

**ALL ITEMS FOR CONSIDERATION BY THE CITY COUNCIL/COMMISSION
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**AGENDA FOR THE CONCURRENT REGULAR MEETINGS OF
THE CITY COUNCIL OF THE CITY OF COMMERCE AND
THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION
COUNCIL CHAMBERS
5655 JILLSON STREET, COMMERCE, CALIFORNIA**

TUESDAY, SEPTEMBER 6, 2011 – 6:30 P.M.

CALL TO ORDER

Mayor/Chairperson Aguilar

PLEDGE OF ALLEGIANCE

Evelyn Fullmore
Director of Library Services

INVOCATION

Councilmember/Commission Robles

ROLL CALL

City Clerk Olivieri

MOMENT OF SILENCE

The Mayor/Chairperson will request that all in attendance observe a moment of silence in memory of the victims who tragically lost their lives during the terrorist attacks that occurred on the East Coast of the United States 10 years ago on September 11, 2001 [911].

APPEARANCES AND PRESENTATIONS

PUBLIC COMMENT

Citizens wishing to address the City Council/Commission on any item on the agenda or on any matter not on the agenda may do so at this time. However, State law (Government Code Section 54950 et seq.) prohibits the City Council/Commission from acting upon any item not contained on the agenda posted 72 hours before a regular meeting and 24 hours before a special meeting. Upon request, the City Council/Commission may, in their discretion, allow citizen participation on a specific item on the agenda at the time the item is considered by the City Council/Commission. Request to address City Council/Commission cards are provided by the City Clerk/Assistant Secretary. If you wish to address the City Council/Commission at this time, please complete a speaker's card and give it to the City Clerk/Assistant Secretary prior to commencement of the City Council/Commission meeting. Please use the microphone provided, clearly stating your name and address for the official record and courteously limiting your remarks to five (5) minutes so others may have the opportunity to speak as well.

To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

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No person shall make any remarks which result in disrupting, disturbing or otherwise impeding the meeting.

CITY COUNCIL/COMMISSION REPORTS

CONSENT CALENDAR

Items under the Consent Calendar are considered to be routine and may be enacted by one motion. Each item has backup information included with the agenda, and should any Councilmember/Commissioner desire to consider any item separately he/she should so indicate to the Mayor/Chairperson. If the item is desired to be discussed separately, it should be the first item under Scheduled Matters.

1. Approval of Minutes

The **City Council and Commission** will consider for approval, respectively, the minutes of the Concurrent Regular Meetings of Tuesday, August 16, 2011, held at 6:30 p.m.; Concurrent Special Meetings of Wednesday, August 24, 2011, held at 3:30 p.m. and Special Meeting of Thursday, September 1, 2011, held at 3:30 p.m. [Council only].

2. Approval of Warrant Registers No. 25, No. 4 and No. 5

The **City Council and Commission** will consider for approval, respectively, the bills and claims set forth in Warrant Registers No. 25A, dated September 5, 2011; No. 4A, dated August 16, 2011; No. 4B, for the period August 3, 2011, to August 11, 2011; No. 5A, dated September 6, 2011, and No. 5B, for the period August 17, 2011, to September 1, 2011.

3. Alternate Appointments for 2011 Annual League of California Cities Conference and Expo

The **City Council** will consider appointing Mayor Aguilar and Councilmember Robles as alternate delegates to the League of California Cities to attend the 2011 Annual League Conference and Expo to be held on September 21-23, 2011, in San Francisco, California.

4. Approval of Request for Proposal for Energy Efficiency Upgrades at Various City Buildings Under Grant Agreement No. CBG-09-165 With the California Energy Commission for ARRA Energy Efficiency and Conservation Block Grant (EECB)

The **City Council** will consider for approval the Request for Proposal for Energy Efficiency Upgrades at Various City Buildings Under Grant Agreement No. CBG-09-165 with the California Energy Commission for ARRA Energy Efficiency and Conservation Block Grant (EECBG) [Cash Contract No. 1111], prepared by staff; finding the proposed project categorically exempt under Section 15301-Class 1 Minor Alterations of Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines and authorizing the Community Development Department to advertise for proposals and designate Friday, October 7, 2011, at 10:00 a.m. as the bid opening date.

5. Approval of Plans and Specifications for Cash Contract No. 1105 – Council Chambers ADA Improvements (Community Development Block Grant (CDBG) Project No. 601358-09)

The **City Council** will consider for approval the project plans and specifications for Cash Contract No. 1105 – Council Chambers ADA Improvements (Community Development Block Grant (CDBG) Project No. 601358-09), prepared by Adrian-Gaus Architects, Inc., and authorizing the

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Community Development Department to advertise for bids and designate Wednesday, October 13, 2011, at 3:00 p.m. as the bid opening date.

6. A Resolution of the City Council of the City of Commerce, California, Amending Resolution No. 93-7 and the Personnel Policies and Procedures, Dated February 3, 1993, Relating to Vacation Leave, Bereavement Leave, Secondary Employment or Business Activity, Tuition Reimbursement Program for Part-Time Employees and Driver's License Requirements

The City and the City of Commerce Employees Association (CCEA), acting on behalf of the regular part-time employees, completed negotiations on July 21, 2011, regarding wages, benefits and working conditions for the new 2011/2012 Memorandum of Understanding (MOU).

As a result of the negotiation process, the **City Council** will consider for approval and adoption a proposed Resolution amending Resolution No. 93-7 and the Personnel Policies and Procedures, dated February 3, 1993, and adopting the revised Vacation Leave Policy V-1, Bereavement Leave Policy V-3, Secondary Employment or Business Activity Policy I-8, Tuition Reimbursement Program – Part-time Employees Policy IV-3 and Driver's License Requirements Policy I-13 and authorizing the City Administrator and Director of Human Resources to execute the revised policies.

7. A Resolution of the City Council of the City of Commerce, California, Approving the Memorandum of Understanding as it Relates to the Regular Part-time Employees Represented by the City of Commerce Employees Association

The City and the City of Commerce Employees Association (CCEA), acting on behalf of the regular part-time employees, completed negotiations for the new 2011/2012 Memorandum of Understanding (MOU) on July 21, 2011. The MOU provides, among other things, revisions to the Part-time Tuition Reimbursement Program and revised contract language incorporating various personnel policies into the MOU for the regular part-time employees represented by CCEA.

The **City Council** will consider for approval and adoption a proposed Resolution approving the Memorandum of Understanding (MOU) as it relates to the regular part-time employees represented by the City of Commerce Employees Association and authorizing the City Administrator, Director of Finance and Director of Human Resources to execute the MOU.

8. A Resolution of the City Council of the City of Commerce, California, Approving the Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for Loan of Two Buses

The **City Council** will consider for approval and adoption a proposed Resolution approving the Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the loan of two buses.

The Transportation Department has one bus that has been out of service for approximately 24 months due to a pending warranty litigation claim with the bus manufacturer. Additionally, the City is in the process of ordering two new transit buses, which are not scheduled for delivery until late 2012 (estimated). The LACMTA will loan the City two 1997 CNG-powered transit vehicles for up to 540 days, at no charge. These two vehicles will allow the Department additional flexibility in scheduling vehicles for preventive maintenance and improve service reliability.

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9. A Resolution of the City Council of the City of Commerce, California, Approving the Exchange of Proposition A Funds With the City of West Covina and Approving and Authorizing Execution of Fund Trade Agreement Therefor

The **City Council** will consider for approval and adoption a proposed Resolution approving the exchange of Proposition A Funds with the City of West Covina, exchanging \$750,000 of the City's General Funds for \$1,000,000 of West Covina's Prop A Funds for fiscal year 2011-2012, and authorizing the Mayor and City Clerk to execute the Agreement therefor.

Prop A Funds in the County of Los Angeles are restricted for transit purposes only. By exchanging the unrestricted General Fund dollars for other cities' Prop A Funds, the City is able to minimize the amount of subsidy the General Fund must provide to the City's Transit Fund.

10. A Resolution of the City Council of the City of Commerce, California, Amending Resolution No. 10-49, Adopting a City of Commerce Fee Schedule, as Amended, to Include a Three-tier Resident Card Program and Adding Separate Fee for Camp Commerce Senior Citizens Weekend Sessions

The **City Council** will consider for approval and adoption a proposed Resolution amending Resolution No. 10-49, adopting a City of Commerce Fee Schedule, as amended, to include a three-tier Resident Card Program and adding a separate fee for Camp Commerce Senior Citizens Weekend sessions.

Included in the three-tier Resident Card Program is an option that will allow residents to purchase a Basic Resident Card and pay separately ("pay-as-you-go") for programs and activities. Further, the revised Appendix A incorporates therein all of the fee amendments approved by the City Council since the adoption of Resolution No. 10-49 on July 6, 2010.

SCHEDULED MATTERS

11. A Resolution of the City Council of the City of Commerce, California, Determining That the City Will Move Forward With the Implementation of a Supplemental Retirement Plan Subject to Certain Mandatory Qualifying Criteria

The **City Council** will consider for approval and adoption a proposed Resolution determining that the City will move forward with the implementation of the Public Agency Retirement Services (PARS) Supplementary Retirement Plan (SRP), which it approved on June 21, 2011, through adoption of Resolution No. 11-46, under certain mandatory qualifying criteria.

12. Review of Draft Plans and Specifications for Cash Contract No. 1109 – Central Library, City Hall & Senior Center Plaza Improvements Project

The **City Council** will consider for approve the draft plans and specifications for Cash Contract No. 1109 – Central Library, City Hall & Senior Center Plaza Improvements Project, as prepared by Adrian Gaus Architects, Inc., and direct the design team to continue finalizing the plans and specifications, or the City Council may, at its discretion and as deemed appropriate, direct staff to proceed with an alternative direction, which may include placing the project on hold indefinitely or until further notice, reducing the project scope of work to include only aesthetic improvements or holding future workshops with the City Council and community to explore potential changes, including reductions, in the project scope.

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13. City Commission and Committee Appointments

The **City Council** will make the appropriate appointments to the following City Commission and Committees: Education Commission, Beautification Committee and Housing Committee.

ORDINANCES AND RESOLUTIONS

14. An Ordinance of the City Council of the City of Commerce, California, Amending Section 8.06.050 of Chapter 8.06 of the Commerce Municipal Code Regarding Dangerous Animals – Second Reading

Chapter 8.06 of the Commerce Municipal Code relates to the City's procedures for impounding dangerous animals. The current Section 8.06.050 states that decisions made by the Chief Animal Control Officer may be appealed to the City Council. The amendment presented will provide for an appeal to be made to the City Administrator instead of the City Council. This process will be more efficient and effective.

The **City Council** will consider for approval and adoption a proposed Ordinance amending Section 8.06.050 of Chapter 8.06 of the Commerce Municipal Code regarding dangerous animals.

The proposed Ordinance was approved for first reading on August 16, 2011.

15. An Ordinance of the City Council of the City of Commerce, California, Amending Title 19 ("Zoning") of the Commerce Municipal Code, Table 19.11.030 (5. Transportation-related Uses, Notes and Exceptions) – Second Reading

The Commerce Municipal Code currently fails to provide the City with the ability to require a Conditional Use Permit (CUP) for most warehouse projects. The requirement of a CUP for large warehouse structure projects will provide the City with more oversight and enable it to be better prepared to identify, consider and assure the mitigation of adverse impacts that may be caused to the surrounding community.

The **City Council** will consider for approval and adoption a proposed Ordinance amending Title 19 ("Zoning") of the Commerce Municipal Code, Table 19.11.030 (5. Transportation-related Uses, Notes and Exceptions).

The proposed Ordinance was approved for first reading on August 16, 2011.

16. An Ordinance of the City Council of the City of Commerce, California, Amending Title 19 ("Zoning") of the Commerce Municipal Code, Section 19.37.120A (Nonconforming Uses—Abandonment) – Second Reading

The City recognizes the need to accommodate the rapidly-changing demands of the business community and desires to take action to provide the business community with more time to address tenant vacancies without unintentionally and prematurely losing their legal non-conforming use status.

The **City Council** will consider for approval and adoption a proposed Ordinance amending Title 19 ("Zoning") of the Commerce Municipal Code, Section 19.37.120A (Nonconforming Uses—Abandonment).

The proposed Ordinance was approved for first reading on August 16, 2011.

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PUBLIC HEARINGS

CIP PROGRESS REPORT

LEGISLATIVE UPDATE

17. 2011 Annual League of California Cities Conference Resolutions

The City Council will consider providing appropriate direction to the City's voting delegate with respect to the six Resolutions to be considered at the Annual Business Meeting to be held during the 2011 Annual League Conference and Expo in San Francisco, California, on September 21-23, 2011.

18. Report on Pending Legislation

The City Council and Commission will receive an update on, and provide the appropriate direction as deemed necessary with respect to, legislative items of concern to the City and Commission.

I-710 LOCAL ADVISORY COMMITTEE UPDATE

RECESS TO CLOSED SESSION

19. Pursuant to Government Code §54956.8,

A. The **Commission** will confer with its real property negotiators, Jorge Rifá and Bob Zarrilli, with respect to real estate negotiations with Mayans Development, Inc., including proposed price and other terms, concerning real property located on Eastern Avenue, commonly known as APN 5241-013-900, APN 5241-013-901, APN 5241-013-902, APN 5241-013-903 and APN 5241-014-900; Greenwood Avenue, commonly known as APN 6357-011-909, APN 6357-011-907 and APN 6357-011-910; Nicola Avenue, commonly known as APN 6351-038-900; Neenah Street, commonly known as APN 6356-015-900; Watcher Street, commonly known as APN 6357-014-900, APN 6257-014-901, APN 6357-014-902 and APN 6357-014-903; Gage Avenue, commonly known as APN 6357-016-900, APN 6357-016-901, APN 6357-016-905 and APN 6357-016-002 and Gage Avenue (privately owned), commonly known as APN 6357-016-003.

20. Pursuant to Government Code §54956.9(a),

A. The **City Council** will confer with its legal counsel and take the appropriate action, with respect to the pending litigation of Assembledge, Inc. v. City of Commerce, Superior Court of the State of California, County of Los Angeles, Central District, Case No. BC442410.

21. Pursuant to Government Code §54956.9(b),

A. The **City Council** will confer with its legal counsel, and take the appropriate action, with respect to significant exposure to litigation in three potential cases.

B. The **Commission** will confer with its legal counsel, and take the appropriate action, with respect to significant exposure to litigation in one potential case.

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22. Pursuant to Government Code §54957.6,

- A.** The **City Council** will confer with its labor negotiator, Jorge Rifá, with respect to labor negotiations pertaining to the Memoranda of Understanding between the City and the City of Commerce Employees Association on behalf of the mid-management and non-management full-time employees and part-time employees.

ADJOURNMENT

Adjourn in memory of the victims of the September 11, 2001, [911] terrorist attacks that occurred on the East Coast of the United States.

**LARGE PRINTS OF THIS AGENDA ARE AVAILABLE UPON REQUEST
FROM THE CITY CLERK'S OFFICE, MONDAY-FRIDAY,
8:00 A.M. - 6:00 P.M.**



AGENDA REPORT

Meeting Date: 09/06/2011

TO: Honorable City Council
FROM: City Administrator
SUBJECT: Alternate Appointment – League of California Cities

RECOMMENDATION:

Appoint Mayor Aguilar and Councilmember Robles as alternate delegates to the League of California Cities to attend the 2011 Annual League Conference and Expo to be held on September 21-23, 2011, in San Francisco, California.

MOTION:

Move to approve the recommendation.

BACKGROUND:

The 2011 League of California Cities Annual Conference and Expo will be held on September 21-23, 2011, in San Francisco, California. Member cities are encouraged to have a voting delegate and alternate to represent them at the Annual Business Meeting, which will be held on Friday, September 23, 2011. At its meeting of April 5, 2011, the Council appointed Councilmember Leon as the voting delegate and Councilmember Fierro as the alternate delegate to the League.

ANALYSIS:

Mayor Aguilar and Councilmembers Leon and Robles, along with City Administrator Rifá and Senior Administrative Analyst Fernando Mendoza, will be attending the 2011 League Annual Conference and Expo. It is requested that the City Council consider designating Mayor Aguilar and Councilmember Robles as alternate delegates to the League of California Cities to ensure that, in the event Councilmember Leon is unable to attend the Annual Business Meeting, the City has representation for voting purposes.

FISCAL IMPACT:

This activity can be carried out without additional impact on the current operating budget.

RELATIONSHIP TO 2009 STRATEGIC GOALS:

This item is not specifically related to any of the 2009 Strategic goals.

Recommended by:

Linda Kay Olivieri
City Clerk

Respectfully submitted,

Jorge J. Rifá
City Administrator

Fiscal impact reviewed by:

Vilko Domic
Director of Finance

SUM (DELEGATE & ALTERNATE APPTS – LEAGUE)



AGENDA REPORT

REQUEST FOR PROPOSAL IS AVAILABLE FOR
VIEWING IN THE CITY CLERK'S OFFICE

MEETING DATE: SEPTEMBER 6, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: APPROVAL OF REQUEST FOR PROPOSAL FOR ENERGY EFFICIENCY UPGRADES AT VARIOUS CITY BUILDINGS UNDER GRANT AGREEMENT NO. CBG-09-165 WITH THE CALIFORNIA ENERGY COMMISSION FOR ARRA ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG)

RECOMMENDATION:

That the City Council:

1. Approve the Request for Proposal as named above, prepared by staff,
2. Find the proposed project categorically exempt under the Section 15301-Class 1 Minor Alterations of Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines, and
3. Authorize the Department of Community Development to advertise for proposals and designate Friday, October 7, 2011, at 10:00 a.m., as the bid opening date.

MOTION:

Move to approve the recommendation.

BACKGROUND:

The City of Commerce recognizes that it is in the interest of the region, state, and national economy to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency within our jurisdiction.

Energy Efficiency and Conservation Block Grant (EECBG) funds were made available through the California Energy Commission's EECBG Program for grants to eligible local governments for cost-effective energy efficiency projects. The City is eligible for EECBG funding under the California Energy Commission's EECBG Program.

At its meeting of January 19, 2010, the City Council authorized the submittal of an application for EECBG funds for the implementation of energy efficiency improvements at City Hall, Transportation, Rosewood Community Center, Bandini Community Center and Teen Center.

At its meeting of September 21, 2010, the City Council approved the execution of Grant Agreement No. CDG-09-165 with the California Energy Commission for ARRA – Energy Efficiency and Conservation Block Grant.

ANALYSIS:

The City of Commerce is proposing to implement the energy efficiency improvements at City Hall, Transportation, Rosewood Community Center, Bandini Community Center, and Teen Center as allowed under the grant. The goal is to reduce energy consumption through the installation of new energy efficient lighting at City facilities.

The energy efficient improvements contemplated are categorically exempt under Section 15301-Class 1 Minor Alterations of Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines.

The Request for Proposal for the proposed project has been completed and is available for review in the City’s Community Development Department.

The Public Notice inviting sealed bids for this project is ready for advertisement, and the project is scheduled to expire on June 30, 2012 with no further extensions available through the CDBG Program. The project schedule is established as follows:

TASK	ESTIMATED DATE
APPROVE ISSUANCE OF NOTICE INVITING PROPOSALS	September 6, 2011
ISSUE NOTICE INVITING PROPOSAL	September 7, 2011
BID ADVERTISEMENT PERIOD	30 Days
MANDATORY PRE-BID MEETING	September 20, 2011 at 1:00 p.m.
RESPONSES TO BIDDER QUESTIONS FROM CITY PROPOSALS DUE AND OPENED IN PUBLIC BY CITY CLERK	by September 30, 2011 October 7, 2011 at 10:00 a.m.
AWARD OF CONTRACT	October 18, 2011
CONTRACT, BONDS AND INSURANCE TO CITY	15 calendar days after Notice of Award
PRE-CONSTRUCTION MEETING	November 17, 2011
ISSUE NOTICE TO PROCEED WITH CONSTRUCTION	November 18, , 2011
CONSTRUCTION DURATION	53 calendar days from Notice to Proceed

FISCAL IMPACT

At this time, this activity can be carried out without additional impact on the current operating budget. The City has secured a grant for the amount of \$74,956.00.

RELATIONSHIP TO 2009 STRATEGIC GOALS:

The issue before the Council is applicable to the following Council’s strategic goal: *“Protect and Enhance Quality of Life in the City of Commerce”*. The specific objective established is *“Conduct an energy audit of three City facilities: City Hall, Aquatorium, and Transportation.”*


Recommended by:


 Robert Zarrilli
 Director of Community Development

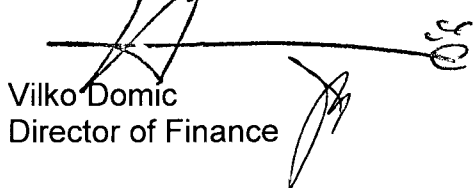
Respectfully submitted:


 Jorge Rifá
 City Administrator


Prepared by:


 Danilo Batson
 Assistant Director of Public Services

Reviewed by:


 Vilko Domic
 Director of Finance

Approved as to Form:


 Eduardo Olivo
 City Attorney



AGENDA REPORT

PLANS & SPECS ARE AVAILABLE FOR VIEWING IN THE CITY CLERK'S OFFICE

MEETING DATE: SEPTEMBER 6, 2011

TO: HONORABLE CITY COUNCIL
FROM: CITY ADMINISTRATOR
SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS FOR CASH CONTRACT NO. 1105 - ADA COUNCIL CHAMBERS (PROJECT NO. 601358-09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM).

RECOMMENDATION:

That the City Council:

1. Approve the project plans and specifications as named above, prepared by Adrian-Gaus Architects Inc., and;
2. Authorize the Department of Community Development to advertise for bids and designate Wednesday, October 13, 2011, at 3:00 p.m., as the bid opening date.

MOTION:

Move to approve recommendation.

BACKGROUND AND ANALYSIS:

As part of the 2010/2011 Capital Improvement Project (CIP) Budget, the City Council appropriated \$155,000 for various improvements to the Council Chambers in order to meet existing ADA requirements. On May 18, 2009, the City Council also approved CDBG funding that has been executed in the amount of \$52,106. Both CIP and CDBG funding will provide for the preparation of an architectural survey and designs, removing architectural barriers, installing motorized door openers, modifying seating and handrails and constructing ADA ramps. The improvements will also include: widening of doorway entries and exits, assistive listening devices and other necessary modifications to comply with current ADA improvements.

At its meeting of August 17, 2010, the City Council approved the services Agreement for Adrian-Gaus Architects, Inc. to prepare the specifications and bid package being presented for approval and advertisement. The specifications for the proposed project have been completed and approved by the County Community Development Commission's, Community Development Block Grant Program Unit and are available for review in the City's Community Development Department.

The Public Notice inviting sealed bids for this project is ready for advertisement, and the project is scheduled to expire on June 30, 2012 with no further extensions available through the CDBG Program. The project schedule is established as follows:

TASK	ESTIMATED DATE
ISSUE NOTICE INVITING BIDS	September 13, 2011
BID ADVERTISEMENT PERIOD	30 Days
MANDATORY PRE-BID MEETING	September 27, 2011
RESPONSES TO BIDDER QUESTIONS FROM CITY	by October 07, 2011
BIDS DUE AND OPENED IN PUBLIC BY CITY CLERK	October 13, 2011
AWARD OF CONTRACT	November 15, 2011
CONTRACT, BONDS AND INSURANCE TO CITY	15 calendar days after Notice of Award
PRE-CONSTRUCTION MEETING	December 22, 2011
ISSUE NOTICE TO PROCEED WITH CONSTRUCTION	January 03, 2012
CONSTRUCTION DURATION	90 calendar days from Notice to Proceed

FISCAL IMPACT:

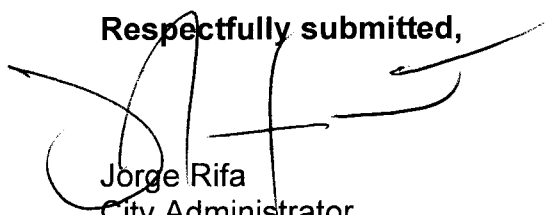
This activity can be carried out at this time without additional impact on the current operating budget. The account numbers that the funds are available in are as follows:

40-5180-57113 - CIP Architect Services and Construction ADA Council Chambers
29-2920-57113.10386 - CDBG Architect Services and Construction ADA Council Chambers

RELATIONSHIP TO 2009 STRATEGIC GOALS:

The issue before the Council is applicable to the following Council's strategic goal: "Protect and Enhance Quality of Life in the City of Commerce." Although, there are no specific objectives connected to this issue, the proposed capital improvement activities are consistent with the City's responsibility to alleviate physical blight and enhance the Quality of Life in the City of Commerce.

Respectfully submitted,



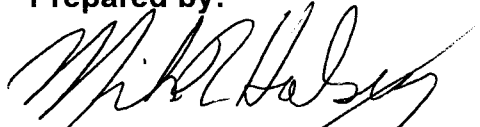
Jorge Rifa
City Administrator

Recommended by:



Robert Zarrilli
Director of Community Development

Prepared by:



Mike Halsey for Danilo Batson
Assistant Director of Public Services

Reviewed by:

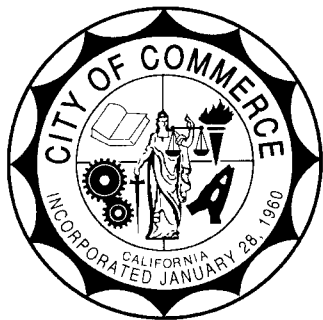


Vilko Domic
Director of Finance

Approved As To Form:



Eduardo Olivo
City Attorney



AGENDA REPORT

MEETING DATE: September 6, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING RESOLUTION NO. 93-7 AND THE PERSONNEL POLICIES AND PROCEDURES, DATED FEBRUARY 3, 1993, RELATING TO VACATION LEAVE, BEREAVEMENT LEAVE, SECONDARY EMPLOYMENT OR BUSINESS ACTIVITY, TUITION REIMBURSEMENT PROGRAM FOR PART-TIME EMPLOYEES AND DRIVER'S LICENSE REQUIREMENTS

RECOMMENDATION:

Approve and adopt the following:

1. Approve and adopt the Resolution, which approves the following the revised policies, and assign the number next in order:
 - a. Revised Vacation Leave Policy V-1
 - b. Revised Bereavement Leave Policy V-3
 - c. Revised Secondary Employment or Business Activity Policy I-8
 - d. Revised Tuition Reimbursement Program – Part-time Employees Policy IV-3
 - e. Revised Driver's License Requirements Policy I-13
2. Authorize the City Administrator and Director of Human Resources to execute the revised policies.

MOTION:

Move to approve the recommendation.

BACKGROUND:

The City and the City of Commerce Employee Association (CCEA) concluded labor negotiations on July 21, 2011 regarding wages, benefits and working conditions for the 2011/2012 Memorandum of Understanding. On August 11, 2011 members of the Full and Part-Time Units voted to ratify a new one year contract for 2011/12.

This report recommends Council approval of changes to policy language incorporated in a tentative agreement with CCEA. As a result of the negotiation process the following policies and procedures are being submitted to the City Council for consideration and adoption:

- Vacation Leave Policy V-1
- Bereavement Leave Policy V-3
- Secondary Employment or Business Activity Policy I-8
- Tuition Reimbursement Program – Part-time Employees Policy IV-3
- Driver's License Requirements Policy I-13

ANALYSIS:

In Appendix A, there are five (5) revisions to the Personnel Policies and Procedures Manual that are being proposed. The revisions are only minor policy and procedure changes. The following summarizes description of these changes:

Vacation Leave Policy - Amended to include seniority as defined to be a factor when approving vacation schedules.

Bereavement Leave Policy – Amended to include the following as defined immediate family members: mother, father, spouse, registered domestic partner, child, step-child, brother, sister, grandchild, grandparents, mother-in-law, father-in-law, stepmother, stepfather, sister-in-law, brother-in-law, daughter in-law, son-in-law, spouse's grandparents and great grandparents, as well as the equivalent relatives of a registered domestic partner.

In addition, amended language to allow bereavement leave to begin as requested by the employee and utilized within 15 days of the employee learning of the family member death, unless special circumstances require that the leave begin at a later date.

Secondary Employment Policy I-8 – Minor revisions to amend language that would require employees to *inform* his/her Department Director or designee that they engage in any work activity in addition to their regular employment with the City.

Part-Time Tuition Reimbursement Policy IV-3 – Amended policy to require employees be employed on a part-time basis (not temporary), have received a standing satisfactory performance evaluation, be employed at least 18 months and have worked an average of ten (10) hours weekly over the preceding twelve month period upon conclusion of the class for reimbursement eligibility. Employees must have received written approval from the Director of Human Resources and the department head prior to registering for the course.

Drivers License Policy I-13 – Amended policy that provides reimbursement to all employees up to \$39.00 for the cost to obtain and/or renew their Class A or B License.

FISCAL IMPACT:

This activity can be carried out without additional impact on the current operating budget.


Recommended by:


Teresa McAllister
Director of Human Resources

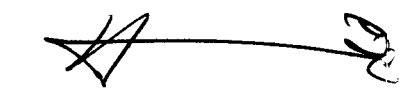
Respectfully submitted,


Jorge Rifá
City Administrator

Approved as to Form:


Eduardo Olivo
City Attorney

Fiscal impact reviewed by:


Vilko Domic
Director of Finance

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA,
AMENDING RESOLUTION NO. 93-7 AND THE PERSONNEL POLICIES AND
PROCEDURES, DATED FEBRUARY 3, 1993, RELATING TO VACATION LEAVE,
BEREAVEMENT LEAVE, SECONDARY EMPLOYMENT OR BUSINESS ACTIVITY,
TUITION REIMBURSEMENT PROGRAM FOR PART-TIME EMPLOYEES AND
DRIVER'S LICENSE REQUIREMENTS

WHEREAS, the City Council adopted Resolution No. 93-7 on February 3, 1993, approving the Personnel Policies and Procedures, dated February 3, 1993; and

WHEREAS, the City Council finds that, from time-to-time, said Personnel Policies and Procedures require amendment; and

WHEREAS, the City and the City of Commerce Employee Association (CCEA) concluded labor negotiations on July 21, 2011, regarding wages benefits and working conditions for the 2011/2012 Memoranda of Understanding between the City and the regular full-time mid-management and non-management employees and part-time employees, respectively; and

WHEREAS, the result of the negotiation process provides, among other things, revisions to personnel policy and procedure language relating to vacation leave, bereavement leave, secondary employment or business activity, tuition reimbursement program for part-time employees and driver's license requirements, and

WHEREAS, on August 11, 2011, members of the full-time and part-time units voted, respectively, to ratify a new one-year contract for 2011/2012.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

Section 1. The following revised Personnel Policies and Procedures, a true copy of which are attached hereto and incorporated herein by reference as Appendix A, are hereby approved, enacted and incorporated into the Personnel Policies and Procedures Manual, dated February 3, 1993:

- Vacation Leave Policy V-1
- Bereavement Leave Policy V-3
- Secondary Employment or Business Activity Policy I-8
- Tuition Reimbursement Program – Part-time Employees Policy IV-3
- Driver's License Requirements Policy I-13

Section 2. The City Administrator and Director of Human Resources are hereby authorized to execute the revised policies.

Section 3. This Resolution shall take full force and effect immediately upon adoption by the City Council

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2011.

Joe Aguilar, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk

RESOLUTION NO. _____

APPENDIX A

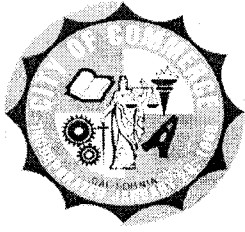
VACATION LEAVE POLICY V-1

BEREAVEMENT LEAVE POLICY V-3

SECONDARY EMPLOYMENT OR BUSINESS ACTIVITY POLICY I-8

TUITION REIMBURSEMENT PROGRAM – PART-TIME EMPLOYEES
POLICY IV-3

DRIVER'S LICENSE REQUIREMENTS POLICY I-13



Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**

Director of Human Resources

City Administrator

Number: V-1 Effective Date: 09/06/11

SUBJECT: VACATION LEAVE POLICY

PURPOSE:

Employees need time away from the workplace on an annual basis. The City of Commerce encourages employees to take time away from work to rest, relax and recharge. In doing so, the employee returns to work refreshed and can continue to provide excellent service to the City of Commerce's residents and patrons.

POLICY:

The City of Commerce's policy is to provide every full and part-time employee who has been in the continuous employ of the City (except temporary employees) with annual vacation that is accrued based upon the employee's status, job classification and length of continuous years of service since the most recent date of regular employment, as set forth below.

Continuity of service is defined as City employment, without break or interruption of employment. An absence without pay for less than ten (10) business days in any one month or leave with pay, for any period, shall not constitute interruption of a full-time employee's continuous service.

Temporary employees do not accumulate vacation.

A. Eligibility and Accrual

1. Unless approved by the City Administrator, no vacation leave shall be accumulated to exceed four hundred and eighty (480) hours. The City's 480 hour maximum accumulation policy will be enforced by scheduling vacations to eliminate any excess accumulation.
2. No vacation leave shall be accumulated by employees while they are on an unpaid leave of absence or non-work related disability leave of more than ten (10) business days.
3. In the event one or more City holidays fall within a vacation period, such holidays shall not be charged as vacation leave.
4. Upon separation from City employment, compensation shall be paid for vacation leave which has been earned but not taken.

5. Vacation leave shall be accounted for on a fifteen (15) minute increment.
6. Vacation leave granted to part-time employees in acting or dual classifications will be compensated at the rate of pay for the classification for which they were earned.
7. No administrative time will be provided to employees while they are on vacation leave.

Paid vacation time is accrued monthly according to the following schedule:

Years of Service	Full-Time	Part-time
Less than 5 years	8 hrs./mo. 96 hrs./ Yr.	Accrue 8 hours of leave for every 173 hours worked
5 yrs and 1 month – 8 full years	10 hrs./mo 120 hrs./Yr.	Accrue 8 hours of leave for every 173 hours worked
8 years and 1 month - 13 full years	12 hrs./mo. 144 hrs./Yr.	Accrue 8 hours of leave for every 173 hours worked
13 years and 1 month- 20 full years	13.33 hrs./mo. 160 hrs./Yr.	Accrue 8 hours of leave for every 173 hours worked
20 years and 1 month +	16.67 hrs./mo. 200 hrs./Yr.	Accrue 8 hours of leave for every 173 hours worked

B. Scheduling of Vacation

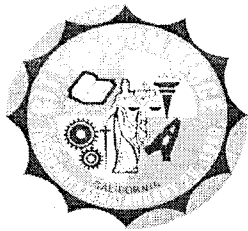
1. Vacation leave shall be scheduled with the approval the Department Director or his or her designee by submitting a Leave Request Form in writing, preferably thirty (30) business days before and but no less than five (5) business days before the beginning of the vacation. Vacation leave requests for extended times (15 work days or more), unless an unforeseen emergency exists, shall be submitted at least thirty (30) days in advance of the beginning of the vacation. Vacations shall be scheduled according to the needs of the department. The employee’s seniority and wishes will be factors that are considered during the scheduling process. No paid vacation leave shall be allowed except earned vacation leave.
2. Vacation leave requests shall not be in excess of that actually earned at the time it is requested or in excess of the regular scheduled workweek.
3. Vacation leave may not be taken prior to the completion of the employee’s six (6) - month probationary period unless approved by the Department Director because of special circumstances.
4. An employee who becomes ill while on vacation may have such period of illness charged to his/her accumulated sick leave instead of to vacation time, provided that immediately

upon return to duty the employee submits to his/her Department Director a written request for sick leave and a written off-work statement signed by his/her physician for the dates of the illness.

5. The Department Director retains the discretion to cancel previously authorized vacation in the case of an operational or business necessity.
6. The City will consider seniority as the primary factor, where the job performance is equal, when approving vacation schedules. Seniority for full-time employees shall be defined as length of service in the position. The updated seniority list shall be distributed 90-days after the end of each fiscal year.
7. Seniority for part-time employees shall be determined by calculating the length of service in the position multiplied by the average annual hours actually worked during the preceding five (5) fiscal years. The updated seniority list shall be distributed ninety (90) days after the end of each fiscal year.

PROCEDURE:

Responsibility	Action
Employee	1. Submits all necessary paperwork to request paid vacation leave preferably within thirty (30) days, but not less than five (5) business days before the start of vacation, to his/her supervisor and Department Director or designee for consideration.
Department Director	2. Approves or denies vacation leave request based upon the staffing needs of the department. Considers seniority when multiple requests may impact the department's delivery of services and staffing.



Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**

Director of Human Resources

City Administrator

Number: V-3 Effective Date: 09/06/11

SUBJECT: BEREAVEMENT LEAVE POLICY

PURPOSE:

The bereavement leave policy establishes uniform guidelines for providing paid time off to employees for absences related to the death of immediate family members.

POLICY:

When a regular full-time or part-time employee's immediate family member dies or is critically ill and death appears imminent, the employee shall be entitled up to forty (40) hours paid leave per occurrence. Immediate family member shall be defined as: mother, father, spouse, registered domestic partner, child, step-child, brother, sister, grandchild, grandparents, mother-in-law, father-in-law, stepmother, stepfather, sister-in-law, brother-in-law, daughter in-law, son-in-law, spouse's grandparents and great grandparents, as well as the equivalent relatives of a registered domestic partner.

The bereavement leave begins on the first regularly scheduled workday as requested by the employee. If the employee learns of the death while at work, he or she is entitled to leave work immediately; this partial day leave will not be counted towards the bereavement leave. Bereavement leave must be authorized by the Department Director and must be utilized within 15 days of the employee learning of the death, or of the date of foreseen imminent death of the immediate family member, unless special circumstances require that the leave begin at a later date. Such requests to the Department Director shall be made within 15-days of the employee learning of the death or the date of foreseen imminent death and shall not be unreasonably denied.

Bereavement leave is paid over a maximum of seven (7) work days and is paid in thirty minute increments.

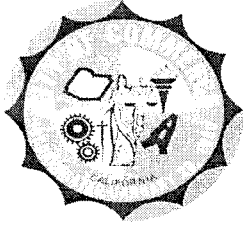
Part-Time Eligibility

The maximum number of hours to be paid during the maximum seven (7) work days of bereavement leave is calculated based on the average number of all hours actually paid per

week, utilizing the employee's record of hours paid for each position maintained by the employee during the ten (10) weeks immediately preceding the bereavement leave.

PROCEDURE:

<u>Responsibility</u>	<u>Action</u>
Employee	<ol style="list-style-type: none">1. Upon learning of death or critical illness of immediate family member where death appears imminent, submits leave request to be utilized within 15-days. If special circumstances require that the leave begin at a later date, such requests to the Department Director shall be made within 15-days of the employee learning of the death or of the date of foreseen imminent death.
Department Director	<ol style="list-style-type: none">2. Leave requests shall not be unreasonably denied.



Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**

Director of Human Resources

City Administrator

Number: 1-8 Effective Date: 09/06/11

SUBJECT: SECONDARY EMPLOYMENT OR BUSINESS ACTIVITY

PURPOSE:

To provide guidelines for City employees engaging in employment with a second employer or engaging in self-employment.

POLICY:

Any employee of the City shall inform his/her Department Director or designee, the Director of Human Resources, and the City Administrator they engage in any work activity in addition to their regular employment with the City. An employee engaging in any employment or outside activity shall inform his or her Department Director in writing of the time to be spent on such activity and the nature of the activity when he or she begins the activity.

A "Secondary Outside Employment Form" obtained from the Human Resources Department shall be completed and submitted to the employee's Department Director head or designee for evaluation. Forms must be submitted at least two weeks prior to the actual start of such secondary employment or self-employment.

The "Secondary Outside Employment Form" need not be completed on an annual basis, only when/if the secondary employment changes.

In evaluating a secondary employment, the City retains the right to consider whether such secondary outside employment may impact the organization as follows:

1. Impairment of Efficiency and Physical Well-Being - The secondary employment must not involve such time demands or performance of such arduous tasks so as to interfere with employee effectiveness or leave the employee tired or subject to injury in the City position.
2. Workers' Compensation - The secondary employment must not leave the City liable for any injury or illness incurred in such secondary employment.

3. Conflict of Interest and Public Relations - The secondary employment must not, or must not have the potential to, adversely affect or reflect upon the employee, the employee's position with the City, or the City.

Secondary employment without notification can result in disciplinary action up to and including dismissal if any of the above three (3) factors negatively impact an employee. Notification for secondary employment is evidenced only by a copy of the "Outside Secondary Employment Form with all required signatures.

City employees are prohibited from contracting or engaging in business activity with the City of Commerce as a source of secondary employment with the City, including the performance of services outside the scope of their normal employment duties and responsibilities.

City employees are prohibited from pursuing a business license or secondary employment within the boundaries of the City if said activity is for the purpose of providing services on behalf of an approved City of Commerce vendor or contractor doing business with the City, if said services is similar or equivalent to their duties as a City employee. For example, a maintenance worker who opens a business activity to conduct maintenance work for a City assigned contractor or vendor.

As an adjunct to the above, the employee shall not use the prestige or influence of the City for the employee's private gain or advantage or the private gain of another, unless prior approval has been secured from the employee's Department Director or designee, the Director of Human Resources, and the City Administrator.

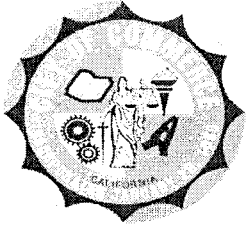
PROCEDURE:

Responsibility	Action
Employee	<ol style="list-style-type: none">1. Notifies immediate supervisor that secondary employment is being considered.2. Obtains an "Outside Secondary Employment Form" from the Human Resources Department.3. Completes and signs form.<ol style="list-style-type: none">a. Submits to immediate supervisor for processing.
Department Director	<ol style="list-style-type: none">4. Evaluates request and considers impact on department and organization. Either approves, approves with modifications, or disapproves.

- a. If disapproves, notifies employee with reason for disapproval.
 - b. If approves or approves with modifications, transmits to Director of Human Resources for further processing.
- Director of Human Resources
5. Reviews and recommends to the City Administrator approval, approval with modifications, or disapproval of the request.
- City Administrator
6. Reviews request.
- a. Approves or approves with modifications and transmits to the Human Resources Department.
 - b. Disapproves request and transmits, with reason(s), to the Department.
- Human Resources Department
7. Receives form and places in employee's official personnel folder. Notifies employee and Department Director, via e-mail, of City Administrator's decision.

Attachment:

- 1. Outside Secondary Employment Form



Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**

Director of Human Resources

City Administrator

Number: IV-3 Effective Date: 09/06/11

**SUBJECT: TUITION REIMBURSEMENT PROGRAM – PART-TIME
EMPLOYEES**

PURPOSE:

To encourage City employees to take educational courses that will enhance and broaden the performance of their present duties and prepare them for advancement opportunities.

POLICY:

Efforts shall be made to provide training and educational assistance for all levels of employment in the City, from those requiring a minimum of specialized skills to those requiring higher education preparations. Completion of a training or educational courses shall not guarantee promotion or advancement of an employee, but is intended to expand skills and knowledge, thus providing the individual with higher levels of opportunity and performance.

The funds for the Tuition Reimbursement Program shall be budgeted in the Human Resources Department. Approval shall be limited to courses offered by accredited colleges, technical institutes or universities. Accredited courses offered "on-line" through distance learning are included. The course selected must be included in an Associate, Bachelor's or Master's Degree program.

The Human Resources Director or his/her designee shall be responsible for administering the Tuition Reimbursement Program and shall have the authority to

approve or deny a request based on funding availability.

When an employee is required by the department to attend a particular course or seminar, normally the expense shall be the responsibility of the respective department and employee.

As a general rule, time spent on approved educational courses should be outside of scheduled working hours and shall not be considered as time worked for the City.

Requests shall be reviewed and approved on an ongoing basis based upon approved funding availability. In the event of insufficient budgeted funds, approvals shall be tentative, placed on a waiting list, and subject to final approval upon the availability of budgeted funds. The waiting list shall terminate at the end of each fiscal year. Only courses that receive final approval shall be reimbursed. In no event will a course be reimbursed if there are insufficient funds.

City Council members are not eligible for the Educational Assistance benefit.

PART-TIME EMPLOYEES ELIGIBILITY REQUIREMENTS

- A. To qualify for educational reimbursement benefits, the employee must be employed on a part-time basis (not temporary), must have received a standing satisfactory performance evaluation, must be employed at least 18 months and have worked an average of ten (10) hours weekly over the preceding twelve month period upon conclusion of the class for reimbursement eligibility. Employees must have received written approval from the Director of Human Resources and his or her Department Director before registering for the course.
- B. The tuition reimbursement will be limited to six (6) years from the time the employee starts the program and will allow the employee a total of one Associate's Degree, one Bachelor's Degree, and one Master's Degree.
- C. Each employee is required to work a minimum of 100 hours per school quarter or 150 hours per school semester in order to participate in the program with any exceptions to be explained in writing and verified/approved by his/her Department Director prior to submitting it to the Human Resources Department.
- D. If not available to work, the employee may not participate until the next school quarter or semester at which time he/she may request participation again, subject to funding availability.
- E. The course selected must be included in the Associate, Bachelor's or Master's Degree Program of an accredited college or university.

- F. As a condition to participate in the tuition reimbursement program for part-time employees, the work schedule of each participating part-time employee must be reviewed and approved by the Department Director and must not be changed without authorization from the Department Director.
- G. School attendance must be secondary to the employee's availability for City service.
- H. Each part-time employee desiring to qualify for reimbursement must attend the course(s) on his/her own time, complete the course(s) satisfactorily with at least a passing grade of "C" or its numerical equivalent, and if a veteran, must have exhausted educational benefits under the G.I. Bill and the California Veteran's benefits.

PROCEDURES FOR OBTAINING TUITION REIMBURSEMENT

- A. The tuition reimbursement policy for eligible part-time employees includes 100% reimbursement for actual tuition costs; and 50% of course required books and/or supplies.
- B. Reimbursements will be limited to the amount equivalent to the cost at the California State University System.
- C. To request reimbursement, the employee must submit an Education Reimbursement Request for Payment Form, accompanied by confirmation of the grade received and paid receipts for the tuition, cost of books and supplies, to the Human Resources Department, with a copy of the course(s) syllabus no later than six (6) months after the completion of the courses(s) taken.
- D. Any requests for reimbursement submitted after the six-month deadline will not be honored for payment.
- E. The Human Resources Department will advise the Finance Department that the course(s) has been satisfactorily completed and payment is to be made.

Upon reimbursement, all textbooks and supplies will remain the property of the employee.

None of the preceding instructions will be construed as applying to training courses which may be taken by an employee at the written request of the City, or which the City may designate as a required course.

Employees are responsible for any income tax liability that may result due to reimbursement under this program.

PROCEDURE:

Responsibility	Action
Employee	1. Completes and submits Education Reimbursement Program Authorization Application to Human Resources Department for pre-approval of funding availability.
Human Resources	2. Approves or denies application based upon eligibility requirements of part-time Education Reimbursement Program. 3. Approves or denies application based upon estimated funding availability for part-time Education Reimbursement Program. 4. Notifies employee of the approval or denial of funding and/or eligibility for part-time Education Reimbursement Program. 5. Submits approved application to respective Department Director for consideration.
Department Director	6. Approves or denies application to enroll or register in upcoming semester/quarter. Returns original application to employee with signatures.
Employee	7. Submits Education Reimbursement Request for Payment Form with verification of grades, and all applicable receipts for expenditures to the Human Resources Department within six (6) months of course completion.
Human Resources Dept.	8. Processes approved Claim request for

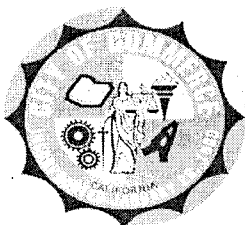
Education reimbursement in accordance with program guidelines and submits to Finance Department.

Finance Department

9. Makes reimbursement to the employee.

Attachments:

1. Education Reimbursement Program – Authorization Application
2. Education Reimbursement Request for Payment



Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**

Director of Human Resources

City Administrator

Number: I-13 Effective Date: 09/06/11

SUBJECT: DRIVER'S LICENSE REQUIREMENTS

PURPOSE:

To define the necessary requirements for City employees who drive City vehicles or personal vehicles as authorized in the course of their employment.

POLICY:

State law requires the possession of an appropriate valid California driver's license for the operation of a motor vehicle or combination of vehicles. All City employees authorized to drive either personal or City-owned vehicles on official City business are required to possess the appropriate valid California driver's license.

To ensure that City employees who drive a vehicle as part of their job responsibilities have a current, appropriate and unrestricted driver's license, employees are required to enroll in the DMV Employer Pull Notice program. The DMV Pull Notice Program affords the City the opportunity to receive timely driving records of employees who drive on the City's behalf and whose job duties require driving a City vehicle in accordance with the California Department of Motor Vehicle Information Services Program. This assists the City in improving public safety and minimizes the City's risk and liability. The Human Resources Department in partnership with the Transportation Department administers the DMV Employer Pull Notice Program. The DMV reports will be maintained on a confidential basis by the Human Resources Department.

It is the responsibility of Department Heads and supervisors working with the City's Safety Committee to promote accident prevention, and driver's training. The Human Resources Department will ensure that each employee or applicant offered employment possesses the appropriate driver's license for the classification they hold. All employees who are required to drive a vehicle as part of their job responsibilities shall complete a defensive driving session with the Transportation Department prior to operating a City vehicle.

Employees in certain classifications who regularly or periodically drive commercial vehicles shall obtain and maintain a valid Class "A" and/or Class "B" motor vehicle driver's license with appropriate endorsements (.e.g. hazardous materials, passenger endorsement). The Human Resources Department and the department heads shall monitor the progress of all employees required to upgrade their license to a Class "A" or "B".

Employees possessing restricted or medically restricted licenses shall be assessed for their ability to perform the essential functions of the position and in a manner that would not endanger the health or safety of the employee, other employees or members of the public. Such accommodation shall be in compliance with reasonable accommodation requirements as defined under the Americans with Disabilities Act (ADA) federal legislation.

Employees are required to have in their immediate possession a valid Class A, B, or C driver's license at all times while driving a vehicle. Employees who are not in possession of the required license shall not be permitted to drive a vehicle.

Reimbursement of mileage for use of personal vehicle for business activity shall be in compliance with the City of Commerce Administrative Policy Mileage Reimbursement.

Notification of Violations:

The Director of Human Resources or designee shall notify the Department Head (or City Administrator where appropriate) when an employee's DMV report indicates a change in driver's license status, required physical/medical examination or any adverse DMV action. It is however, the responsibility of the employee to notify his or her immediate supervisor within one (1) working day of the suspension, revocation, cancellation, or disqualification of their driver's license.

The Department Head will review the DMV report with the employee to determine the course of action to be taken pending the employee acquiring the required class driver's license. Disciplinary action, as outlined in Personnel Policy and Procedure Manual Policy, shall apply to an employee who experiences the suspension, revocation or disqualification of a driver's license which is required for the employee's performance of job duties.

For employees whose position requires possession of a valid Class "A" or "B" driver's license:

1. The City shall provide access to the City's medical facility and pay for the

required physical examinations necessary to secure appropriate licenses.

2. Departments shall provide up to one (1) hour paid release time for employees to complete the required physical examination at the City's medical facility. Such release time shall be pre-approved by the employee's supervisor and shall not impact department's staffing or operational needs.
3. The City shall reimburse all employees up to \$39.00 for the cost to obtain and/or renew their Class A or B License.
4. The employee must enroll in the City's DMV Employer Pull Notice Program.
5. Any costs incurred due to an expired license shall be paid for by the employee.

PROCEDURE:

Responsibility

Employee

1. Obtains and maintains a valid Class "A", "B" or "C" driver's license with any required endorsements (i.e., passenger).
2. Obtains renewal of required driver's license and any needed endorsements prior to actual expiration date and provides copy of DMV renewal to Human Resources Department.
3. If the employee completes their medical exam prior to sixty (60) days of their expiration date they may mail their original medical certification to D.M.V. with a copy provided to Human Resources. However, it is the sole responsibility of the employee to provide proof of a valid drivers license to the City.

4. If the employees completes their medical exam within sixty (60) days of their expiration date they must personally submit their medical certification directly to D.M.V. and provide the D.M.V. Receipt of Medical report update to the Human Resources Department.

5. Notifies supervisor within one (1) working day of the suspension, revocation, cancellation, or disqualification of driver's license.

Notifies supervisor of any offense involving the unsafe operation of a City motor vehicle.

Department Head and/or Supervisor

6. Maintains listing of all employees by classification who have been assigned to regularly or periodically drive a vehicle or combination of vehicles and the type of driver's license required along with any required endorsements, including expiration date and bi-annual physical examination dates.

7. If possible, assigns employee to non-driving duties while investigation is made when an employee's driver's license is suspended, revoked, cancelled or disqualified.

8. Notifies Human Resources Director and follows Disciplinary procedures in cases where Department Head determines loss of license prevents regular employee(s) from performing essential duties of job and the employee's job cannot be modified

without substantial impact on department operations. Contact the Human Resources Department for employees who have not completed their initial probationary/training period.

- | | |
|----------------------------|--|
| | 9. Notifies Human Resources Department to schedule employee(s) for physical examination to comply with the requirements for obtaining and maintaining a valid Class "A" or "B" driver's license. |
| Department Supervisor | 10. Schedules employee(s) for physical/medical examination to comply with the requirements for obtaining and maintaining a valid Class "A" or "B" driver's license. Ensures scheduling does not impact staffing or operational needs of the department. |
| Human Resources Department | 11. Receives copy of Driver's License Medical Examination Report (DMV DL-51 Form) and instructs employee to transmit to DMV. Files medical examination report and DMV medical update receipt in employee's medical file.

12. Enrolls employees who hold a Class "C" license and are required to drive on the City's behalf in the DMV Employer Pull Notice Program.

13. Notifies Department Head of any employee(s) whose driver's license has been suspended, revoked, canceled or disqualified, and does not allow employee to perform the duties of his or her classification requiring the |

operation of a motor vehicle.

- | | |
|----------------------------|---|
| Employee | 14. Notifies Department of the results if the employee does not pass the physical/ medical examination.
15. Pays any additional costs due to an expired license. |
| Human Resources Department | 16. Upon appointment of employee(s) to a classification requiring an appropriate license, makes copies of employee's driver's license for the appropriate personnel files.
17. Notifies Transportation Department of any terminations of employees whose classifications require an appropriate Class "A" or Class "B" license. |
| Transportation Department | 18. Administers the Employer Pull-Notice Program Agreement with the Department of Motor Vehicles for those employees who possess a Class "A" or Class "B: driver's license and ensures that the City meets the requirements of the Pull-Notice Program.
19. Notifies the Department of Motor Vehicles to add/remove employee(s) from the Pull-Notice Program.
20. Provides DMV Pull Notice Report to departments and Human Resources on those employees whose license will expire within sixty (60) days. |
| Department | 21. Notifies employees of impending expiration of their drivers license and required DMV Medical certification. |

22. Informs Human Resources Department of any changes as to the assignment of staff who are in a classification that requires an appropriate license.



AGENDA REPORT

MEETING DATE: September 6, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE MEMORANDUM OF UNDERSTANDING AS IT RELATES TO THE REGULAR PART-TIME EMPLOYEES REPRESENTED BY THE CITY OF COMMERCE EMPLOYEES ASSOCIATION

RECOMMENDATION:

Approve and adopt the following:

1. A Resolution of the City Council of the City of Commerce, California, approving the Memorandum of Understanding as it relates to the Regular Part-Time Employees represented by the City of Commerce Employees Association.
2. Authorize the City Administrator, Director of Finance and Director of Human Resources to execute the attached Memorandum of Understanding between the City of Commerce and Part-Time Employees represented by the City of Commerce Employees Association.

MOTION:

Move to approve the recommendation.

BACKGROUND:

The City and the City of Commerce Employee Association (CCEA) concluded labor negotiations on July 21, 2011 regarding wages, benefits and working conditions for the 2011/2012 Memorandum of Understanding. On August 11, 2011 members of the Part-time Unit voted to ratify a new one year contract for 2011/12.

This report recommends Council approval of changes to benefits and contract language incorporated in a tentative agreement with the CCEA. Attached is an updated MOU for the part-time unit represented by the CCEA, which incorporates mutually agreed upon provisions. The MOU covers the period of July 1, 2011 through June 30, 2012.

ANALYSIS:

Key provisions of the tentative agreement, presented for the Council's approval include:

- **Term:** The term of the agreement shall be July 1, 2011 through June 30, 2012.
- **Wages:** No wage increase for part-time unit members.

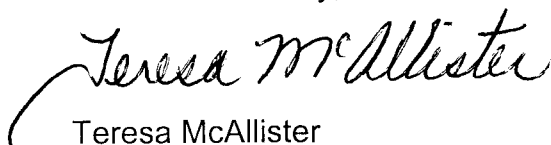
Adoption of Resolutions Approving Memorandum of Understanding for Part-Time Employees
September 6, 2011

- **Part-Time Tuition Reimbursement Program:** To qualify for educational reimbursement benefits, the employee must be employed on a part-time basis (not temporary), must have received a standing satisfactory performance evaluation, must be employed at least 18 months and have worked an average of ten (10) hours weekly over the preceding twelve month period upon conclusion of the class for reimbursement eligibility.
- Revised contract language incorporating the following articles and personnel policies:
 - Uniform Allowance for part-time unit members
 - Safety Footwear for part-time unit members
 - Sick Leave for part-time unit members
 - Part-time birthday holiday
 - Vacation for part-time unit members
 - Overtime for part-time unit members
 - Bereavement Leave for part-time unit members
 - Agency Shop Notice for part-time unit members
 - Part-time tuition reimbursement
 - Class A/B Drivers License Reimbursement up to \$39.00 for part-time members
 - Merit Increase for part-time unit members
 - Job Security for part-time unit members
 - Median Pay for Park Maintenance Workers
 - Seniority Defined for part-time unit members

BUDGET IMPACT:

There is a minimal fiscal impact to the adoption of the FY 2011/2012 Part-Time Employees Memorandum of Understanding as it relates to reimbursement of a Class A/B Drivers License reimbursement. Fiscal impact is approximately \$1,000.00 and can be absorbed in the departmental line item budgets.

Recommended by,


Teresa McAllister
Director of Human Resources


Respectfully submitted,


Jorge Rifa
City Administrator

Budget Impact Reviewed by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA,
APPROVING THE MEMORANDUM OF UNDERSTANDING AS IT RELATES TO THE
REGULAR PART-TIME EMPLOYEES REPRESENTED BY THE CITY OF COMMERCE
EMPLOYEES ASSOCIATION

WHEREAS, the City of Commerce and the regular part-time employees completed negotiations of a new Memorandum of Understanding on July 21, 2011; and

WHEREAS, the tentative agreements included in the Memorandum of Understanding, which has a term of one year covering fiscal year July 1, 2011, to June 30, 2012, and represents the sole changes to the 2007-2010 Memorandum of Understanding between the parties, were approved by the City Council; and

WHEREAS, the Memorandum of Understanding provides, among other things, revisions to the Part-time Tuition Reimbursement Program and revised contract language incorporating various personnel policies into the memorandum of understanding for the regular part-time employees represented by the City of Commerce Employees Association.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

Section 1. The Memorandum of Understanding as it relates to the regular part-time employees represented by the City of Commerce Employees Association ("Association"), attached hereto as Exhibit "A" and incorporated herein by reference, is hereby approved and the City Administrator, Director of Finance, Director of Human Resources and City Clerk authorized to execute same on behalf of the City.

Section 2. The following revisions to the Part-time Tuition Reimbursement Program for regular part-time employees represented by Association shall be approved and implemented as follows:

- To qualify for education reimbursement benefits, the employee must be employed on a part-time basis (not temporary)
- Must have received a standing satisfactory performance evaluation
- Must be employed at least 18 months and have worked an average of ten (10) hours weekly over the preceding twelve month period upon conclusion of the class for reimbursement eligibility.

Section 3. This Resolution shall take full force and effect immediately upon adoption by the City Council.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2008, at Commerce, California.

Joseph Aguilar, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk



MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CITY OF COMMERCE

AND

**THE CITY OF COMMERCE EMPLOYEES ASSOCIATION
PART-TIME EMPLOYEES**

2011 – 2012

**MEMORANDUM OF UNDERSTANDING
PART-TIME EMPLOYEES
FISCAL YEAR JULY 1, 2011 — JUNE 30, 2012**

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MEMORANDUM OF UNDERSTANDING

PREAMBLE

This Memorandum of Understanding is entered into with reference to the following facts:

- A. Representatives of Management for the City of Commerce (hereafter "City") and representatives of the City of Commerce Employees Association (hereafter "Association") have met on a number of occasions and have conferred in good faith, exchanging proposals concerning wages, hours, fringe benefits and other terms and conditions of employment of employee-members represented by the Association.
- B. The City representatives and Association representatives have reached an understanding as to certain recommendations to be made to the City Council for the City of Commerce and have agreed that the parties hereto will jointly urge the City Council to adopt one or more resolutions which will provide for the changes in wages, hours, fringe benefits and other terms and conditions of employment contained in these joint recommendations.

NOW THEREFORE, the City and Association agree as follows:

The parties hereto shall jointly recommend to the City Council of the City of Commerce that one or more salary resolutions be adopted effectuating the following changes in salaries, fringe benefits and other terms of employment for the classifications represented by the Association.

ARTICLE I
TERM

- (a) Except as otherwise provided herein, this Memorandum of Understanding shall be in full force and effect from July 1, 2011, and shall remain in full force and effect up to and including midnight, the 30th day of June 2012.
- (b) This Memorandum of Understanding shall be binding on the City and the Association when approved and adopted by the City Council.
- (c) The City and the Association agree that the Association's bargaining proposals for the next Memorandum of Understanding will be due to the City by January 1, 2012. The City and the Association shall review the bargaining proposals, and meet and confer on any proposed changes to this Memorandum of Understanding within two weeks of the City's receipt of the Association's bargaining proposals.

ARTICLE II
UNION SECURITY

SECTION 1. Recognition.

- (a) In accordance with the Meyers-Milias-Brown Act [Government Code

Section 3500, et seq.] and the City of Commerce Employer-Employee Resolution, the City recognizes the City of Commerce Employees Association as the exclusive representatives of all employees in the regular part-time employees unit.

- (b) The Association recognizes the City Administrator as the exclusive representative for the City for purposes of entering into this Memorandum of Understanding, subject to the City Council approval.

ARTICLE III
CITY RIGHTS

SECTION 1. Exclusive Rights and Authority.

In order to ensure that the City is able to carry out its functions and responsibilities imposed by law, the City has and will retain the exclusive right to manage and direct the performance of City services and the work force performing such services, subject to certain limitations contained elsewhere in this Memorandum of Understanding. Therefore, the following matters shall not be subject to the meet and confer process, but shall be within the exclusive authority of the City. The consideration of the merits, necessity, or organization of any service activity conducted by the City shall include, but not be limited to the City's right to:

- (a) Determine issues of public policy;
- (b) Determine the mission of its constituents, departments, commission and boards;
- (c) Determine and change the facilities, method, technology, means, and organized structure pursuant to which the City operations are to be conducted;
- (d) Set standards and levels of service, and to expand or diminish services;
- (e) Determine and change the number of locations, re-locations, and types of operations, and the processes and materials to be employed in carrying out all City functions, including but not limited to the right to contract for or subcontract for any reason any work or operations of the City, subject to Article XII, Section 2, of this Memorandum of Understanding;
- (f) Determine size and composition of the work force, and allocated and assign work to employees in accordance with requirements as determined by the City;
- (g) Determine the content and intent of job classifications, develop new job classifications, and determine appropriate levels of compensation;

- (h) Appoint, transfer, promote, demote and lay-off employees for lack of work or other appropriate reasons;
- (i) Discharge, suspend, demote, reprimand, withhold salary increases and benefits, or otherwise discipline employees in accordance with applicable policies and laws;
- (j) Determine policies, procedures and standards for selection, training and promotion of employees;
- (k) Assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignment(s) upon reasonable notice;
- (l) Direct its employees;
- (m) Establish and enforce employee dress and grooming standards, and to determine the style and/or types of City-issued wearing apparel, equipment or technology to be used;
- (n) Determine the methods, means, numbers and kinds of personnel by which government operations are to be conducted;
- (o) Establish employee performance standards, including but not limited to quality and quantity criteria, and to require compliance therewith;
- (p) Maintain the efficiency of governmental operations;
- (q) Exercise complete control and discretion over the organization and the technology of performing City work and services;
- (r) Determine any and all necessary actions to carry out its missions in emergencies.

The Association recognizes that the City has and will continue to retain, whether exercised or not, the unilateral and exclusive right to operate, to administer and manage its municipal services and work force performing those services in all respects subject to this Memorandum of Understanding.

SECTION 2. Grievance on Impacts.

The exclusive decision-making authority of the City Council on matters involving City rights and authority shall not be in any way, directly or indirectly, be subject to the grievance procedure set forth in this Memorandum of Understanding. The employee may only grieve the impact of the exercise of exclusive City rights and authority that directly relate to matters within the scope of representation.

**ARTICLE IV
COMPENSATION**

SECTION 1. Class A/B License

For employees whose position requires possession of a valid Class "A" or "B" driver's license:

1. The City shall provide access to the City's medical facility and pay for the required physical examinations necessary to secure appropriate licenses.
2. City departments shall provide up to one hour paid release time for employees to complete the required physical examination at the City's medical facility. Such release time shall be pre-approved by the employee's supervisor and shall not impact the department's staffing or operational needs.
3. The City shall reimburse all employees up to \$39.00 for the cost to obtain and/or renew their Class A or B License.

SECTION 2. Median- Pay.

A 5% premium pay shall be given to Park Maintenance employees when regularly assigned to perform median maintenance work 50% or more of the time, as an average. A 2.5% premium shall be paid to a Park Maintenance employee when assigned to median maintenance 25% to 50% of the time, as an average. Premium pay is not provided for assignments of less than a complete pay period.

SECTION 3. Merit Increase

Upon initial appointment to any position in a job classification, part-time employees shall be placed at the minimum or first step of a salary range for that job classification. A department head may, as authorized by the City Administrator, appoint at a higher step in the salary range when in accordance with the Personnel Policies and Procedures, Salary Plan.

Merit Increase:

Part-time employees shall be advanced within their respective compensation ranges in accordance with the following schedule and pursuant to the City of Commerce Personnel Policies and Procedures and any exceptions therein:

- Step 2 - At the completion of sixteen hundred sixty-four hours (1664) of satisfactory service in Step 1.
- Step 3 - At the completion of sixteen hundred sixty-four hours (1664) of satisfactory service in Step 2.

Step 4 – At the completion of sixteen hundred sixty-four hours (1664) of satisfactory service in Step 3.

Step 5 – At the completion of sixteen hundred sixty-four hours (1664) of satisfactory service in Step 4.

Progression to succeeding steps does not convey or imply any additional employment or other rights beyond a wage increase.

Special Merit Increases:

When an employee demonstrates exceptional ability and proficiency beyond the call of duty, such employee may, upon recommendation of his or her Department Director, concurrence of the Director of Human Resources, and approval of the City Administrator, be awarded one step higher within the salary range for his/her job class upon completion of one year length of service in the position.

Please refer to the City of Commerce Personnel Policies and Procedures, Salary Plan Administration for further guidelines and policy.

SECTION 4. On-Call Pay.

Part-time employees who are assigned to "stand-by" duty shall be compensated in accordance with the policy established in the Personnel Policies & Procedures Manual, Chapter V ("Overtime"), Section 2, Paragraph d. "Stand-by Pay."

SECTION 5. Overtime

Employees will be paid overtime at time and a half for all productive time worked over forty (40) hours worked in a single workweek. For full-time employees, holidays (including flex holidays and birthdays) not actually worked, will count as time worked for the purpose of computing overtime. All other paid leave does not count as time worked for the purpose of computing overtime for full-time employees.

Except for Camp Commerce employees, double time is paid for hours worked over twelve productive hours (including paid breaks) in a single day or for hours worked on the seventh consecutive day of work in the seven day workweek.

ARTICLE V
UNIFORM ALLOWANCE

SECTION 1. Uniforms

Should the City require employees to wear a specific uniform, the City shall be financially responsible to cover the cost of such uniforms. Uniform replacement shall be governed by specific departmental policies and practices.

SECTION 2. Safety Footwear

The City shall provide reimbursement not to exceed \$150 per fiscal year for employees required by City safety regulations to wear safety footwear to work in each year the employee, in fact, purchased such footwear and utilizes them at work. Please refer to City of Commerce Personnel Policies and Procedures, Work Uniforms for Employees, for specific terms and policy.

ARTICLE VI
BENEFITS

The City's current Personnel Policies and Procedures shall govern the extent to which benefits are provided and maintained. The City agrees to meet-and-confer with the Association prior to any final decision by the City to reduce any current benefits during the term of this Memorandum of Understanding.

As a product of the year 2011 meet-and-confer process, the City and the Association have agreed to the following benefit programs:

SECTION 1. Medical Benefit Plan

The City will subsidize the medical insurance premiums for part-time employees at a rate of 25%. Medical benefits shall be limited to:

- Medical coverage only.
- Coverage for the employee, only.

Employees wishing to take advantage of the medical reimbursement benefit shall be required to do the following:

- a) Shop the open market for the medical plan that best meets the employee's needs;
- b) Subscribe to a medical plan (as an individual);
- c) Pay the required premiums directly to the medical plan provider;
- d) Within twelve months, submit proof of actual payment of the premium to the City on an expense reimbursement form. The City

shall determine and notify the employee of the type of documents that qualify as proof of payment of the medical plan premium.

- e) All employees understand and agree that submitting a fraudulent request for medical plan premium reimbursement to the City is an act of dishonesty subject to discipline, up to and including termination.

SECTION 2. Bereavement Leave

Pursuant to the City's Bereavement Leave Policy, when a part-time employee's immediate family member dies or is critically ill and death appears imminent, the employee shall be entitled up to forty (40) hours paid leave per occurrence. "Immediate family member" shall be defined as: mother, father, spouse, registered domestic partner, child, step-child, brother, sister, grandchild, grandparents, mother-in-law, mother-in-law, stepmother, stepfather, sister-in-law, brother-in-law, daughter in-law, son-in-law, spouse's grandparents and great grandparents, as well as the equivalent relatives of a registered domestic partner.

Bereavement leave is paid over a maximum of seven (7) work days and is paid in thirty minute increments. The bereavement leave begins on the first regularly scheduled workday, as requested by the employee. If the employee learns of the death while at work, he or she is entitled to leave work immediately; this partial day leave will not be counted towards the bereavement leave. Bereavement leave must be authorized by the Department Director and must be utilized within 15 days of employee learning of the death, or the date of foreseen imminent death of the immediate family member, unless special circumstances require that the leave begin at a later date. Such requests to the Department Director shall be made within 15-days of the employee learning of the death or the date of foreseen imminent death and shall not be unreasonably denied.

The maximum number of hours to be paid during the maximum seven (7) work days of bereavement leave is calculated based on the average number of all hours actually paid per week, utilizing the employee's record of hours paid for each position maintained by the employee during the ten (10) weeks immediately preceding the bereavement leave.

SECTION 3. Birthday Holiday

Part-time employees who actually work on New Year's Day, Easter, Thanksgiving Day, Christmas Day, and/or his/her birthday, shall be paid double time for hours actually worked in lieu of receiving holiday pay. If the employee's birthday falls on their regularly scheduled work day and the Department Director or supervisor does not schedule them to work on that day so that the City does not have to pay double time, the employee shall be rescheduled for either the

preceding or succeeding payroll period, so that they are able to make up the missed workday.

SECTION 4. Deferred Compensation:

The City shall match employee deferred compensation contributions, *in an amount not to exceed 3% of the employee gross salary contribution per pay period*. For example, if an employee contributes 1% of his or her gross salary to the plan, the City shall contribute an amount equal to 1% of gross salary.

SECTION 5. Educational Assistance:

The City agrees to maintain the part-time employees' tuition reimbursement program and to budget the program at an amount not to exceed \$64,034 during the term of this Memorandum of Understanding. The tuition reimbursement pool shall be distributed to employees as follows: 100% reimbursement for actual tuition costs; and 50% of course required books and/or supplies.

To qualify for educational reimbursement benefits, the employee must be employed on a part-time basis (not temporary), must have received a standing satisfactory performance evaluation, must be employed at least 18 months and have worked an average of ten (10) hours weekly over the preceding twelve month period upon conclusion of the class for reimbursement eligibility. Employees must have received written approval from the Director of Human Resources and his or her Department Director prior to registering for the course.

Please refer to City of Commerce Personnel Policies and Procedures IV-3, for further guidelines and policy.

SECTION 6. Sick Leave

Part-time employees shall accrue eight (8) hours of leave for every 173 hours worked. Please refer to the City of Commerce Personnel Policies and Procedures, Sick Leave Policy, for specific terms and policy.

SECTION 7. Vacation Leave

Part-time employees shall accrue eight (8) hours of leave for every 173 hours worked. The City's four-hundred eighty hour (480) maximum accumulation policy will be enforced by scheduling vacations to eliminate excess accumulation. Please refer to City of Commerce Personnel Policies and Procedures, Vacation Policy, for specific terms and policy.

**ARTICLE VII
DISCIPLINE PROCEDURES**

The disciplinary procedures set forth in the City's Personnel Policies and Procedures shall govern during the term of this Memorandum of Understanding.

ARTICLE VIII
GRIEVANCE PROCEDURES

The following grievance procedure applies only to part-time employees who have successfully completed their training period as defined in the personnel policies and process.

The grievance procedure is used to ensure that employees have the opportunity to address work-related concerns.

Definition of "grievance": A "grievance" shall be defined as a timely complaint by an employee or group of employees, concerning the City's personnel practices, working conditions, employee policies or Memorandum of Understanding.

- (a) Time Limits for Filing Written Formal Grievances: the time limits for filing written formal grievances shall be strictly construed, but may be extended by mutual agreement evidenced in writing and signed by an authorized representative of the City and the grievant. Failure of the grievant to comply with any of the time limits set forth hereunder shall constitute waiver and bar further processing of the grievance.
- (b) The grieving party is entitled to have representation of his or her choice at any level of the grievance procedure.

STEPS OF THE GRIEVANCE PROCEDURE

- | | | | |
|----|----------|---|--------------------------------|
| 1. | Informal | - | Immediate Supervisor |
| 2. | Formal | | Department Head |
| 3. | Formal | - | City Administrator or Designee |
- 1. Informal – Immediate Supervisor: The employee must first attempt to resolve a grievance verbally with his/her immediate supervisor as soon as possible. Every effort shall be made to find an acceptable solution to the grievance informally at this level.
 - 2. Formal – Department Head: If the grievance is not resolved using the informal process, a written grievance shall be filed within twenty (20) business days from the date of the alleged incident giving rise to the grievance, or when the grievant knew or should have reasonably become aware of the acts giving rise to the grievance. The grievant shall discuss the grievance with the department head. The department head shall render a decision and comments, in writing, regarding the merits of the grievance and return them to the grievant within twenty (20) business days after receiving the grievance.

In cases involving appeals from disciplinary action, the grievant shall bypass the

informal grievance step and file his/her appeal directly at the formal grievance step within twenty (20) business days of the effective date of the disciplinary action, or his/her right to appeal shall be waived.

3. Formal – City Administrator: If the grievance is not resolved at "Step 2" or if no answer has been received from the department head within twenty (20) business days, the written grievance shall progress to the City Administrator for final determination.

The grievant shall have twenty (20) business days from the date when the department head's written response is received, or when the response was due, to file a written appeal directly to the City Administrator, or forfeit his/her right of appeal, in which case, the grievance will be considered final based on the department head's response.

The City Administrator shall schedule an oral hearing and shall render a written decision, based on the merits of the grievance and return it to the grievant, within twenty (20) business days after the hearing. The City Administrator's decision shall be final on all matters. If the City Administrator does not render a decision within twenty (20) business days, or does not request and receive a mutually agreed upon extension of time, the grievance shall be resolved in favor of the grieving party.

ARTICLE IX

LAYOFFS

The City Council shall approve any proposed layoff/ bumping procedures before they are incorporated in the City's Personnel Policies and Procedure manual and become enforceable. Until such time that the City Council approves any proposed layoff/ bumping procedures, the City's Personnel Policies shall govern.

A full-time employee may "bump" a part-time employee with lesser seniority, in the same or a lesser paid job classification within the same occupational family as currently held by the full-time employee or a classification in which he/she has previously served. Seniority between a full-time and part-time employee shall be based upon the total hours worked in the classification.

ARTICLE X

JOINT LABOR MANAGEMENT COMMITTEE

The City and the Association will maintain a Joint Labor Management Committee (the "Committee") comprised of seven (7) members. The City's teams shall have three (3) representatives on the Committee from the Human Resources Department and various other departments. The Association shall provide four (4) members to sit on the Committee, which shall consist of two (2) full-time

employees and two (2) part-time employees. Additional department and employee representatives may participate on the Committee to deal with departmental matters which may be addressed. This Committee shall meet monthly, or less frequently, upon agreement of the Committee.

The JLM shall be utilized to allow the parties to discuss matters affecting the workplace environment.

The JLM shall not be a means for participating in the meet-and-confer process as provided for by *Government Code* Sections 3500, *et. seq.* The JLM's meetings shall not be "meet and confer" sessions as that term is used in *Government Code* Sections 3500 *et. seq.*

JLM consideration of proposed changes of terms and conditions of employment shall not occur and is not a condition precedent to the exercise by the City of its rights.

ARTICLE XI **EXCURSION & SPECIAL ASSIGNMENTS**

City Departments will post advance notice of any excursions or special assignments. Any part-time employee in that department may file with the department head a statement of interest in the excursion or special assignment. The department head or his/her designee shall take into consideration the employee's statement of interest as one factor in selecting part-time employees for excursions and special assignments. The decision by the department head or his/her designee shall be final.

ARTICLE XII **SENIORITY**

The City will consider seniority as the primary factor, where the job performance is equal, when making assignments of work schedules, job assignments, special assignments, excursions, events, promotions, and vacation. Seniority shall be determined by calculating the length of service in the position multiplied by the average annual hours actually worked during the preceding five (5) fiscal years. The updated seniority list shall be distributed ninety (90) days after the end of each fiscal year.

ARTICLE XIII **FACILITY CLOSURES**

In the event of an emergency facility closure, the City will attempt to reassign scheduled part-time employees to other facilities that are not affected by the emergency closure, wherever practical. Additionally, scheduled part-time employees who report to work but are sent home without working, will be paid 2 hours of straight time as "show-up" pay. Each department that has part-time

employees that have lost scheduled work hours due to emergency facilities closure will attempt to schedule the employees for make-up time.

ARTICLE XIV
OTHER MATTERS WITHIN THE SCOPE OF REPRESENTATION

SECTION 1. Meet and Confer in Good Faith.

The City shall not be required to meet and confer in good faith on any subject preempted by federal or state law. The City shall meet and confer in good faith with the Association on all matters related to salaries, fringe benefit and other terms and conditions of employment in accordance with the *Meyers-Milias-Brown Act*.

SECTION 2. Job Security.

The City and the Association share a common interest in maintaining the stability and the security of the City's workforce. As such, the City shall initiate a meet-and-confer process with the Association no less than ninety (90) days prior to any decision to contract for the work of any employee represented by the Association. The City will discuss with the Association the economic issues related to such contracting during the meet-and-confer process and prior to sending out Requests for Proposals (RFP's) or otherwise proceeding to identify qualified contractors for such services. In the event that the City subsequently decides to enter into a contract, the City will work with the Association in an attempt to mitigate the effects that such contracting might have on any employee represented by the Association. The City will make its best efforts to find alternative City employment for those employees affected. Management will attempt to find alternative City employment as close as possible to the employee's current salary level, provided that the employee meets the minimum qualifications for such alternative employment.

SECTION 3. Agency Shop Notice

1. The City shall provide all newly hired employees with an authorization notice advising them that agency shop for the Association has been implemented pursuant to a vote of the bargaining unit's members in accordance with state law, that agency shop is covered by an agreement between the City and the Association, and that all employees subject to the agreement must either join the Association, pay a service fee to the Association, or execute a written declaration claiming a religious exemption from this requirement.
2. Such notice shall include a form for the employee's signature authorizing a payroll deduction of Association dues, a service fee or a charitable contribution equal to the service fee. Such service fee shall be established by the Association. Employees shall have ten (10) calendar days from the date they receive the form to fully execute it and return it to the City's

Human Resources Department.

3. If the form is not completed properly or returned within ten (10) calendar days, the City shall commence and continue a payroll deduction of service fees from the regular bi-weekly paychecks of such employee.
4. Dues withheld by the City shall be transmitted by direct deposit to the AFSCME District Council 36 bank account or as otherwise directed by the Association President
5. The effective date of Association dues, service fees, or charitable contributions shall begin no later than the beginning of the first pay period commencing fourteen (14) calendar days after receipt of the authorization form by the employee.
6. No unit member shall be required to join the Association or to make an agency fee payment if the unit member is an actual verified member of a bona fide religion, body, or sect which has historically held conscientious objections to joining or financially supporting employee organizations; this exemption shall not be granted unless and until such unit member has verified the specific circumstances. Such employee must, instead, satisfy his or her obligation by donating the equivalent amount to a non-labor, non-religious charitable fund, tax exempt under section 501, subdivision (c)(3) of the Internal Revenue Code, which is chosen by the Association. The Association has selected the following three qualified charitable funds that the exempt employee may choose: American Cancer Society, American Red Cross, St. Jude Children's Research Fund Hospital. This list may change from time to time, but only upon written notice and agreement by both parties.
7. The City shall provide the Association with a monthly list of new hires, including name, date of hire, job classification, pay rate, work location and home address and phone number.
8. The Association shall keep an adequate itemized record of its financial transactions and shall make available annually to the City, and upon request to the employees who are members of the Association, within sixty (60) days after the end of its fiscal year, a detailed written financial report thereof in the form of a balance sheet and an operating statement, certified as to accuracy by its President and Treasurer or corresponding principal officer, or by a Certified Public Accountant. A copy of financial reports required under the Labor-Management Disclosure Act of 1959 or *Government Code* Section 3546.5 shall satisfy this requirement
9. This agency shop arrangement shall be null and void if rescinded by a vote of employees pursuant to *Government Code* Section 3502.5, subdivision (d).
10. The Association shall defend, indemnify and hold harmless, the City of

Commerce from any demand, claim, other action and for any liability or cost arising out of any such demand, claim or other action that arises out of this agreement.

SECTION 4. Union Access.

City equipment may be used to conduct Association business, provided it is authorized by the City Administrator or his or her designee. City equipment shall include, but not be limited to telephones, photocopiers, all forms of electronic communication, and facilities. The following are examples of situations where the City Administrator may reasonably authorize use of City equipment: (1) to schedule Association meetings, (2) to transmit meet-and-confer proposals, (3) to conduct Association meetings noticed pursuant to Association by-laws for the consideration of MOU approval/ratification votes.

SECTION 5. Association Representatives

The Association may designate representatives to represent employees in processing grievances and at Skelly hearings. The following conditions shall apply.

The Association may designate Representatives who must be members of the Association, and shall provide all City departments with a written list of employees who have been so designated. City management will accept on a quarterly basis any changes to the list. A Representative may represent a grievant in the presentation of a grievance at all levels of the grievance procedure. A Representative may represent an employee in pre-disciplinary hearings (Skelly) or pre-disciplinary interviews, where there is a reasonable expectation that disciplinary action will follow.

An employee and his/her Representative may have a reasonable amount of paid time off for the above-listed activities. However, a representative will receive paid time off only if he/she is the representative of record, or is another City employee, not a representative of record, who is requested to accompany the employee to an interview which the employee reasonably believes, may result in punitive action or to a meeting where documents shall be served.

If a Representative must leave his/her work location to represent an employee, he/she shall first obtain permission from his/her supervisor on a form provided by the City for such purpose. In those instances where an employee is working away from City Hall and is requested to provide representation, that employee shall first obtain verbal authorization from a supervisor to do so. As soon as is reasonably practicable, but not later than the end of the employee's following workday, the release shall be documented on a City provided form. Permission for such leave will be granted unless such absence would cause an undue interruption of work. If such permission cannot be granted promptly, the grievant's Representative will be informed when time can be made available. To the extent reasonable and compatible with the City operational needs, such time

will not be more than forty-eight (48) hours, excluding scheduled days off and/or legal holidays, after the time of the Representative's request unless otherwise mutually agreed to. Denial of permission to leave at the time requested will automatically constitute an extension of time limits provided in the grievance procedure herein, equal to the amount of the delay.

Before leaving his/her work location, the Representative shall call the requesting employee's supervisor to determine when the employee can be made available. Upon arrival, the Representative will report to the employee's supervisor, who will make arrangements for the meeting requested.

The City will make reasonable time available to Representatives to investigate grievances and disciplinary matters on behalf of the grievant. Time spent on grievances or the pre-disciplinary representation activities described above, outside of regular working hours of the employee or his/her Representative, shall not be counted as work time for any purpose.

SECTION 6. Voluntary Political Contributions (COPE).

Employees may make a voluntary contribution to the Union's political action fund. Such contributions must be authorized by the employee and may be revoked at any time.

SECTION 7. Unit Membership List.

The City's management will provide the Association within thirty (30) calendar days from the effective date of this MOU and each thirty (30) calendar days thereafter, with an alphabetical list of employees, their employee numbers, class titles, and work location by department, office or bureau, as well as division, if such information is readily available. Home addresses shall be provided within sixty (60) days from the effective date of this MOU and each ninety (90) days thereafter. The City shall deliver this information electronically.

SECTION 8. Non-Discrimination.

The parties shall treat all employees in employment matters without regard to race, color, religion, sex, sexual preference, age, national origin, disability, and political or union activity.

SECTION 9. City's Personnel Policies and Procedures and Standard Operating Procedures.

The City's Personnel Policies and Procedures and Standard Operating Procedures shall govern during the term of this Memorandum of Understanding, unless otherwise indicated herein.

ARTICLE XV
MODIFICATION

SECTION 1. Maintenance of Existing Conditions.

Any employment policies, practices and/or benefits, including the alternative workweek schedule and overtime compensation which were in effect as of October 31, 2000, shall be deemed incorporated into this Memorandum of Understanding, unless otherwise stated herein. Nothing herein shall create a property interest in employment to any part-time non-civil service employee, and does not alter the part-time non-civil service status of the at-will employees. In the event of a conflict between this Memorandum of Understanding and an existing policy and/or practice, this Memorandum of Understanding shall govern.

SECTION 2. Modification and Waiver.

The City reserves the right to add to, delete from, amend or modify the Administrative rules, the City's Municipal Code, and/or the City's Personnel Policies and Procedures Manual during the term of the MOU, subject to the requirements of the Meyers-Milias-Brown Act.

SECTION 3. Severability.

In the event that a court finds any provision(s) of this Memorandum of Understanding to be invalid or unenforceable, the parties intend that the remaining provisions shall remain in effect. The parties further agree to meet and confer for purposes of negotiating an alternative to any provision declared invalid or unenforceable.

"UNION"

"CITY "

Date Kevin Larsen
President, CCEA

Date Jorge Rifa
City Administrator

Date Terry Ann Westmore
CCEA Member

Date Vilko Domic
Director of Finance

Date Vivian Garcia-Kelly
CCEA Member

Date Teresa McAllister
Director of Human Resources

Date Mario Moran
CCEA Member

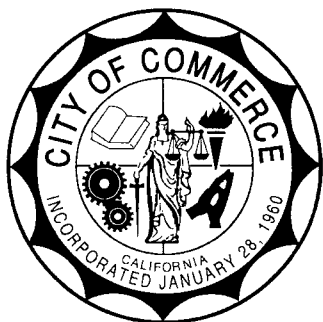
APPROVED AS TO FORM:

Date Leslie Simon
AFSCME Representative

Date Eduardo Olivo
City Attorney

ATTEST:

Date Linda Kay Olivieri
City Clerk



AGENDA REPORT

Meeting Date: September 6, 2011

TO: Honorable City Council

FROM: City Administrator

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE MEMORANDUM OF UNDERSTANDING WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA) FOR LOAN OF TWO BUSES

RECOMMENDATION:

Move to approve the Resolution and assign the number next in order.

MOTION

Approve the recommendation.

BACKGROUND

The Transportation Department has one (1) bus that has been out of service for approximately 24 months due to a pending warranty litigation claim with the bus manufacturer. Additionally, the City is in the process of ordering two (2) new transit buses, which are scheduled for delivery until late 2012 (estimated). The absence of these vehicles is having a negative impact on transit operations.

The LACMTA will loan the City two 1997 CNG-powered transit vehicles for up to 540 days, at no charge. These two vehicles will allow the Department additional flexibility in scheduling vehicles for preventive maintenance and thus improving service reliability.

FISCAL IMPACT:

There will be no charge for the bus loan. This activity can be carried out without additional impact on the current operating budget.

RELATIONSHIP TO 2010 STRATEGIC GOALS:

This agenda item reports relates to the 2009 strategic planning goal: "*Protect and Enhance the Quality of Life in the City of Commerce,*" by utilizing vehicles powered by alternative fuel, resulting in lower emissions.

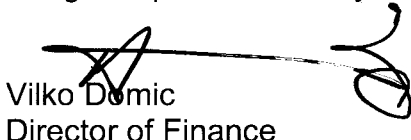
Recommended by:


Claude McFerguson
Director of Transportation

Respectfully submitted,


Jorge Rifa
City Administrator

Budget Impact Review by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, APPROVING THE MEMORANDUM OF UNDERSTANDING WITH THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
(LACMTA) FOR LOAN OF TWO BUSES**

WHEREAS, the Transportation Department has one (1) bus that has been out of service for approximately 24 months due to a pending warranty litigation claim with the bus manufacturer;

WHEREAS, the absence of this vehicle is having a negative impact on transit operations; and

WHEREAS, the Los Angeles County Metropolitan Transportation Authority (LACMTA) has agreed to loan two (2) CNG-powered transit vehicles to the City for up to 540 days at no charge.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

Approve a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the loan of two buses.

PASSED AND ADOPTED this 6th day of September, 2011.

Joe Aguilar, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk

MEMORANDUM OF UNDERSTANDING FOR LOAN OF TWO BUSES

This Memorandum of Understanding ("Agreement") is dated as of _____ by and between the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA") and the CITY OF COMMERCE ("COMMERCE").

RECITALS:

1. COMMERCE has one (1) bus that has been out of service for approximately 13 months pending a warranty litigation claim with the bus manufacturer. Additionally, COMMERCE is in the process of ordering two (2) new transit buses, which are not scheduled for delivery until 2012. The absence of these vehicles is having a negative impact on transit operations.

2. LACMTA operates bus service for the general public in Los Angeles County and has 2 (two) 1997 Neoplan Buses, Model AN-440 MTA Bus Numbers 6434 and 6496, License numbers 1005723 (6434) and 1366191 (6496) (hereinafter called "Buses") available for loan to COMMERCE.

3. COMMERCE and LACMTA desire to enter into this agreement for duration of 540 days upon the terms and conditions set forth below. The LACMTA buses will allow more flexibility in scheduling Preventive Maintenance Inspections (PMI) throughout COMMERCE fleet and increase its overall vehicle availability, thus allowing COMMERCE to provide reliable public transportation within the legal boundaries of COMMERCE.

AGREEMENT:

NOW, THEREFORE, the parties hereby agree as follows:

1. COMMERCE shall be responsible for the normal maintenance of the Buses as hereinafter provided.

2. During the period of this MOU, as hereinafter set forth, LACMTA agrees to loan to COMMERCE property of the type, in the quantity and for the purpose set forth above.

3. **INDEMNIFICATION:** COMMERCE hereby indemnifies, defends and holds harmless LACMTA and its directors, officers employees and agents from and against any and all claims, demands, liabilities, costs, expenses, including, without limitation, reasonable attorneys' fees, resulting from the loan of the two buses.

4. **INSURANCE:** COMMERCE shall procure and maintain for the duration of the MOU, insurance against claims for injuries to persons, or damages in property that may arise from or in connection with the performance of the work hereunder by COMMERCE, agents, representatives, employees or subcontractors.

If self insured, COMMERCE is to provide a letter on Commerce letterhead signed by an authorized officer, attesting to its self insured status. MTA's Risk Management department will review the letter and make a determination if MTA's insurance requirements are satisfied.

MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence form CG0001)
2. Insurance Services Office form number CA0001 covering Automobile Liability, code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance and Employer's Liability.

MINIMUM LIMITS OF INSURANCE

COMMERCE shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, the general aggregate limit shall be twice the required occurrence limit or \$4,000,000. Products/Completed Operations aggregate shall apply separately to this contract/agreement or the aggregate limit shall be twice the required per occurrence limit.
2. Automobile Liability: \$5,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation to comply with California's statutory requirements. Policy shall also include Employer's Liability in an amount no less than \$1,000,000.

OTHER INSURANCE PROVISIONS

The insurance policies required per the terms of the contract are to contain, or be endorsed to contain, the following provisions:

1. Los Angeles County Metropolitan Transportation Authority, its subsidiaries, officials and employees are to be covered as additional insured's as respects liability arising out of the activities performed by or on behalf of COMMERCE; products and completed operations of COMMERCE; premises owned, occupied or used by COMMERCE; or automobiles owned leased, hired or borrowed by COMMERCE. The general liability coverage shall also include contractual, personal injury, independent contractors and broad form property damage liability. The coverage shall contain no special limitations on the scope of protection afforded to LACMTA, its subsidiaries, officials and employees.
2. For any claims related to this project, COMMERCE'S insurance coverage shall be primary insurance as respects LACMTA, its subsidiaries, officials and employees.

Any insurance or self-insurance maintained by LACMTA shall be excess of Commerce's insurance and shall not contribute with it.

3. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to LACMTA, its subsidiaries, officials and employees.
4. COMMERCE'S insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to LACMTA.
6. Workers' Compensation and Employer's Liability policies shall provide a waiver of subrogation in favor of LACMTA.

DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to, and amounts over \$25,000 approved by LACMTA.

ACCEPTABILITY OF INSURERS

Insurance is to be placed with California admitted, or non-admitted carriers approved by the California Department of Insurance. All carriers must have a current A.M. Best's rating of no less than A-VII, unless otherwise approved by LACMTA.

VERIFICATION OF COVERAGE

COMMERCE shall furnish LACMTA with original endorsements and certificates of insurance evidencing coverage required by this clause. All documents are to be signed by a person authorized by that insurer to bind coverage on its behalf. All documents are to be received and approved by LACMTA before work commences. If requested by LACMTA, COMMERCE shall submit copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

SUBCONTRACTORS

COMMERCE shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsement for each subcontractor. All coverage for subcontractors shall be subject to all of the requirements stated herein. If requested by LACMTA, COMMERCE shall submit copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

5. **BREACH:** A Breach under this MOU is defined as any one or more of the following: (i) COMMERCE fails to comply with the terms and conditions contained herein; or (ii) COMMERCE fails to perform satisfactorily or makes a material change, as determined by LACMTA at its sole discretion, to the Buses without LACMTA's prior written consent or approval as provided herein.

6. **REMEDIES:**

6.1 In the event of a Breach by COMMERCE, LACMTA shall provide written notice of such Breach to COMMERCE with a 30-day period to cure the Breach. In the event COMMERCE fails to cure the Breach, or commit to cure the Breach and commence the same within such 30-day period to the satisfaction of LACMTA, LACMTA shall terminate this MOU.

6.2 Effective upon receipt of written notice of termination from LACMTA, COMMERCE shall return the Buses to LACMTA. Any Funds expended after termination shall be the sole responsibility of COMMERCE.

6.3 The remedies described herein are non-exclusive. LACMTA shall have the right to enforce any and all rights and remedies herein or which may be now or hereafter available at law or in equity.

7. **TERM:** This Agreement shall commence on _____ and terminate on _____.

8. **TERMINATION RIGHTS:**

8.1 This MOU may be terminated by either party at its convenience upon written notice of such intent, which notice must be furnished at least 30 days prior to the effective date of termination.

8.2 This MOU may be terminated by either party by written notice to the other in the event that:

- (1) The other files a voluntary Petition in Bankruptcy;
- (2) The other is adjudged a bankrupt and such adjudication exists for more than 30 days thereafter;
- (3) A court takes and retains for at least 30 days jurisdiction of the other's assets under a federal reorganization act;
- (4) A receiver of the other's assets is appointed by a court and such appointment is not vacated or stayed within 30 days;
- (5) The other becomes insolvent or suspends business; or
- (6) The other makes an assignment for the benefit of its creditors.

9. **MISCELLANEOUS:**

a. **Successors and Assigns.** The covenants and agreements of this Agreement shall inure to the benefit of, and shall be binding upon, each of the parties and their

respective successors and assigns.

b. **Governing Law.** This Agreement shall be governed by, interpreted under and construed and enforced in accordance with the laws of the State of California, and any action brought under this Agreement shall be filed in the Superior Court of the County of Los Angeles, Central Division.

c. **Notice.** Any notice, demand or documents which any party is required or may desire to give or deliver to the other shall be in writing and may be personally delivered or given by United States mail, certified, return receipt requested, postage prepaid and addressed as follows:

To: City of Commerce
Attn: Claude McFerguson
5555 Jillson Street
Commerce, CA 90040

To: Los Angeles County Metropolitan Transportation Authority
Attn: Matthew Dake
1 Gateway Plaza
Los Angeles, CA 90012

subject to the right of either party to designate a different address by notice similarly given.

d. **Time of Essence.** Time is of the essence with respect to all of the terms, conditions and obligations set forth herein.

e. **Amendments.** No variation, modification, change or amendment of this Agreement shall be binding upon either party unless such variation, modification, change or amendment is in writing and duly authorized and executed by both parties. This Agreement shall not be amended or modified by oral agreements or understandings between the parties or by any acts or conduct of the parties.

f. **Counterparts.** This Agreement may be executed simultaneously or in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

g. **Assignment.** Neither party shall assign this Agreement or any of such party's interest, rights or obligations under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld.

h. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to the subject matter of this Agreement and supersedes all prior and contemporaneous agreements and understandings.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed and delivered as of the above date.

LACMTA:

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: _____ Date: _____
Lonnie Mitchell
Chief Operations Officer

APPROVED AS TO FORM:

Andrea Sheridan Ordin
County Counsel
By: Ronald W. Stamm Date: 8/29/11
Deputy

CITY OF COMMERCE:

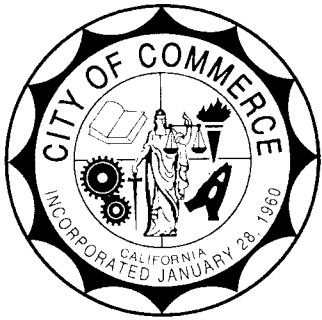
By: _____ Date: _____
Joe Aguilar
Mayor

ATTEST:

By: _____ Date: _____
Linda Kay Olivieri, MMC
City Clerk

APPROVED AS TO FORM:

By: Eduardo Olivo Date: 8-31-11
Eduardo Olivo
City Attorney



AGENDA REPORT

MEETING DATE: September 6, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE EXCHANGE OF PROPOSITION A FUNDS WITH THE CITY OF WEST COVINA AND APPROVING AND AUTHORIZING EXECUTION OF FUND TRADE AGREEMENT THEREFOR

RECOMMENDATION:

Approve and adopt the Resolution and assign the number next in order.

ACTION:

Move to approve the recommendation.

BACKGROUND:

Prop "A" funds in the County of Los Angeles are restricted for transit purposes only. Many cities have had difficulties expending the Prop A funds that have been allocated to them. The Los Angeles Metropolitan Transportation Authority (LAMTA), which administers such funds, has allowed cities that can expend the restricted Prop "A" funds to exchange their unrestricted revenues for the right to use another city's Prop "A" funds for approved projects. Such exchanges usually involve an agreement by a city that can utilize the restricted funds to pay the city that has available Prop A funds a sum that is less than the amount of the Prop A funds. The city that can utilize the restricted Prop A funds is therefore able to obtain such funds at a discounted rate. On the other hand, the city that cannot utilize its Prop A funds is able to receive unrestricted funds that can be put to use for other purposes. The arrangement is deemed beneficial to both cities.

ANALYSIS:

The City of Commerce is proposing to provide ongoing operating funding providing fixed route, medi-ride, and recreation services to the residents of the City and to provide for certain capital projects that are eligible for Prop A Funds. Adequate Proposition A Local Return funding for such services is not available to the City of Commerce because of the City's Local Return allocation. The City of West Covina has uncommitted funding authority for its Fiscal Year 2011-12 allocation of Proposition "A" Local Return funds that can be made available to Commerce to assist in providing these services. West Covina is willing to assign One Million Dollars (\$1,000,000) of its uncommitted Proposition "A" Local Return funding to Commerce in exchange for the assignment by Commerce of Seven Hundred and Fifty Thousand Dollars (\$750,000) of its general funds to West Covina. The transaction, which is documented in the attached agreement, is contingent upon approval by the LAMTA.

The ratio contained in the proposed Agreement is an exchange of 75 cents of the City's unrestricted general fund for each dollar of Prop "A" funds to be received and expended by the City for its transit operations. Thus, the City will receive One Million Dollars (\$1,000,000) of Prop A funds in exchange for the payment of Seven Hundred and Fifty Thousand Dollars (\$750,000). This exchange will result in a Two Hundred and Fifty Thousand Dollar (\$250,000) benefit for the City of Commerce. The City of West Covina plans to approve the Agreement in September 2011.

FISCAL IMPACT:

The City Council approved an amount of Seven Hundred and Fifty (\$750,000) in account #10-8804-73980 for Prop A Exchanges during the fiscal year 2011-12 budget process. The exchanged dollar amounts are then recognized in account #025-5400-30120.

RELATIONSHIP TO 2009 STRATEGIC GOALS:

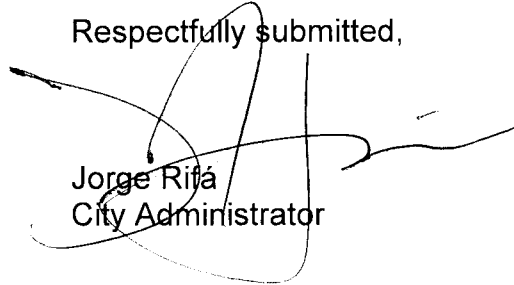
The proposed Fund Trade Agreement is associated with Council's goal of making financially and economically sound decisions consistent with economic conditions.

Recommended by:




Vilko Domic
Director of Finance

Respectfully submitted,



Jorge Rifa
City Administrator

Approved as to Form



Eduardo Olivo
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, APPROVING THE EXCHANGE OF PROPOSITION A FUNDS WITH
THE CITY OF WEST COVINA AND APPROVING AND AUTHORIZING EXECUTION
OF FUND TRADE AGREEMENT THEREFOR

WHEREAS, Proposition A ("Prop A") Funds in the County of Los Angeles are restricted for transit purposes only; and

WHEREAS, many cities have had difficulties expending allocated Prop A Funds due to said restricted purposes; and

WHEREAS, the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), which administers such funds, has allowed cities that can expend the restricted Prop A Funds to exchange unrestricted revenues for the right to use another city's Prop A Funds for approved projects; and

WHEREAS, such exchanges usually involve an agreement by a city that can utilize the restricted Prop A Funds to pay the city that has available Prop A Funds a sum that is less than the amount of the Prop A Funds; and

WHEREAS, the city that can utilize the restricted Prop A Funds is therefore able to obtain these funds at a discounted rate while the other city that cannot utilize its Prop A Funds is able to receive unrestricted funds that can be put to use for other purposes; and

WHEREAS, the City of Commerce is proposing to provide ongoing operating funding for fixed route, Medi-ride and recreation services to the residents of the City and certain capital projects that are eligible for Prop A Funds; and

WHEREAS, adequate Proposition A Local Return funding for such services is not available to the City of Commerce because of the City's Local Return allocation; and

WHEREAS, the City of West Covina has uncommitted funding authority for its Fiscal Year 2011-12 allocation of Proposition A Local Return Funds that can be made available to the City of Commerce to assist in providing these services; and

WHEREAS, the City of West Covina is willing to assign one million dollars (\$1,000,000) of its uncommitted Proposition A Local Return Funds to the City of Commerce in exchange for the assignment by the City of Commerce of seven hundred and fifty thousand dollars (\$750,000) of its General Funds to the City of West Covina; and

WHEREAS, the transaction set forth above is contingent upon approval by the LACMTA, and

WHEREAS, the ratio contained in the proposal calls for an exchange of 75 cents of the City of Commerce's unrestricted General Fund dollars for each dollar of Prop A Funds to be received from the City of West Covina and expended by the City of Commerce for its transit operations, resulting in a two hundred and fifty thousand dollar (\$250,000) benefit for the City of Commerce.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE DECLARE AND DETERMINE AS FOLLOWS:

Section 1. The Proposition A Fund exchange delineated herein by and between the City of Commerce and the City of West Covina is hereby approved.

RESOLUTION NO. _____

Section 2. The Fund Trade Agreement between the City of West Covina and the City of Commerce, California, is hereby approved and the Mayor and City Clerk authorized to execute the Agreement on behalf of the City.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2011.

Joe Aguilar
Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk

RESO (PROP A FUND EXCHANGE – WEST COVINA) – 09-06-2011.DOC
8/31/2011 lko

FUND TRADE AGREEMENT

BETWEEN THE CITY OF WEST COVINA AND THE CITY OF COMMERCE, CALIFORNIA

This Assignment Agreement is made and entered into this _____ day of _____, 2011, by and between the City of West Covina California ("West Covina") and the City of Commerce, California ("Commerce") with respect to the following facts:

- A. Commerce proposes to provide ongoing operating funding providing fixed route, medi-ride, and recreation services to the residents of Commerce and to provide for certain capital projects eligible for Prop A Funds. Adequate Proposition A Local Return funding for such services is not available given the limited amount of Commerce's Local Return allocation.
- B. West Covina has uncommitted funding authority for its Fiscal Year 2011-12 allocation of Proposition "A" Local Return funds that can be made available to Commerce to assist in providing the services discussed in Paragraph above. . West Covina is willing to assign uncommitted Proposition "A" Local Return funding to Commerce for the purpose identified in Paragraph A in exchange for the assignment by Commerce of the amount of its general funds indicated in Section I below.

Now, therefore, in consideration of the mutual benefits to be derived by the parties and of the premises herein contained, it is mutually agreed as follows:

1. Exchange. West Covina agrees to assign One Million Dollars (\$1,000,000) of its Fiscal Year 2011-12 Proposition "A" Local Return funding authority to Commerce. In return, Commerce agrees to assign Seven Hundred and Fifty Thousand Dollars (\$750,000) of its general funds to West Covina.
2. Consideration. West Covina shall assign the agreed upon Proposition "A" Local Return funds to Commerce in one lump sum payment. Commerce shall also assign the agreed upon general funds to West Covina in one lump sum payment. The lump sum payment by Commerce shall be due and payable upon approval by the Los Angeles Metropolitan Transportation Authority (LAMTA) of West Covina' project description covering the services discussed in Paragraph A.
3. Term. This Agreement is effective on the date above written and for such time as is necessary for both parties to complete their mutual obligations set forth herein.
4. Termination. Termination of this Agreement may be made by either party so long as written Notice of Intent to terminate is given to the other party at least 5 days prior to the termination.
5. Notices. Notices shall be given pursuant to this Agreement by personal service on the party to be notified or by written notice upon such party by certified mail deposited in the custody of the United States Postal Service addressed as follows:

CITY OF WEST COVINA
1444 West Garvey Avenue
West Covina, CA 91790
Attn: Andrew Pasmant, City Manager

CITY OF COMMERCE
2535 Commerce Way
Commerce, CA 90040
Attn: Jorge Rifá, City Administrator

6. Assurances.

- a. Commerce shall use the assigned Proposition "A" Local Return funds only for the purpose of providing the services discussed in Paragraph A of this Agreement and within the time limits specified in LAMTA's Proposition "A" Local Return Program Guidelines.
- b. Concurrently with the execution of this Agreement Commerce shall provide LAMTA with the Standard Assurances and Understandings Regarding Receipt and Use of Proposition "A" funds specified in the Guidelines regarding the use of the assigned Proposition "A" Local Return Funds.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers, duly authorized, on the day and year above written.

CITY OF WEST COVINA

CITY OF COMMERCE

By _____
Andrew Pasmant
City Manager

By _____
Joe Aguilar
Mayor

ATTEST:

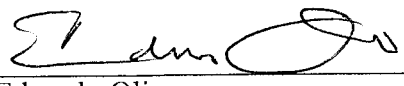
Sue Rush
Assistant City Clerk

Linda Kay Olivieri, MMC
City Clerk

Approved as to Form:

Approved as to Form:

Arnold M. Alvarez-Glasman
City Attorney



Eduardo Olivo
City Attorney



AGENDA REPORT

Meeting Date: 09/06/2011

TO: Honorable City Council

FROM: City Administrator

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING RESOLUTION NO. 10-49, ADOPTING A CITY OF COMMERCE FEE SCHEDULE, AS AMENDED, TO INCLUDE A THREE-TIER RESIDENT CARD PROGRAM AND ADDING SEPARATE FEE FOR CAMP COMMERCE SENIOR CITIZENS WEEKEND SESSIONS

RECOMMENDATION:

Approve and adopt the Resolution and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND:

At its meeting of December 15, 2009, the Council approved the formation of a Blue Ribbon Advisory Panel to review the City's existing fee structure and to provide recommendations for possible fee increases. Over a number of meetings in early 2010, the Panel reviewed, examined and recommended to the Council a number of fee increases as well as organizational ideas and changes.

The Council received the report from the Panel and conducted a workshop with the Panel members on June 8, 2010. At its meeting of June 15, 2010, the Council directed staff to structure a three-year phased-in approach to the implementation of the fee increases and/or new fees proposed by the Panel. On June 25, 2010, the Council reviewed and acted on each of the recommended fees in the report.

At its meeting of July 6, 2010, the Council approved and adopted Resolution No. 10-49, adopting a City of Commerce Fee Schedule.

ANALYSIS:

Since its adoption, Resolution No. 10-49 has been amended three times by Resolutions No. 10-64, on September 28, 2010; No. 10-81, on November 2, 2010, and No. 11-37, on May 17, 2011. These amendments added fees for the following:

- Rental of Meeting Rooms – Employees
- Advance Rental of Picnic Shelters – Employees
- Activity Card – Employee Family Members
- Activity Card – Non-resident Grandchild
- Advance Rental of Picnic Shelters – Non-resident (Bandini and Bristow Parks)

At its meeting of June 8, 2011, the Council approved the implementation of a three-tier Resident Card Program imposing an annual one-time flat fee for participation in various programs. On August 1, 2011, the Council authorized an amendment to the three-tier Resident Card Program to allow authorized individuals the option of purchasing a Basic

Resident Card and pay separately (“pay-as-you-go”) for programs and activities. Further, the Council approved separating the Camp Commerce Senior Citizens Weekend session from the Camp Commerce Family Weekend session fee schedule, capping the Senior Citizens Weekend sessions fee at \$6.00.

The proposed Resolution amends Appendix A to Resolution No. 10-49 in its entirety and incorporates all of the amendments approved by the Council since July 6, 2010.

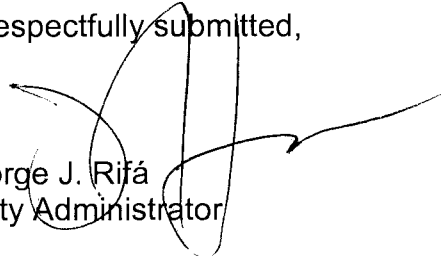
FISCAL IMPACT:

Although an analysis indicates that the proposed modifications could produce an additional \$30,000 plus in revenues, staff is hesitant to include that in the base revenue projections at this time. Staff will monitor the fees throughout the year and make an assessment at fiscal year-end whether or not all or a portion there of can be included as part of FY 2012-13 revenue projections.

RELATIONSHIP TO 2009 STRATEGIC GOALS:

The proposed action relates to the goals of making financially and economically sound decisions consistent with economic conditions and developing a Citywide plan to enhance and maintain the City’s environment and infrastructure to create livability and quality of life for those who live, work and play in the community.

Respectfully submitted,



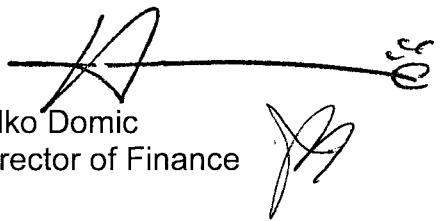
Jorge J. Rifá
City Administrator

Recommended by:



Linda Kay Olivieri
City Clerk

Fiscal impact reviewed by:



Vilko Domic
Director of Finance

Reviewed as to form:



Eduardo Olivo
City Attorney

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA,
AMENDING RESOLUTION NO. 10-49, ADOPTING A CITY OF COMMERCE FEE
SCHEDULE, AS AMENDED, TO INCLUDE A THREE-TIER RESIDENT CARD
PROGRAM AND ADDING SEPARATE FEE FOR CAMP COMMERCE SENIOR
CITIZENS WEEKEND SESSIONS

WHEREAS, at its meeting of July 6, 2010, the City Council approved and adopted Resolution No. 10-49, adopting a City of Commerce Fee Schedule, and

WHEREAS, at its meetings of September 28, 2010; November 2, 2010, and May 17, 2011, the City Council approved and adopted, respectively, Resolution Nos. 10-64, 10-81 and 11-37 amending Resolution No. 10-49, adding certain fees to the City of Commerce Fee Schedule, and

WHEREAS, at its meeting of June 8, 2011, the City Council approved the implementation of a three-tier Resident Card Program imposing an annual one-time flat fee for participation in various programs; and

WHEREAS, at its meeting of August 1, 2011, the City Council authorized the amendment to the three-tier Resident Card Program to allow authorized individuals the option of purchasing a Basic Resident Card and pay separately ("pay-as-you go") for programs and activities; and

WHEREAS, at its meeting of August 1, 2011, the City Council approved separating the Camp Commerce Senior Citizens Weekend session from the Camp Commerce Family Weekend session fee schedule, capping the Senior Citizens Weekend sessions fee at \$6.00, and

WHEREAS, Appendix A, entitled "City of Commerce Fee Schedule", to Resolution No. 10-49, as amended, is in need of amendment due to the actions of the City Council as noted above.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

Section 1. Appendix A to Resolution No. 10-49, as amended, is hereby amended in its entirety and replaced by the attached Appendix A, entitled "City of Commerce Fee Schedule".

Section 2. Except as provided herein, Resolution No. 10-49, as amended, shall remain in full effect and force.

Section 3. The "City of Commerce Fee Schedule", as approved and adopted in Resolution No. 10-49, and as amended herein, is not intended to depict all of the fees established by the City of Commerce and, except as may be increased and/or established thereby and herein, respectively, all other fees established by the City Council shall remain in full force and effect.

Section 4. This Resolution shall become effective immediately upon adoption.

Section 5. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2011.

Joe Aguilar, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk

**APPENDIX A
City of Commerce Fee Schedule**

<u>Fee Description</u>	<u>FY 10-11 Fee</u>	<u>FY 11-12 Fee</u>	<u>Effective &/or Last Date Modified</u>
<u>Citywide</u>			
Refuse Fee - Residential	STAFF AND CALMET ARE CURRENTLY IN DIALOGUE REGARDING THIS MATTER		
Refuse Franchise Fee - Commercial	11.00%	11.00%	AUGUST 1, 2010
Council Chambers/City Facility Rental- half day	140.00	140.00	JULY 1, 2010
Exemptions - Federal / State Legislators, LA County Superv			
Council Chambers/City Facility Rental- full day	200.00	200.00	JULY 1, 2010
Exemptions - Federal / State Legislators, LA County Superv			
<u>Community Development - Planning</u>			
Code Enforcement - Public Nuisance Abatement	\$26.75 to \$59.68/hr	\$26.75 to \$59.68/hr	MAY 4, 2010
<u>Community Services</u>			
Dog Licenses - Unaltered	25.00	25.00	JULY 1, 2010
Dog Licenses - Altered	15.00	15.00	JULY 1, 2010
Dog Licenses (Seniors) - Altered	7.50	7.50	
Animal Housing Fees-per week/per animal	110.00	110.00	
Owner Relinquished Live Animals-per animal/City Pick up (Note: \$10/Owner drop-off at County & \$50/County pick-up in Commerce) - Small Animals and Small Litter	20.00	20.00	JULY 1, 2010
Large Animal	250.00	250.00	JULY 1, 2010
Pick-up & Return of Dogs & Cats	1st Impound - \$30 2nd Impound - \$50		JULY 1, 2010
Pick-up of Dogs & Cats - Euthanasia	20.00	20.00	JULY 1, 2010
City Pick-up Dead Animals-per animal (Note: \$60 County pick up) - Small Animals	20.00	20.00	JULY 1, 2010
Large Animal	250.00	250.00	
Animal Traps - Daily Rental	3.00	30.00	JULY 1, 2010
Lost or Damaged Trap	75.00	75.00	
Cat Cage Rental - Industrial-per week	10.00	10.00	JULY 1, 2010
Vehicle Lockout Fees	15.00	15.00	JULY 1, 2010
Vehicle Jumpstart Fees	15.00	15.00	JULY 1, 2010
Burglar Alarm Permits, annual fee	50.00	50.00	JULY 1, 2010

**APPENDIX A
City of Commerce Fee Schedule**

<u>Fee Description</u>	<u>FY 10-11 Fee</u>	<u>FY 11-12 Fee</u>	<u>Effective &/or Last Date Modified</u>
<u>Library</u>			
Overdue Fines -Most Library Items - Children/Juvenile	0.15	0.15	JULY 1, 2010
Overdue Fines - Video/Cassette/DVD/CD-Adults & Children	2.00	2.00	JULY 1, 2010
Damages/Non-Reparable - Processing Fee-Adults & Children	5.00	5	
Interlibrary Loans (ILL)-Fee applies to non-residents	2.00	2.00	JULY 1, 2010
Borrowing Privilege Suspended	10.00	10.00	JULY 1, 2010
<u>Parks & Recreation</u>			
<p>On June 8, 2011, the City Council approved a three-tier resident card that will charge a one-time flat fee for participation in various programs. The following delineates the three-tier system:</p>			
<u>Resident Card (\$10 - new fee):</u>			
Includes paid excursions, entry into facilities, and free park-level programming enrollment			
<u>Resident Card Plus (\$10 + \$25 - new fee):</u>			
Same as the Resident Card above. Also includes seasonal sports and free park-level programming			
<u>Resident Card Premier (\$10 + \$50 - new fee):</u>			
Same as the Resident Card Plus above. Also includes year-round competitive programs			
Residents will continue to pay program fees for the following programs and services:			
Kids Club, Day Camp, Youth & Adult Exursions, Camp Commerce, Swim Lessons & Recreational Swim, and the rental of Tables, Chairs, and Meeting Rooms.			
Activity Card - Resident-per year	7.50	10.00	JULY 1, 2011
Activity Card - Employee Family Members-per year	5.00	10.00	NOVEMBER 2, 2010
Activity Card - Non-Resident Grandchild-per year	5.00	10.00	NOVEMBER 2, 2010
Activity Card - Industrial-per month	12.50	15.00	JULY 1, 2011
Children's Swim Lessons - per session	6.00	6.00	JULY 1, 2010
Adult Swim Lessons - per session	10.00	10.00	JULY 1, 2010
Adult Swim Lessons (Non-Resident) - per session	24.00	24.00	JULY 1, 2010

**APPENDIX A
City of Commerce Fee Schedule**

<u>Fee Description</u>	<u>FY 10-11 Fee</u>	<u>FY 11-12 Fee</u>	<u>Effective &/or Last Date Modified</u>
<u>Parks & Recreation (Continued)</u>			
Aquatorium - Admission (Residents)	0.50	0.50	JULY 1, 2010
Aquatorium - Admission (Non-Residents)	3.50	3.50	JULY 1, 2010
Aquatorium - Admission (Handicapped)	1.00	1.00	JULY 1, 2010
Aquatorium - Water Aerobics	1.50	1.50	JULY 1, 2010
Pre-School-per session*	5.00	\$10 per session (Pay-As-You-Go in addition to the \$10 for the Basic Resident Card) or Card Plus (\$35.00)	SEPTEMBER 6, 2011
Dance Program-per session*	5.00	"	SEPTEMBER 6, 2011
Adult Arts/Crafts-per session*	5.00	"	SEPTEMBER 6, 2011
Aerobics-per session	5.00	"	SEPTEMBER 6, 2011
Dance Classes-per session	5.00	"	SEPTEMBER 6, 2011
Sports Program - Youth Baseball	3.00	\$5 per session (Pay-As-You-Go in addition to the \$10 for the Basic Resident Card) or Card Plus (\$35.00)	SEPTEMBER 6, 2011
Sports Program - Youth Softball	3.00	"	SEPTEMBER 6, 2011
Sports Program - Youth Volleyball	3.00	"	SEPTEMBER 6, 2011
Sports Program - Youth Flag Football	3.00	"	SEPTEMBER 6, 2011
Sports Program - Youth Basketball	3.00	"	SEPTEMBER 6, 2011
Sports Program - Youth Soccer	3.00	"	SEPTEMBER 6, 2011
Sports Program - Youth Boxing	3.00	"	SEPTEMBER 6, 2011
Sports Program - Youth Karate	3.00	"	SEPTEMBER 6, 2011
Sports Program - Youth Golf	3.00	"	SEPTEMBER 6, 2011

**APPENDIX A
City of Commerce Fee Schedule**

<u>Fee Description</u>	<u>FY 10-11 Fee</u>	<u>FY 11-12 Fee</u>	<u>Effective &/or Last Date Modified</u>
<u>Parks & Recreation (Continued)</u>			
Sports Program - Adult Golf, monthly	5.00	\$10 per month (Pay-As-You-Go in addition to the \$10 for the Basic Resident Card) or Card Plus (\$35.00)	SEPTEMBER 6, 2011
Sports Program - Adult Karate, monthly	5.00	"	SEPTEMBER 6, 2011
Sports Program - Adult Boxing, monthly	5.00	"	SEPTEMBER 6, 2011
Travel Sports - Basketball, monthly	5.00	\$5 per month (Pay-As-You-Go in addition to the \$10 for the Basic Resident Card) or Card Premier (\$60.00)	SEPTEMBER 6, 2011
Travel Sports - Baseball, monthly	5.00	"	SEPTEMBER 6, 2011
Travel Sports - Soccer, monthly	5.00	"	SEPTEMBER 6, 2011
Travel Sports - Volleyball, monthly	5.00	"	SEPTEMBER 6, 2011
Travel Sports - Swim Team, monthly	5.00	"	SEPTEMBER 6, 2011
Travel Sports - Water Polo, monthly	5.00	"	SEPTEMBER 6, 2011
Travel Sports - Karate (per session)	5.00	\$5 per session (Pay-As-You-Go in addition to the \$10 for the Basic Resident Card) or Card Premier (\$60.00)	SEPTEMBER 6, 2011
Travel Sports - Boxing, monthly	5.00	\$5 per month (Pay-As-You-Go in addition to the \$10 for the Basic Resident Card) or Card Premier (\$60.00)	SEPTEMBER 6, 2011
Travel Sports - Golf Lesson (per session)	5.00	\$5 per session (Pay-As-You-Go in addition to the \$10 for the Basic Resident Card) or Card Premier (\$60.00)	SEPTEMBER 6, 2011

**APPENDIX A
City of Commerce Fee Schedule**

<u>Fee Description</u>	<u>FY 10-11 Fee</u>	<u>FY 11-12 Fee</u>	<u>Effective &/or Last Date Modified</u>
<u>Parks & Recreation (Continued)</u>			
Excursions Charge, per session	2.00	\$2 per session (Pay-As-You-Go in addition to the \$10 for the Basic Resident Card) or Card Plus (\$60.00)	SEPTEMBER 6, 2011
Rental of Meeting Rooms - Residents	15.00	20.00	JULY 1, 2011
Rental of Meeting Rooms - Employees	-	25.00	SEPTEMBER 28, 2010
Rental of Meeting Rooms - Industry	100.00	100.00	JULY 1, 2010
Rental of Meeting Rooms - Non-Resident	200.00	200.00	JULY 1, 2010
Advance Rental of Picnic Shelters-Residents	10.00	10.00	JULY 1, 2010
Advance Rental of Picnic Shelters-Employees	-	10.00	SEPTEMBER 28, 2010
Advance Rental of Picnic Shelters-Non-Resident (Bandini & Bristow Parks)	-	10.00	MAY 18, 2011
Advance Rental of Picnic Shelters -Industrial Resident	35.00	35.00	JULY 1, 2010
Rental of Tables & Chairs - Residents	10.00	15.00	JULY 1, 2011
Rental of Tables (3) & Chairs (25) - Employees	10.00	15.00	JULY 1, 2010
Deposit - Table & Chairs	50.00	50.00	JULY 1, 2010
Papering of Tables (optional)	20.00	20.00	JULY 1, 2010
Camp Commerce - Day	2.00	2.00	JULY 1, 2010
Camp Commerce - Weekend	10.00	15.00	JULY 1, 2011
Camp Commerce - Senior Weekend	-	6.00	SEPTEMBER 6, 2011
Camp Commerce - Week	15.00	20.00	JULY 1, 2011
Kids Club - Resident	30.00	30.00	JULY 1, 2010
Kids Club - Industrial	50.00	50.00	JULY 1, 2010



AGENDA REPORT

MEETING DATE: September 6, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, DETERMINING THAT THE CITY WILL MOVE FORWARD WITH THE IMPLEMENTATION OF A SUPPLEMENTAL RETIREMENT PLAN SUBJECT TO CERTAIN MANDATORY QUALIFYING CRITERIA

ISSUE:

Should the City Council implement the Supplementary Retirement Plan with the Public Agency Retirement Service (PARS) approved on June 21, 2011?

RECOMMENDATION:

Staff has determined that the implementation of a PARS Supplementary Retirement Plan (SRP) can meet certain fiscal and operational objectives. Staff therefore recommends that the City Council move forward with implementation of the program for employees who are deemed to be in good standing with the City and that meet other criteria for the SRP.

ACTION:

Move to approve and adopt the Resolution and assign the number next in order.

EXECUTIVE SUMMARY:

At its June 21, 2011, regular meeting, the City Council approved Resolution No. 11-46 authorizing a Supplemental Retirement Plan (SRP) under the condition that the program must meet the immediate and future fiscal, managerial and operational goals of the City.

The result of the SRP (premised on a 33% Replacement Scenario) is that the General Fund will witness a projected **\$670,000** annual savings for FY 2011-12 with a reduction in personnel-related costs. Taking into account that the program will be implemented for a 9-month period for this fiscal year, the projected savings is projected to be approximately **\$502,500** through the elimination of positions. Commensurate with the retirement of the eligible individuals, the City will incur a leave payout liability in the first year of the program totaling almost **\$400,000**. With that said, the General Fund is projected to witness an immediate savings of approximately **\$100,000**. These figures include the full cost of the SRP benefit to be paid to retiring employees; however, they do not reflect costs related to the immediate assessment needs of each department impacted by the retirements.

The City Council is not legally obligated to adopt the SRP or any other supplemental retirement program. The City Council's purpose in studying and considering the potential adoption of the SRP is to determine whether the Program would be mutually beneficial to the City and the employee. If the City Council approves the SRP, employees that are eligible to participate will be provided a very significant and unique early retirement incentive. The ability to participate in the SRP is a privilege. The City will be required to expend significant funds to make the SRP available for the individual qualified employees. Nevertheless, the SRP will only be made available if the City Council decides that it is in the best interests of the City. Thus, it is important to

recognize that the City Council approval process involves an analysis of the criteria that, from a PARS perspective, would allow employees to participate, as well as any additional and relevant criteria that the City Council determines must be a condition of participation in the Program. City staff recommends that the employees who are requesting participation must be in “good standing” with the City as of the date of the City Council’s approval of the SRP, that they must not be the subject of any pending disciplinary proceedings, and that they not be subject to rehire by the City. In addition to the financial considerations that are set forth below, City staff recommends that the City Council approve the following eligibility criteria:

- (1) The employee must be a Miscellaneous or Executive employee;
- (2) The employee must be employed with the City as of June 21, 2011;
- (3) The employee must be fifty (50) years of age with five (5) years of City service as of December 31, 2011;
- (4) The employee must resign from City employment effective no later than September 29, 2011; and
- (5) The employee must retire under PERS effective no later than September 30, 2011;
- (6) The employee must be in “good standing” with the City as of the date of the City Council’s approval of the SRP and not be the subject of any disciplinary proceedings;
- (7) The employee is not subject to full-time rehire by the City.

A total of 10 people have submitted their paperwork to participate in the SRP. However, based on the recommended criteria set forth above, only 9 of the 10 individuals would qualify for participation. Thus, premised on a 33% replacement scenario, the General Fund full-time equivalent positions (FTEs) will be reduced by 6.00. Staff recommends that the City Council approve the SRP. Because of the retirements, the City Administrator will return at a future date with a comprehensive assessment needs by department, recommending several time-limited appointments and/or expansion of part-time hours in certain departments to provide critical services while we grasp the total impact of the restructuring and the potential effects it may have on other personnel changes. Staff has identified a list of positions for immediate SRP authorization. The list of positions is included below in the section on Implementation Transition.

These early retirements present an opportunity to achieve significant cost savings in general fund operations. These cost savings are essential but will bear impacts on the organization and the services we deliver to the Commerce community.

Primarily, the City will lose the experience, hard work, and institutional knowledge of a cadre of talented people throughout the organization. Given the random nature of the early retirement program, there will be a void and service impact that will have to be assessed over time and addressed through program/service alignments as well as organizational realignments. As we proceed through FY 2011/2012 and FY 2012/2013, the City will need the costs savings to assist us through these tough economic times. By the same token, we will use this time interval to evaluate organizational and service priorities/needs in order to realign the organization and services consistent with council priorities and our financial means.

DISCUSSION:

This staff report is presented to you in four main sections:

1. Background: The first section provides the background on the SRP and process followed since the June 21, 2011 City Council meeting, at which time the Council authorized the City Administrator to offer the program to eligible employees.
2. Results: The second section of this report outlines the financial, organizational, and service-related results of these changes.
3. Implementation: The third section of the report describes the implementation transition.
4. Future Restructuring: The fourth section is being deferred to a future date.

Section 1: Background

On June 21, 2011, the City Council authorized the City Administrator to offer the Supplementary Retirement Plan to eligible employees. In the week following the Council's authorization, information and enrollment packets were sent to the 42 employees who met the following eligibility requirements: are a full-time, miscellaneous (non-safety) employee, are employed by the City of Commerce as of June 21, 2011, are eligible to retire under PERS, have completed at least five (5) years of City service as of December 31, 2010, will resign from City employment effective September 29, 2011, will retire under PERS as of September 30, 2011, and are not the City Administrator or City Attorney. As discussed above, City staff is also recommending that the City Council impose the criteria that the employee must be in "good standing" with the City as of the date of the City Council's approval of the SRP, that the employee must not be the subject of any pending disciplinary proceedings, and that the employee not be subject to rehire by the City.

Human Resources held two orientation meetings: PARS presented on July 6 and PERS presented on July 12 to further explain the program to eligible employees and to help staff make well-informed decisions about their potential retirement. As noted in the June 21 staff report, eligibility does not guarantee participation in the program as it is essential that the City realize long-term budget savings by eliminating or reclassifying the potentially vacated positions.

Eligible employees interested in participating in the program were asked to submit all necessary documentation to PARS by August 5. Ten employees responded. However, pursuant to the criteria set forth above, only nine of the ten employees that responded would be considered to be eligible. Based upon the expression of interest by the subject employees, the City Administrator met with each affected Department Director to review the impact of the SRP upon staffing levels, service delivery and budgets.

With this final count, staff adjusted their initial estimates and evaluated the short and long-term fiscal and service delivery impacts for every position listed, evaluated various organizational re-structuring scenarios, and determined that moving forward with the SRP would indeed meet the goals initially approved by the City Council.

Section 2: Results

This section of the report summarizes the financial results of SRP, the positions affected, and the initial organizational and service impacts of restructuring.

Following are the financial results: The net General Fund annual savings of the SRP

until implementation. As a result of the PARS retirements, there will be service impacts and departments will be asked to do the following:

the ship for future years. For FY 2011-12, the General Fund is projected to benefit from the SRP on an annual basis to the tune of **\$670,000 (\$502,500 based on 9 months left in the fiscal year)**; however, a liability (in the first year) comes with these retirements – a leave payout totaling almost **\$400,000**.

These savings may diminish over the next two or three fiscal years as the City may find a need to replace positions above and beyond the initial estimated replacement ratio.

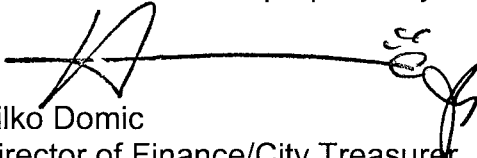
RELATIONSHIP TO 2009 STRATEGIC GOALS:

The Supplemental Retirement Plan makes a nexus to the Council's goal of making financially and economically sound decisions consistent with economic conditions.

CONCLUSION:

Staff is recommending that the Council approve the implementation of the PARS program and use the SRP savings to address Staff Leave Payouts for FY 2011-12.

Recommended and prepared by:


Vilko Domic
Director of Finance/City Treasurer

Respectfully submitted,


Jorge J. Rifa
City Administrator

Approved as to form



Eduardo Olivo
City Attorney



AGENDA REPORT

DRAFT PLANS & SPECS ARE AVAILABLE FOR
VIEWING IN THE CITY CLERK'S OFFICE

MEETING DATE: SEPTEMBER 06, 2011

TO: HONORABLE CITY COUNCIL
FROM: CITY ADMINISTRATOR
SUBJECT: REVIEW DRAFT PLANS AND SPECIFICATIONS FOR CASH
CONTRACT NO. 1109 – THE CENTRAL LIBRARY, CITY HALL AND
SENIOR PLAZA IMPROVEMENTS PROJECT

RECOMMENDATION:

That the City Council:

1. Approve the draft project plans and specifications, as prepared by Adrian-Gaus Architects, Inc., and direct the design team to continue finalizing the plans and specifications;
2. At City Council discretion direct staff to proceed with an alternative direction.

MOTION:

Move to approve recommendation.

BACKGROUND:

Central Library Renovation Project – Chronological History

On August 22, 2006, the City Council held a Special Meeting and received presentations from two architectural firms on the Central Library Renovation Project.

On September 5, 2006, City Council selected Providence Associates, LLP, as the architectural firm for the project. After their selection, Providence Associates and library staff conducted a series of community focus group meetings throughout the City to gain input from library patrons, community groups, school officials, and library staff members, on the project's final design.

On June 19, 2007, Providence Associates made a presentation to the City Council on their focus group findings and their proposed design plan. After additional meetings and discussion with staff, Providence Associates made their final design plan presentation to the City Council for approval and funding.

On November 20, 2007, the City Council received a presentation from Providence Architecture and Assemblage (partners of Providence Associates) on the proposed renovation design plan for the Commerce Central Library; and approved the minimum design plan for the Central Library Renovation Project at a cost of \$5,600,000.

On September 16, 2008, the City Council authorized the termination of the Services Agreement with Providence Associates and Providence Architecture in connection with the Central Library Renovation Project due to unsatisfactory performance and project delays; and directed staff to explore a relationship with a new architect.

On January 6, 2009, the City Council authorized the issuance of a Request for Proposal (RFP) for architectural design and project support services related to Central Library renovation design.

On March 19, 2009, as part of the Fiscal Year 2008-09 Capital Improvement Project Budget, the City Council appropriated \$6,600,000 for the completion of the Central Library renovation.

On April 21, 2009, the City Council awarded a Service Agreement to Adrian-Gaus Architects, Inc. for architectural design and project support services related to Commerce Central Library renovation.

On July 28, 2009, Adrian-Gaus Architects conducted a public presentation for the Central Library preliminary design. A second presentation in Spanish was held on September 17, 2009. These meetings served as a means to gain additional public comment on the project scope and design.

On November 3, 2009, the City Council received a presentation from Adrian-Gaus Architects, Inc., and Swinerton Management & Consulting, for the final architectural design of the Central Library renovation.

On November 17, 2009, the City Council approved the architectural design for the Commerce Central Library renovation.

On April 20, 2010, the City Council received a presentation from Adrian-Gaus Architects, Inc., and Swinerton Management & Consulting, for an update on the final architectural design related to the Central Library renovation. The presentation also provided information related to additional scope which included: HVAC, roofing, electrical and structural upgrades as required by the current building code. The concept of combining the Library Renovation with the City Hall / Senior Plaza project was also presented.

On June 7, 2011, the City Council received a presentation from Adrian-Gaus Architects and Swinerton Management & Consulting for the final design, budget, schedule and phasing for the combined Central Library Renovation, City Hall and Senior Plaza projects.

City Hall Frontage / Senior Plaza Project – Chronological History

On March 4, 2008, the City Council authorized the issuance of a Request for Proposal (RFP) for architectural design and project support services related to Commerce City Hall Frontage and Senior Plaza Improvement Project.

On August 04, 2008, the City Council awarded a Service Agreement to Black, O'Dowd and Associates (BOA) for architectural design and project support services related to Commerce City Hall Frontage and Senior Plaza Improvement Project.

On December 17, 2008, the City Council received a presentation from BOA for the preliminary design of the City Hall / Senior Plaza project.

On April 1, 2010, the City Council received a presentation from Black, O'Dowd and Associates for the final design and budget related to the City Hall / Senior Citizen Frontage Project.

On April 20, 2010, the City Council received a presentation recommending combining the City Hall Frontage and Senior Plaza project with the Central Library Renovation project.

Project Scope Development – General History

- *Preliminary Architectural Design*

In 2009, after preliminary architectural design, the Library Project was valued engineered to reduce costs by eliminating a reflecting pool and a full service café. Additionally, in order to comply with current ADA requirements, the

renovation of the council chamber restrooms and new handicap accessible entrance doors were added. To take further advantage of the economies of scale while working in council chamber lobby area, renovations of the lobby were also added.

The City of Commerce is committed to environmental excellence and recognizes the importance of protecting the local and global environment and natural resources; therefore, the Library Project has been designed to be a LEED-Certified project. LEED (or Leadership in Energy and Environmental Design) is an internationally-recognized green building certification system developed by the U.S. Green Building Council (USGBC). LEED provides building owners and operators with a framework for identifying and implementing practical and measurable green building design, construction, operations and maintenance solutions. LEED promotes sustainable buildings and development practices through a suite of rating systems.

- *HVAC System and Electrical Upgrades*

In 2010, investigations into the HVAC system revealed that several of the roof-mounted units are at the end of their useful life and would soon need to be replaced. Again, the City would realize substantial savings by having them replaced as part of this project as opposed to replacing later. In addition, since a new roof is being considered, all piping and roof penetrations required by an HVAC system upgrade can be performed more effectively and efficiently while a new roof is being constructed.

Also, the 2010 investigations revealed that the transformer located in the electrical room next to Building and Safety would need to be upgraded in order to meet current code. The electrical room would also be upgraded to have a one-hour fire resistive rating and the transformer would be replaced with a more efficient model. In 2005, when the City Hall Addition was constructed the City elected not to perform this work due to funding constraints. Today, due to the size and scope of the proposed project, these improvements are necessary to comply with the current Building Code and life-safety considerations.

- *Seismic and Structural Upgrades*

During the final design and plan check process, it was determined that the scope and breadth of the Library Project required additional structural upgrades. The last structural upgrade to the City Hall facility was performed in 1998. The Building Code has changed since then and requires additional structural upgrades to City Hall, due to the size and scope of the project, the library occupancy type and life-safety considerations. These upgrades involve digging underneath existing footings and installing seismic strengthening and structural attachments.

Seismic strengthening and attachments on building support columns to the roof are also required. A new diaphragm system will also be required, meaning new 4' x 8' plywood sheets would need to be laid out over the existing decking. Since the existing roof was to be removed, this gave the City the opportunity to add insulation to the entire City Hall South Building, not just the library portion as was proposed in the initial plan. This also required a whole new roofing system to be placed on the City Hall South Building.

- *Temporary Library and Consolidation of Projects*

In addition to the scope of work noted above, in order to continue to provide the services offered by the City to its community, the project design includes a 5,300 SF temporary Library facility and a 1,620 temporary Literacy Center. These facilities will consist of temporary trailers placed just west of City Hall in the west

parking lot. These facilities will house 60-70% of the Library's collection and would be removed once the project is completed.

In 2011, it was decided that (again, for savings via economies of scale) combining two projects, the Senior Center Plaza Renovation and the Central Library Renovation (including HVAC replacement, structural code upgrade and electrical room upgrade) should all be combined into one project as it is proposed today.

Final approval of plans by LA County Public Works was not obtained until July 28, 2011 due to additional changes to plans as required by LA County, especially regarding electrical and structural upgrades.

ANALYSIS:

The project plans and specifications are nearly ready and complete. At this time, the City Council may direct staff to continue with finalizing the plans and specifications or elect to pursue one of the following three alternatives (of which Alternative 3 is the best option):

Alternative 1

Place the project on hold indefinitely or until further notice.

Alternative 2

Request staff to reduce the project scope of work to include only aesthetic improvements, such as new paint, carpet, furniture, acoustic ceiling and roof patching. Staff will prepare a Request for Proposal (RFP) and solicit construction bids for interior painting, re-carpeting, furnishing, installation of a new acoustic ceiling and minor roof repair to eliminate leaks. Such a project will require ADA improvements to the Council restrooms (as they also served the Central Library) and both library entrances. Moreover, as long as these improvements are not significant in size, value or scope, they will not require additional structural, roof, electrical or HVAC improvements.

Alternative 3

Direct staff to schedule future workshops with the City Council and Community to explore potential changes (including reductions) in the project scope. Final recommendations from the workshops will be presented at a future City Council meeting for final review and approval.

FISCAL IMPACT:

The proposed improvements are estimated as follows (a detailed cost breakdown is attached):

<u>Estimated Cost Summary</u>	
Central Library	\$ 5,284,444
Senior Plaza	\$ 455,883
Other	\$ 1,359,798
TOTAL	<u>\$ 7,100,125</u>

At this time, the proposed project can be carried out without additional impact on the current operating budget. Funding for this project is available in the following accounts:

Central Library Renovation Project (040-5180-54043-10134).....	\$6,600,000
Council Chambers/Sr. Center Walkway Project (040-5180-57010-10144)...	\$ 500,000
Total Funding.....	\$7,100,000

RELATIONSHIP TO 2009 STRATEGIC GOALS:

The issue before the Council is applicable to the following Council's strategic goal: "Protect and Enhance Quality of Life in the City of Commerce." Although, there are no specific objectives connected to this issue, the City is responsible for ensuring that city-owned buildings and grounds are in good and safe order for public and staff use.

Respectfully submitted,



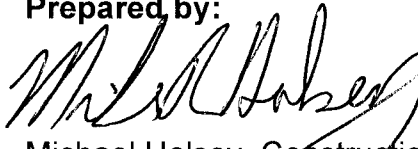
Jorge Rifa
City Administrator

Recommended by:



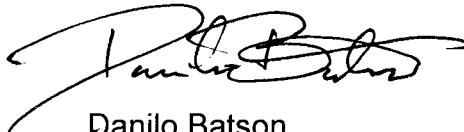
Robert Zarrilli
Director of Community Development

Prepared by:



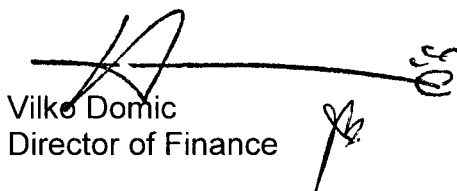
Michael Halsey, Construction Manager
Swinerton Management & Consulting

Reviewed by:



Danilo Batson
Assistant Director of Public Services

Reviewed by:



Vilko Domic
Director of Finance

Approved As To Form:



Eduardo Olivo
City Attorney

DETAIL COST BREAKDOWN

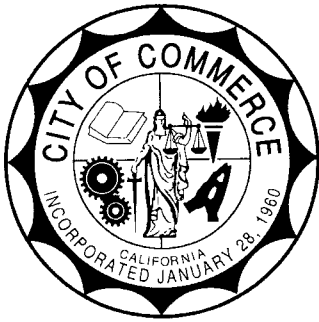
Central Library Renovation – Estimated Cost Summary

Central Library / City Hall Improvements	Estimated Cost
- Temporary Facilities	\$ 285,000
- Demolition	\$ 143,000
- Plumbing / Fire Suppression	\$ 170,000
- Concrete / Masonry / Metals	\$ 116,000
- Wood / Plastic / Composites	\$ 253,000
- Exterior Landscape/ Courtyard	\$ 166,000
- Roofing & Structural	\$ 680,000
- Thermal / Moisture Protection	\$ 106,000
- HVAC	\$ 350,000
- Windows / Doors / Openings	\$ 118,000
- Finishes	\$ 396,000
- Specialties	\$ 97,000
- Electrical / Communication	\$ 437,000
- Electronic Safety / Security	\$ 31,000
- Council Lobby	\$ 125,500
Sub Total	\$ 3,473,500
GC Overhead / Markup / Bond	\$ 503,658
Contingency / Allowance	\$ 298,287
Furniture, Fixtures & Equipment	\$ 800,000
LEED Cert. & Commissioning	\$ 44,000
Permitting / Testing / Inspection	\$ 125,000
Abatement Oversight	\$ 40,000
TOTAL CENTRAL LIBRARY	\$ 5,284,444

Senior Plaza – Estimated Cost Summary

Senior Plaza Improvements	Estimated Cost
- Demolition	\$ 31,000
- Grading	\$ 22,500
- Landscape / Irrigation / Trees	\$ 49,000
- Lighting	\$ 14,000
- Concrete Stairs and Walls	\$ 23,000
- Color Concrete	\$ 105,000
- ADA access ramp	\$ 25,000
- Site Furnishings / Hand Rails / Relocate Flag Pole	\$ 43,000
- City Hall Monument Sign / Curbs	\$ 40,000
Sub Total	\$ 352,500
GC Overhead / Markup / Bond	\$ 51,113
Contingency / Allowance	\$ 30,271
Permitting / Testing / Inspection	\$ 22,000
TOTAL SENIOR PLAZA	\$ 455,883

Other Costs	To Date	To Complete	At Completion
- Design / Engineering	\$ 822,843	\$ 76,717	\$ 899,560
- Misc.	\$ 11,342	\$ 7,500	\$ 18,842
- Administration	\$ 323,095	\$ 118,301	\$ 441,396
TOTAL	\$ 1,157,280	\$ 202,518	\$ 1,359,798



AGENDA REPORT

DATE: September 6, 2011

TO: Honorable City Council
FROM: City Administrator
SUBJECT: Commission and Committee Appointments

RECOMMENDATION:

Make the appropriate appointments.

MOTION:

Council discretion.

BACKGROUND:

Pursuant to Resolution No. 97-15, as amended, each Councilmember makes one appointment to the various Commissions and Committees of the City, with the terms of office of each appointee being for a period not to exceed two years, expiring at the next General Municipal Election. The term of office shall continue until the appointment and qualification of successor appointees. The Council makes the appointments of any sixth or more members, industrial member and Council member of the applicable Commission and Committees.

ANALYSIS:

It is recommended that appointments be made to the following Committees at this time, with all terms to expire March 19, 2013, unless otherwise indicated:

Education Commission

Mayor Aguilar
Mayor Pro Tempore Baca Del Rio

Housing Committee

Mayor Aguilar
Mayor Pro Tempore Baca Del Rio

Beautification Committee

Councilmember Leon

FISCAL IMPACT:

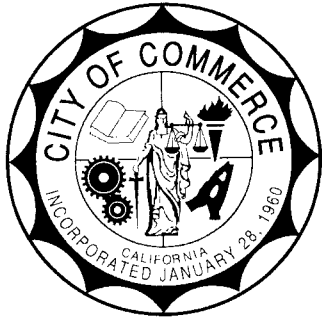
This activity can be carried out without additional impact on the current operating budget.

Recommended by:

Linda Kay Olivieri
City Clerk

Respectfully submitted,

Jorge J. Rifá
City Administrator



AGENDA REPORT

Meeting Date: Sept. 6, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING SECTION 8.06.050 OF CHAPTER 8.06 OF THE COMMERCE MUNICIPAL CODE REGARDING DANGEROUS ANIMALS – SECOND READING

RECOMMENDATION:

Approve and adopt the Ordinance.

MOTION:

Move to read the Ordinance by title only.

Move to approve and adopt the Ordinance and assign the number next in order.

ROLL CALL VOTE

ANALYSIS:

In 1987, the City Council enacted Ordinance No. 407, which enacted Commerce Municipal Code ("CMC") Chapter 8.06. Chapter 8.06 relates to the City's procedures for impounding dangerous animals.

Pursuant to CMC Section 8.06.030, "[t]he chief animal control officer shall have the power to summarily and immediately impound a dog or other animal where there is evidence it has attacked, bitten or injured any human being or other animal." Section 8.06.040 further provides that "the chief animal control officer shall conduct a hearing to determine whether or not a dog or other animal confined or impounded...is a dangerous animal."

CMC Section 8.060.050 provides for an appeal process to the City Council from any decision by the Chief Animal Control Officer. CMC Section 8.06.050 reads as follows:

"Any appeal may be taken to the city council from any decision of the chief animal control officer pursuant to this chapter. Such appeal shall be delivered in writing to the city clerk within five days of the service upon the appellant of the decision from which the appeal is taken. The city clerk shall schedule such appeal on the agenda for the next regular city council meeting following the date of filing thereof, but if the date of such regular city council meeting is less than five days after the date of the filing of the appeal, the city clerk shall schedule the appeal on the agenda for the second next succeeding regular city council meeting. The decision of the city council shall be final and notice of such decision shall be served upon the chief animal control officer and upon the appellant. Service on the appellant shall be either personal or by prepaid first class mail."

The City has recently had to address an appeal under Section 8.06.050. City staff believes that an appeal process that allows an appeal to be made to the City Administrator will be more efficient and effective.

AGENDA REPORT – 09/06/2011
ORDINANCE – AMENDING CMC SECTION 8.06.050

The proposed Ordinance will amend CMC Section 8.06.050 to provide for an appeal to the City Administrator instead of the City Council. The City Clerk shall be required to schedule such an appeal within ten (10) business days.

The proposed Ordinance was approved for first reading on August 16, 2011.

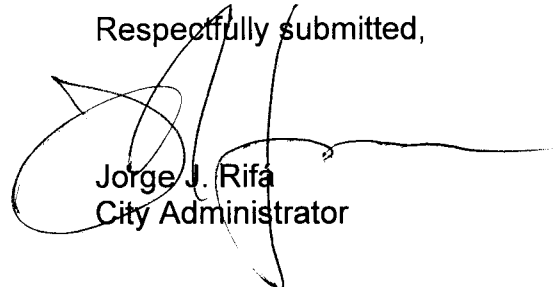
FISCAL IMPACT:

This activity can be carried out without additional impact to the current operating budget.

RELATIONSHIP TO 2009 STRATEGIC GOALS:

This report relates to the 2009 strategic planning goal: "Protect and Enhance the Quality of Life in the City of Commerce," as it addresses a community public safety issue of concern.

Respectfully submitted,



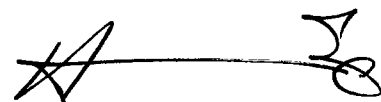
Jorge J. Rifa
City Administrator

Recommended by:



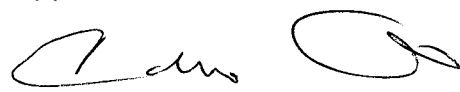
Robert Chavez
Director of Safety and Community Services

Fiscal impact reviewed by:



Vilko Domic
Director of Finance

Approved as to form:



Eduardo Olivo
City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, AMENDING SECTION 8.06.050 OF CHAPTER 8.06 OF THE
COMMERCE MUNICIPAL CODE REGARDING DANGEROUS ANIMALS

WHEREAS, in 1987 the City Council of the City of Commerce (the "City") adopted Ordinance No. 407, which enacted Chapter 8.06 of the Commerce Municipal Code ("CMC") related to the City's impoundment of dangerous animals; and

WHEREAS, CMC Section 8.06.030 provides for the impoundment of an animal by the City's Chief Animal Control Officer where there is evidence that the animal has attacked or bitten any human being or other animal; and

WHEREAS, CMC Section 8.06.040 provides for a hearing by the City's Animal Control Officer to determine whether or not a dog or other animal confined or impounded is a "dangerous animal"; and

WHEREAS, CMC Section 8.06.050 provides for an appeal process from any decision by the Chief Animal Control Officer; and

WHEREAS, CMC Section 8.06.050 provides that the appeal is to be made to the City Council; and

WHEREAS, the City Council desires to amend CMC Section 8.06.050 to make the appeal process more efficient by directing that all appeals be made to the City Administrator.

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

SECTION 1. Section 8.06.050 of the Commerce Municipal Code is hereby amended in its entirety to read as follows:

"An appeal may be taken to the City Administrator from any decision of the chief animal control officer pursuant to this chapter. Such appeal shall be delivered in writing to the city clerk within five days of the service upon the appellant of the decision from which the appeal is taken. The city clerk shall schedule such appeal within 10 business days. The hearing shall afford the owner and the owner's witnesses a full opportunity to be heard. Notice of the time and place of the hearing shall be served upon the owner, either personally or by prepaid first class mail prior to the hearing. The decision of the City Administrator shall be final and notice of such decision shall be served upon the chief animal control officer and upon the appellant. Service on the appellant shall be either personal or by prepaid first class mail."

SECTION 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days from and after its adoption.

SECTION 4. The City Clerk shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this _____ day of _____,
2011.

Joe Aguilar
Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk



AGENDA REPORT

DATE: September 6, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA. AMENDING TITLE 19 ("ZONING") OF THE COMMERCE MUNICIPAL CODE, TABLE 19.11.030 (5. TRANSPORTATION-RELATED USES, NOTES AND EXCEPTIONS).- SECOND READING

RECOMMENDATION:

Move to approve and adopt the Ordinance.

MOTION:

1. Move to read the Ordinance by title only.
2. Move to approve and adopt the Ordinance and assign the number next in order.

ROLL CALL VOTE

BACKGROUND:

Pursuant to the City of Commerce's General Plan, over 60% of the City's land area is dedicated to industrial uses. A significant challenge has been to identify strategies to enable industrial activities and businesses to coexist with homes. Through past planning efforts, the City has preserved and enhanced its neighborhoods, while at the same time, accommodated the rapidly changing demands of industry and commerce. The City is committed to continuing these efforts.

Warehouses typically represent a large volume of space with a significant number of loading or dock doors. The truck trips generally associated with warehouses can have significant impacts to the City's infrastructure and pose problems and dangers to surrounding uses. Typically, environmental analysis for new warehouse facilities focuses on the number of truck trips generated and how this affects air quality and infrastructure. A significant amount of emissions from these facilities is generally caused by truck trips to and from the facility and truck idling. A report by the Los Angeles County Metropolitan Transportation Authority (METRO) states, "15 minutes of idling caused emissions that were 50% more than one truck trip's emissions". According to this same report, recent studies estimated that warehouse/distribution centers generate between 330 and 530 daily truck trips per million square feet of warehouse. Therefore, for a 100,000 square foot warehouse, an estimate of average daily truck trips would be somewhere between 33 and 53.

Over the last few years, the largest warehouse building approved in the City measures approximately 400,000 square feet. A review of the project's environmental document indicated the estimated total number of daily truck trips to be 124.

The Commerce Municipal Code (CMC) currently defines a warehouse as follows:

"Warehouse" means a building or portion thereof used for the shipping, receiving, storage, or wholesaling of goods and merchandise and any incidental or accessory activities. An area where goods are processed, manufactured, or serviced, or where equipment for rent or lease is stored is not considered a warehouse.

The CMC also contains development standards related to warehouses and warehouse uses. However, it was determined that there is a need to review the existing requirements for establishing new warehouses as well as additions thereto. As the local ports and railroad industry continue to expand, cities like Commerce must prepare for a potential increased desire to build new warehouse facilities and the resulting negative impacts of such facilities on surrounding uses.

Currently, the entitlement process for a warehouse is via a Site Plan review. A Site Plan is required of any new building or structure in excess of 25,000 square feet and for the enlargement of any existing building or structure that adds more than 25,000 square feet of building area (CMC Section 19.39.650). This review process was established to provide a visual and factual document that may be used to determine and control the physical layout, design, and use of a lot or parcel of land, buildings, or structures. A determination must be made that a particular site is suitable for the use or development intended. In addition, review pursuant to the California Environmental Quality Act (CEQA) would be required.

Staff believes that the requirement of a conditional use permit (CUP) for large warehouse projects will provide the City with a better opportunity to address the potential negative impacts that such facilities may have on surrounding uses. Typically, following a list of permitted uses in each zoning district, a city's zoning ordinance will provide for other uses that are not permitted as a matter of right, but for which a CUP must be obtained. The City recognizes that certain uses, due to the nature of use, intensity, or size, require special review to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. A CUP is provided for this purpose. "The decision to allow a conditional use permit is an issue of vital public interest. It affects the quality of life of everyone in the area of the proposed use" (Curtin, 2009). Establishing a CUP requirement for warehouse buildings exceeding a certain threshold would give the City more oversight in the planning process of these structures. To ensure compatibility with zoning regulations and surrounding properties, conditional uses require special consideration. The City's Planning Commission is empowered to grant and deny applications for CUPs and to impose reasonable conditions upon the granting of such permit. The Planning Commission must determine if a proposed conditional use would not impair the integrity and character of the zone in which it is located. They also must determine if a proposed site is physically suitable for the proposed development and that it's compatible with surrounding uses. Provisions for adequate public access must be made and it must be consistent with the City's General Plan. The design of such a project must preserve and maximize the image, character and visual quality of the surrounding neighborhood. Plus, a conditional use may not be detrimental to the public health, safety and welfare. Additionally, CEQA review would also be required.

On June 22, 2011, the Planning Commission considered the matter. At the completion of their discussion, the Commission concluded that a CUP should be required for all new warehouses measuring 100,000 square feet or greater and additions to existing warehouses where the total square footage of all structures would measure 100,000 square feet or greater. The Planning Commission has therefore recommended that the City Council approve the subject ordinance.

On August 16, 2011, the City Council conducted the required public hearing and approved the proposed Ordinance for first reading. At that meeting, members of the Industrial Council including Mr. Eddie Tafoya were present to indicate concerns with the proposed new requirements as it would impose another layer of "bureaucracy" on projects potentially exposing them to additional uncertainty and delays. In response to these concerns, staff attempted to meet with Mr. Tafoya and others on the Industrial Council to seek a potential solution to the issues but due to scheduling conflicts said meeting has not yet occurred. At this point, staff recommends moving forward with the City Council action to consider the proposed ordinance as presented for second reading and adoption. If after adoption of this ordinance, and as a result of staff outreach to the Industrial Council, it is determined that changes to the adopted ordinance are feasible and practical, amendments can be brought back to the Planning Commission and City Council in the near future for consideration and adoption.

ANALYSIS:

Pursuant to Table 19.11.030 of the CMC, new warehouses are allowed in the M-2 zone (Heavy Industrial). A majority of properties in the City have this zoning designation. Currently, a CUP is only required if a proposed warehouse would be located within 1,000 feet of the nearest residential district. However, the following exceptions currently apply:

1. Any user proposing to occupy an existing warehouse facility containing less than 35,000 square feet shall be exempt from the CUP requirement.
2. Where a major road separates the project site from the nearest residential district and such separation is equal to or greater than 300 feet, no CUP shall be required.
3. Where an active railroad right-of-way separates the project site from the nearest residential district and the director of community development determines that project truck traffic will not circulate through the residential district, no CUP shall be required.

As discussed in the Background section of this report, establishing a CUP requirement for warehouse buildings exceeding a certain threshold would give the City more oversight in the planning process of these structures. Any impacts associated with warehouses would have to be fully analyzed prior to approval and the findings for such an approval would be more stringent than those for Site Plan approval. The CUP requirement would also provide another basis for triggering a CEQA review in order to assure that environmental impacts are properly studied and considered and appropriate conditions can be imposed.

The proposed ordinance would amend Table 19.11.030 of the CMC. Specifically, the notes and exceptions column related to "Transportation-related uses) would be amended. Below is the subject table. The proposed text to be added is highlighted and in bold italics:

Use	C/M-1	M-1	M-2	*Notes and Exceptions
5. Transportation-related uses	X	X	C	a. For SIC code 495, only one such facility is permitted in the city per 12,000 residents, as reported in the most recent U.S. Census.
5.1 SIC code 40 (Railroad Transportation)	P	P	P	b. Helipads require a conditional use permit in the C/M-1, M-1, and M-2 zones.
5.2 SIC codes 41, 43, 491, 494	X	X	P/C*	Must be located a minimum of 500 feet from residential zones.
5.2 SIC code 42 (Trucking and Warehousing)	X	X	X	c. For trucking and warehousing uses, the distancing requirement set forth in Section 19.11.030(C) shall be 1,000 feet, meaning that any such use proposed to be located within 1,000 feet of the nearest residential district shall require conditional use permit review. The following exceptions shall apply:
5.3 SIC code 45 (Air transportation, except helipads)	X	X	P/C	
5.5 SIC codes 492, 493, 496	X	X	C	
5.6 SIC codes 495*, 496				i. Any user proposing to occupy an existing warehouse facility containing less than 35,000 square feet shall be exempt from the CUP

				requirement.
				ii. Where a major road separates the project site from the nearest residential district and such separation is equal to or greater than 300 feet, no CUP shall be required.
				iii. Where an active railroad right-of-way separates the project site from the nearest residential district and the director of community development determines that project truck traffic will not circulate through the residential district, no CUP shall be required. d. SIC code 4225 (General Warehousing and Storage), also known as mini-warehousing, self-storage or public storage warehousing, is permitted in the M-2 (Heavy Manufacturing) zone with a conditional use permit. <i>e. A CUP shall be required for any new warehouse building or development and additions to existing warehouse buildings and developments, where the total square footage of all structures measures 100,000 square feet or greater.</i>

PROPOSED FINDINGS:

Commerce Municipal Code Section 19.39.310 requires that all of the following findings be made before approving a zoning ordinance text amendment:

1. That the proposed zoning ordinance text amendment is consistent with the goals, policies, and objectives of the general plan. ***The proposed text amendment is consistent with the City of Commerce General Plan. The General Plan aims to ensure land use compatibility within each of the City's planning areas. The subject amendment would require a more detailed review process than what is currently applicable. This enhanced review would help to ensure an orderly pattern of development in the City, while at the same time accommodating future growth.***
2. That the proposed zoning ordinance text amendment will not adversely affect surrounding properties. ***The subject text amendment would serve to better protect surrounding properties from overdevelopment and the potential negative effects associated with it. The proposed amendment would require a more detailed review process for warehouses of a certain size. Therefore, the impacts associated with these warehouses would be fully analyzed prior to approval. Thus, surrounding properties would not be adversely affected.***

That the proposed zoning ordinance text amendment promotes the public health, safety, and general welfare and serves the goals and purposes of this Title 19. ***The subject text amendment would serve to help better protect the health, safety and general welfare of the residents of the City of Commerce. This amendment would help to ensure development that is in line with the vision of the City's***

future as set forth in the General Plan and zoning ordinance. This amendment would help to ensure new development that does not adversely affect surrounding properties. It will also help to create orderly development throughout the City and greater land use compatibility.

ENVIRONMENTAL ASSESSMENT:

The project qualifies for a Class 8 Categorical Exemption under the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15308. Class 8 consists of actions taken by regulatory agencies, as authorized by local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.

FISCAL IMPACT:

This item can be carried out without impact on the current operating budget.

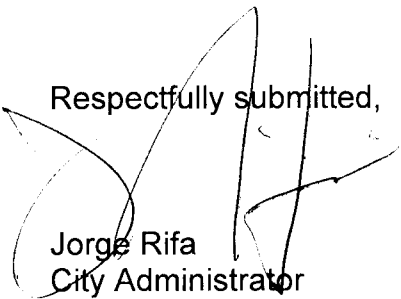
RELATIONSHIP TO 2009 STRATEGIC GOALS:

- Goal #2 – *Protect and Enhance Quality of Life in the City of Commerce.*

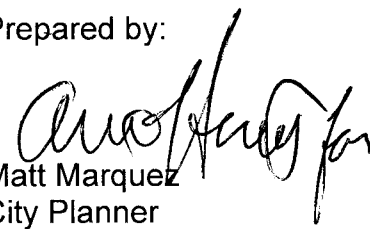
Recommended by:


Bob Zarrilli
Director of Community Development

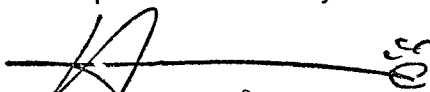
Respectfully submitted,


Jorge Rifa
City Administrator


Prepared by:


Matt Marquez
City Planner

Fiscal impact reviewed by:


Vilko Domic
Director of Finance

Approved as to Form


Eduardo Olivo
City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING TITLE 19 ("ZONING") OF THE COMMERCE MUNICIPAL CODE, TABLE 19.11.030 (5. TRANSPORTATION-RELATED USES, NOTES AND EXCEPTIONS)

WHEREAS, the City Commerce Municipal Code contains existing standards which regulate development in the City; and

WHEREAS, the Commerce Municipal Code currently fails to provide the City with the ability to require a Conditional Use Permit for most warehouse projects; and

WHEREAS, the construction of large warehouse structures, or large expansions to existing structures, can cause a significant increase in truck traffic in the surrounding areas, including residential areas and in the proximity of exiting schools; and

WHEREAS, the requirement of a Conditional Use Permit for large warehouse structure projects will provide the City with more oversight and enable the City to be better able to identify, consider and assure the mitigation of adverse impacts that may be caused to the surrounding community; and

WHEREAS, on July 27, 2011 the Planning Commission held a public hearing for the purpose of considering an Ordinance to amend Title 19 ("Zoning") of the Commerce Municipal Code, Table 19.11.030 (5. Transportation-related uses, Notes and Exceptions); and

WHEREAS, the Planning Commission has recommended that the City Council adopt the Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, DOES ORDAIN AS FOLLOWS;

SECTION 1: Table 19.11.030 (5. Transportation-related uses, Notes and Exceptions) is hereby amended to read as follows:

Use	C/M-1	M-1	M-2	*Notes and Exceptions
5. Transportation-related uses	X	X	C	a. For SIC code 495, only one such facility is permitted in the city per 12,000 residents, as reported in the most recent U.S. Census.
5.1 SIC code 40 (Railroad Transportation)	P	P	P	b. Helipads require a conditional use permit in the C/M-1, M-1, and M-2 zones. Must be located a minimum of 500 feet from residential zones.
5.2 SIC codes 41, 43, 491, 494	X	X	P/C*	
5.2 SIC code 42 (Trucking and Warehousing)	X	X	X	c. For trucking and warehousing uses, the distancing requirement set forth in Section 19.11.030(C) shall be 1,000 feet, meaning that any such use proposed to be located within 1,000 feet of the nearest residential district shall require conditional use permit review. The following exceptions shall apply:
5.3 SIC code 45 (Air transportation, except helipads)	X	X	P/C	
5.5 SIC codes 492, 493, 496	X	X	C	
5.6 SIC codes 495*, 496				i. Any user proposing to occupy an existing warehouse facility containing less than

				35,000 square feet shall be exempt from the CUP requirement.
				ii. Where a major road separates the project site from the nearest residential district and such separation is equal to or greater than 300 feet, no CUP shall be required.
				iii. Where an active railroad right-of-way separates the project site from the nearest residential district and the director of community development determines that project truck traffic will not circulate through the residential district, no CUP shall be required. d. SIC code 4225 (General Warehousing and Storage), also known as mini-warehousing, self-storage or public storage warehousing, is permitted in the M-2 (Heavy Manufacturing) zone with a conditional use permit. e. A Conditional Use Permit shall be required for any new warehouse building or development and additions to existing warehouse buildings and developments, where the total square footage of all structures measures 100,000 square feet or greater.

SECTION 9: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

Section 10: This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2011.

Joe Aguilar
Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk



AGENDA REPORT

DATE: September 6, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING TITLE 19 ("ZONING") OF THE COMMERCE MUNICIPAL CODE, SECTION 19.37.120A (NONCONFORMING USES--ABANDONMENT) – SECOND READING

RECOMMENDATION:

Move to approve and adopt the Ordinance.

MOTION:

1. Move to read the Ordinance by title only.
2. Move to approve and adopt the Ordinance and assign the number next in order.

ROLL CALL VOTE

BACKGROUND:

Over 66% of the City's land acres are dedicated to industrial and commercial uses. The City has long tried to identify and implement strategies to enable businesses to come to Commerce and to stay in Commerce. The country's current economic woes have affected local governments as well as the business community and property owners. Staff hears numerous stories of property owners who are finding it increasingly difficult to lease their buildings. Some properties sit vacant for several months, while others are vacant for years. Realizing that the City must continue to try to help the business community, the City Administrator requested that staff and the Planning Commission review the City's existing policies related to the abandonment and continuance of nonconforming uses. Specifically, the Planning Commission has considered the potential for increasing what is referred to as the City's "90 day rule".

The "90 day rule" (as shown in italics below) is found in Chapter 19.37, Division 2 of the Commerce Municipal Code (CMC). This part of the CMC contains standards related to nonconforming uses. A nonconforming use is defined as a "use or activity of land that was lawfully established and in compliance with all applicable ordinances and laws at the time it was undertaken, but which, due to a subsequently enacted ordinance or law, no longer complies with all the applicable regulations and standards of the zone in which the use is located". Chapter 19.37 includes standards related to the abandonment and continuance of nonconforming uses as shown below:

19.37.120 - Nonconforming uses—Abandonment.

A. *Whenever a nonconforming use has been abandoned, discontinued, or changed to a conforming use for a continuous period of ninety days or more, the nonconforming use shall not be re-established, and the structure or site thereafter shall be used in conformity with the regulations for the zone in which it is located. Discontinuance of a use shall include cessation of the existing nonconforming use, regardless of intent to resume the nonconforming use.*

B. *This Section 19.37.120 shall not apply to nonconforming dwelling units.*

Pursuant to CMC Section 19.37.120, if a property owner whose tenant is conducting a legal nonconforming use vacates the property upon lease expiration, the tenant has only 90 days to reestablish the nonconforming use. Otherwise, the use is considered abandoned. Whether the owner intends to rent the property for that same use does not matter. Thus, it becomes a race against the 90-day deadline to lawfully re-establish the nonconforming use.

On June 22, 2011, the Planning Commission considered this matter. At that time, staff recommended an increase from 90 days to 18 months, with a 6-month extension if determined to be reasonable and necessary by the Director of Community Development. After some discussion, the Commission unanimously agreed that they would be in favor of a 9- month re-establishment period and a 3- month extension with approval by the Community Development Director. On July 27, 2011, the Planning Commission reviewed the subject Ordinance. At that time there was some additional discussion on the matter and staff read into the record, an email from the Executive Director of the Industrial Council. The email discussed the difficulties property owners are having trying to attract new tenants. Specifically, the email mentioned the considerable amount of time necessary for site rehabilitation. Also, negotiations between property owners and prospective tenants can take several months, and the marketing period can be very slow due to the current economic climate. In the end, the Commission agreed with staff's original recommendation of 18 months with the potential for a 6 month extension if deemed necessary by the Director of Community Development and has recommended that the City Council adopt the proposed ordinance in order to make this change to the City Code.

On August 16, 2011, the City Council conducted the required public hearing and approved the proposed Ordinance for first reading. This evening the City Council will consider the subject ordinance for second reading and adoption.

ANALYSIS:

Staff routinely hears of the difficulties owners are having leasing their properties. Many feel that the City's current "90 day rule" is not reasonable due to the current economic climate. Other cities typically have a similar rule related to the abandonment of nonconforming uses. However, time frames differ from city to city. For example, the City of Santa Fe Springs allows for a 12-month period and the City of Bell Gardens 6-months. Both of these time frames are substantially longer than that currently enforced by Commerce. The increased time frame agreed upon and recommended by the Planning Commission will help with the transition of nonconforming uses without creating an economic hardship.

Currently, Section 19.37.120A of the CMC is written as follows:

- A. Whenever a nonconforming use has been abandoned, discontinued, or changed to a conforming use for a continuous period of ninety days or more, the nonconforming use shall not be re-established, and the structure or site thereafter shall be used in conformity with the regulations for the zone in which it is located. Discontinuance of a use shall include cessation of the existing nonconforming use, regardless of intent to resume the nonconforming use.

The proposed Ordinance would change this section of the CMC to read as follows (amendment shown in highlighted bold italics):

- A. Whenever a nonconforming use has been abandoned, discontinued, or changed to a conforming use for a continuous period of ***eighteen months*** or more, the nonconforming use shall not be re-established, and the structure or site thereafter shall be used in conformity with the regulations for the zone in which it is located. ***The Director of Community Development may grant one additional extension of six months if he or she determines that such***

extension is reasonable under the circumstances. Discontinuance of a use shall include cessation of the existing nonconforming use, regardless of intent to resume the nonconforming use.

The City continues to try to find ways to help the business community. Any increase to the existing “90 day rule” would serve to help owners lease their properties. “The spirit of a zoning ordinance with a provision permitting continued nonconforming uses is to allow, but not increase, the nonconforming use. Intensification or expansion of an existing nonconforming use, or moving the use to another location on the property is not permitted” (Curtin, 2009). The subject Ordinance would allow for certain nonconforming uses to continue, but does not allow for any increase in the degree of nonconformity.

PROPOSED FINDINGS:

Commerce Municipal Code Section 19.39.310 requires that all of the following findings be made before approving a zoning ordinance text amendment:

1. That the proposed zoning ordinance text amendment is consistent with the goals, policies, and objectives of the general plan. ***The proposed text amendment is consistent with the City of Commerce General Plan. The proposed amendment would serve to help the existing business community and accommodating the rapidly changing demands of industry. Furthermore, the subject amendment will help to promote the maintenance and preservation of businesses that contribute to the City’s economic and employment base.***
2. That the proposed zoning ordinance text amendment will not adversely affect surrounding properties. ***The subject text amendment would not adversely affect surrounding properties. Proposed businesses would still be required to go through the City’s business license process, which requires review and approval from the Planning, Fire, and Building and Safety Divisions. This review includes an analysis of the proposed use and inspections from the Fire and Building and Safety Divisions. This process is in place to help protect surrounding properties and it would not change due to the subject text amendment.***
3. That the proposed zoning ordinance text amendment promotes the public health, safety, and general welfare and serves the goals and purposes of this Title 19. ***The subject text amendment would serve to help protect the health, safety and general welfare of the residents of the City of Commerce. This amendment would help to promote the maintenance and preservation of businesses that contribute to the City’s economic and employment base. The needs of the business community would be better served, as demands continue to change. The City’s standard review process for new businesses helps to ensure the protection of the health, safety and welfare of the community and this process will not change with the implementation of the subject text amendment.***

ENVIRONMENTAL ASSESSMENT:

The project qualifies for a Class 8 Categorical Exemption under the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15308. Class 8 consists of actions taken by regulatory agencies, as authorized by local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.

FISCAL IMPACT:

This item can be carried out without impact on the current operating budget.

RELATIONSHIP TO 2009 STRATEGIC GOALS:

- Goal #2 – *Protect and Enhance Quality of Life in the City of Commerce.*

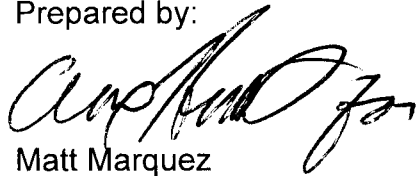
Recommended by:


Bob Zarrilli
Director of Community Development

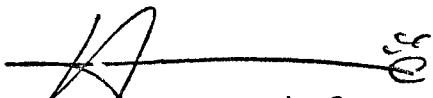
Respectfully submitted by:


Jorge Rifa
City Administrator


Prepared by:


Matt Marquez
City Planner

Fiscal impact reviewed by:


Vilko Domic
Director of Finance

Approved as to Form


Eduardo Olivo
City Attorney

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, AMENDING TITLE 19 ("ZONING") OF THE COMMERCE MUNICIPAL
CODE, SECTION 19.37.120A (NONCONFORMING USES--ABANDONMENT)

WHEREAS, the City Commerce Municipal Code contains existing standards related to the abandonment of legal nonconforming uses; and

WHEREAS, current economic forces have created increased difficulties for the business community, especially in the area of commercial property leasing; and

WHEREAS, the City recognizes the need to accommodate the rapidly-changing demands of the business community and desires to take action to provide the business community with more time to address tenant vacancies without unintentionally and prematurely losing their legal non-conforming use status; and

WHEREAS, the Planning Commission has recommended that the City Council adopt an ordinance that increases the time limit related to the abandonment of legal nonconforming uses.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES ORDAIN AS FOLLOWS;

SECTION 1: Section 19.37.120A of the Commerce Municipal Code is hereby amended to read as follows:

- A. Whenever a nonconforming use has been abandoned, discontinued, or changed to a conforming use for a continuous period of eighteen months or more, the nonconforming use shall not be re-established, and the structure or site thereafter shall be used in conformity with the regulations for the zone in which it is located. The Director of Community Development may grant one additional extension of six months if he or she determines that such extension is reasonable under the circumstances. Discontinuance of a use shall include cessation of the existing nonconforming use, regardless of intent to resume the nonconforming use.

SECTION 2: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

SECTION 3: This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2011.

Joe Aguilar
Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk



AGENDA REPORT

MEETING DATE: September 6, 2011

TO: Honorable City Council

FROM: City Administrator

SUBJECT: 2011 Annual League of California Cities Conference- Resolutions

RECOMMENDATION:

Provide appropriate direction to the City's voting delegate with respect to the Resolutions to be considered at the 2011 Annual League Conference to be held in San Francisco, California, in September.

MOTION:

Council discretion.

BACKGROUND:

The 2011 League of California Cities Annual Conference will be held on September 21-23, in San Francisco, California. Member cities are encouraged to have a voting delegate and alternate to represent them at the Annual Business Meeting, which will be held on Friday, September 23, 2011.

During the Annual Business Meeting, the voting delegates from the member cities will be asked to consider and vote on several resolutions that will have an effect on the member cities and local jurisdictions.

At its meeting of April 20, 2010, the Council appointed Councilmember Leon as the voting delegate and Mayor Pro Tempore Fierro as the alternate delegate to the League.

ANALYSIS:

Mayor Aguilar, Councilmembers Leon and Robles, along with City Administrator Jorge Rifá, will be attending the 2011 League Annual Conference. As the City's designated voting delegate, Councilmember Leon will attend the Annual Business Meeting to ensure that the City has representation for voting purposes.

It is requested that the Council provide direction to the City's voting delegate with respect to the following League resolutions:

- 1. Resolution Supporting Alternative Methods of Meeting Public Notice Requirements and to Advocate for Revisions to the Government Code Recognizing Alternative Methods as a Means to Meet Noticing Requirements**

The League's Desert/Mountain Division believe municipalities have a civic duty to conduct business in open, properly noticed public meetings. That same duty calls for cities to engage their citizenry by noticing time and locale of public meetings, public hearings, introduction and adoption of Ordinances, bid opportunities and the like. The public has a right to know what local elected officials are doing with public funds. The public has a right to know what decisions are being made that will affect them.

In efforts to engage the public, encourage more participation at public meetings and enhance communication with constituents, the Desert/Mountain Division has discussed current public noticing requirements required by the State of California. Current requirements include cities place notices in a general newspaper of circulation. Annually, cities spend quite a bit on this task. For example, the City of Big Bear Lake, population 6,700, spends \$15,000 - \$20,000 a year on noticing in their local weekly newspaper and on occasion, in a regional. This is a substantial amount for a small city.

Noticing is typically done in the classified section, next to garage sale and help wanted ads. This system is antiquated and inefficient. Can you remember the last time you read that section of the paper? In recent decades, technology has vastly improved, given the advent of the internet, electronic mail, social media, smart phones and other smart devices (iphones/ipads). The public is becoming increasing familiar with the use of new technology, using it as a means to gain quick and up-to-date information. We see more and more the public have a preference for receiving information in an electronic format. Technology allows us to be more efficient and when it comes to business, much more economical.

The Desert/Mountain division would like to see a change to State Law that allows cities more discretion based on their community's distinct needs (i.e. residents can sign up for e-mail alerts of public hearings, meetings, etc.); and that would count towards meeting the public noticing requirements. They don't want to eliminate noticing in newspapers, just enhance requirements by allowing cities to use alternate methods as a means of meeting the law.

2. Resolution Relating to Tort Reform

According to the City of Waterford, every year cities must weigh the cost of fighting frivolous lawsuits against the amounts requested by the plaintiffs. The frivolity of the lawsuits usually have little bearing on this balancing act, nor does the likelihood that settling will only encourage more lawsuits. This perverse use of the court system penalizes cities and other government entities by allowing a person to file a lawsuit with no regard for the facts and no exposure on their part. Attorneys accept these lawsuits, relying on getting paid by a city settling the lawsuit as a purely business decision, often times receiving more money than the plaintiffs.

Scarce taxpayer dollars are squandered fighting frivolous lawsuits or paying settlements to avoid lengthy trials and bad publicity. The passage of tort reform and a loser-pays constitutional amendment would enable elected officials to govern fairly without the fear of frivolous lawsuits, while still allowing the public to file suit when they have genuinely been wronged. The money saved through court costs, attorney's fees, payouts, staff time, and insurance premiums would be put to better use by cities to serve their taxpayers.

3. Resolution Related to Raising Public Awareness About the Imminent Health and Safety Concerns for Bullied Children

According to the City of Elk Grove, cities throughout the State of California are becoming painfully aware of the growing trend of bullying and its effects on children. Bullying has a potentially devastating effect on students and young adults, their families, schools, and communities. A guiding principle of the League is that the children of California must be recognized as our state's most valuable resource. Their development, education and well-being are key to our state's future.

Many studies and statistics show the frequency and unfortunate effects that bullying has on children:

- Bullying is a common experience for many children and adolescents. Surveys indicate that as many as half of all children are bullied at some

time during their school years, and at least 10 percent are bullied on a regular basis (The American Academy of Child and Adolescent Psychiatry)

- More than 25 percent of adolescents and teens have been bullied repeatedly through their cell phones or the Internet. More than 80 percent of teens use a cell phone regularly, making it the most popular form of technology and a common medium for cyber bullying (bullyingstatistics.org)
- Victims of bullying display a range of responses, even many years later, such as: low self-esteem, difficulty in trusting others, lack of assertiveness, aggression, difficulty controlling anger, and isolation (bullyingstatistics.org)
- Research shows that bullying will stop when adults in authority and peers get involved (bullying.org)
- Bullying has been identified as a major concern by schools across the U.S. (NEA, 2003)

The health and safety of the residents of Elk Grove is paramount to the members of the Elk Grove City Council. On July 13, 2011, the City Council unanimously adopted a resolution raising public awareness of the imminent health and safety concerns for bullied children. This resolution is in conjunction with an aggressive, yet economical, public outreach campaign the City held to educate its residents about the effects of bullying on children. In conjunction with the Elk Grove City Council, Elk Grove Youth Commission, law enforcement and nonprofit agencies, the City hosted three public workshops focused on the subject of bullying that strengthened partnerships between youth and law enforcement, nonprofit agencies, parents and teachers. Workshop topics included how to keep teens safe from cyber bullying and online harassment, safe and responsible Internet use, social media and 'sexting' safety issues, dangers of bullying and strategies to stop bullies and empower victims. The City informed the community about the campaign through media coverage on every television and radio news outlet in the Sacramento region, the City's newsletter which reaches every Elk Grove household, and the City's social media outlets Facebook and Twitter.

Other cities in California are encouraged to raise the awareness of bullying in their community by educating residents about the dangers and effects of bullying on children. Educational outreach will benefit children, parents, teachers, and the community. Local governments have the ability to implement wide-spread cost-effective educational tools to communicate with residents about this important public safety issue.

All local government officials and parents in California want to protect their children, families, themselves, and others. Please help raise public awareness of the imminent health and safety concerns for bullied children.

4. Resolution Supporting the Prison Rape Elimination Act of 2003

The City of Los Angeles is seeking support of this resolution and provides the following information in support of their proposed resolution:

What is the Prison Rape Elimination Act?

The Prison Rape Elimination Act (PREA) of 2003 is a Federal law established to address the elimination and prevention of sexual assault and rape in correctional systems. PREA applies to all federal, state, and local prisons, jails, police lock-ups, private facilities, and community settings such as residential facilities. The major provisions of PREA are to:

- Develop standards for detection, prevention, reduction and punishment of prison rape
- Collect and disseminate information on the incidence of prison rape
- Award grants and technical assistance to help state governments implement the Act

Youth in adult facilities are at the greatest risk of prison rape. According to the Bureau of Justice Statistics, 10,000 children are held in adult jails and prisons daily, and the annual number of youth exposed to the dangers of sexual assault in adult facilities is significantly higher because of the “flow” of youth entering and exiting facilities. Studies from across the nation confirm that youth tried as adults fit the risk profile of those persons at the highest risk of sexual assault. *Studies also show that the overwhelming majority of youth tried as adults are nonviolent offenders, and a considerable proportion are first-time offenders.* In more than half of the states, there is no lower age limit on who can be prosecuted as an adult, so even young children can be prosecuted as adults and sent to adult jails and prisons.

How Does PREA Apply to Jails?

PREA seeks to insure that jails and other correctional settings protect inmates from sexual assault, sexual harassment, "consensual sex" with employees and inmate-inmate sexual assault. These violations affect security and staff safety, and pose long-term risks to inmates and staff inside jails, and to the public when victimized inmates are released into the community.

Where is PREA at?

The U.S. Department of Justice is currently considering banning the placement of youth (under 18) in adult jails and prisons as part of the implementation of PREA. As such, this resolution seeks to raise awareness of 14 youth spending time in adult facilities so elected and appointed officials could develop more effective juvenile justice policies and support the passage of the bill.

The Prison Rape Elimination Act was originally signed into law by President Bush in 2003 to address sexual violence behind bars. A key component of the law was the creation of the National Prison Rape Elimination Commission (NPREC), a bipartisan federal commission charged with developing national standards addressing prisoner rape and the requirements would apply to all detention facilities, including federal and state prisons, jails, police lock-ups, private facilities, and immigration detention centers. The NPREC held public hearings, had expert committees to draft the standards and released their final recommendations by issuing a report and set of standards.

Who supports PREA?

American Probation and Parole Association	Campaign for Youth Justice
Correctional Education Association	American Jail Association
International Community Corrections Association	National Juvenile Detention Association
National Association of Criminal Defense Lawyers	Center for Children's Law and Policy
National Center on Domestic and Sexual Violence	Family Violence Prevention Fund
Missouri Youth Services Institute	National Alliance to End Sexual Violence

*****This is only a partial list of national supporters***

5. Resolution Calling for the Replacement of the Death Penalty with the Sentence of Life Imprisonment without the Possibility of Parole

According to the City of Claremont, California's death penalty is broken and remains at risk of executing an innocent person. A new study of the costs of California's death penalty was recently conducted by Judge Arthur Alarcon, a

conservative federal judge who supports the death penalty, and Prof. Paula Mitchell, a law school professor who opposes the death penalty. With access to new information and documentation, their study is the most comprehensive appraisal of expenditures associated with the death penalty. They concluded that the death penalty costs California taxpayers \$184 million each year; California has spent a total of \$4 billion on the death penalty since 1978 and is expected to spend another \$1 billion over the next five years; each execution in California costs \$308 million.

Judge Alarcon and Professor Mitchell concluded that the current death penalty system is broken. With over 700 inmates, California's death row is the largest and most costly in the country, yet we have only executed 13 people since 1978. Victims' family members are put through a decades-long legal ordeal based on the hollow promise of execution, but 99% of those sentenced to death are never executed.

The funds wasted on California's dysfunctional death penalty could be better spent to ensure public safety if the death penalty were replaced with Life Without the Possibility of Parole, allowing \$1 billion over the next five years to be re-invested in public safety measures like law enforcement and education. There are three ways to accomplish this addressed in this resolution:

A. Governor Brown should convert all existing death sentences to Life Without Parole

The governor has the authority to convert death sentences to the alternative of Life Without Parole, saving \$1 billion over five years. This will allow the more than 700 existing death row inmates to be re-housed in the general population, eliminating the additional housing costs associated with death row and the cost of prosecuting and defending death row appeals. Three states have enacted this reform in the past to ensure that innocent men and women sentenced to death will not be executed and to save funds spent on maintaining death row. Life Without Parole is a real solution that ensures public safety and effectively punishes horrible crimes. It also allows inmates to work and pay restitution to the Victims' Compensation Fund. Recent polling from David Binder Research indicates that 64% of likely voters in California support this reform as a budgetary measure.

B. County District Attorneys should reduce or end the practice of seeking death sentences

According to Judge Alarcon and Prof. Mitchell's study, each prosecution seeking death costs the county approximately \$1 million more than a prosecution seeking Life Without Parole. The decision to seek the death penalty over the alternative of Life Without Parole falls to each county's District Attorney. According to the ACLU's 2009 report "Death in Decline '09," most counties in the state currently do not seek the death penalty, or do so very rarely, due to the excessive costs of such prosecutions. However, a small number of counties continue to seek the death penalty, at great expense to the cities within the county and the taxpayers of the state at large. When the county district attorney decides to seek the death penalty, everyone within the county is impacted as the entire county criminal justice system strains to accommodate the massive expenditures associated with a death penalty trial. Justice is slowed for everyone.

The ACLU's 2011 report, "The Death Penalty is Dead," showed a dramatic decrease in the number of death sentences in California in the first half of 2011, leaving the state on track to sentence the fewest men and women to death since 1978. Los Angeles County, historically the state's leader in death sentences, also saw a substantial decline in the first half of 2011. This trend should be encouraged and all County District Attorneys should be called upon to reduce or eliminate the practice of seeking the death penalty.

C. The California Legislature should pass SB 490 and give voters the option to replace the death penalty on the November 2012 ballot

SB 490 is currently under consideration by the California legislature. If passed, voters will be given the option of replacing the death penalty with Life Without Parole, saving \$1 billion over five years. California voters have not had an opportunity to vote on maintaining the death penalty since 1978, and have never been made aware of the costs associated with the system. Don Heller, the author of the 1978 initiative to reinstate California's death penalty, now supports its replacement because of the death penalty's costly failure over the last 30 years. Numerous attempts to streamline, speed up, and reduce waste within the death penalty have been made, but all have failed and often result in increasing the cost of the system. Voters should be given a chance to make an educated decision about whether the death penalty is worth \$184 million each year, or if there are more productive ways to invest those funds.

6. Resolution in Honor of the City of Bell

This proposed resolution comes at the request of City of Los Angeles Council Member Tony Cardenas.

In July 2010, the City of Bell was devastated with a municipal scandal that made national and international headlines. At that time, the Los Angeles Times reported that the City of Bell had the second-highest property tax rate in the county — 1.55 percent — well above the county average of 1.16 percent with Bell city officials receiving unusually large salaries. It was reported that City Manager Robert Rizzo was being paid an annual salary of \$787,637; Police Chief Randy Adams was receiving \$457,000; and Assistant City Manager Angela Spaccia was receiving \$376,000. Additionally, the mayor and three of the four City Council members were being paid about \$97,000 a year, including health benefits for their part-time jobs.

During this unprecedented corruption scandal, the previous administration, including the City Administrator and City Attorney, were immediately removed and the City of Bell began taking steps to immediately address this unprecedented scandal. In March 2011, voters subsequently turned out in record numbers to recall and replace City Council members charged in the corruption scandal with the City of Bell continuing to implement best practices that is enabling the City to emerge from this situation with an efficient, transparent and trusted government.

Bringing Good Government Practices Back to Bell

Since the scandal broke last year, the new Administration, under the leadership and guidance of Pedro Carrillo, Interim City Administrator for the City of Bell, and James M. Casso, Interim City Attorney, has taken exceptional action to restore trust, ethics and fiscal sustainability in the City of Bell. As such, the City of Bell continues to be fully committed to open government and is working diligently with all stakeholders to bring transparency and good government practices to Bell.

In the past few months, the Bell City Council, Interim CAO and Interim City Attorney have made substantial changes to bring good government practices to Bell. For example, the Bell City Council reduced property taxes worked with State Legislators and the State Controller on Assembly Bill (AB) 900 to secure rebates for Bell residents who were over assessed from 2007-2010. AB900 was signed into law allowing the City of Bell to authorize nearly \$3 million in refunds to Bell residents and small businesses with Los Angeles County providing fiscal oversight.

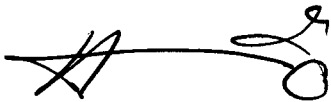
Purpose of the Resolution

Given the actions of the City of Bell to restore good government practices, and the fact that the League of California Cities has taken steps to learn from this unprecedented scandal, this resolution would acknowledge the on-going efforts of the City of Bell to address municipal corruption and restore policies and actions that create an environment of a responsible and open government.

FISCAL IMPACT:

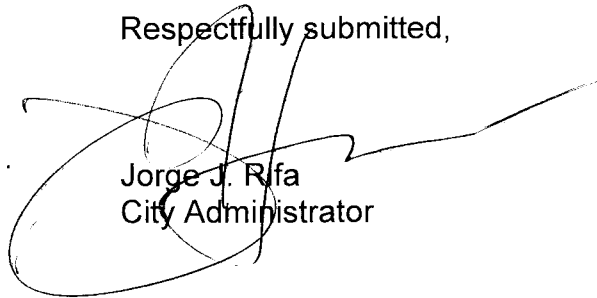
This activity can be carried out without additional impact on the current operating budget.

Fiscal impact reviewed by:



Vilko Domic
Director of Finance

Respectfully submitted,



Jorge J. Rifa
City Administrator

Reviewed as to Form:



Eduardo Olivo
City Attorney



AGENDA REPORT

DATE: 09/06/2011

TO: Honorable City Council and Community Development Commission

FROM: City Administrator/Executive Director

SUBJECT: REPORT ON LEGISLATIVE ITEMS

RECOMMENDATION:

Council/Commission discretion.

MOTION:

Council/Commission discretion.

BACKGROUND

From time to time, legislation is considered by the State Legislature that affects local government and redevelopment agencies.

ANALYSIS:

The Council and Commission will receive an update on, and be requested to take the appropriate action with respect to, legislative items of concern to the City and Commission.

Staff recommends the Council and Commission direct staff to work with organizations such as the League of California Cities in reviewing proposed legislation and legislative issues and making recommendations concerning the City's position to the Council and Commission. The positions adopted by the Council and Commission will direct the City's lobbying efforts during the 2011 Legislative Session.

FISCAL IMPACT:

This activity can be carried out without additional impact on the current operating budget.

STRATEGIC GOALS:

The recommendation before the City Council is applicable to the following Council strategic goal:

"Protect and Enhance Quality of Life in the City of Commerce"

Though the item has no specific objective related to this recommendation, it is connected to the City's interest to protect and enhance the quality of life of the community.

Respectfully submitted,


Jorge J. Rifa
City Administrator/Executive Director