

**BOARD OF DIRECTORS  
PUENTE HILLS HABITAT PRESERVATION AUTHORITY  
Endowment Provided by the Puente Hills Landfill**

The regular meeting of the Board of Directors, January 19, 2022 at 3:00 p.m. will take place remotely in accordance with Government Code section 54953(e) et seq. (AB 361) and Resolution 2022-16, adopted by the Board on December 15, 2022. Members of the public can observe and participate in the meeting as follows:

Via video (Zoom) by joining at this address: <https://us02web.zoom.us/j/83988647672>  
Meeting ID: 839 8864 7672

- Or- Phone by joining at these numbers: +1 669 444 9171, +1 669 900 6833  
Find your local number: <https://us02web.zoom.us/j/83988647672>

**PUBLIC COMMENTS:** Members of the public may provide electronic comments by 3:00 pm on Wednesday, January 18, 2023 before the meeting to [info@HabitatAuthority.org](mailto:info@HabitatAuthority.org). Please label the email in the subject heading as “Public Comments”. Public comments may also be verbally heard during item #1 of the meeting.

Agency	Director	Alternate
County of Los Angeles	SULIC, Chair	YOKOMIZO
City of Whittier	MARTINEZ	MARTINEZ
Hacienda Heights Improvement Association	HUGHES	YIP
Sanitation Districts of Los Angeles County	FERRANTE, Vice Chair	Vacant

The Puente Hills Habitat Preservation Authority is a public entity established pursuant to the Joint Exercise of Powers Act by agreement with the City of Whittier, County of Los Angeles, and Los Angeles County Sanitation Districts. Questions about any agenda items can be directed to Andrea Gullo, Executive Director, at 562.945.9003.

72 hours prior to Board of Directors meetings, the entire Board of Directors agenda package is available for review, along with any meeting-related writings or documents provided to a majority of the Board members after distribution of the agenda package, at [www.HabitatAuthority.org](http://www.HabitatAuthority.org). In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to participate in this meeting, including auxiliary aids or services, please call Andrea Gullo at 562.945.9003 at least 48 hours prior to meeting.

Pursuant to Section 54954 of the Government Code the Puente Hills Habitat Preservation Authority (Authority), a Regular Meeting of the Board of Directors of the Authority will be held at the call of the Chair of the Authority at the above time and place for the purpose of:

1. Receipt of Public Comments. Members of the public may address the Board of Directors on any topic within the jurisdiction of the Habitat Authority, or any item shown on the agenda.
2. Elections of Chair and Vice Chair.


3. Consent Calendar:
  - a. Approval of Authority Regular Meeting Minutes of December 15, 2022.
  - b. Approval allowing all written resolutions attached to staff reports to be read by title only and waiving further reading.
  - c. Board adoption of Authority Resolution No. 2023-01 A Resolution of the Board of Directors of the Puente Hills Habitat Preservation Authority Proclaiming a Local Emergency and Authorizing the Transition to Use Remote Teleconference Meeting Procedures by the Board of Directors and All Standing Committees of the Authority, as authorized by Government Code Section 54953(e) et seq., for the Initial Period of January 19, 2023, through February 17, 2023.
  - d. Receive and file the Authority's Portfolio Earnings Reports and Custom by Instrument Type for December 2022 prepared by the County of Los Angeles Treasurer and Tax Collector.
4. Presentation, discussion, receive and file of November and December 2022 Mountains Recreation and Conservation Authority (MRCA) Ranger Reports.
5. Public Hearing: Discussion, second reading and approval, to be read by title only and further reading waived, of Ordinance No. 2022-01, An Ordinance of the Puente Hills Habitat Preservation Authority Adopting By Reference The Mountains Recreation and Conservation Authority Park Ordinance Establishing Park Rules and Regulations and Prescribing the Punishment for Violation Thereof, As Amended, Adopting Amendments Thereto, and Adopting the Penalty Sections Thereto.
6. Discussion and possible approval of recommendations from Supervisor Solis for appointment of Bryan Coreas for a four-year term ending year 2027 and Gabriel Monares for a term ending 2025 for membership on the Authority's Citizens Advisory Committee.
7. Discussion and possible action regarding Authority comments on Draft Environmental Impact Report (EIR No. 628) for the Brea Boulevard Corridor Improvement Project SCH # 2017051005.
8. Discussion and possible action regarding Authority request for state financial assistance for wildfire prevention and management of agency properties.
9. Instruction to negotiators on property negotiations for Assessor Parcel Numbers 8239-045-902 and 8239-047-902. Negotiations for an access easement over the property. Negotiating parties include Board Chair, Executive Director, and Coast Community College. (This item can be heard in closed session pursuant to Government Code Section 54956.8 regarding real estate negotiations.)
10. Instruction to negotiators on property negotiations for Assessor Parcel Numbers 8267-014-904, 8267-014-906 commonly known as the Diaz/Old Coach property and APN 8266-002-901, Powder Canyon. 1) Negotiations for an easement over approximately 1/10th of an acre of the property for heli-hydrant easement, and 2) Negotiations regarding La Habra Road vacation and a portion to be dedicated to the City of La Habra Heights for a fire access easement. Negotiating

parties include Board Chair or Vice Chair, Executive Director, and City of La Habra Heights. (This item can be heard in closed session pursuant to Government Code Section 54956.8 regarding real estate negotiations.)

11. Instruction to negotiators on property negotiations for Assessor Parcel Numbers 8266-002-901 and 8269-003-900. Negotiating parties include Board Chair, Executive Director, and Rowland Water District. (This item can be heard in closed session pursuant to Government Code Section 54956.8 regarding real estate negotiations.)
12. Instruction to negotiators on property negotiations for Assessor Parcel Numbers 8267-017-900, 8267-017-905, 8267-017 906, and 8267-018-909 located along Harbor Boulevard. Negotiations for RMX Resources LLC., to Quitclaim to Habitat Authority all its rights, title, and interest and reserve easement for certain rights and pipelines. Negotiating parties include Board Chair or Vice Chair, Executive Director, Los Angeles County, and RMX Resources, LLC. (This item can be heard in closed session pursuant to Government Code Section 54956.8 regarding real estate negotiations.)
13. Instruction to negotiators on property negotiations for Assessor Parcel Numbers 8126-001-902 & 8126-001-903 in Sycamore Canyon. Negotiations for an easement over a portion of the property. Negotiating parties include Board Chair, Executive Director, and possible purchasing party. (This item can be heard in closed session pursuant to Government Code Section 54956.8 regarding real estate negotiations.)
14. Board Members' statements, responses, questions or directions to staff, and Executive Director's comments.
15. Adjournment and announcement of next meeting.

Puente Hills  
Habitat Preservation Authority  
Endowment Provided by the Puente Hills Landfill

**MEMORANDUM**

**Date:** January 19, 2023  
**To:** Board Members  
**From:**   
Andrea Gullo, Executive Director  
**Subject:** Agenda Item No. 2) Elections of Chair and Vice Chair.

Recommendation:

That the Board take appropriate action.

Background:

Elections for the Chair and Vice Chair of the Authority Board of Directors are scheduled to take place at the first meeting of the calendar year in accordance with the Authority joint powers agreement Section 5.2 which reads:

The Board shall elect a Chair and Vice Chair from among its directors at its first meeting. Thereafter, at the first meeting held in each succeeding calendar year the Board shall elect or re-elect its Chair and Vice Chair. In the event that the Chair or Vice Chair ceases to be a director of the Board, the resulting vacancy shall be filled at the next meeting of the Board held after such vacancy occurs. In the absence or inability of the Chair to act, the Vice Chair shall act as Chair. The Chair, or in his or her absence the Vice Chair, shall preside at and conduct all meetings of the Board.

**DRAFT Minutes of Regular Meeting – December 15, 2022**  
**BOARD OF DIRECTORS**  
**PUENTE HILLS HABITAT PRESERVATION AUTHORITY**

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Held via video conference and teleconference

This meeting took place remotely in accordance with Government Code section 54953(e) et seq. (AB 361). Members of the public could observe and participate in the meeting as follows:

Via video (Zoom) and telephonically at this address: <https://us02web.zoom.us/j/83663718073>  
- or- Phone at these numbers: +1 669 900 6833, +1 669 444 9171, Meeting ID: 836 6371 8073

At approximately 3:05 p.m., the meeting was called to order and a roll call was taken.

From Hacienda Heights Improvement Association:

Present: Michael Hughes, Director (arrived just after roll call, before public comments)

From Sanitation Districts of Los Angeles County:

Present: Robert Ferrante, Vice Chair

From City of Whittier:

Present: Councilmember Jessica Martinez, Director

From County of Los Angeles

Present: Ivan Sulic, Chair

Authority representatives present:

Andrea Gullo, Authority Executive Director  
Michelle Mariscal, Ecologist  
Kenn Hughes, Deputy Chief Ranger, Mountains Recreation and Conservation  
Authority (MRCA)  
Elena Gerli, Esq., Aleshire & Wynder LLP, Authority Counsel

**1. RECEIPT OF PUBLIC COMMENTS. Members of the public may address the Board of Directors on any topic within the jurisdiction of the Habitat Authority, or any item shown on the agenda.**

None

**2. REPORT BY AUTHORITY’S CITIZENS TECHNICAL ADVISORY COMMITTEE.**

None

**3. CONSENT CALENDAR:**

- a. Approval of Authority Regular Meeting Minutes of November 17, 2022.**
- b. Approval allowing all written resolutions attached to staff reports to be read by title only and waiving further reading.**

**DRAFT Minutes of Regular Meeting – December 15, 2022**  
**BOARD OF DIRECTORS**  
**PUENTE HILLS HABITAT PRESERVATION AUTHORITY**

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- c. Board adoption of Authority Resolution No. 2022-16 A Resolution of the Board of Directors of the Puente Hills Habitat Preservation Authority Proclaiming a Local Emergency Persists and Re-Authorizing the Use of Remote Teleconference Meeting Procedures by the Board of Directors and All Standing Committees of the Authority, as authorized by Government Code Section 54953(e) et seq., for the Period of December 15, 2022, through January 13, 2023.**
- d. Receive and file the Authority’s Portfolio Earnings Reports and Custom by Instrument Type for November 2022 prepared by the County of Los Angeles Treasurer and Tax Collector.**
- e. Adoption of proposed Reasonable Accommodation Policy for the Authority.**

Director Hughes motioned to approve, adopt and receive and file items a through e. Member Martinez seconded this motion, and in a roll call vote the motion passed unanimously.

**4. DISCUSSION, RECEIVE AND FILE FINAL REPORT FROM AUTHORITY CONSULTANT FIELDMAN, ROLAPP AND ASSOCIATES REGARDING THEIR INDEPENDENT ANALYSIS OF THE AUTHORITY’S FINANCIAL CONDITION AND FINDING OF A STRUCTURAL DEFICIT.**

Executive Director Gullo provided a summary of the item, Chair Sulic provided comments acknowledging the structural deficit without additional revenue, and additional comments were made. Chair Sulic received and filed the report.

**5. DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT WITH FAIRBANK, MASLIN, MAULLIN, METZ & ASSOCIATES FOR OPINION POLL SERVICES IN THE AMOUNT OF \$33,900.**

Executive Director Gullo provided a report, Chair Sulic provided comments, and there was discussion.

Vice Chair Ferrante motioned to authorize the Executive Director to execute a contract with Fairbank, Maslin, Maullin, Metz & Associates in the amount of \$33,900. Member Hughes seconded this motion, and in a roll call vote the motion passed unanimously.

**6. DISCUSSION AND INTRODUCTION, TO BE READ BY TITLE ONLY, OF ORDINANCE NO. 2022-01, AN ORDINANCE OF THE PUENTE HILLS HABITAT PRESERVATION AUTHORITY ADOPTING BY REFERENCE THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY PARK ORDINANCE ESTABLISHING PARK RULES AND REGULATIONS AND PRESCRIBING THE PUNISHMENT FOR VIOLATION**

**DRAFT Minutes of Regular Meeting – December 15, 2022**  
**BOARD OF DIRECTORS**  
**PUEENTE HILLS HABITAT PRESERVATION AUTHORITY**

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**THEREOF, AS AMENDED, ADOPTING AMENDMENTS THERETO, AND ADOPTING THE PENALTY SECTIONS THERETO.**

Authority Counsel and Executive Director Gullo provided reports on the matter. The proposed ordinance is to adopt the MRCA’s park ordinance with the exclusion of electric bikes in the Authority’s Puente Hills Preserve. There was discussion. The Board provided direction to staff to return at a later date with an update about obtaining liability insurance pertaining to e-bikes.

Vice Chair Ferrante motioned to introduce by title only and waive further reading of Ordinance No. 2022-01, An Ordinance of the Puente Hills Habitat Preservation Authority Adopting By Reference The Mountains Recreation and Conservation Authority Park Ordinance Establishing Park Rules and Regulations and Prescribing the Punishment for Violation Thereof, As Amended, Adopting Amendments Thereto, and Adopting the Penalty Sections Thereto. Member Martinez seconded this motion, and in a roll call vote the motion passed unanimously.

- 7. INSTRUCTION TO NEGOTIATORS ON PROPERTY NEGOTIATIONS FOR ASSESSOR PARCEL NUMBERS 8239-045-902 AND 8239-047-902. NEGOTIATIONS FOR AN ACCESS EASEMENT OVER THE PROPERTY. NEGOTIATING PARTIES INCLUDE BOARD CHAIR, EXECUTIVE DIRECTOR, AND COAST COMMUNITY COLLEGE. (THIS ITEM CAN BE HEARD IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.8 REGARDING REAL ESTATE NEGOTIATIONS.)**

Chair Sulic continued items 7 through 10 to the next agenda.

- 8. INSTRUCTION TO NEGOTIATORS ON PROPERTY NEGOTIATIONS FOR ASSESSOR PARCEL NUMBERS 8267-014-904, 8267-014-906 COMMONLY KNOWN AS THE DIAZ/OLD COACH PROPERTY AND APN 8266-002-901, POWDER CANYON. 1) NEGOTIATIONS FOR AN EASEMENT OVER APPROXIMATELY 1/10TH OF AN ACRE OF THE PROPERTY FOR HELI-HYDRANT EASEMENT, AND 2) NEGOTIATIONS REGARDING LA HABRA ROAD VACATION AND A PORTION TO BE DEDICATED TO THE CITY OF LA HABRA HEIGHTS FOR A FIRE ACCESS EASEMENT. NEGOTIATING PARTIES INCLUDE BOARD CHAIR OR VICE CHAIR, EXECUTIVE DIRECTOR, AND CITY OF LA HABRA HEIGHTS. (THIS ITEM CAN BE HEARD IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.8 REGARDING REAL ESTATE NEGOTIATIONS.)**
- 9. INSTRUCTION TO NEGOTIATORS ON PROPERTY NEGOTIATIONS FOR ASSESSOR PARCEL NUMBERS 8266-002-901 AND 8269-003-900. NEGOTIATING PARTIES INCLUDE BOARD CHAIR, EXECUTIVE DIRECTOR, AND ROWLAND WATER DISTRICT. (THIS ITEM CAN BE HEARD IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.8 REGARDING REAL ESTATE NEGOTIATIONS.)**

**DRAFT Minutes of Regular Meeting – December 15, 2022**  
**BOARD OF DIRECTORS**  
**PUENTE HILLS HABITAT PRESERVATION AUTHORITY**

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**10. INSTRUCTION TO NEGOTIATORS ON PROPERTY NEGOTIATIONS FOR ASSESSOR PARCEL NUMBERS 8267-017-900, 8267-017-905, 8267-017 906, AND 8267-018-909 LOCATED ALONG HARBOR BOULEVARD. NEGOTIATIONS FOR RMX RESOURCES LLC., TO QUITCLAIM TO HABITAT AUTHORITY ALL ITS RIGHTS, TITLE, AND INTEREST AND RESERVE EASEMENT FOR CERTAIN RIGHTS AND PIPELINES. NEGOTIATING PARTIES INCLUDE BOARD CHAIR OR VICE CHAIR, EXECUTIVE DIRECTOR, LOS ANGELES COUNTY, AND RMX RESOURCES, LLC. (THIS ITEM CAN BE HEARD IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.8 REGARDING REAL ESTATE NEGOTIATIONS.)**

**11. BOARD MEMBERS' STATEMENTS, RESPONSES, QUESTIONS OR DIRECTIONS TO STAFF, AND EXECUTIVE DIRECTOR'S COMMENTS.**

Comments were provided by the Board Members. Director Hughes mentioned his

**12. ADJOURNMENT AND ANNOUNCEMENT OF NEXT MEETING.**

There being no further comments, or business to be discussed, Chair Sulic wished happy holidays to all and announced that the next regular meeting is scheduled on January 19, 2023. He adjourned the meeting at 3:50 p.m.

Approved:

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Ivan Sulic, Board Chair

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Andrea Gullo, Acting Board Secretary




Puente Hills  
Habitat Preservation Authority  
Endowment Provided by the Puente Hills Landfill

MEMORANDUM

**Date:** January 19, 2023

**To:** Board Members

**From:**   
Andrea Gullo, Executive Director

**Subject:** Agenda Item No. 3c) Board adoption of Authority Resolution No. 2023-01 A Resolution of the Board of Directors of the Puente Hills Habitat Preservation Authority Proclaiming a Local Emergency and Authorizing the Transition to Use Remote Teleconference Meeting Procedures by the Board of Directors and All Standing Committees of the Authority, as authorized by Government Code Section 54953(e) et seq., for the Initial Period of January 19, 2023, through February 17, 2023.

Recommendation:

That the Board adopt the attached resolution, 2023-01.

Background:

The attached resolution is provided for your consideration to be in compliance with Assembly Bill 361 which was signed into law on September 16, 2021 and made effective on October 1, 2021. AB 361 allows continued remote teleconference meetings without traditional Brown Act compliance, provided certain findings can be made related to the ongoing state of emergency and subject to adherence to certain new noticing and public participation requirements.

No later than 30 days after teleconferencing for the first time under AB 361 rules, and every 30 days thereafter, the Board must adopt a resolution making the required findings of necessity to continue conducting public meetings remotely in reliance on AB 361 and affirming the measures in place to allow remote public comments by the public.

It has been approximately 35 days from the adoption of the Authority's 2022-16 resolution which was approved at the last Board meeting on December 15, 2022 and valid through January 13, 2023, so the attached is a new initial resolution extending the timeframe for virtual meetings through February 17, 2023.

RESOLUTION NO. 2023-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PUENTE HILLS HABITAT PRESERVATION AUTHORITY PROCLAIMING A LOCAL EMERGENCY AND AUTHORIZING THE TRANSITION TO USE OF REMOTE TELECONFERENCE MEETING PROCEDURES BY THE BOARD OF DIRECTORS AND ALL STANDING COMMITTEES OF THE AUTHORITY, AS AUTHORIZED BY GOVERNMENT CODE SECTION 54953(E) ET SEQ., FOR THE INITIAL PERIOD OF JANUARY 19, 2023 THROUGH FEBRUARY 17, 2023

WHEREAS, the Puente Hills Habitat Preservation Authority (the “Authority”) is committed to preserving and nurturing public access, transparency, observation and participation in meetings of the Board of Directors (the “Board”) and each of its standing committees; and

WHEREAS, all meetings of the Board and standing committees are open and public, as required by the Ralph M. Brown Act, codified in Government Code sections 54950 et seq., so that any member of the public may attend, participate, and observe the Board and standing committees conduct their business; and

WHEREAS, the Brown Act, as amended by Assembly Bill 361 (2021), codified in Government Code sections 54953(e) et seq., allows for remote teleconferencing observation and participation in meetings by members of a legislative body and members of the public, without compliance with the requirements of Government Code section 54953(b)(3) regarding teleconferencing, subject to the existence of certain conditions; and

WHEREAS, the initial required condition is that a state of emergency is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the Authority, caused by conditions as described in Government Code section 8558; and

WHEREAS, on March 4, 2020, pursuant to Government Code section 8625, Governor Newsom declared the existence of a state of emergency for the State of California, in response to the outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, also on March 4, 2020, the County of Los Angeles followed suit and declared the existence of a state of emergency for the County of Los Angeles; and

WHEREAS, Government Code section 54953(e) et seq. further requires that state or local officials have imposed or recommended measures to promote social distancing; or, the legislative body of the Authority finds that meeting in person would present imminent risk to the health and safety of attendees; and

WHEREAS, the Board hereby finds that such emergency conditions now exist in the Authority, such that meeting in person for the meetings of the Board and standing committees of

the Authority would present imminent risk to the health and safety of attendees as a result of the increased risk of the spread of the COVID-19 virus among those in attendance; and

WHEREAS, the Board hereby finds that the state of emergency due to the COVID-19 virus and the conditions related thereto has caused, and will continue to cause, conditions of extreme peril to the safety of persons within the Authority that are likely to be beyond the control of services, personnel, equipment, and facilities of the Authority, and thereby affirms, authorizes, and proclaims the existence of a local emergency and ratifies the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, the Board hereby finds that, as a consequence of the existing local emergency, the Board and all standing committees of the Authority shall conduct their meetings without compliance with Government Code section 54953(b)(3), and shall instead comply with the remote teleconference meeting requirements as authorized by Government Code section 54953(e) et seq.; and

WHEREAS, the Board affirms that it will allow for observation and participation by Board Members, Advisory Committee Members and the public via video and/or telephone access, in an effort to protect the constitutional and statutory rights of all attendees.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE PUENTE HILLS HABITAT PRESERVATION AUTHORITY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:**

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The Board hereby recognizes and affirms the existence and conditions of a state of emergency as proclaimed by the Governor, the existence of emergency conditions in the Authority, and affirms, authorizes, and proclaims the existence of a local emergency throughout the Authority.

Section 3. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Further, the Board finds that holding the meetings of the Board and standing committees of the Authority in person would present imminent risk to the health and safety of attendees as a result of the increased risk of the spread of the COVID-19 virus among those in attendance, as required by Government Code section 54953(e) et seq.

Section 5. The Executive Director is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act, for all Board meetings and all standing committee meetings of the Authority.

Section 6. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 17, 2023, or such time the Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board and all standing committees of the Authority may continue to teleconference without compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e) et seq..

**PASSED AND ADOPTED** at the Regular Meeting of the Board of Directors of the Puente Hills Habitat Preservation Authority duly held on 19th day of January, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Chair, Board of Directors, Ivan Sulic

ATTEST:

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Acting Secretary, Andrea Gullo



**KEITH KNOX**  
TREASURER AND TAX COLLECTOR

# COUNTY OF LOS ANGELES TREASURER AND TAX COLLECTOR

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 462, Los Angeles, California 90012  
Telephone: (213) 974-2139 Fax: (213) 626-1701  
ttc.lacounty.gov and propertytax.lacounty.gov

Board of Supervisors  
**HILDA L. SOLIS**  
First District  
**HOLLY J. MITCHELL**  
Second District  
**LINDSEY P. HORVATH**  
Third District  
**JANICE HAHN**  
Fourth District  
**KATHRYN BARGER**  
Fifth District

January 9, 2023

Andrea Gullo, Executive Director  
Puente Hills Habitat Preservation Authority  
7333 Greenleaf Avenue, First Floor  
Whittier, CA 90602

Email: [agullo@habitatauthority.org](mailto:agullo@habitatauthority.org)

## PUENTE HILLS HABITAT PRESERVATION AUTHORITY MONTHLY INVESTMENT REPORTS

Dear Andrea Gullo:

Enclosed are the Puente Hills Habitat Preservation Authority Portfolio Income Report (Earnings Report), Custom Position Report, Purchase Detail Report, and Chronological Detail Report for the month ended December 31, 2022, for your review and reference.

Should you have questions, you may contact Ms. Marivic Liwag, Assistant Operations Chief, of my staff at (213) 584-1252, or [mliwag@ttc.lacounty.gov](mailto:mliwag@ttc.lacounty.gov).

Very truly yours,

**KEITH KNOX**  
Treasurer and Tax Collector

A handwritten signature in black ink, appearing to read "JK" or similar initials.

Jennifer Koai  
Operations Chief

JK:ML:eh

Enclosures

**Income Report - PHHPA**

12/01/2022 - 12/31/2022

**All Agg LAC (291377)**

Dated: 01/03/2023

SPI

Original Lot ID	Detailed Description	CUSIP	Coupon Rate	PAR Value	Interest/Dividend Received	Accretion Income	Amortization Expense	Interest Income	Net Gain/Loss	Net Income
821801198	FEDERAL FARM 2.500 07/29/41 '22	3133EMW65	2.500	22,675,000.00	0.00	0.00	0.00	47,239.58	0.00	47,239.58
821801196	FREDDIE MAC 2.000 08/27/43 '22 MTN	3134GWS9	2.000	9,500,000.00	0.00	0.00	0.00	15,833.33	0.00	15,833.33
931461387	US TREASURY BILL 04/20/23	912796V48	0.000	4,000,000.00	0.00	14,604.44	0.00	0.00	0.00	14,604.44
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\* Grouped by: Aggregate Accounts. \* Groups Sorted by: Aggregate Accounts. \* Filtered By: LA Fund Number = "PHHPA". \* Weighted by: Ending Market Value + Accrued. \* Holdings Displayed by: Lots without MMF Collapse.

Custom Position Report - PHHPA

All Agg LAC (291377)

As of 12/31/2022

Dated: 01/03/2023

Original Lot ID	Detailed Description	CUSIP	Coupon Rate	Final Maturity	Purchase Yield	PAR Value	Amortized Cost	Historical Cost	Net Accumulated Amortization/Accretion
821801198	FEDERAL FARM 2.500 07/29/41 '22	3133EMW65	2.500	07/29/2041	2.500	22,675,000.00	22,675,000.00	22,675,000.00	0.00
821801196	FREDDIE MAC 2.000 08/27/43 '22 MTN	3134GWSD9	2.000	08/27/2043	2.000	9,500,000.00	9,500,000.00	9,500,000.00	0.00
931461387	US TREASURY BILL 04/20/23	912796V48	0.000	04/20/2023	4.393	4,000,000.00	3,948,648.89	3,914,257.78	34,391.11
---	---	---	<b>2.092</b>	<b>02/06/2040</b>	<b>2.578</b>	<b>36,175,000.00</b>	<b>36,123,648.89</b>	<b>36,089,257.78</b>	<b>34,391.11</b>

\* Filtered By: LA Fund Number = "PHHPA". \* Weighted by: PAR Value. \* Holdings Displayed by: Lots without MMF Collapse.

Purchase Detail Report - PHHPA

Specific Purpose Invest Agg (299402)

12/01/2022 - 12/31/2022

Dated: 01/03/2023

<i>LA Fund Number</i>	<i>Original Lot ID</i>	<i>Description</i>	<i>Settle Date</i>	<i>Final Maturity</i>	<i>Coupon Rate</i>	<i>PAR Value</i>	<i>Principal</i>	<i>Purchased Accrued Income</i>	<i>Settlement Amount</i>
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\* Grouped by: Aggregate Accounts. \* Groups Sorted by: Aggregate Accounts. \* Filtered By: Settle Date ≥ 12/01/2022 and Settle Date ≤ 12/31/2022 and LA Fund Number = "PHHPA". \* Weighted by: Ending Market Value + Accrued. \* Holdings Displayed by: Lot.  
 \* Purchased Accrued Income = -[Purchased Accrued Income], Summary Calculation: Sum. \* Settlement Amount = [Ending Original Cost]+(-[Purchased Accrued Income]), Summary Calculation: Sum.



**Chronological Report - PHHPA**

12/01/2022 - 12/31/2022

**Specific Purpose Invest Agg (299402)**

Dated: 01/03/2023

<i>Original Lot ID</i>	<i>Detailed Description</i>	<i>Settle Date</i>	<i>Final Maturity</i>	<i>Change in Current FV</i>	<i>Purchases</i>	<i>Maturities and Redemptions</i>	<i>Purchased Accrued Income</i>	<i>Coupon Payment</i>
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\* Grouped by: LA Fund Number. \* Groups Sorted by: LA Fund Number. \* Filtered By: Settle Date ≤ 12/31/2022 and Settle Date ≥ 12/01/2022 and LA Fund Number = "PHHPA". \* Weighted by: Coupon Payment. \* Holdings Displayed by: Lot.

\* Change in Current FV = ([Purchases]+[Beginning Lot-Based Trade Payable])-[Maturities and Redemptions], Summary Calculation: Sum. \* Purchases = [Purchases]+[Beginning Lot-Based Trade Payable], Summary Calculation: Sum. \* Purchased Accrued Income = - [Purchased Accrued Income], Summary Calculation: Sum.



December 31, 2022

**Puente Hills Habitat Preservation Authority  
Ranger Services Activities for November and December 2022**

- Continued general patrol for: providing visitor information, identifying hazardous conditions and correcting illegal activity.
- Continued general maintenance for: graffiti removal, vandalism repair, litter and dumping removal, fence and gate repairs, sign installations and repairs and trail maintenance.
- Met with La Habra Heights Fire Marshall regarding tree removal on Hacienda Road and inspection of the Heli-hydrant on Skyline Drive.
- Participated in the Puente Hills Habitat Preservation Authority (Habitat Authority) Board meeting.
- Checked the windows and doors to the back house at Sycamore Canyon prior to the rain.
- Participated in our ranger monthly management meeting.
- Attended the monthly Habitat Authority volunteer meeting.
- Repaired a hole dug under the fence at Hellman Park.
- Completed our annual Fire and Law Enforcement refresher training.
- Removed a fallen branch from across the Powder Cyn entrance road.
- Inspected a large fallen tree in La Habra Heights, it was determined that it is on private property.
- Monitored the contractors demobilization of the goats for the vegetation management project in Turnbull Canyon.
- Continue to monitor the Harbor underpass. No activity to report.
- Responded to Mills Elementary School in Whittier regarding a coyote on campus. Escorted the coyote off the property.

- Picked up dumping including:
  - Debris at Arroyo San Miguel.
  - Window shutters on Turnbull Canyon.
- Continue to notify the Habitat Authority staff of all unsuccessful animal road crossings that are observed at or near Habitat Authority property. During the month of November the following animal was observed.
  - Coyote on Harbor Bl.
- Located a dirt pile encroachment on Skyline Drive. Contacted the workers at the residence and they removed it.
- Continue to pick up dog defecation at all the trailheads.
- Replaced several trail marker signs throughout the Preserve.
- Installed new “Do not block fire road” sign at Skyline fire road.
- Repaired the entrance gate to Sycamore Canyon.
- Re-painted all the red curbs at Arroyo Pescadero.
- Removed shopping carts and transient clothing/debris from Worsham Canyon, Whittier.
- Police reporting a caller heard gun shots in Turnbull Canyon. Searched the area, unable to locate.
- Continue to patrol the SCE, Brea 57 site and Monterey mitigation sites in Powder Canyon and the Olinda site in Arroyo San Miguel.
- Due to safety concerns and overcrowding at the Turnbull Canyon entrance, we previously worked with the owner of the property and Whittier Police Department to secure the vacant lot that is next to the entrance. The lot needed to be re-secured once in November.
- Continue monitoring the surveillance cameras at various trailheads in attempt to catch the vehicle break-in perpetrators. We are also coordinating with Whittier Police and L.A. County Sheriff.
- Continue to contact the Los Angeles County Department of Street Maintenance regarding the graffiti along Turnbull Canyon Road.
- Cleaned all the drains throughout the Preserve prior to the rain.

- The Preserve was closed several days in November and December due to rain.
- Dealt with various violations including:
  - In the Preserve after hours at Sycamore Canyon, Hacienda Hills, Powder Cyn., Hellman Park and Arroyo Pescadero.
  - Parking violations at Arroyo Pescadero, Hacienda Hills Trailhead, Sycamore Canyon and Ford property.
  - Bikes in Sycamore Canyon
  - Dogs in Sycamore Canyon
  - Hikers in Turnbull Canyon and Powder Canyon after rain.
  - Loud music in the Hacienda Hills and Sycamore Canyon.
  - Warn and advise electric bikes in Powder Canyon and Hacienda Hills.
  - Dogs off leash in Hacienda Heights.
  - Bikes in Arroyo Pescadero.
  - Bikes in Powder Canyon and Turnbull Canyon after hours.
- Received several calls during the months of November and December to our 24-hour ranger emergency services number including:
  - Hikers locked in at Hacienda Hills Trailhead
  - Caller reporting seeing a green laser light on the Rose Hills water tank.
  - Resident next to the Preserve requesting access to get to his backyard.
  - Reporting a coyote walking on Figueroa Street in L.A.
  - Reporting two coyotes running on Laurel Street/Putnam street.
  - Volunteers that picked up trash along Colima Rd requesting if we could pick up the trash bags.
  - Large tree branch fell in front of Arroyo Pescadero.
  - Hikers locked in at Hellman Park
  - Whittier Police reporting a caller heard gun shots in Turnbull Canyon.
  - Reporting a tagger at the Rose Hills water tank.
  - Reporting homeless in Worsham Canyon.
  - Requesting a jump start for his car in Sycamore Canyon.
  - Caller concerned about a mouse that she caught in the road.
  - Call from Mills school in Whittier regarding a coyote on campus.
  - Reporting a coyote in Worsham Canyon behind the Whittier college.
  - Reporting kids playing on the Rose Hills water tank.
  - Reporting a suspicious person at Arroyo Pescadero.
  - Reporting a coyote on California Street in Whittier.
  - Several calls inquiring if the trails are open

- Continue to check and re-post trail closure signs and rope-fence at unauthorized trails and restoration areas in Turnbull Canyon, Worsham Canyon, Powder Canyon and Hellman Park.
- Continue to conduct perimeter patrols of all property for fence damage, illegal access points, rope swings, and encroachments.
- Continue to work closely with Executive Director Andrea Gullo on various projects and assignments as requested.

If you have any questions, or would like any additional information, please feel free to contact me anytime. Thank you.

Sincerely,

*K E Hughes*

Kenn Hughes  
Deputy Chief Ranger

Puente Hills  
Habitat Preservation Authority  
Endowment Provided by the Puente Hills Landfill

MEMORANDUM

**Date:** January 19, 2023

**To:** Board Members

**From:** Andrea Gullo, Executive Director  
Elena Gerli and Payam J. Mostafavi, Aleshire and Wynder, Authority counsels

**Subject:** Agenda Item No. 4) Public hearing and discussion, second reading and approval, to be read by title only and further reading waived, of Ordinance No. 2022-01, An Ordinance of the Puente Hills Habitat Preservation Authority Adopting By Reference The Mountains Recreation and Conservation Authority Park Ordinance Establishing Park Rules and Regulations and Prescribing the Punishment for Violation Thereof, As Amended, Adopting Amendments Thereto, and Adopting the Penalty Sections Thereto.

Recommendation:

That the Board conduct a public hearing and approve Ordinance No. 2022-01, adopting by reference the Park Regulations, as amended, and waive reading of Ordinance No. 2022-01.

Background:

Attached is the December 15, 2022 agenda item report providing background information regarding this matter.

On December 15, 2022, the Board introduced Ordinance No. 2022-01 by title only and waived further reading. Government Code Section 50022.3 sets forth the requirements for adoption of codes by reference, and provides that adoption by reference requires second reading to be a public hearing. The notice of the public hearing was published in the Whittier Daily News on January 5, 2023, and again on January 12, 2023. Additionally, the notice was posted on the Authority's website and in the public places typically used for posting of the Authority's board meeting agendas.

Following today's public hearing, it is recommended that the Board approve Ordinance No. 2022-01, adopting by reference the Park Regulations as amended, with certain exceptions, as described in the December 15, 2022 agenda item report.

The MRCA full Ordinance can be found on their website <https://mrca.ca.gov/parks/mrca-ordinance/> as well as on the Authority's website.

Fiscal Impact:

This proposed action is consistent with the Authority's approved budget for the fiscal year.

Attachments:


1. December 15, 2022 Agenda Item Report
2. Ordinance No. 2022-01

Puente Hills  
Habitat Preservation Authority  
Endowment Provided by the Puente Hills Landfill

MEMORANDUM

**Date:** December 15, 2022

**To:** Board Members

**From:** Andrea Gullo, Executive Director   
Elena Gerli and Payam J. Mostafavi, Aleshire and Wynder, Authority counsels

**Subject:** Agenda Item No. 6) Discussion and introduction, to be read by title only, of Ordinance No. 2022-01, An Ordinance of the Puente Hills Habitat Preservation Authority Adopting By Reference The Mountains Recreation and Conservation Authority Park Ordinance Establishing Park Rules and Regulations and Prescribing the Punishment for Violation Thereof, As Amended, Adopting Amendments Thereto, and Adopting the Penalty Sections Thereto.

Recommendation:

That the Board introduce and read by title only Ordinance No. 2022-01, adopting the Park Regulations, as amended, by reference, and waive reading of Ordinance No. 2022-01. Moreover, the Board should set the public hearing for January 19, 2023.

Background:

The Puente Hills Habitat Preservation Authority (Authority) has contracted with the Mountains Recreation and Conservation Authority (MRCA) to provide certain management services including ranger services necessary to protect Authority owned and operated parkland and preserve the peace therein. The MRCA has adopted the Mountains Recreation and Conservation Authority Park Ordinance Establishing Park Rules and Regulations and Prescribing the Punishment for Violation Thereof (Park Regulations). The Park Regulations provide that the uniformed public officers employed by the MRCA are authorized to enforce the Park Regulations on parkland managed pursuant to contractual agreements to provide ranger services to other public entities.

The Authority owned and operated parkland is located within multiple jurisdictions and in order to avoid confusion to the public and ensure uniformity of park rules and regulations and enforcement thereof, the Authority adopted the Park Regulations by reference. Since the Authority's adoption of the Park Regulations, the MRCA has amended the Park Regulations on June 1, 2016, July 1, 2020, and September 7, 2022. Accordingly, it is recommended that the Authority adopt by reference the Park Regulations as amended, with certain exceptions. The main exception is that the Park Regulations will be amended to prohibit the operation of Class 1 electric bicycles on property the Authority owns and manages due to the Authority's limited resources and because the Authority's insurance has indicated that our coverage does not include electric bikes.

December 15, 2022

Page 2

Agenda Item 6

Section 50022.2 of the Government Code provides the legal authority and procedures for adoption of codes by reference by public agencies. After the first reading of the title of the Ordinance No. 2022-01 and of the title of the code to be adopted thereby, the Board must schedule a public hearing. It is recommended that the Board set the public hearing for January 19, 2023. Subsequently, notice of the public hearing must be published in a newspaper of general circulation in or nearest to the Authority once a week for two successive weeks.

The MRCA full Ordinance can be found on their website <https://mrca.ca.gov/parks/mrca-ordinance/> as well as on the Authority's website.

Fiscal Impact:

This proposed action is consistent with the Authority's approved budget for the fiscal year.

Attachment:

Ordinance No. 2022-01



**ORDINANCE NO. 2022-01**

**AN ORDINANCE OF THE PUENTE HILLS HABITAT PRESERVATION AUTHORITY ADOPTING BY REFERENCE THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY PARK ORDINANCE ESTABLISHING PARK RULES AND REGULATIONS AND PRESCRIBING THE PUNISHMENT FOR VIOLATION THEREOF, AS AMENDED, ADOPTING AMENDMENTS THERETO, AND ADOPTING THE PENALTY SECTIONS THERETO**

WHEREAS, the Puente Hills Habitat Preservation Authority (Authority) has contracted with the Mountains Recreation and Conservation Authority (MRCA) to provide certain management services including ranger services necessary to protect Habitat Authority owned and operated parkland and preserve the peace therein.

WHEREAS, the MRCA has adopted the Mountains Recreation and Conservation Authority Park Ordinance Establishing Park Rules and Regulations and Prescribing the Punishment for Violation Thereof (Park Regulations).

WHEREAS, the Park Regulations provide that the uniformed public officers employed by the MRCA are authorized to enforce the Park Regulations on parkland managed pursuant to contractual agreements to provide ranger services to other public entities.

WHEREAS, Authority owned and operated parkland is located within multiple jurisdictions and in order to avoid confusion to the public and ensure uniformity of park rules and regulations and enforcement thereof, the Authority adopted the Park Regulations by reference.

WHEREAS, the MRCA amended the Park Regulations on June 1, 2016, July 1, 2020, and September 7, 2022.

WHEREAS, Section 50022.2 of the Government Code provides the legal authority and procedures for adoption of codes by reference by public agencies.

WHEREAS, the Board finds that the Authority is not in a position to allow any type of e-bikes on the property it owns and manages because of limited resources and because the Authority's insurance does not cover such use, and therefore is amending the Park Regulations in this respect.

WHEREAS, on December 15, 2022, the Authority's Board of Directors (Board) introduced the Authority's ordinance adopting the Park Regulations, as amended, by reference, and waived reading of the ordinance on December 15, 2022.

WHEREAS, the Board held a duly noticed public hearing on January 19, 2023, considered all documentary and oral testimony, and adopted the ordinance, subject to the modifications provided herein.

**NOW THEREFORE, THE BOARD OF DIRECTORS OF THE PUENTE HILLS HABITAT PRESERVATION AUTHORITY DOES ORDAIN AS FOLLOWS:**

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The Puente Hills Habitat Preservation Authority hereby adopts the Mountains Recreation and Conservation Authority's Mountains Recreation and Conservation Authority Park Ordinance Establishing Park Rules and Regulations and Prescribing the Punishment for Violation Thereof, as amended (collectively, Park Regulations), except as provided below.

**Section 3.** Section 3.10(b) of the Park Regulations is amended to read:

No person shall operate a motor vehicle, motorcycle, motorized bicycle, **Class 2 or 3** electric bicycle, as defined in California Vehicle Code § 312.5, or motorized scooter anywhere other than on a paved roadway or parking lot unless specifically authorized by posted signage. ~~The use of Class 1 electric bicycles, as defined by Vehicle Code §312.5, is allowed on multi-use trails and roads that are also open to traditional non-electric and non-motorized bicycles.~~ Except as authorized by the Executive Officer or the Executive Officer's designee, no person shall operate any off-road vehicle, off-road motorcycle, or all terrain vehicle on parkland.

Violation of this section is punishable pursuant to § 5.0(a) and § 6.2.1(b)(3), **provided that use of a Class 1 electric bicycle may be fined pursuant to § 6.2.1(b)(1).**

**Section 4.** Chapter 5 of the Park Regulations, is hereby adopted in its entirety and shall read:

#### Chapter 5. Penalty for Violations

##### § 5.0. Violations.

(a) Unless otherwise specified, any violation of any provision of this Ordinance shall be a misdemeanor punishable by a maximum fine of one thousand dollars(\$1,000), or imprisonment in the county jail for six months, or both such fine and imprisonment, pursuant to Public Resources Code § 5786.17.

(b) Where indicated, certain violations of this Ordinance shall be an infraction punishable by: (1) a fine of not more than one hundred dollars (\$100); (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same section of this Ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same section of this Ordinance within one year.

##### § 5.1. Traffic control violations.

(a) Except as otherwise provided, any violation of § 4.0 shall be punishable as infraction and is subject to penalties pursuant to § 5.0(b).

(b) Imposition of liability for violation of § 4.0 by automated motor vehicle enforcement shall not be considered a violation under the California Vehicle Code, shall not be deemed a conviction as an operator, and shall not be made part of the operating record upon whom such liability is imposed. No points authorized by the California Vehicle

Code (“Point System for License Suspension”) shall be assigned to the owner or driver of the vehicle for violation of § 4.0 enforced by means of automated motor vehicle enforcement. The fine for any violation of the § 4.0 enforced by automated motor vehicle enforcement shall not exceed one hundred dollars (\$100).

§ 5.2. Parking violation fines.

(a) Violation of any parking sign as provided in § 4.1(a) of this Ordinance shall be subject to an administrative or civil penalty of not more than seventy three dollars (\$73).

(b) Any violation of §§ 4.1(b) or 4.1(c) of this Ordinance shall be subject to an administrative or civil penalty of not more than ninety three dollars (\$93).

§ 5.3. Reduction of misdemeanor to infraction. Any violation punishable as a misdemeanor shall be reduced to an infraction if the prosecuting attorney files a complaint in the superior court specifying that the offense is an infraction or if the prosecuting attorney makes a motion to reduce a misdemeanor charge to an infraction prior to trial on the matter. Any person convicted of the offense after a reduction shall be punished by: (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same section of this Ordinance within one year, and (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same section of this Ordinance within one year.

§ 5.4. Separate offense. Each person is guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued, maintained, or permitted by such person and shall be punished accordingly.

§ 5.5. Use of administrative remedies.

(a) In addition to all other remedies available to the Authority, the Authority may pursue administrative remedies pursuant to Chapter 6 for both misdemeanor and infraction violations of this Ordinance, as authorized pursuant to Government Code § 53069.4. Use of administrative remedies shall be at the sole discretion of the Authority and its authorized representatives. Payment of administrative penalties or administrative costs shall not bar criminal enforcement proceedings for any continuation or repeated occurrence of any violation.

(b) The penalty for any violation of this Ordinance that would otherwise be an infraction, and which is enforced through administrative remedies pursuant to Government Code § 53069.4, shall not exceed the maximum fine or penalty amounts for infractions set forth in § 5.0(b) and § 6.2.1(a).

(c) The penalty for any violation of this Ordinance that would otherwise be a misdemeanor, and which is enforced through administrative remedies pursuant to Government Code § 53069.4, shall be punishable as set forth in § 6.2.1(b) for each individual occurrence of said violation.

(d) In addition to the payment of any administrative penalties and costs imposed herein, violations enforced pursuant to Chapter 6 of this Ordinance may also require compliance with the conditions outlined in an administrative compliance order

issued by the Authority and an administrative order issued by an administrative hearing officer.

§ 5.6. Remedies for injury to parkland. In addition to penalties and costs authorized under this Ordinance, the measure of damages and the remedy for any violation of this Ordinance that results in an injury to parkland or any Authority property shall include the restoration of the parkland to its condition immediately prior to the violation or restitution payment of an amount equal to the actual cost of said restoration, including administrative costs.

§ 5.7. Remedies cumulative. Except as expressly stated in this Ordinance, the remedies provided in this Ordinance are cumulative and are in addition to any other remedies and penalties available under this Ordinance and the laws of the State of California and the United States.

**Section 5.** Chapter 6 of the Park Regulations, is hereby adopted in its entirety and shall read:

#### Chapter 6. Administrative Remedies

##### § 6.1. Parking citations.

(a) Authorization. This section provides for the issuance of administrative parking citations, as authorized pursuant to Government Code § 53069.4.

(b) Contents of administrative parking citation. Each administrative parking citation shall contain the following information: the date of the violation; the address or description of the location of the violation; the section or sections of this code violated and a description of the acts or omissions constituting the violation; the amount of the penalty for the code violation; a description of the penalty payment process, including a description of the time within which and the place to which the penalty shall be paid, and the name of the citing enforcement officer. A notice of a right to a hearing, including the time within which the administrative citation may be contested, and how to request a hearing, will be provided at the time of citation.

§ 6.1.2. Parking citation process – initial review. For a period of twenty one (21) calendar days from the issuance of a notice of parking violation or fourteen (14) calendar days from the mailing of a notice of delinquent parking violation, any person in receipt of a parking citation may request an initial review of the citation by the Authority and either in writing, in person, or telephonically. The Authority shall have the authority to dismiss citation, if, following the initial review, it is determined that a) the violation did not occur, or b) a dismissal is in the interest of justice. The results of the initial review will be mailed to the person contesting the citation.

##### § 6.1.3. Parking citation process – administrative review.

(a) If the person in receipt of a parking citation is dissatisfied with the results of the initial review, that person may make a written request for an administrative hearing of the violation within twenty one (21) calendar days following the mailing of the results of the Authority's initial review. All requests for administrative hearings must be accompanied by an advance deposit equal to the amount of the parking citation fine,

payable as indicated by the citation or subsequent notices. An administrative hearing shall be held within sixty (60) days of receipt by the Authority of any valid request. The request for hearing will be considered complete only upon receipt of written request and advance deposit, or advance deposit hardship waiver pursuant to subsection (b).

(b) Advance deposit hardship waiver. In lieu of the advance deposit, any person who requests a hearing to contest an administrative parking citation may request in writing an advance deposit hardship waiver, including the reasons for the request. The Executive Officer or the Executive Officer's designee may issue an advance deposit hardship waiver if satisfied that the person is unable to deposit the full amount of the penalty in advance of the hearing. The Executive Officer or the Executive Officer's designee shall issue a written determination of whether to issue the advance deposit hardship waiver. The written determination shall be final, subject only to judicial review as provided by law. If the Executive Officer or the Executive Officer's designee determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the Authority within ten (10) calendar days of the date of that decision in order to secure the hearing.

(c) Payment of administrative parking citation penalties. Any person who has not made a deposit pursuant to subsection (a) of this Section who is found liable for the underlying violation by the administrative hearing officer shall remit the balance of the full administrative penalties due within twenty (20) days following the mailing of the administrative order.

§ 6.1.4. Hearing officer. All hearings on administrative parking citations shall be heard and conducted by a hearing officer. The Executive Officer or the Executive Officer's designee shall designate a hearing officer for administrative hearings who shall not be the citing enforcement officer and who shall be an attorney licensed to practice law in the State of California or a retired judicial officer of the State of California. The employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative penalties or the rulings upheld, revised or otherwise issued by the hearing officer.

§ 6.1.5. Notice and time of hearing for administrative parking citation hearings. Written notice of hearing shall be served on any person to whom the citation was addressed pursuant to § 6.1 and shall contain the date, time, and place at which the hearing shall be conducted. The hearing shall be set for a date that is not less than fifteen (15) calendar days from the date of the mailing of the notice of hearing. The hearing must be held within sixty (60) calendar days of the receipt by the Authority of the advance deposit and request of the hearing by recipient of an administrative parking citation. The hearing officer may approve a continuance of the hearing to any date for good cause.

§ 6.1.6. Hearing procedure.

(a) Evidence and testimony. All oral and written evidence presented at the hearing shall be presented under oath and under the penalty of perjury, except that the administrative citation and any additional report submitted by the park ranger, shall be admissible and shall constitute prima facie and presumptive evidence of the respective facts contained in those documents. At the hearing, the alleged responsible person shall have the opportunity to testify, present evidence, and to cross-examine witnesses

concerning the administrative parking citation. The alleged responsible person may appear personally or through an attorney. Telephonic appearances may be allowed at the discretion of the hearing officer. Prehearing discovery is not authorized. The Authority and alleged responsible persons are authorized by this Ordinance to subpoena relevant witnesses and documents in accordance with policies and procedures established by the Governing Board of the Authority. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor violation of this Ordinance. The hearing officer may conduct the hearing informally, both as to rules of procedure and admission of evidence, the hearing officer may consider and make findings in any manner which will provide a fair hearing, and may continue the hearing to obtain additional evidence. Unless otherwise required, the presence of the issuing ranger at the hearing is not mandatory.

(b) Hearing by written declaration. In lieu of personal appearance, any alleged responsible person subject to an administrative parking citation may elect to proceed with an administrative hearing by written declaration signed under penalty of perjury. The Executive Officer or the Executive Officer's designee shall prescribe the procedures to be followed when a hearing is conducted by written declaration.

(c) Failure to appear. The unexcused failure of any alleged responsible person to appear at the hearing after proper notice or, in the alternative, to present written or demonstrative evidence shall constitute an admission of the violation by the alleged responsible person and an exhaustion of administrative remedies that may bar judicial review. Refusal to participate in said hearing through one of the methods prescribed herein or engaging in behavior disruptive to the hearing may, at the sole discretion of the hearing officer, constitute failure to appear for the purposes of this section.

(d) Withdrawal of hearing request. Any person who has requested a hearing on the issuance of an administrative parking citation may withdraw said request upon written notice to the Authority. A withdrawal under this section shall constitute a forfeiture of any advance deposit of administrative penalty or costs and shall constitute a waiver of any right to challenge the underlying administrative citation. A withdrawal under this section shall also be a bar to judicial review of the administrative parking citation for failure to exhaust administrative remedies.

§ 6.1.7. Administrative order – administrative parking citations issued pursuant to § 6.1.

(a) Decision of the hearing officer. After considering all the testimony and evidence submitted at the hearing, the hearing officer shall determine if the responsible person is liable for the underlying violation by a preponderance of the evidence. The hearing officer shall issue a written administrative order, including findings regarding the existence of each violation and notice of the right to judicial review, at the hearing or within thirty (30) calendar days following completion of the hearing. The responsible person shall be served with a copy of the administrative order at the hearing or within ten (10) calendar days following its issuance. The administrative order shall be final upon service on the responsible person, subject only to judicial review as allowed by law.

(b) Penalty. If the hearing officer determines that the responsible person

committed the violation alleged by a preponderance of the evidence, the hearing officer shall assess the administrative penalty specified on the citation pursuant to this Ordinance. In cases of extreme hardship or in the interest of justice the hearing officer may reduce or suspend the administrative parking citation penalty. The hearing officer shall set a date the penalty shall be due and payable, which date shall ordinarily be thirty (30) calendar days from date of service of the administrative order, unless for good cause the hearing officer extends such date. If the hearing officer finds that the administrative citation should not be sustained or that the amount of the administrative penalty should be reduced, the Authority shall refund the amount within thirty (30) calendar days of the order.

§ 6.1.8. Failure to pay administrative parking citation penalties and failure to comply with administrative order.

(a) Administrative parking citation penalties shall be due by the date specified in an administrative order issued pursuant to § 6.1.7. Failure to pay the assessed penalties by the date specified in the citation will result in a notice of delinquency. Failure to pay the fine by the date specified in the notice of delinquency will result in a doubling of the citation amount. Unpaid fines may be enforced as a personal obligation of the responsible person, which shall remain in effect until all of the administrative penalties, interest and all other applicable costs are paid in full and shall be collectable by the Authority by all lawful means of collection, including the utilization of third party collections providers. Unpaid administrative penalties and costs may be reported to appropriate credit reporting agencies.

(b) Lien procedure. Upon the responsible person's failure to pay administrative parking citation penalties as ordered by the hearing officer or by the superior court, the Authority may record a judgment lien against responsible person's real property pursuant to Code of Civil Procedure §§ 674 and 697.310, et seq.

§ 6.1.9. Judicial review. Any person subject to a decision of the hearing officer may obtain judicial review of the decision in the superior court pursuant to the provisions of California Government Code § 53069.4.

§ 6.2. Administrative citations.

(a) Authority. This section provides for the issuance of administrative citations, as authorized pursuant to Government Code § 53069.4. As an alternative enforcement method, a park ranger may issue an administrative citation for any violation of this Ordinance. The administrative penalties and costs prescribed herein may be sought in addition to any other legal remedies, including, but not limited to, criminal penalties, injunctive relief, specific performance, civil damages, and any other remedy which may be pursued by the Authority to address any violation of this Ordinance. The issuance of administrative citations and administrative compliance orders shall not be deemed a waiver of any other enforcement remedies available at law to the Authority. The use of the remedies and procedures of this section shall be at the sole discretion of the Authority.

(b) Contents of administrative citation. Each administrative citation shall contain the following information: the date of the violation; the address or description of the location of the violation; the section or sections of this code violated and a description

of the acts or omissions constituting the violation; the amount of the penalty for the code violation; a description of the penalty payment process, including a description of the time within which and the place to which the penalty shall be paid, and the name of the citing enforcement officer. A notice of a right to a hearing, including the time within which the administrative citation may be contested, and how to request a hearing, will be provided at the time of citation.

§ 6.2.1. Administrative citation penalty.

(a) **Infractions.** The amount of the administrative penalty for each violation of a section of this Ordinance otherwise punishable as an infraction shall be (1) a fine of not more than one hundred dollars (\$100); (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same section of this Ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same section of this Ordinance within one year. Each person is guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed, continued, maintained, or permitted by such person and shall be punished accordingly. Failure to pay the assessed administrative penalties specified in the citation may be enforced as a personal obligation of the person responsible for payment and shall be collectable by the Authority by all lawful means of collection, including the utilization of third party collections providers.

(b) **Misdemeanors.**

(1) The amount of the administrative penalty for each violation of this Ordinance otherwise punishable as a misdemeanor under this subdivision shall be one hundred seventy five dollars (\$175), a fine not exceeding two hundred fifty dollars (\$250) for a second violation of the same section of this Ordinance within one year, and a fine not exceeding five hundred dollars (\$500) for each additional violation within one year;

(2) The amount of the administrative penalty for each violation of this Ordinance punishable under this subdivision shall be two hundred fifty dollars (\$250), a fine not exceeding five hundred dollars (\$500) for a second violation of the same section of this Ordinance within one year, and a fine not exceeding one thousand dollars (\$1000) for each additional violation within one year;

(3) The amount of the administrative penalty for each violation of this Ordinance punishable under this subdivision shall be five hundred dollars (\$500), and a fine not exceeding one thousand dollars (\$1000) for each additional violation within one year;

(4) The amount of the administrative penalty for each violation of this Ordinance punishable under this subdivision shall be one thousand dollars (\$1000);

(c) Each person is guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed, continued, maintained, or permitted by such person and shall be punished accordingly. Failure to pay the assessed administrative penalties specified in the citation may be enforced as a personal obligation of the person responsible for payment and shall be collectable by the Authority by all lawful means of collection, including the utilization of third party collections providers.



(d) Reduction of misdemeanors. Notwithstanding anything contained herein, in the interest of justice, any violation of this Ordinance otherwise punishable as a misdemeanor may be subject to a reduced administrative penalty pursuant to § 6.2.1(a) at the sole discretion of the Authority.

§ 6.2.2. Administrative citation hearing.

(a) Request for administrative citation hearing. Any recipient of an administrative citation pursuant to § 6.2 may contest it before the hearing officer by requesting a hearing in writing and submitting an advance deposit of the administrative penalty within thirty (30) calendar days from the date the administrative citation is served. The request for hearing will be considered complete only upon receipt of written request and advance deposit, or advance deposit hardship waiver pursuant to subsection (b).

(b) Advance deposit – traffic control violations. Notwithstanding subsection (a) above, the advance deposit required to secure a hearing on any administrative citation issued for a violation of § 4.0 shall not exceed twenty five percent (25%) of the total administrative penalty.

(c) Advance deposit hardship waiver. In lieu of the advance deposit, any person who requests a hearing to contest an administrative citation may request in writing an advance deposit hardship waiver, including the reasons for the request. The Executive Officer or the Executive Officer's designee may issue an advance deposit hardship waiver if satisfied that the person is unable to deposit the full amount of the penalty in advance of the hearing. The Executive Officer or the Executive Officer's designee shall issue a written determination of whether to issue the advance deposit hardship waiver. The written determination shall be final, subject only to judicial review as provided by law. If the Executive Officer or the Executive Officer's designee determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the Authority within ten (10) calendar days of the date of that decision in order to secure the hearing.

(d) Payment of administrative penalties. Any person who has made a partial deposit pursuant to subsection (b) of this Section or has received an advance deposit hardship waiver pursuant to subsection (c) of this Section who is found liable for the underlying violation by the administrative hearing officer shall remit the balance of the full administrative penalties pursuant to the administrative Order.

§ 6.2.3. Hearing officer. All hearings on administrative citations shall be heard and conducted by a hearing officer. The Executive Officer or the Executive Officer's designee shall designate a hearing officer for administrative hearings who shall not be the citing enforcement officer and who shall be an attorney licensed to practice law in the State of California or a retired judicial officer of the State of California. The employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative penalties or the rulings upheld, revised or otherwise issued by the hearing officer.

§ 6.2.4. Notice and time of hearing –administrative citation hearings. Written notice of hearing shall be served on any person to whom the citation was addressed pursuant to §

6.2 and shall contain the date, time, and place at which the hearing shall be conducted. The hearing shall be set for a date that is not less than fifteen (15) calendar days from the date of the mailing of the notice of hearing. The hearing must be held within sixty (60) calendar days of the request of the hearing by recipient of an administrative citation. The hearing officer may approve a continuance of the hearing to any date for good cause.

§ 6.2.5. Hearing procedure.

(a) Evidence and testimony. All oral and written evidence presented at the hearing shall be presented under oath and under the penalty of perjury, except that the administrative citation and any additional report submitted by the park ranger, shall be admissible and shall constitute prima facie and presumptive evidence of the respective facts contained in those documents. At the hearing, the alleged responsible person shall have the opportunity to testify, present evidence, and to cross-examine witnesses concerning the administrative citation. The alleged responsible person may appear personally or through an attorney. Telephonic appearances may be allowed at the discretion of the hearing officer. Prehearing discovery is not authorized. The Authority and alleged responsible persons are authorized by this Ordinance to subpoena relevant witnesses and documents in accordance with policies and procedures established by the Governing Board of the Authority. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor violation of this Ordinance. The hearing officer may conduct the hearing informally, both as to rules of procedure and admission of evidence. The hearing officer may consider and make findings in any manner which will provide a fair hearing, and may continue the hearing to obtain additional evidence. Unless otherwise required, the presence of the issuing ranger at the hearing is not mandatory.

(b) Hearing by written declaration. In lieu of personal appearance, any alleged responsible person subject to an administrative citation may elect to proceed with an administrative hearing by written declaration signed under penalty of perjury. The Executive Officer or the Executive Officer's designee shall prescribe the procedures to be followed when a hearing is conducted by written declaration.

(c) Failure to appear. The unexcused failure of any alleged responsible person to appear at the hearing after proper notice or, in the alternative, to present written or demonstrative evidence shall constitute an admission of the violation by the alleged responsible person and an exhaustion of administrative remedies that may bar judicial review. Refusal to participate in said hearing through one of the methods prescribed herein or engaging in behavior disruptive to the hearing may, at the sole discretion of the hearing officer, constitute failure to appear for the purposes of this section.

(d) Withdrawal of hearing request. Any person who has requested a hearing on the issuance of an administrative citation may withdraw said request upon written notice to the Authority. A withdrawal under this section shall constitute a forfeiture of any advance deposit of administrative penalty and costs and shall constitute a waiver of any right to challenge the underlying administrative citation. A withdrawal under this section shall also be a bar to judicial review of the administrative citation for failure to exhaust administrative remedies.

§ 6.2.6. Administrative order – administrative citations issued pursuant to § 6.2.

(a) Decision of the hearing officer. After considering all the testimony and evidence submitted at the hearing, the hearing officer shall determine if the responsible person is liable for the underlying violation by a preponderance of the evidence. The hearing officer shall issue a written administrative order, including findings regarding the existence of each violation and notice of the right to judicial review, at the hearing or within thirty (30) calendar days following completion of the hearing. The responsible person shall be served with a copy of the administrative order at the hearing or within ten (10) calendar days following its issuance. The administrative order shall be final upon service on the responsible person, subject only to judicial review as allowed by law.

(b) Penalty. If the hearing officer determines that the responsible person committed the violation alleged by a preponderance of the evidence, the hearing officer shall assess the administrative penalty specified in § 6.2.1 and any administrative costs established pursuant to subdivision (c) of this section. In cases of extreme hardship or in the interest of justice the hearing officer may reduce or suspend the administrative penalty specified in §

6.2.1. The hearing officer shall set a date the balance of the penalty and any administrative costs shall be due and payable, which date shall ordinarily be thirty (30) calendar days from date of service of the administrative order, unless for good cause the hearing officer extends such date. If the hearing officer finds that the administrative citation should not be sustained or that the amount of the administrative penalty should be reduced, the Authority shall refund the amount within thirty (30) calendar days of the service of the order.

(c) Administrative costs. The hearing officer may impose administrative costs, including any and all costs incurred by the Authority in connection with the matter before the hearing officer, including, but not limited to, investigation, staffing costs incurred in preparation for the hearing and for the hearing itself. In no case shall the cost of the hearing officer himself or herself be included in any costs assessed against the responsible person.

§ 6.2.7. Failure to pay administrative penalties and costs, and failure to comply with administrative order.

(a) Administrative penalties and costs assessed by the hearing officer shall be due by the date specified in an administrative order issued pursuant to § 6.2.6. Failure to pay the assessed administrative penalties or administrative costs specified in the administrative order may be enforced as a personal obligation of the responsible person, which shall remain in effect until all of the administrative penalties, interest and administrative costs are paid in full and shall be collectable by the Authority by all lawful means of collection, including the utilization of third party collections providers. Unpaid administrative penalties and costs may be reported to appropriate credit reporting agencies. In addition to all other means of enforcement, if the violation is in connection with real property, the Authority may place a lien on the real property which shall remain in effect until all the administrative penalties and costs, plus interest, are paid in full, and until responsible person achieves full compliance with any and all conditions in the

administrative order.

(b) Late payment charges. Late payment charges of ten percent (10%) per month, simple interest on the delinquent amount, shall accrue and are payable. If the delinquent amount has not been paid within sixty (60) calendar days of the date set for payment then a twenty five percent (25%) nonpayment penalty shall be added to the principal amount due, and thereafter interest shall accrue on the delinquent amount plus the nonpayment penalty.

(c) Failure to pay administrative costs within the time allowed under this chapter shall constitute a violation of this code punishable as a misdemeanor and shall further be subject to collection as otherwise provided for administrative penalties herein.

(d) Lien procedure. Upon the responsible person's failure to pay administrative penalties and costs as ordered by the hearing officer or by the superior court, the Authority may record a judgment lien against responsible person's real property pursuant to Code of Civil Procedure §§ 674 and 697.310, et seq.

§ 6.2.8. Judicial review. Any person subject to a decision of the hearing officer may obtain judicial review of the decision in the superior court pursuant to the provisions of California Government Code § 53069.4.

#### § 6.3. Administrative compliance orders.

(a) Authorization. This section provides for the issuance of administrative compliance orders, as authorized pursuant to Government Code § 53069.4. In addition to any other legal remedies, including, but not limited to, criminal penalties, injunctive relief, specific performance, civil damages, and any other remedy which may be pursued by the Authority to address any violation of this Ordinance, the Chief Ranger, enforcement officer, or any park ranger, or other employee designated by the Chief Ranger, may issue a written compliance order for any violation of this Ordinance. Administrative penalties may accrue immediately upon issuance of a compliance order, subject to the provisions of Government Code § 53069.4(a)(2).

(b) Contents of administrative compliance order. A compliance order issued pursuant to this section shall contain the following information: the date and location of the violation; the section of this Ordinance violated and a description of the violation; all actions required to correct the violation; and the amount of the administrative penalty or penalties. At the discretion of the Chief Ranger or enforcement officer, or as required by Government Code § 53069.4(a)(2), the compliance order shall also indicate a reasonable time period after which administrative penalties will begin to accrue if compliance with the order has not been achieved. The responsible person shall remain liable for and shall pay all administrative costs associated with the compliance order. Correction of underlying violation shall not absolve responsible person from this obligation.

(c) Willful violations. If the Chief Ranger or enforcement officer determines that a violation of this Ordinance giving rise to issuance of an administrative compliance order was done so willfully, daily administrative penalties shall begin to accrue upon issuance of compliance order.

(d) Compliance and failure to comply. If the Chief Ranger or the designated

park ranger or enforcement officer determines that all violations have been corrected within the time specified in the compliance order or within any amended orders, the ranger shall so advise each party to whom the compliance order was addressed. If full compliance is not achieved within the time specified in the compliance order or within any amended orders, the Chief Ranger or the designated park ranger or employee shall schedule a hearing before the hearing officer.

(e) Administrative order by hearing officer. Upon consideration of evidence presented at the administrative hearing, the hearing officer shall issue a written administrative order, pursuant to this section. The administrative order of the hearing officer shall be final, subject only to judicial review as authorized by law. The hearing officer shall have continuing jurisdiction over administrative compliance orders until the underlying violation has been remedied or the matter has been otherwise resolved.

§ 6.3.1. Hearing officer. All hearings on administrative compliance orders shall be heard and conducted by a hearing officer. The Executive Officer or the Executive Officer's designee shall designate a hearing officer for administrative hearings who shall not be the citing enforcement officer and who shall be an attorney licensed to practice law in the State of California or a retired judicial officer of the State of California. The employment, performance evaluation, compensation or benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative penalties or the rulings upheld, revised or otherwise issued by the hearing officer.

§ 6.3.2. Notice and time of hearing –administrative compliance order hearings. Written notice of hearing shall be served on any person or persons to whom the order was addressed pursuant to § 6.3 and shall contain the date, time, and place at which the hearing shall be conducted. The hearing shall be set for a date that is not less than fifteen (15) calendar days from the date of the notice of hearing. The hearing officer may approve a continuance of the hearing to any date for good cause.

§ 6.3.3. Hearing procedure.

(a) Evidence and testimony. All oral and written evidence presented at the hearing shall be presented under oath and under the penalty of perjury except that the administrative citation and any additional report submitted by the park ranger shall be admissible and shall constitute prima facie and presumptive evidence of the respective facts contained in those documents. At the hearing, the alleged responsible person shall have the opportunity to testify, present evidence, and to cross-examine witnesses concerning the administrative compliance order. The alleged responsible person may appear personally or through an attorney. Telephonic appearances may be allowed at the discretion of the hearing officer. Prehearing discovery is not authorized. The Authority and alleged responsible persons are authorized by this Ordinance to subpoena relevant witnesses and documents in accordance with policies and procedures established by the Governing Board of the Authority. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor violation of this Ordinance. The hearing officer may conduct the hearing informally, both as to rules of procedure and admission of evidence, the hearing officer may consider and make

findings in any manner which will provide a fair hearing, and may continue the hearing to obtain additional evidence. Unless otherwise required, the presence of the issuing ranger at the hearing is not mandatory.

(b) Hearing by written declaration. In lieu of personal appearance, any alleged responsible person subject to an administrative compliance order may elect to proceed with an administrative hearing by written declaration signed under penalty of perjury. The Executive Officer or the Executive Officer's designee shall prescribe the procedures to be followed when a hearing is conducted by written declaration.

(c) Failure to appear. The unexcused failure of any alleged responsible person to appear at the hearing after proper notice or, in the alternative, to present written or demonstrative evidence shall constitute an admission of the violation by the alleged responsible person and an exhaustion of administrative remedies that may bar judicial review. Refusal to participate in said hearing through one of the methods prescribed herein or engaging in behavior disruptive to the hearing may, at the sole discretion of the hearing officer, constitute failure to appear for the purposes of this section.

(d) Withdrawal of hearing request. Any person who has requested a hearing on the issuance of an administrative compliance order may withdraw said request upon written notice to the Authority. A withdrawal under this section shall constitute a forfeiture of any advance deposit of administrative penalty or costs and shall constitute a waiver of any right to challenge the underlying administrative compliance order. A withdrawal under this section shall also be a bar to judicial review of the administrative citation for failure to exhaust administrative remedies.

#### § 6.3.4. Decision and administrative order of the hearing officer.

(a) Decision of the hearing officer. The hearing officer shall consider any written or oral evidence consistent with ascertainment of the facts regarding the violation and compliance with the order. Within a reasonable time following the conclusion of the hearing, the hearing officer shall decide the issues at question, based on a preponderance of the evidence presented at the hearing, and make findings and issue a decision regarding the existence of the violations, the extent of compliance with the compliance orders issued by the Authority, and the amount of applicable administrative penalties, costs, and further action required.

(b) Findings – violations. The hearing officer shall issue written findings on each violation of this Ordinance alleged by the Authority. The findings shall be supported by evidence received at the hearing. If the hearing officer finds by a preponderance of the evidence that a violation has occurred and that the violation was not corrected within any applicable time period specified in the compliance order, those findings shall be included in the administrative order. If the hearing officer finds that no violation has occurred or that the violation was corrected within the time period specified in the compliance order, the hearing officer shall issue a finding of those facts in the administrative order.

(c) Findings – penalties, costs and corrections. If the hearing officer determines that a violation occurred which was not corrected within the time specified in the compliance order, the administrative order shall impose on the responsible persons all of the following, if applicable:

- (1) Administrative penalties as provided in § 6.3.6, and
- (2) Administrative costs as provided in § 6.3.7.

§ 6.3.5. Administrative penalties.

(a) The hearing officer shall impose administrative penalties for each day during which a violation is maintained after the date when compliance was ordered to be achieved. The amount of the daily administrative penalty shall be determined pursuant to

§ 6.2.1. The hearing officer may take any or all of the following factors into consideration:

- (1) The duration of the violation;
- (2) The frequency, recurrence, and number of violations, related or unrelated, by the same responsible person;
- (3) The seriousness of the violation;
- (4) The good faith efforts of the responsible person to come into compliance;
- (5) The economic impact of the violation on the community, and
- (6) Such other factors as justice may require.

(b) Administrative penalties imposed by the hearing officer shall accrue from the date specified in the compliance order and shall cease to accrue on the date the violation is corrected as determined by the enforcement officer. Administrative penalties assessed by the hearing officer shall be due by the date specified in the administrative order. The Chief Ranger or enforcement officer may suspend the imposition of applicable penalties for any period of time during which:

- (1) The responsible person has filed for necessary permits;
- (2) Such permits are required to achieve compliance, and
- (3) Such permit applications are actively pending before the city, state, or other appropriate governmental agency.

(c) Willful violations. Pursuant to § 6.3(c), if the hearing officer determines, on a preponderance of the evidence, that a violation of this Ordinance giving rise to a compliance order under this chapter was a willful act, the daily administrative penalties shall be deemed to have begun to accrue as of the date of the compliance order.

(d) Failure to correct. If the violation is not corrected as specified in the administrative order, administrative penalties shall continue to accrue on a daily basis until the violation is corrected.

(e) Compliance with administrative order. If the responsible person gives written notice to the enforcement officer that the violation has been corrected and if the enforcement officer finds that compliance has been achieved, the enforcement officer shall deem the date of that final inspection to be the date on which the enforcement officer finds that the violation was corrected.

§ 6.3.6. Administrative costs. In addition to any administrative penalties imposed,

the hearing officer shall also assess appropriate administrative costs against the responsible person. Administrative costs may include any and all costs incurred by the Authority in connection with the compliance order and the administrative hearing, including, but not limited to costs of investigation, staffing costs incurred in preparation for the hearing and for the hearing itself, and costs for all re-inspections necessary to enforce the compliance order. Failure to pay administrative costs within the time allowed under this Chapter shall constitute a violation of this Ordinance punishable as a misdemeanor and shall further be subject to collection as otherwise provided for administrative penalties herein.

§ 6.3.7. Failure to pay administrative penalties and costs and failure to comply with administrative order.

(a) Administrative penalties and costs assessed by the hearing officer shall be due by the date specified in an administrative order. Failure to pay the assessed administrative penalties and administrative costs specified in the administrative order may be enforced as a personal obligation of the responsible person, which shall remain in effect until all of the administrative penalties, administrative costs, and interest are paid in full and shall be collectable by the Authority by all lawful means of collection, including the utilization of third party collections providers. Unpaid administrative penalties and costs may be reported to appropriate credit reporting agencies. In addition to all other means of enforcement, if the violation is in connection with real property, the Authority may place a lien on the real property, which shall remain in effect until all the administrative penalties and costs, plus interest, are paid in full, and until responsible person achieves full compliance with any and all conditions in the administrative order.

(b) Late payment charges. Late payment charges of ten percent (10%) per month, simple interest on the delinquent amount, shall accrue and are payable. If the delinquent amount has not been paid within sixty (60) calendar days of the date set for payment then a twenty five percent (25%) nonpayment penalty shall be added to the principal amount due, and thereafter interest shall accrue on the delinquent amount plus the nonpayment penalty.

(c) Failure to pay administrative costs within the time allowed under this chapter shall constitute a violation of this code punishable as a misdemeanor and shall further be subject to collection as otherwise provided for administrative penalties herein.

(d) Lien procedure. Upon the responsible person's failure to pay administrative penalties and costs as ordered by the hearing officer or by the superior court, the Authority may record a judgment lien against responsible person's real property pursuant to Code of Civil Procedure §§ 674 and 697.310, et seq.

§ 6.4. Failure to comply with subpoena. Pursuant to any provision of this Chapter, no person shall fail to comply with a subpoena issued for the purposes of an administrative hearing. Violation of this section is punishable pursuant to § 5.0(a) and § 6.2.1(b)(2).

§ 6.5. Judicial review. Any person subject to a decision of the hearing officer under this Chapter may obtain judicial review of the decision in the superior court pursuant to the provisions of California Government Code § 53069.4.



**Section 6. Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, 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 remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**Section 6.** Except as otherwise specifically provided in this Ordinance, all other provisions of the Park Regulations remain the same.

**Section 7.** The Authority's Executive Director shall cause this ordinance to be posted in three (3) public places in the Authority's jurisdiction within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code.

**Section 8. Effective Date.** This ordinance shall take effect on the 31<sup>st</sup> day after its adoption.

PASSED, APPROVED and ADOPTED this 19th day of January 2023 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Chair, Board of Directors

ATTEST:  
  
\_\_\_\_\_


Acting Secretary, Andrea Gullo

Puente Hills  
Habitat Preservation Authority  
Endowment Provided by the Puente Hills Landfill

MEMORANDUM

**Date:** January 19, 2023

**To:** Board Members

**From:**   
Andrea Gullo, Executive Director

**Subject:** Agenda Item No. 6) Discussion and possible approval of recommendations from Supervisor Solis for appointment of Bryan Coreas for a four-year term ending year 2027 and Gabriel Monares for a term ending 2025 for membership on the Authority's Citizens Advisory Committee.

Recommendation:

That the Board approve the Advisory Committee appointments as recommended by Supervisor Solis.

Background:

In 1997, the Board of Directors established a nine-member Citizens Advisory Committee (also known as the Citizens Technical Advisory Committee, CTAC) made up of representatives from the communities of Whittier, La Habra Heights, and the unincorporated areas of Los Angeles County within the Authority jurisdiction per the attached 97-01 Board resolution. Also attached is a fact sheet that describes CTAC's purpose. The resolution provides for the Board's ability to appoint CTAC members approved by the city councils and the County supervisor representing the supervisorial district within the Authority's jurisdiction.

In December 2022, Supervisor Solis' office provided recommendations for the appointment of Bryan Coreas and Gabriel Monares, and their applications are attached. If approved, the CTAC term for the current recommended individuals would begin in February 2023. See the attached schedule of terms.

As further background, the cities of Whittier and La Habra Heights have not yet reappointed the existing members who term-out at the end of this month as indicated on the attached term schedule. Both cities are actively advertising for the positions.

Attachments:

CTAC fact sheet  
Resolution 97-01  
Applications of candidates  
CTAC Members' term schedule



# **Puente Hills Habitat Preservation Authority**

Endowment Provided by the Puente Hills Landfill

## **Citizens Technical Advisory Committee**

### **FACT SHEET**

The purpose of the Puente Hills Habitat Preservation Authority (Habitat Authority) is to acquire, restore and maintain open space in the western Puente Hills as a permanent protection for the native habitat. The Habitat Authority came into existence in 1994 as a condition of approval for the Puente Hills Landfill.

The Board of Directors consists of four members: the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association.

In 1997 the Board of Directors established a nine-member Citizens Technical Advisory Committee (CTAC) made up of representatives from the communities of Whittier, La Habra Heights, and the unincorporated areas of Hacienda Heights and Rowland Heights in Los Angeles County per the 97-01 Board resolution.

#### **ADVISORY COMMITTEE MEMBERS:**

- Are approved by their respective agencies and appointed by the Habitat Authority for the purpose of acting as a liaison between the Habitat Authority and the residents of the communities within their subject jurisdiction (Whittier, La Habra Heights, and Los Angeles County) as well as advising the Board of Directors, at its expressed direction, on various parkland matters.
- Work on a variety of issues including community concerns, trails and access, and work to preserve and protect in perpetuity the remaining habitat areas and secure tenuous wildlife crossing points.
- Should be interested and committed to preserving regional native habitat in line with the purpose of the Habitat Authority.
- Should have enthusiasm and a willingness to prepare and fully participate at each meeting.
- Any person with skills and/or talents in the areas of ecology, outdoor recreation, graphics, planning, environmental interpretation (education), landscape architecture, or any other applicable specific skill is welcomed and encouraged to apply.

#### **CTAC MEETINGS:**

- CTAC meetings will be held on the Tuesday before the third Thursday of every month at 7 p.m. These meetings will be held remotely or in person depending on Board direction based on County and state health guidelines. *Three consecutive unexcused absences constitute removal from the Committee.*

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PUENTE HILLS  
LANDFILL NATIVE HABITAT PRESERVATION AUTHORITY ESTABLISHING A  
CITIZENS ADVISORY COMMITTEE

WHEREAS, Section 8 of that certain agreement entitled "Property Acquisition And Maintenance Agreement", dated July 2, 1997, executed between the Puente Hills Landfill Native Habitat Preservation Authority ("NHPA"), the City of Whittier ("CITY") and the Whittier Puente Hills Conservation Authority (WPHCA) provides for the establishment of a Citizens Advisory Committee ("Committee") drawn from the surrounding communities in the La Puente/Whittier hills area within the jurisdiction of the County of Los Angeles, City of La Habra Heights and City of Whittier, State of California, as more particularly described in Exhibit A attached hereto and incorporated herein by this reference ("Subject Jurisdiction"); and

WHEREAS, the Committee shall act solely in an advisory capacity at the express direction of the NHPA; and

WHEREAS, the purpose of the Committee is to act as a liaison between the NHPA and the residents of the communities within the Subject Jurisdiction; and

WHEREAS, the Committee may also assist the NHPA, at the express direction of the NHPA, by providing valuable advice and recommendations on matters pertaining to the maintenance, preservation, management, restoration and protection of the natural resources contained in the Subject Jurisdiction or on any other matter of importance as determined by the NHPA; and

WHEREAS, pursuant to the provisions of California Government Code Sections 54950 et seq., a duly noticed public meeting was conducted and concluded prior to the adoption of this Resolution.

THE BOARD OF DIRECTORS OF THE PUENTE HILLS LANDFILL NATIVE  
HABITAT PRESERVATION AUTHORITY DOES RESOLVE AS FOLLOWS:

Section 1. In all respects as set forth in the Recitals of this Resolution.

Section 2. 1. Citizens Advisory Committee.

(a) Creation of Committee. NHPA shall establish a Citizens Advisory Committee ("Committee") composed of nine members drawn from the communities within the Subject Jurisdiction. The NHPA shall appoint to the Committee three members each from residents of each



of the following communities: 1) the City of Whittier; 2) the City of La Habra Heights; and 3) the unincorporated portion of the County of Los Angeles which geographically includes the Subject Jurisdiction. Those Committee members appointed by the NHPA from the City of Whittier shall first be approved by the City Council of the City of Whittier. Those Committee members appointed by the NHPA from the City of La Habra Heights shall first be approved by the City Council of the City of La Habra Heights. Those Committee members appointed by the NHPA from the unincorporated portion of the County of Los Angeles shall first be approved by the supervisor representing the supervisorial district which includes the Subject Jurisdiction. The City of Whittier, the City of La Habra Heights and the County of Los Angeles for the purposes of approving prospective members to the Committee shall be known collectively as the "Approving Agencies". Except for the reduced time periods for an Initial Term provided herein, the regular term of each member shall be for a period of four years on a staggered schedule as set forth herein ("Regular Term"). At the first regular meeting of the Committee after passage of this Resolution, the three members approved by each component agency of the Approving Agencies shall each draw lots to determine the length of their initial membership term ("Initial Term") on the Committee according to the following distribution: 1) one Initial Term shall be for a period of two years; 2) one Initial Term shall be for a period of three years; and 3) one Initial Term shall be for a period of four years. Thereafter, at the expiration of each Initial Term, said Initial Term shall be automatically converted into a Regular Term and thereby permanently extinguished. In the case of a vacancy in membership on the Committee, the same shall be promptly filled in the same manner as the initial appointment. In the case of a Committee member's absence, inability, refusal to act or to remain within the scope of the purposes referenced in 1(b) below, the NHPA may remove said member and appoint a replacement member in the same manner as the initial appointment. In the event that any component agency of the Approving Agencies fails to submit to the NHPA the name(s) of prospective members to the Committee within sixty (60) days after receiving written notice, whether for the purposes of initial appointment, vacancy or replacement, the NHPA may then appoint members to the Committee in the absence of the requisite approval by any component agency of the Approving Agencies as referenced herein.

(b) Purpose. The purpose of the Committee is to act as a liaison between the NHPA and the residents of the communities within the Subject Jurisdiction. In addition, the Committee may also advise the NHPA, at the express direction of the NHPA, on matters pertaining to the

maintenance, preservation, management, restoration and protection of the natural resources contained in the Subject Jurisdiction or on any other matter affecting the Subject Jurisdiction as determined by the NHPA. Said Committee shall act solely in an advisory capacity at the express direction of the NHPA.

(c) Remuneration. Committee members shall receive no compensation but shall be entitled to be reimbursed for all expenses approved in advance by the NHPA as reasonably incurred in performing their responsibilities.

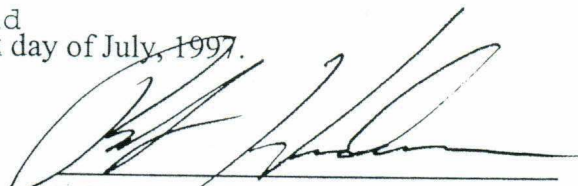
(d) Meetings. The Committee shall hold regular meetings on an as-needed basis, provided, however, it shall schedule at least one regular meeting each year. Minutes of each regular meeting shall be prepared and forwarded on a regular basis to the NHPA.

(e) Quorum. No meeting of the Committee shall be conducted unless a quorum is present. Five members shall constitute a quorum for the purposes of any meeting held by the Committee.

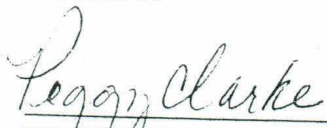
(f) Officers. The Committee shall elect a Chair and a Vice Chair from among its members at its first meeting. Thereafter, at the first meeting held in each succeeding calendar year the members shall elect or re-elect its Chair and Vice Chair. In the event that the Chair or Vice Chair ceases to be a member of the Committee, the resulting vacancy shall be filled at the next meeting of the Committee held after such vacancy occurs. In the absence or inability of the Chair to act, the Vice Chair shall act as Chair. The Chair, or in his or her absence the Vice Chair, shall preside at and conduct all meetings of the Committee.

Section 3. The Secretary shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 2<sup>nd</sup> day of July, 1997.

  
BOB HENDERSON, Chair

ATTEST:

  
PEGGY CLARKE, Secretary









**Puente Hills  
Habitat Preservation Authority**

Endowment Provided by the Puente Hills Landfill

**CITIZENS TECHNICAL ADVISORY COMMITTEE APPLICATION**

Name: Bryan Coreas

Address: [Redacted], Ranland Heights, CA 91748  
(Zip code)

Occupation: Educator/Counselor

Employer: KIPP So Cal Public Schools

Preferred Daytime Phone Number: ( 626 ) [Redacted]

E-mail Address: [Redacted]

Educational background / degree, licenses or special certificates:

2011 - B.A. Mathematics - Pomona College ; 2023 M.S. Ed Counseling w/SPS SBEC Univ. La Verne

Organizations to which you belong (professional, technical, community service):

ASCA (American <sup>School</sup> Counselor Association)

What are your reasons for wanting to serve on this Advisory Committee? (Use additional paper, if necessary.)

Support in the awareness access and engagement of the public in the management of the natural resources available. I want to educate the public about the ecological ~~importance~~ importance of the Puente Hills.

How did you find out about this position? I reached out to my local county reps. to seek out opportunities to support my community.

**Please include a résumé if available.**


(continued on next page)



**Ethics Training**

**Members of the Board of Directors and the Citizens Technical Advisory Committee are required to attend ethics training within one year of commencing service and every two years thereafter, as mandated by Assembly Bill No. 1234, which requires that all local agencies that provide compensation, salary, or stipend to, or reimburse the expenses of, members of a legislative body must provide ethics training to local agency officials. The term "legislative body" includes not only the governing body of a local agency, but also a commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory.**

**I have read and understand the Puente Hills Habitat Preservation Authority Board Resolution # 97-01 and Citizens Technical Advisory Committee Fact Sheet, including attendance standards. I am available to attend regular meetings of this Citizens Technical Advisory Committee as outlined in the Committee Fact Sheet.**

**Signature:**  **Date:** 12/8/22

All data supplied on this application is a matter of public record and will be disclosed upon request. This application will be kept on file for up to three years.

Please return this completed application to the person(s) recommending you for placement on this Committee. It in turn will be submitted to the Habitat Authority for the next steps in the appointment process.



**Puente Hills  
Habitat Preservation Authority**

Endowment Provided by the Puente Hills Landfill

**CITIZENS TECHNICAL ADVISORY COMMITTEE APPLICATION**

Name: Gabriel Monares

Address: [REDACTED] Hacienda Heights, CA 91745

Occupation: President (Zip code)

Employer: The Monares Group

Preferred Daytime Phone Number: ( 626 ) [REDACTED]

E-mail Address: [REDACTED]

Educational background / degree, licenses or special certificates:  
BS Organizational Behavior, University of San Francisco

Organizations to which you belong (professional, technical, community service):  
Board Member, San Gabriel Valley Public Affairs Network, Vice President of the East Los Angeles Foundation, Board Member, Duncan Industries Inc.

What are your reasons for wanting to serve on this Advisory Committee? (Use additional paper, if necessary.) I'm a local resident of Hacienda Heights.  
I enjoy the hiking trails and habitat and want to ensure the area is properly maintained.

How did you find out about this position? I became aware from local news coverage.  
Supervisor Solis's office also informed me of the committee and its role.

**Please include a résumé if available.**

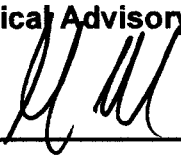
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**Ethics Training**

**Members of the Board of Directors and the Citizens Technical Advisory Committee are required to attend ethics training within one year of commencing service and every two years thereafter, as mandated by Assembly Bill No. 1234, which requires that all local agencies that provide compensation, salary, or stipend to, or reimburse the expenses of, members of a legislative body must provide ethics training to local agency officials. The term "legislative body" includes not only the governing body of a local agency, but also a commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory.**

**I have read and understand the Puente Hills Habitat Preservation Authority Board Resolution # 97-01 and Citizens Technical Advisory Committee Fact Sheet, including attendance standards. I am available to attend regular meetings of this Citizens Technical Advisory Committee as outlined in the Committee Fact Sheet.**

**Signature:** \_\_\_\_\_



**Date:** \_\_\_\_\_

12-10-22

All data supplied on this application is a matter of public record and will be disclosed upon request. This application will be kept on file for up to three years.

Please return this completed application to the person(s) recommending you for placement on this Committee. It in turn will be submitted to the Habitat Authority for the next steps in the appointment process.

**PUENTE HILLS HABITAT PRESERVATION AUTHORITY**  
 Endowment Provided by the Puente Hills Landfill

**CITIZENS TECHNICAL ADVISORY COMMITTEE**

**Members' Term Schedule**

<u>City Of Whittier</u>	<u>Member Start Date</u>	<u>Start Date of Current Term</u>	<u>End Date of Term</u>	<u>Next term date</u>
Ray Wong	7/28/16	2/1/21	2/1/25	
Jeff Brauckmann	8/18/22	2/1/22	2/1/26	
Shelley Andros	2/3/11	2/1/19	2/1/23	← expires
 <u>City Of La Habra Heights</u>				
Adam Nazaroff	1/21/21	2/1/21	2/1/25	
Catherine Houwen	3/22/12	2/1/22	2/1/26	
Roy Francis	3/23/17	2/1/19	2/1/23	← expires
 <u>County Of Los Angeles</u>				
Proposed Gabriel Monares	---	2/1/21	2/1/25	←
Matthew Liang	8/18/22	2/1/22	2/1/26	
Proposed Bryan Coreas	---	2/1/23	2/1/27	←

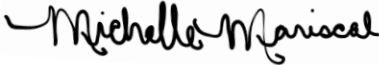
Length of all terms is 4 years.

Puente Hills  
Habitat Preservation Authority  
Endowment Provided by the Puente Hills Landfill

MEMORANDUM

**Date:** January 19, 2023

**To:** Andrea Gullo, Executive Director

**From:**   
Michelle Mariscal, Ecologist

**Subject:** Agenda Item No. 7) Discussion and possible action regarding Authority comments on Draft Environmental Impact Report (EIR No. 628) for the Brea Boulevard Corridor Improvement Project SCH # 2017051005.

Recommendation:

That the Board approve the attached comment letter.

Background:

The proposed Brea Boulevard Corridor Improvement Project is located within the City of Brea and unincorporated Orange County, from Central Avenue/State College Boulevard to the State Route 57 (SR-57) southbound on-ramp near Tonner Canyon Road. The Project involves widening Brea Boulevard from two to four lanes (two lanes each direction for approx. 1.5 miles), installing median barriers, replacing and widening three reportedly functionally obsolete bridges, installing two traffic signals approximately, replacing the existing signal at Canyon Country Road, modifying existing driveway ingress/egress, installing a new wildlife overpass/land bridge, adding open graded asphalt concrete paving at the southern end of the corridor, and providing striping and installing new signage. The Project is estimated to last 5 years.

The project is located at a critical wildlife movement linkage point within the Puente-Chino Hills Wildlife Corridor and has the potential to significantly and negatively impact the biological connection between the Puente Hills Preserve and Chino Hills State Park and beyond.

The Authority previously submitted comment letters regarding the first Notice of Preparation in June 2017 and the second Notice of Preparation in June 2019. As the Lead Agency, Orange County Department of Public Works released the Draft Environmental Impact Report on December 1. Please see the Authority's attached draft comment letter regarding the DEIR. The deadline for submitting comments is February 3. Pertinent documents relating to the proposed Project are posted on the County's website: <https://ocds.ocpublicworks.com/service-areas/oc-development-services/planning-development/current-projects/4th-district/brea>

Attachments:

Vicinity map  
Notice of Availability  
Draft comment letter

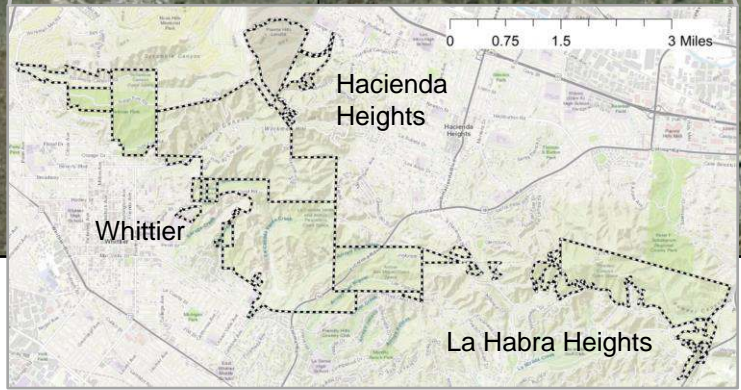
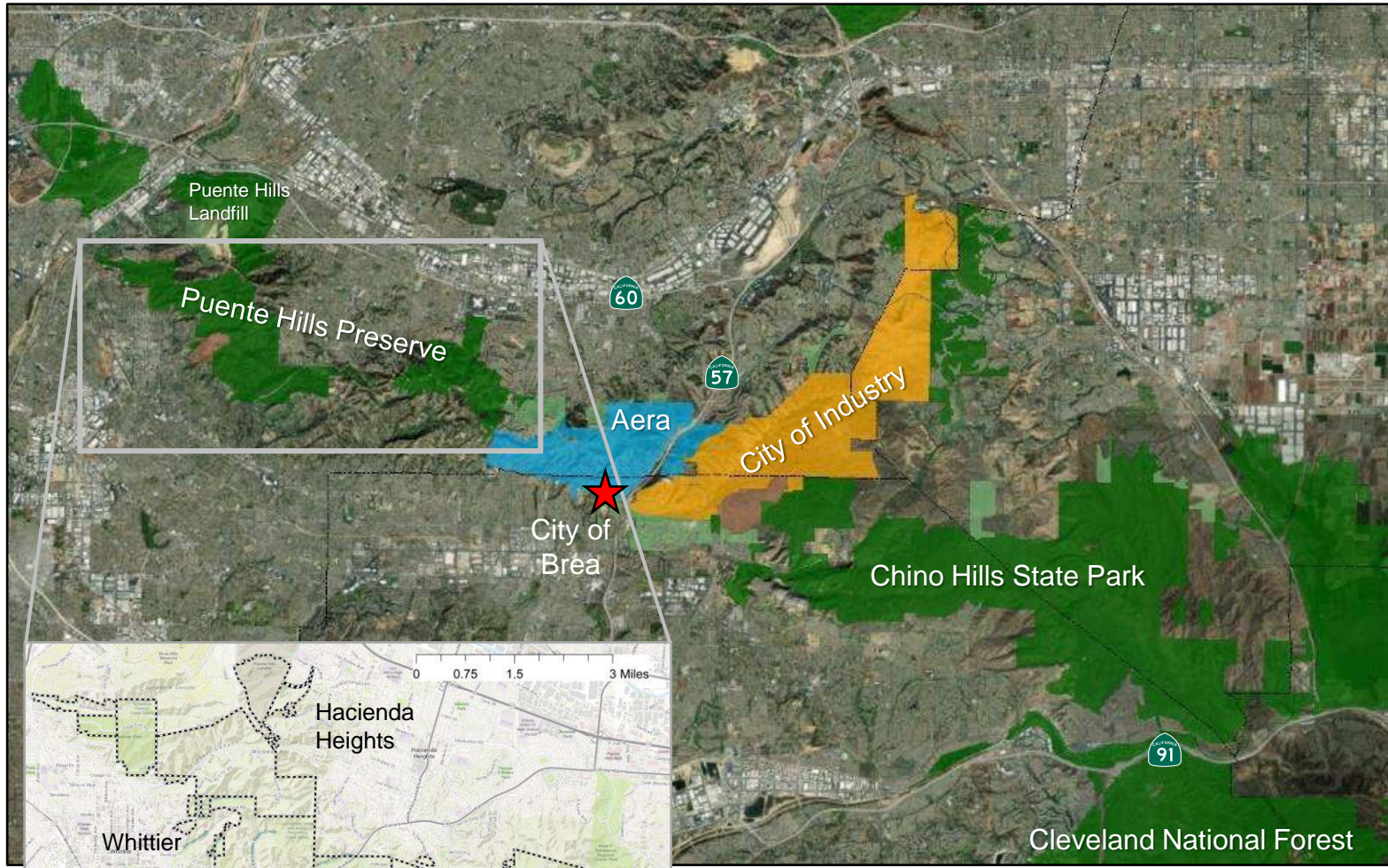









**Puente Hills  
Habitat Preservation Authority**

Endowment Provided by the Puente Hills Landfill

# Proposed Brea Boulevard Corridor Improvement Project Vicinity



**Legend**

-  Puente Hills Preserve Boundary
-  CalResources (Aera)
-  City of Industry
-  Project Location
-  Open Space

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## NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR No. 628) FOR THE BREA BOULEVARD CORRIDOR IMPROVEMENT PROJECT SCH # 2017051005

NOTICE IS HEREBY GIVEN that on **December 1, 2022**, OC Public Works, acting as Lead Agency, issued for public review and comment a Draft Environmental Impact Report No. 628 (Draft EIR) that evaluates potential environmental effects associated with the Brea Boulevard Corridor Improvement Project (Project).

The Draft EIR will be available on the OC Public Works' website and the 50-day public comment period will commence on **Thursday, December 1, 2022**, and conclude on **Friday, January 20, 2023**. The Draft EIR is available for review on OC Public Works' website at the following web address: <https://ocds.ocpublicworks.com/service-areas/oc-development-services/planning-development/current-projects/4th-district/brea>

Hard copies of the Draft EIR are available at the following locations:

- County Administration South, OC Public Works, 601 N. Ross Street, Santa Ana, CA 92701
- Brea Chamber of Commerce, 1 Civic Center Circle, 2nd Floor, Brea, CA 92821
- City of Brea, Community Development, Planning Division, 1 Civic Center Circle, Brea, CA 92821
- Orange County Public Library, La Habra Library, 221 E. La Habra Boulevard, La Habra CA 90631

Members of the public are invited to comment on the Project. Copies of the Draft EIR can be made available by request by contacting Kevin Shannon (see contact info below).

Written comments on the Draft EIR should be addressed and submitted to: Kevin Shannon, Consultant - Environmental Planner, OC Development Services - 601 N. Ross Street, Santa Ana, CA 92701 **no later than 5:00 p.m. on Friday, January 20, 2023**. Written comments can also be submitted electronically to the following email address: [brea.corridor@ocpw.ocgov.com](mailto:brea.corridor@ocpw.ocgov.com).

**Project Location:** The Project is located within the City of Brea and unincorporated Orange County, from Central Avenue/State College Boulevard to the State Route 57 (SR-57) southbound on-ramp approximately 1,700 feet northeast of Tonner Canyon Road, a total length of approximately 8,800 linear feet or 1.7 miles (the Brea Boulevard Corridor, or "corridor").

**Project Description:** The Project involves widening Brea Boulevard from two to four lanes (two lanes each direction) between Canyondale Drive and the northern end of the corridor (approximately 1.5 miles), replacing and widening three functionally obsolete bridges, installing traffic signals approximately 1,200 feet north of Canyon Country Road and at the intersection of Brea Boulevard and Tonner Canyon Road, replacing the existing signal at Canyon Country Road, modifying existing driveway ingress/egress, installing a new wildlife overpass/land bridge, adding open graded asphalt concrete paving at the southern end of the corridor, and providing striping and installing new signage.

**Environmental Impacts:** The Draft EIR identified significant and unmitigable impacts related to aesthetics, noise and vibration, and transportation and traffic. All other environmental categories were identified to have no impact, less than significant impact, or less than significant impact with the incorporation of mitigation measures.

Submitted by: Kevin Shannon

Name: Kevin Shannon



 County Administration South  
601 North Ross Street  
Santa Ana, California 92701

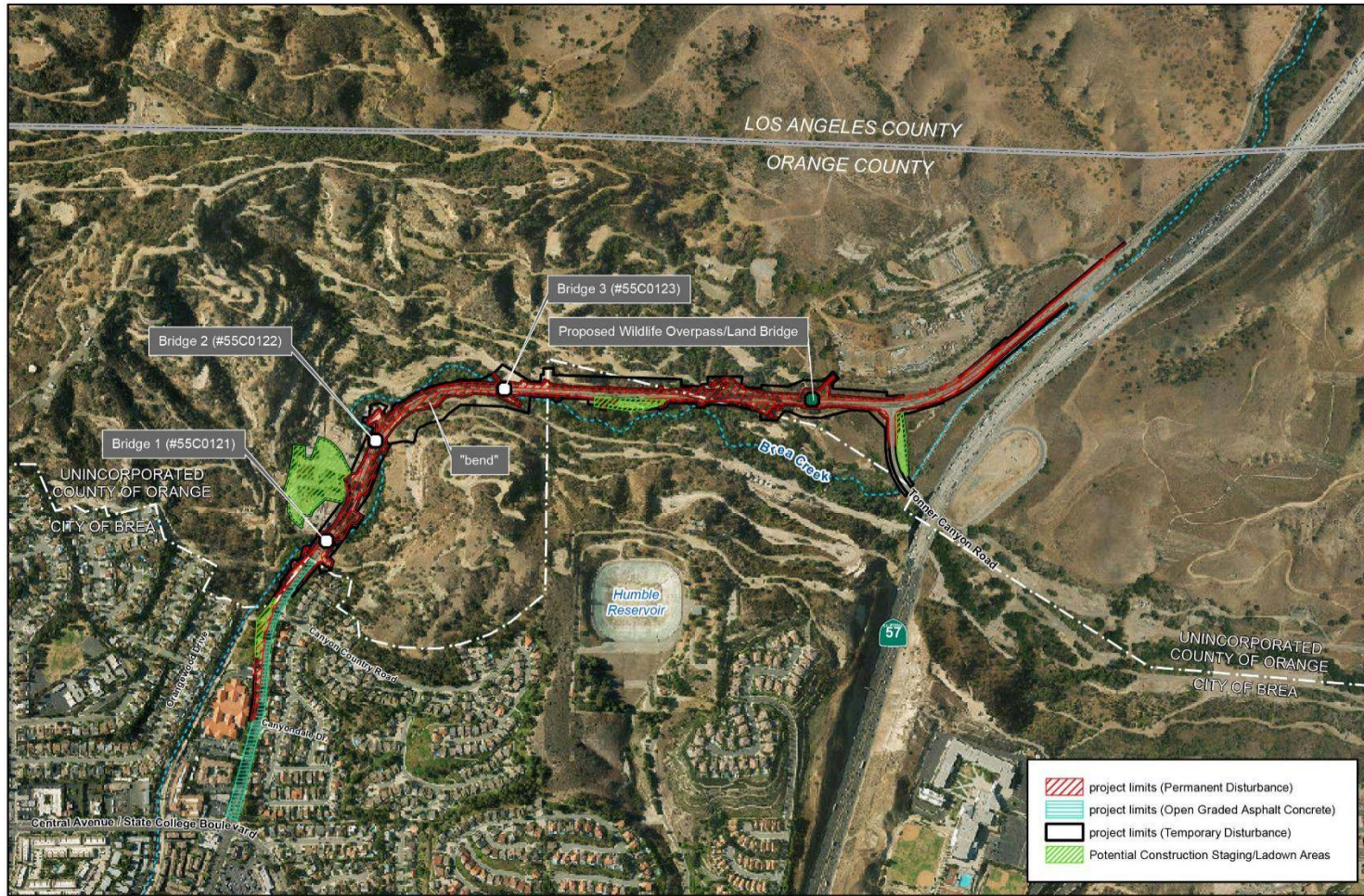
 P.O. Box 4048  
Santa Ana, CA 92702-4048

 [info@ocpw.ocgov.com](mailto:info@ocpw.ocgov.com)

 (714) 667-8800

 [OCPublicWorks.com](http://OCPublicWorks.com)





Eagle Aerial Imaging (2015), Mark Thomas (2021), OCPW (2022), and AECOM (2022).



**Proposed Project**

Brea Boulevard Corridor Improvement Project



County Administration South  
 601 North Ross Street  
 Santa Ana, California 92701

P.O. Box 4048  
 Santa Ana, CA 92702-4048

info@ocpw.ocgov.com

(714) 667-8800

OCPublicWorks.com





# **Puente Hills Habitat Preservation Authority**

Endowment Provided by the Puente Hills Landfill

January 19, 2023

**DRAFT**

Kevin Shannon, Consultant - Environmental Planner  
OC Development Services/Planning  
601 N. Ross Street, Santa Ana, CA 92701  
Brea.Corridor@ocpw.ocgov.com

## **Re: Comments on the Draft Environmental Impact Report (EIR No. 628) for the Brea Boulevard Corridor Improvement Project SCH # 2017051005**

Dear Mr. Shannon:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR No. 628) for the Brea Boulevard Corridor Improvement Project (Project) released December 1, 2022. The Board of Directors for the Habitat Authority met on January 19, 2023 and is submitting these comments for your consideration.

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of members representing the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and a public member of the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation.

The Habitat Authority owns and/or manages over 3,880 acres which comprise the Puente Hills Preserve (Preserve) located to the west of the proposed Project. Over \$100 million of public funds have been invested in the Preserve and its sustainability is biologically dependent on the open space land to the east of its jurisdiction. The Preserve and the proposed Project are both located within the well-studied Puente-Chino Hills Wildlife Corridor which is widely recognized as being regionally important for wildlife movement (Conservation Biology Institute 2005, and citations therein). Covering more than 30,000 acres of land, this wildlife corridor boasts a wide variety of habitats that support a unique assemblage of plants and animals and serves several ecological functions that contribute to ecosystem health. Connectivity among open space maintains the transfer of genetic material among generations of plants and animals, ensuring healthy and sustainable populations. Many agencies and jurisdictions over Los Angeles and Orange Counties have partnered over the past 30 years for the preservation of the Puente-Chino Hills Wildlife Corridor.

Habitat Authority staff previously provided unofficial comments on the Project's Wildlife Movement Study prior to release of the DEIR and appreciated the opportunity to do so. We also appreciate that the Project's location within a critical linkage of the Puente-Chino Hills Wildlife Corridor was described in the DEIR and that enhancing safe wildlife movement across the roadway is an objective of the Project. The recent sojourn of M317, a collared male mountain lion that traversed the area in fall 2022, highlights the current functionality of the corridor and the need to maintain connectivity to sustain wildlife populations to the west. However, despite the design features and mitigation measures proposed in the DEIR, we remain concerned that this Project has the potential to constrain wildlife movement, will be growth inducing, and jeopardizes the 30 years-worth of work and public investment of this agency towards open space preservation west of the Project. In particular, while we recognize the benefits of wildlife land bridges and enhanced underpasses similar to that proposed with this Project, the effectiveness of those features for long-term connectivity will be greatly dependent upon the land uses on either side which are currently not conserved and could be developed by induced growth from the Project. Our full comments are attached in Exhibit A.

Thank you for your consideration, and feel free to contact me, Ecologist Michelle Mariscal ([mmariscal@habitatauthority.org](mailto:mmariscal@habitatauthority.org)) or Executive Director Andrea Gullo ([agullo@habitatauthority.org](mailto:agullo@habitatauthority.org)) for further discussion. Also, please maintain our agency on the contact list for this planning process.

Sincerely,

**DRAFT**

Ivan Sulic  
Chair, Board of Directors

cc: Board of Directors  
Citizens Technical Advisory Committee  
Hills For Everyone  
Wildlife Corridor Conservation Authority

**Exhibit A**  
**Comments on the Draft Environmental Impact Report (EIR No. 628) for the Brea  
Boulevard Corridor Improvement Project SCH # 2017051005**

Project Location and Description

The Project is located within the City of Brea and unincorporated Orange County, from Central Avenue/State College Boulevard to the State Route 57 (SR-57) southbound on-ramp approximately 1,700 feet northeast of Tonner Canyon Road, a total length of approximately 8,800 linear feet or 1.7 miles (the Brea Boulevard Corridor, or “corridor”). The Project involves widening Brea Boulevard from two to four lanes (two lanes each direction) between Canyondale Drive and the northern end of the corridor (approximately 1.5 miles), installing median barriers, replacing and widening three reportedly functionally obsolete bridges, installing traffic signals approximately 1,200 feet north of Canyon Country Road and at the intersection of Brea Boulevard and Tonner Canyon Road, replacing the existing signal at Canyon Country Road, modifying existing driveway ingress/egress, installing a new wildlife overpass/land bridge, adding open graded asphalt concrete paving at the southern end of the corridor, and providing striping and installing new signage.

**Comments on the DEIR are below:**

In summary:

- **The significant impact and loss of at-grade crossing for wildlife movement and other biological concerns are not adequately mitigated and addressed in the DEIR.**
- **The growth inducing impacts from this Project are significant and not adequately addressed.**
- **The Habitat Authority supports the No Project Alternative to avoid significant impacts described herein.**
- **Secondarily the Habitat Authority supports an alternative that only replaces the three reportedly functionally obsolete bridges, with enhancements for wildlife movement, and does not widen the roadway.**

Detailed comments are as follows:

**Biological Resources (Section 5.3)**

Coastal California Gnatcatchers

The DEIR did not address potential isolation impacts to coastal California gnatcatchers. Maintaining short distances between suitable habitat patches is crucial for dispersal of this species. Two juvenile coastal California gnatcatchers were documented flying from across Brea Canyon Road into the survey area on the southeast corner of Tonner Canyon Road/Brea Canyon Road per the Biological Technical Report (Appendix E. Coastal California Gnatcatcher Survey Report). Please address the impact that increased traffic volume and wildlife fencing resulting from the project will have on movement of this

species between habitat occurring on either side of Brea Boulevard/Brea Canyon Road given that individuals currently fly back and forth across the roadway. Additionally, since a family group of Coastal California Gnatcatchers was observed, it is reasonable to conclude that the Coastal Sage Scrub habitat in the area is suitable for supporting the species and therefore its “disturbed” nature should not discount its importance for foraging or breeding habitat or as “stepping-stones” to nearby suitable habitat when compensatory mitigation for impacts is evaluated (Mitigation Measure BR-8).

#### Aquatic Features

How will potential impacts of groundwater pumping and water diversion to riparian areas and wetlands be monitored and over what time period? How long will ground water pumping and diversions take place? We recommend a monitoring plan be developed to assess impacts over the term of construction and post-construction to advise compensatory mitigation for losses to riparian habitat resulting from activities that will impact hydrology.

#### Wildlife Movement Impacts

The sustainable success of the Puente-Chino Hills Wildlife Corridor relies completely on the proposed Project’s ability to allow for continued wildlife movement through the entire Project area.

Because enhancing safe wildlife movement across the roadway is an objective of the Project, please specifically address how the success of this objective will be evaluated, adjusted if necessary and successfully maintained in the long-term. Post-construction monitoring of wildlife movement and human use is recommended in the Wildlife Movement Study (Appendix H of the DEIR, pg. 59) and should be incorporated as a component of the Project. Funding for long-term monitoring and management should be included in the Project design costs.

Impacts to wildlife movement was not fully addressed and mitigated. The potential for direct and indirect impacts to terrestrial mammals and the wildlife movement corridor is acknowledged in the Biological Technical Report however there are no mitigation measures listed for those impacts. Please address how disruptions to wildlife movement due to nighttime lighting, construction noise, human presence etc. will be mitigated especially considering that all at-grade crossing opportunities will be eliminated.

The Project area occurs directly adjacent to and within a critical wildlife corridor linkage, identified as “the only viable crossing beneath Highway 57 for deer, mountain lion, bobcat, and other species” Conservation Biology Institute 2005)<sup>1</sup>. The Project has significant potential to degrade the functionality of this critical linkage point and those potential impacts were not adequately addressed in the DEIR. Impacts and proposed mitigation for said impacts to wildlife movement and habitat in Tonner Canyon resulting from the Project need to be addressed in the DEIR.

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<sup>1</sup> Conservation Biology Institute (2005), Maintaining Ecological Connectivity Across the “Missing Middle” of the Puente-Chino Hills Wildlife Corridor. Prepared by WD Spencer.

### Elimination of at-grade crossing

The proposed Project intends to eliminate all at-grade crossing opportunities along the 1.5 mile road stretch and wildlife movement will only be facilitated via the three enhanced bridges (underpasses) and one new wildlife land bridge (overpass), which is a significant change compared to existing conditions. The existing bridges (underpasses) will be enhanced for wildlife, as would be expected to offset new elongated dimensions resulting from the road widening which otherwise would have reduced their “openness ratio” or attractiveness for wildlife. Therefore, essentially the loss of all at-grade crossing will be compensated by one land bridge, the effectiveness of which will be dependent upon the wildlife exclusion fencing and deterrents at the approximately 15-19 vehicle entrances along the road. The DEIR does not adequately recognize the full impact of this loss of permeability for wildlife connectivity and possible design feature vulnerabilities.

### Wildlife Exclusive Design Features

The design features intended to facilitate safe wildlife passage and decrease wildlife-vehicle collisions are not adequately described in the DEIR and relevant reports cited therein were not made available with the DEIR (i.e., AZTEC 2020<sup>2</sup>, AZTEC 2021<sup>3</sup>). When will wildlife fencing be installed? Fencing along Tonner Canyon Road needs to extend beneath the Tonner Canyon Road bridge to the existing chain-link fenced yard. How will effectiveness of the identified control measures to prevent animal breaches of the wildlife fencing (“guards/grates, swinging metal gates, or electrified mats embedded into the pavement” per the DEIR) be evaluated? Who will maintain wildlife fencing and other control measures and at what frequency? Providing jump-outs/ramps every 0.5 miles (8 escape opportunities total) as proposed is not adequate given the number of entrances (15 to 19) along the roadway where breaks in the exclusion fencing will exist. At a minimum, please consider adding a third escape ramp along the south side of Tonner Canyon Road to facilitate escape by wildlife that may follow the existing drainage and fence line on the northern side of Tonner Canyon Road; wildlife will otherwise need to navigate the area under the freeway to the intersection before finding an escape opportunity, increasing the chance for wildlife-vehicle collision.

### Land Bridge

**Human presence** has been shown to deter wildlife use of crossing structures (Barrueto et al. 2014)<sup>4</sup>. How will pedestrian use of the land bridge be prevented and monitored?

We acknowledge the justifications made in AZTEC 2021 regarding the width of the bridge relative to its length, however, no scientific studies were cited therein where width to length ratios were evaluated for effectiveness for wildlife movement. Given that the land bridge is a critical element of the proposed Project and will be the main linkage for wildlife travelling west from Tonner Canyon (the first crossing opportunity they will encounter with elimination of at-grade crossing), its **width should be maximized to the**

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<sup>2</sup> AZTEC Engineering Group, Inc. (AZTEC). 2020. Draft Bridge Type Selection Report for Brea Boulevard Wildlife Overcrossing. October.

<sup>3</sup> AZTEC. 2021. Wildlife Connectivity Strategy Scoping Report for the Brea Boulevard Corridor Improvements Project, Orange County, California. April 26.

<sup>4</sup> Barrueto, M., Ford, A.T., & Clevenger, A.P. (2014). Anthropogenic effects on activity patterns of wildlife at crossing structures. *Ecosphere*, 5(3), 1-19.

**extent feasible.** The Federal Highway Administration's Wildlife Crossing Structure Handbook (Clevenger and Huijser 2011)<sup>5</sup> recommends a minimum width of 135-160 feet for wildlife-specific overpasses (165-230 feet is optimal). The proposed width of the land bridge, at 75 feet, does not seem adequate to buffer noise and light from the traffic below, especially given that the adjacent Tonner Canyon/Brea Boulevard intersection will be signalized. Traffic will presumably back up at this signal, beneath and on either side of the bridge, leading to prolonged light and noise that may dissuade wildlife from approaching and utilizing the bridge. Recommendations made in the Wildlife Movement Study (Appendix H, pg. 58) regarding consultation with an expert on light and noise impacts and any resulting minimization measures deemed appropriate based on that consultation should be incorporated into the Project. Additionally, consideration should be given towards whether this bridge may function for safe dispersal of **coastal California gnatcatcher** over the roadway and, if so, appropriate design features (dimensions, vegetation, etc.) should be incorporated into the Project.

Lastly, the effectiveness of the land bridge for long-term connectivity will be entirely dependent upon the **land uses on either side which are currently not conserved** and could be developed by induced growth or investment from this project as discussed below. This was not adequately described in the DEIR.

#### Staging Area

Impacts to wildlife movement resulting from use of the area west of Brea Boulevard, between Bridges 1 and 2, as a staging location for the Project must be evaluated in the EIR, given the proximity of this staging area to the bridges that will be enhanced to encourage wildlife use. Please consider excluding this area as a staging location. Temporary barrier walls that would minimize noise and light spillover into the adjacent habitat need to be considered as a mitigation measure if this staging location is selected.

#### Loss of Culvert 2

Resulting from the widening of the roadway, culvert 2 will be converted to a storm drain with a vertical 2.4-meter drop and will no longer facilitate wildlife movement. There is the potential for small animals to enter through the grate, drop to the bottom of the drain, and become entrapped. How will impacts to small animals from culvert 2 be prevented or mitigated?

#### Mitigation Measure BR-12

This measure addressed bobcat movement. Will the ledges installed within the enhanced underpasses be designed in such a way that deer and other large-bodied wildlife may utilize them during periods of inundation, in addition to bobcats?

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<sup>5</sup> Clevenger, A.P., & Huijser, M.P. (2011). Wildlife crossing structure handbook: design and evaluation in North America (No. FHWA-CFL-TD-11-003). United States. Federal Highway Administration. Central Federal Lands Highway Division. Available at: [https://www.fhwa.dot.gov/clas/ctip/wildlife\\_crossing\\_structures/](https://www.fhwa.dot.gov/clas/ctip/wildlife_crossing_structures/)

**Comments on Mitigation Measures (Biological Resources, Section 5.3.5):**

Special Status Wildlife Species:

The Proposed Project has the potential to significantly impact protected species and Species of Special Concern, including mountain lions, nesting raptors, songbirds, amphibians, reptiles and bats.

Mountain Lion

While mitigation measures proposed in the DEIR specifically address several of the above mentioned groups, mountain lion was not addressed. This species is a candidate for listing under the California Endangered Species Act and therefore needed to be evaluated in the DEIR. As acknowledged in the Wildlife Movement Study (Appendix H of the DEIR), this wide-ranging species utilizes the Puente-Chino Hills Wildlife Corridor and may be impacted by the proposed Project. Most recently, a collared male mountain lion, M317, was documented in this area (on either side of the 57 freeway) during the fall of 2022 (W. Vickers, UC Davis Wildlife Health Center CA mountain lion project) and a young uncollared mountain lion was killed on the 60 freeway in Diamond Bar in spring of 2022.

Mitigation Measure BR-4: Pond Turtles

This mitigation measure is inadequate as described. We strongly encourage coordination with USGS (Robert Fisher and colleagues) for trapping and relocation efforts due to that agency's knowledge of pond turtle occupied locations and genetic information for this area and their use of appropriate and rigorous trapping protocols. Western pond turtles may move upland from waterways (to deposit eggs, estivate, etc.), therefore aquatic trapping efforts should be timed appropriately. Trapping efforts should be repeated to ensure juveniles, which more easily evade traps, are captured and trapping should occur in all stretches of the stream where hydrology may be impacted by construction activities regardless of whether visual observation records of turtles exist there. The DEIR states that captured turtles will be relocated to "nearby suitable habitat areas" but does not indicate where (within the same stream?) or how long captured turtles will be held before release. Additionally, please include guidelines for how non-native aquatic species that may be captured during turtle trapping efforts (e.g., red-eared sliders, bullfrogs, etc) will be managed as those species should not be re-released into the waterway.

Mitigation Measure BR-5: Bats

There are missed opportunities with this mitigation measure. As mitigation for potential removal of bat habitat resulting from the Project (e.g., tree removals) please consider adding design features that would provide bat habitat on the replacement structures for Bridges 1-3.

**Growth Inducing Impacts (Section 7)**

The growth inducement of this Project is potentially significant, and it is requested that this impact element be re-evaluated in the DEIR. The project will induce demand, traffic, growth and investment, and can be summed up with the adage, "If you build it, they will come."

Expanding congested roads, as is proposed with this Project, attracts latent demand, trips from other routes, times and modes, and encourages more travel. This is called generated traffic, referring to additional peak-period vehicle traffic on a particular road. This consists in part of induced vehicle travel, which refers to increases in vehicle miles travel (VMT) compared with what would otherwise occur (Schneider 2018<sup>6</sup>, Litman 2022<sup>7</sup>, Zipper 2021<sup>8</sup>).

The Habitat Authority disagrees with the DEIR's conclusion that the Project will not have the potential to "foster population growth (e.g., construct additional housing) either directly or indirectly" While there is no proposed residential or commercial component of the Project itself, we maintain that this Project does have the potential to be growth inducing by facilitating and/or serving future growth in the area. Urbanization responds to existing infrastructure, and roadway capacity expansions brings about autocentric development patterns that utilize the new roads (Schneider 2018).

Future development of the parcels on either side of Brea Canyon Road would render the bridge improvements and proposed land bridge, which are features intended to maintain the functionality of the wildlife corridor, obsolete. They would be bridges leading wildlife to unprotected and potentially built-out land. Hence, the future development would biologically isolate the Habitat Authority's jurisdiction and Preserve to the west, potentially leading to eventual ecosystem collapse.

The Habitat Authority disagrees with the DEIR's conclusion that the Project will not "result in the establishment of a precedent-setting action [...]" (pg. 7-2). The Project calls for amending an existing conservation easement to make room for the road expansion. This action is precedent setting, and when compounded would result in overall negative consequences for environmental preservation.

The Habitat Authority disagrees with the DEIR's conclusion that the Project will not "result in development or encroachment in an isolated or adjacent area of open space [...]" (pg. 7-2). The Project design calls for eliminating protected open space to make room for the road expansion.

Expansion or adding lanes to roads doesn't solve for the congestion issue, and is not a sustainable solution (Zipper 2021). The question remains, would we rather spend a lot of money to increase road capacity to achieve moderate and temporary congestion reductions, or implement other types of transportation improvements such as: congestion pricing, commute trip reduction programs, land use management alternatives, pedestrian and cycle improvements, and improved public transit service (Litman 2022) (Zipper 2021).

### **Alternatives**

To avoid the above-mentioned significant impacts, please consider the No Project Alternative, or a new alternative that replaces the bridges with new bridges that enhance wildlife movement, and does not expand the roadway.

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<sup>6</sup> Schneider, B. (2018), Induced Demand, CityLab University ([www.bloomberg.com/citylab](http://www.bloomberg.com/citylab)); at <https://bloom.bg/2VDYfwd>.

<sup>7</sup> Litman, T. (2022), Generated Traffic and Induced Travel Implications for Transport Planning, Victoria Transport Policy Institute at <https://www.vtpi.org/gentraf.pdf>.

<sup>8</sup> Zipper, D. (2021) The Unstoppable Appeal of Highway Expansion ([www.bloomberg.com/citylab](http://www.bloomberg.com/citylab)); at <https://www.bloomberg.com/news/features/2021-09-28/why-widening-highways-doesn-t-bring-traffic-relief>.



# Additional Materials

Minutes  
PUENTE HILLS HABITAT PRESERVATION AUTHORITY  
CITIZENS TECHNICAL ADVISORY COMMITTEE  
October 18, 2022

This meeting took place remotely in accordance with Government Code section 54953(e) et seq. (AB 361) and Resolution 22-11, adopted by the Board of Directors on September 22, 2022. Members of the public could observe and participate in the meeting as follows:

Via video (Zoom) and telephonically by joining at this address:  
<https://us02web.zoom.us/j/84779109312> Meeting ID: 847 7910 9312

- or - Phone by joining at these numbers: +1 (669) 444-9171, +1 (669) 900-6833,  
Meeting ID: 847 7910 9312, Find local number: <https://us02web.zoom.us/j/84779109312>

The regular meeting of the Citizens Technical Advisory Committee was held on Tuesday, October 18, 2022, via video and telephonically.

**I. CALL TO ORDER.**

The Vice Chair, Roy Francis, called the meeting to order at approximately 7:03 p.m.

**II. ROLL CALL.**

A roll call was taken, and there was a quorum at this time.

<b>Members Present:</b>	Roy Francis, Vice Chair	La Habra Heights
	Catherine Houwen	La Habra Heights
	Adam Nazaroff	La Habra Heights
	Shelley Andros	Whittier
	Ray Wong	Whittier
	Matthew Liang	County of Los Angeles

<b>Members Absent:</b>	Jeff Brauckman	Whittier
	(vacant)	County of Los Angeles
	(vacant)	County of Los Angeles

**Authority Representatives Present:**  
Andrea Gullo, Executive Director

**III. INTRODUCTION OF NEW ADVISORY COMMITTEE MEMBERS**

Matthew Liang who took the Oath of Office before the meeting began was welcomed and introduced himself to the group.

**IV. PUBLIC COMMENTS.**

Steve Huber representing Whittier Area Audubon provided an update regarding the group's monthly Saturday hikes in Sycamore Canyon.

**V. APPROVAL OF MINUTES FOR THE MARCH 15, 2022, REGULAR MEETING.**

<p>Member Nazaroff motioned to approve these minutes as drafted. Member Andros seconded this motion, and in a roll call vote the motion passed unanimously.</p>
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**VI. STANDING REPORTS:**

**a. REPORT BY BOARD LIAISON ON AUTHORITY BOARD MEETINGS.**

Cathy Houwen, Board Liaison, provided a report on past Authority Board meetings.

**b. REPORT FROM SOCIAL MEDIA SUBCOMMITTEE.**

Shelley Andros, member of the social media subcommittee, provided a report regarding social media activity.

**c. COMMITTEE MEMBER FEEDBACK FROM THE PUBLIC AS IT RELATES TO THE HABITAT AUTHORITY.**

There was nothing reported for this item.

**VII. DISCUSSION AND POSSIBLE RECOMMENDATIONS OR FEEDBACK TO BOARD REGARDING FINDINGS OF FINANCIAL ANALYSIS OF AGENCY FROM AUTHORITY CONSULTANT FIELDMAN, ROLAPP AND ASSOCIATES.**

Authority consultants from Fieldman, Rolapp and Associates, Chelsea Redmon, Assistant Vice President, and Rachel Chang-Kwei, Senior Vice President, presented their firm's findings. They stated that the Authority has a structural deficit and future operations are not sustainable without additional funds. The grants received are one-time in nature and the agency needs stability moving forward to be sustainable.

There was discussion.

Member Nazaroff motioned to recommend to the Board of Directors that the agency move forward to putting this item on fall 2023 ballot and seek to hire consultants with the process and community outreach. Member Andros seconded this motion, and in a roll call vote the motion passed unanimously.

**VIII. DISCUSSION, RECEIVE AND FILE SEPTEMBER 2022 MOUNTAINS RECREATION AND CONSERVATION AUTHORITY (MRCA) RANGER REPORT.**

After discussion, the Vice Chair received and filed this report.

**IX. DISCUSSION OF ELECTION PROCEDURES AND POSSIBLE ACTION REGARDING ELECTION OF CTAC CHAIR AND VICE CHAIR.**

Executive Director provided background on this item.

Member Andros motioned to elect Matthew Liang as Vice Chair of the Advisory Committee. Vice Chair Francis seconded this motion, and in a roll call vote the motion passed unanimously.

Member Houwen motioned to elect Roy Francis as Chair of the Advisory Committee. Member Andros seconded this motion, and in a roll call vote the motion passed unanimously.

**X. DISCUSSION, COMMITTEE MEMBERS' STATEMENTS, EXECUTIVE DIRECTOR'S COMMENTS, RESPONSES OR QUESTIONS.**

Photos of Ecologist Mariscal's newborn babies were shown.

Executive Director Gullo updated the Committee regarding the recent recording by regional biologists of a collared mountain lion that has traversed the Preserve.

**XI. ADJOURNMENT AND ANNOUNCEMENT OF NEXT MEETING.**

There being no further comments, or business to be discussed, Chair Francis adjourned the meeting at 8:10 p.m. The next regularly scheduled meeting date is November 15, 2022.

**FOR IMMEDIATE RELEASE:**

December 19<sup>th</sup>, 2022

**CONTACT:**

TPL: Andy Orellana, (209) 608-5773

BRC: Melanie Schlotterbeck, (714) 501-3133

MRCA: Dash Stolarz, (310) 985-5147

CNRA: Lisa Lien-Mager, (916) 407-6279

## **Public, Private Partners Secure Permanent Protection of Banning Ranch**

*California Natural Resource Agency, Mountains Recreation and Conservation Authority, Trust for Public Land, and Banning Ranch Conservancy Announce the Permanent Protection of Banning Ranch*

**Los Angeles, CA** – Today, the Trust for Public Land ([TPL](#)) in partnership with the California Natural Resources Agency ([CNRA](#)), Mountains Recreation and Conservation Authority ([MRCA](#)) and Banning Ranch Conservancy ([BRC](#)) announced the completed acquisition of [Banning Ranch](#).

Equivalent in size to 4.5 Disneylands and overlooking the Pacific Ocean, the 387-acre property between the cities of Costa Mesa, Newport Beach and Huntington Beach has long been eyed for development. The tribal and local community's decades long advocacy and TPL's five-year, \$100 million conservation campaign helped bring to a close a chapter of private ownership and begin a new chapter of community driven public and tribal access and future restoration on what is considered the last large, unprotected coastal property in Southern California.

*"Millions of Californians will soon be able to enjoy this remarkable new open space overlooking the Pacific Ocean,"* said California Natural Resources Secretary Wade Crowfoot. *"This includes residents from nearby communities with precious few parks and open spaces. It's a great example of what we're capable of doing in California through creative partnerships."*

TPL and BRC worked to secure public and private funds – including a \$50 million lead [donation](#) from philanthropists and longtime Orange County residents Frank and Joan Randall – to purchase the property and support the conservation effort. The Randall family's generous donation was complemented by broad support from State agencies including the [Wildlife Conservation Board \(\\$15.5 million\)](#), CNRA (\$14 million), [State Coastal Conservancy \(\\$11.5 million\)](#), and the [California Department of Fish and Wildlife \(\\$8 million\)](#).

*"Completing this conservation project was a once-in-a-lifetime opportunity and would not have been possible without the incredible generosity of Frank and Joan Randall, combined with the leadership and support of the Governor, local and state elected officials, tribal and community advocates, and our state funding partners. We can now officially say this land will become California's next public coastal park,"* said Guillermo Rodriguez, TPL's California State Director and Vice President-Pacific Region.

Thanks to leadership and advocacy through consultation from local California Native American tribes and important tribal community advocates, this property will ensure future protection of cultural resources and accessibility to local tribal communities. This property is within the ancestral homelands of local California Native American tribes including the Acjachemen and Tongva peoples and continues to have important significance since time immemorial. The site and the nearby Fairview Park and surrounding bluff areas along the Santa Ana River are believed to have been part of a native village site known as Geṇa.

*“The Juaneno Band of Mission Indians is looking forward to collaborating with MRCA during all phases of the project. We are also excited to see what the future holds and in regaining an area for us to hold ceremony. Geṇa hold a special place in our hearts. We are thrilled to be able to share with the public the importance of this village, not only to the Acjachemen but to our plant and animal relatives as Cho’onom noneskinum (to all my relations),”* Chairwoman Heidi Lucero, CEO Juaneño Band of Mission Indians, Acjachemen Nation.

Project partners envision turning the property into a vast public park and preserve that would provide coastal access with trails, low-cost camping and picnic sites. It is an anchor property within a nearly 1,000-acre network of protected natural lands linked by bike and walking trails and is easily accessed by public transportation.

The project also protects critical biological diversity. There are approximately 100 acres of marshes, mudflats, and riparian scrub, and 67 acres of coastal sage scrub, with critical habitat for as many as five endangered species. Protecting this property from development and repurposing it from oil extraction to public purposes aligns with California’s ambitious climate goals and the Governor’s [“30 x 30 Initiative”](#) that calls for the protection of 30% of the state’s land and coastal waters by 2030. Restoring the property can help mitigate impacts from sea level rise, sequester carbon in area wetlands, reduce the urban heat island through restoration efforts and provide habitat for native species while also allowing appropriate public access, all of which are key priorities in the Initiative.

As the property’s public land steward, MRCA will hold title while the previous oil operator undertakes at its own expense a two-to-three year process of remediation, including removal of oil infrastructure from the property, including incorporating brownfield bioremediation. During this time, no public access will be allowed, but a stewardship/management planning effort will be underway. Robust tribal consultation and community engagement will be incorporated into the development of a property management plan to inform tribal access and engagement, habitat restoration and public access plans. MRCA will also work with California Native American tribes and tribal community members who hold the property as their ancestral homeland to develop the tribal access and engagement plan that honors, elevates and protects tribal history, cultural resources, and tribal access.

Part of the Tribal Access and Engagement Plan involves a tribal selection of a formal name to reflect the cultural significance and ancestral homeland of the local California Native American tribes, as well as “The Frank and Joan Randall Park & Preserve”.

*“Thank you to landowners Newport Banning Ranch and Aera Energy for their hard work. We would not be where we are today without their commitment and patience. And, having the support of and leadership from Assemblymember Cottie Petrie-Norris was very impactful to this conservation*

*success,” said Conservancy President Terry M. Welsh, MD. “Now that the land is protected, BRC transitions to a new role of restoration and stewardship for the Preserve and nearby coastal lands and waters. We can’t wait to get started!”*

*“With sweeping coastal views and fantastic recreational and habitat restoration opportunities, The Frank and Joan Randall Preserve will serve 8.4 million people who live within an hour’s drive and marks a monumental step forward in helping to close the park equity gap in Southern California,” said Guillermo Rodriguez, TPL California State Director. “Now we bring to a close a chapter of private ownership and begin an exciting new chapter recognizing and elevating the ancestral homelands of local Native American tribes combined with community driven public access and restoration.”*

TPL, as part of the transaction, is also awarding MRCA a \$2 million grant to seed the future stewardship of the property.

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