023	5,501.00
5577	Denk001	Denkers Garage Doors	12/07/2023	185.00
5578	Dina001	Dina Contractor Services	12/07/2023	28,028.73
5579	mont074	Monte Vista Water District	12/07/2023	441.48
5580	Perf003	Performance Construction & Remodeling I	12/07/2023	8,050.00
5581	SCE-Res	Southern California Edison Co	12/07/2023	9.35
5582	Arti005	Artic Plumbing And Drain Cleaning	12/20/2023	12,009.00
5583	Chic006	Chicken Little Services Inc	12/20/2023	1,440.00
5584	Dina001	Dina Contractor Services	12/20/2023	17,964.00
5585	Hele001	Helena Gardens Owners Association	12/20/2023	2,439.12
5586	JarCo001	Jaramillo Construction	12/20/2023	2,500.00
5587	JGL001	JGL Electric Company, Inc.	12/20/2023	2,300.00
5588	Land012	Landscape Maintenance Unlimited	12/20/2023	4,690.00
5589	Mont002	City of Montclair	12/20/2023	12,832.84
5590	Mont043	Montclair Meadows Owners Assoc	12/20/2023	1,800.00
5591	Mont074	Monte Vista Water District	12/20/2023	4,594.09
5592	Perf003	Performance Construction & Remodeling I	12/20/2023	4,175.00
5593	SCE-Res	Southern California Edison Co	12/20/2023	163.37
5594	Sout018	Southern California Edison Co	12/20/2023	850.50
5595	Sout021	Southern California Gas Co	12/20/2023	985.70

Report Total (20 checks):

110,959.18

# Book Transfer Daily Activity Detail

CITY OF MONTCLAIR

SinglePoint

Reported Activity From 12/01/2023 To 12/29/2023

Printed on 01/04/2024 at 3:29 PM PST



Effective Date	Amount	From: Debit Account Number	To: Credit Account Number	Status
12/07/2023	\$43.38	153499275821	153499275805	Completed

**Debit Account Name** MONTCLAIR HOUSING CORPORATION  
**Debit Account Type** DDA  
**Credit Account Name** CITY OF MONTCLAIR GENERAL ACCOUNT  
**Credit Account Type** DDA  
**Template Name** .  
**Memo** Reimb City for MHC Cal Card Purchases 10/11/23  
**Initiate Date** 12/07/2023  
**Initiate Time** 06:27PM CDT  
**Initiated By** RBADAWI  
**Completed Date** 12/07/2023  
**Completed Time** 06:27PM CDT

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**Total Number of Book Transfers:** 1  
**Total Amount of Book Transfers:** \$43.38

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--- End of Report ---

**CITY OF MONTCLAIR  
HOUSING AUTHORITY  
TREASURER'S REPORT  
FOR THE MONTH ENDING  
December 31, 2023**

**Schedule 1**

**CITY OF MONTCLAIR  
HOUSING AUTHORITY  
STATEMENT OF CASH  
December 31, 2023**

	<u>Amount</u>
<b>Checking Account</b>	
US Bank	3,183,037.57
<b>TOTAL CASH</b>	<b>\$ <u>3,183,037.57</u></b>

**NOTE:**

During the upcoming month, surplus moneys will be invested in the Local Agency Investment Fund. The MHA has sufficient monies available to meet expenditures during the next six month period.

**CITY OF MONTCLAIR  
HOUSING AUTHORITY  
WARRANT REGISTER**

**FOR THE MONTH ENDING**

**December 31, 2023**

City of Montclair  
Final Warrant Register  
Council Date 01/16/2024  
Regular Warrants  
Checking Account: MHA

<u>Warrants</u>	<u>Voided Checks</u>	<u>US Bank transfers - out.</u>	<u>Totals</u>
0.00	0.00	0.00	0.00
<b>December 2023 Total</b>			<b><u>0.00</u></b>

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Vice Chair Johnson