

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

The regular meeting of the Board of Directors, December 15, 2022 at 3:00 p.m. will take place remotely in accordance with Government Code section 54953(e) *et seq.* (AB 361) and Resolution 2022-15, adopted by the Board on November 17, 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/83663718073>

- Or- Phone by joining at these numbers: +1 669 900 6833, +1 669 444 9171

Meeting ID: 836 6371 8073, Find your local number: <https://us02web.zoom.us/j/83663718073>

***PUBLIC COMMENTS: Members of the public may provide electronic comments by 3:00 pm on Wednesday, December 14, 2022 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. Report by Authority’s Citizens Technical Advisory Committee.
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.
  - 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.
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.
  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.
  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.
  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.)
  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.)

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.
12. Adjournment and announcement of next meeting.

**DRAFT Minutes of Regular Meeting – November 17, 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/82917858461>  
- or- Phone at these numbers: +1 (669) 900-6833 or +1 (669) 444-9171 Meeting ID: 829 1785 8461

At approximately 3:01 p.m., the meeting was called to order and a roll call was taken.

From Hacienda Heights Improvement Association:

Present: Andrew Yip, Alternate Director

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

Absent: Ivan Sulic, Chair

Authority representatives present:

Andrea Gullo, Authority Executive Director  
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.**

Adriana Quinones requested that the Board change the time of the meetings to 6:30 pm or 7 pm and location. She also requested that a town hall meeting be held to introduce the Habitat Authority to the community and explain its funding.

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

Liaison to the Board for the CTAC, Cathy Houwen, provided a report. She provided the Board with CTAC’s recommended amendments to the Authority’s comment letter regarding the Murphy baseball field lighting project. Their amendments included adding mitigation measures, and they reiterated support for changing the time to light the fields from 10 pm to 9 pm. She stated there was no recommendation regarding hiring consultants, SCI or Props and Measures. She reported that CTAC supported hiring Nakae and Associates, and proceeding with creating Brown Act policies in accordance with the new law AB2449. She provided additional details on the matters above.

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**PUENTE HILLS HABITAT PRESERVATION AUTHORITY**

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**3. CONSENT CALENDAR:**

- a. Approval of Authority Regular Meeting Minutes of October 20, 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. 2022-15 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 November 17, 2022, through December 16, 2022.**
- d. Receive and file Receipts and Disbursements for the Authority for the quarter ending September 30, 2022, as submitted by the Los Angeles County Department of Auditor-Controller.**
- e. Receive and file the Authority’s Portfolio Earnings Reports and Custom by Instrument Type for October 2022 prepared by the County of Los Angeles Treasurer and Tax Collector.**
- f. Receive and file October 2022 Mountains Recreation and Conservation Authority (MRCA) Ranger Report.**

Vice Chair Ferrante motioned to approve, adopt and receive and file items a through f. Chair Sulic seconded this motion, and in a roll call vote the motion passed unanimously.

**4. DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORITY COMMENTS ON INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE CITY OF WHITTIER’S MURPHY RANCH LITTLE LEAGUE BASEBALL FIELD LIGHTING PROJECT.**

Executive Director Gullo provided a report on the matter. She provided the Board the recommended amended language to the letter from the Authority Advisory Committee. There was discussion.

Director Martinez motioned to submit the Authority comment letter as amended. Vice Chair Ferrante seconded this motion, and in a roll call vote the motion passed unanimously.

**5. DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE EXECUTIVE DIRECTOR TO A) EXECUTE A NON-COMPETITIVE CONTRACT WITH SCI CONSULTING GROUP FOR SERVICES TO FACILITATE AN OPINION POLL AND TO PROVIDE FINANCIAL SERVICES FOR A POTENTIAL FUNDING MEASURE IN THE AMOUNT**

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**OF \$86,250 OR \$111,250, AND B) EXECUTE A CONTRACT WITH TBWBH PROPS & MEASURES FOR ASSOCIATED PUBLIC OUTREACH SERVICES IN THE AMOUNT OF \$86,400 OR \$126,154.**

Executive Director Gullo provided a report, and altered a portion of her recommendation from the staff report which pertained to hiring SCI Consulting Group at a rate of \$55,000 instead of \$86,250. Joy Kummer, Partner, of Props and Measures addressed the Board, and Blair Aas, Director of Planning Services, of SCI addressed the Board. There was discussion.

As stated in the staff report, SCI is a non-competitive recommendation because the proposed contractor is known to possess the needed experience and qualifications as they have successfully created several funding mechanisms for another local park agency, and is the most satisfactory for Habitat Authority purposes. Proceeding with SCI for this subsequent phase of the existing project is more appropriate for the Authority than competitive procurement of services because this consultant has competitive rates and the necessary expertise for the work; a consultant without the requisite expertise is more likely to not fully understand what the work entails and inaccurately estimate the cost, and could also jeopardize the Authority's efforts.

Vice Chair Ferrante motioned to authorize the Executive Director to execute contracts with SCI in the amount of \$55,000 and Props and Measures in the amount of \$126,154. Chair Sulic seconded this motion, and in a roll call vote the motion passed unanimously.

**6. DISCUSSION AND POSSIBLE ACTION AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE A NON-COMPETITIVE CONTRACT WITH NAKAE AND ASSOCIATES FOR LANDSCAPE MAINTENANCE SERVICES IN AN AMOUNT OF \$20,000, AND FIND THAT THE ASSOCIATED MAINTENANCE WORK IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PURSUANT TO SECTIONS 15304(D) (MINOR ALTERNATIONS TO LAND), 15307 (ACTIONS BY REGULATORY AGENCY FOR THE PROTECTION OF THE ENVIRONMENT), AND 15333 (SMALL HABITAT RESTORATION PROJECTS) OF THE CEQA GUIDELINES.**

Executive Director Gullo provided a report on the matter.

As stated in the staff report, Nakae is a non-competitive recommendation because they are known to possess the needed experience and qualifications as they have successfully implemented several projects for the Authority. Also, they are extremely familiar with the Habitat Authority's Preserve. Their services are offered at fair and reasonable prices. Therefore, they are the most satisfactory for Authority purposes.

Director Martinez motioned to authorize the Executive Director to execute a contract with Nakae in the amount of \$20,000, and find that the associated maintenance work is exempt from the California Environmental Quality Act. Vice Chair Ferrante seconded this motion, and in a roll call vote the motion passed unanimously.

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**7. DISCUSSION AND POSSIBLE ACTION REGARDING UPDATES TO AUTHORITY REMOTE MEETING REGULATIONS AS SPECIFIED IN CALIFORNIA ASSEMBLY BILL 2449.**

Authority counsel Elena Gerli provided a report to the Board on this matter. There was discussion. Direction was given to staff regarding compliance with AB 2449.

**8. 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.)**

<p>Chair Sulic motioned to continued items 8 through 11 to the next agenda. Director Martinez seconded this motion, and in a roll call vote the motion passed unanimously.</p>
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**9. 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.)**

**10. 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.)**

**11. 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**

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**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.)**

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

Comments were provided in part which thanked the Board and staff for their efforts.

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

There being no further comments, or business to be discussed, Chair Sulic announced that the next regular meeting is scheduled in December 2022, and adjourned the meeting at 4:27 p.m.

*Approved:*

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*Ivan Sulic, Board Chair*

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*Andrea Gullo, Acting Board Secretary*

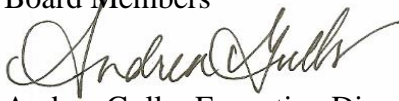


Puente Hills  
Habitat Preservation Authority  
Endowment Provided by the Puente Hills Landfill

MEMORANDUM

**Date:** December 15, 2022

**To:** Board Members

**From:**   
Andrea Gullo, Executive Director

**Subject:** Agenda Item No. 3c) 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.

Recommendation:

That the Board adopt the attached resolution, 2022-16.

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 29 days from the adoption of the Authority's 2022-15 resolution which was approved at the last Board meeting on November 17, 2022 and valid through December 16, 2022, so the attached is a new subsequent resolution extending the timeframe for virtual meetings through January 13, 2022.

Attachment:

Resolution 2022-16

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

**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 FOR THE PERIOD DECEMBER 15, 2022 THROUGH JANUARY 13, 2023, AS AUTHORIZED BY GOVERNMENT CODE SECTION 54953(E) *ET SEQ.*

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 the meeting is held during a state of emergency that has been declared 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, which includes area within the jurisdictional boundaries of the Authority, 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 previously adopted Resolution No. 2022-15 on November 17, 2022, finding that the requisite conditions exist for the Board and all standing committees of the Authority to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e) *et seq.*; and

WHEREAS, as a condition of extending the use of the remote teleconference meeting procedures provided in Government Code section 54953(e), the Board must reconsider the circumstances of the state of emergency, and as of the date of this Resolution, the Board has done so; and

WHEREAS, a state of emergency persists, as initially identified and described by the Governor in the proclamation of 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) issued on March 4, 2020, pursuant to Government Code section 8625; and

WHEREAS, State of California and Los Angeles County Department of Public Health officials continue to impose or recommend measures to promote social distancing, as reflected by (without limitation) current State and County Public Health Officer Orders and related orders and guidance; and

WHEREAS, the Board hereby finds that the emergency conditions persist 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 reaffirms, reauthorizes, and continues the existence of a local emergency and ratifies state and local orders for social distancing; and

WHEREAS, the Board hereby finds that, as a consequence of the local emergency persisting and the imposed or recommended social distancing measures, the Board and 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, 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 reconsiders the conditions of the state of emergency as proclaimed by the Governor, the existence of emergency conditions in the Authority, and reaffirms, reauthorizes, and continues the existence of a local emergency throughout the Authority.

Section 3. The Board finds that holding the meetings of the Board and standing committees of the Authority in person continues to 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 4. Further, the Board finds that the State of California and Los Angeles County Department of Public Health officials continue to impose or recommend measures to promote social distancing; and

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, continuing to conduct open and public meetings remotely 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) January 13, 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 standing committees of the Authority may continue to meet remotely, without compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e) *et seq.*

Section 7. Should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 8. The Board Secretary shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** at the Regular Meeting of the Board of Directors of the Puente Hills Habitat Preservation Authority duly held on 15th day of December, 2022, 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  
**SHEILA KUEHL**  
Third District  
**JANICE HAHN**  
Fourth District  
**KATHRYN BARGER**  
Fifth District

December 2, 2022

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 November 30, 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

Jennifer Koai  
Operations Chief

JK:ML:eh

Enclosures

## Income Report - PHHPA

11/01/2022 - 11/30/2022

All Agg LAC (291377)

Dated: 12/01/2022

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	14,133.33	0.00	0.00	0.00	14,133.33
---	---	---	<b>2.003</b>	<b>36,175,000.00</b>	<b>0.00</b>	<b>14,133.33</b>	<b>0.00</b>	<b>63,072.91</b>	<b>0.00</b>	<b>77,206.24</b>

\* 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 11/30/2022

Dated: 12/01/2022

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	3,934,044.45	3,914,257.78	19,786.67
---	---	---	<b>2.092</b>	<b>02/06/2040</b>	<b>2.578</b>	<b>36,175,000.00</b>	<b>36,109,044.45</b>	<b>36,089,257.78</b>	<b>19,786.67</b>

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

Purchase Detail Report

Specific Purpose Invest Agg (299402)

11/01/2022 - 11/30/2022

Dated: 12/01/2022

<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 ≥ 11/01/2022 and Settle Date ≤ 11/30/2022 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 - SPI

11/01/2022 - 11/30/2022

Specific Purpose Invest Agg (299402)

Dated: 12/01/2022

<i>Original Lot ID</i>	<i>Detailed Description</i>	<i>Settle Date</i>	<i>Final Maturity</i>	<i>Change In Current Face Value</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: LA Fund Number contains "PHHPA" and Settle Date ≥ 11/01/2022. \* Weighted by: Coupon Payment. \* Holdings Displayed by: Lot.


\* Purchased Accrued Income = -[Purchased Accrued Income], Summary Calculation: Sum.

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, Agency Counsel 

**Subject:** Agenda Item No. 3e) Adoption of proposed Reasonable Accommodation Policy for the Authority.

Recommendation:

That the Board adopt the attached Reasonable Accommodation Policy.

Background:

On September 13, 2022, Governor Newsom signed Assembly Bill 2449 (“AB 2449”) , which, among other changes to the Brown Act, added subdivision (g) to Section 54953 of the Government Code, requiring that legislative bodies have and implement a reasonable accommodation policy for individuals with disabilities, consistent with the Americans with Disabilities Act. The amended statute also requires that the reasonable accommodation policy be noticed on every public meeting agenda.

Attached is a draft reasonable accommodation policy for the Board’s consideration. The policy outlines the process for individuals with disabilities to request accommodations, and guidance for staff who receive such a request. Once adopted, the policy will be available on the Authority’s website, and can be provided electronically or in print upon request. Minor tweaks will likely be required to the agenda language to reflect the updated policy. Agency counsel can make those updates with the Executive Director.

Fiscal Impact:

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

Attachment:

Proposed Reasonable Accommodation Policy

**REASONABLE ACCOMMODATIONS POLICY  
APPLICABLE TO ALL BROWN ACT MEETINGS  
December 15, 2022**

Effective January 1, 2023, Government Code Section 54953(g) requires that the Puente Hills Habitat Preservation Authority (“Habitat Authority”), as a public agency, have and implement a procedure for receiving and swiftly resolving reasonable accommodation requests for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. § 12132), and resolving any doubt in favor of accessibility. Requests may be made by any individual who participates in or conducts the meeting, including members of the public, staff, members of the Board of Directors, and members of the Advisory Committee. Accordingly, individuals who are deaf or hard of hearing, who are blind or have low vision, have mobility impairments, or have any other disability, may request an accommodation as follows.

Accommodations should be requested as early as possible, but no later than 48 hours prior to the scheduled meeting. The Habitat Authority will endeavor to provide the requested accommodation. Note that an accommodation will be considered unreasonable and will not be provided if it imposes undue financial or administrative burdens on the public agency, or requires a fundamental alteration in the nature of a program. If a particular accommodation is unreasonable, the public agency will offer an alternative accommodation that is reasonable.

Process to request an additional accommodation:

1. If you would like an accommodation to participate in the meeting, please request it as soon as you can, but no later than 48 hours prior to the scheduled meeting. The sooner the request is made, the more likely it is we can provide the accommodation or an alternative. You can make this request yourself, or someone can make it on your behalf with your permission.

2. Your request can be made orally or in writing, and you should submit it to the Executive Director. Requests can be made either by calling, emailing, or sending a mailed request. Note that mailed requests must be received no later than 48 hours prior to the scheduled meeting.

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

Telephone: (562) 945-9003

Mailing address: Executive Director, Puente Hills Habitat Preservation Authority,  
7333 Greenleaf Avenue, Whittier, CA 90602

3. Your request for an accommodation must provide the following information:

- (a) *What accommodation?* We need to know the type of accommodation you are seeking, and/or how the accommodation will allow you to access and participate in the meeting. You are not required to disclose the particular disability, instead a general statement of explanation will suffice. You may, but are not required to, submit a letter from a physician to the effect that the requested accommodation is required for you to access and participate in the meeting.

- (b) *Contact information.* You must give us current contact information so we can respond in a timely manner. This can be a mailing address, an email address, or telephone number. Note that if only a mailing address is provided, you need to make the request early enough that a mailed response can be timely provided.
- (c) *Which meeting or meetings?* Please specify if the accommodation is requested for a specific meeting, or for all or a series of meetings before a particular body.

Procedures for Habitat Authority staff:

- A. Any staff member who receives, or believes they may have received, an accommodation request, will promptly relay the request and the requestor's contact information to the Executive Director or to Agency Counsel.
- B. Agency Counsel may be requested to assist in the review of requests, and assist staff in providing a response to the requestor as soon as practicable.
- C. All reasonable accommodation request responses shall be provided in writing, when such written response can be transmitted in a timely manner prior to the start of the specific meeting. Otherwise, the response will be provided orally. Responses will identify whether the accommodation is granted or granted in the alternative, and any instructions necessary to access the accommodation. If the accommodation is denied, the response will identify the grounds for denial. The Habitat Authority will document requests and responses provided orally.
- D. The law requires that all doubt be resolved in favor of accommodations. Staff will make reasonable efforts to communicate with requestors to obtain clarifications or to discuss whether alternative accommodations will be viable.

Adopted by minute order with the following vote:

AYES:

NAYS:

ABSTENTIONS:


RECUSALS:

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

**Subject:** Agenda Item No. 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.

Recommendation:

That the Board receive and file the final report from Fieldman, Rolapp and Associates.

Background:

At the May 2022 Authority Board meeting action was taken to enter into a contract with Fieldman, Rolapp and Associates to provide an independent over view of the financial condition of the Authority. Their work included financial analysis and forecasting, as well as a projection of annual funding needs for the Authority should it decide to pursue a financing mechanism. Additionally, the Board directed that a one-to-two-page memo be a work product of this contract. At the Authority October 20, 2022 Board meeting, Fieldman, Rolapp and Associates provided their findings via a PowerPoint presentation. Attached is the memo as required by their contract for your reference. Their work has concluded.

Fiscal Impact:

None.

Attachment:

Fieldman, Rolapp and Associates Memo dated November 22, 2022.

**DATE:** November 22, 2022

**TO:** Puente Hills Habitat Preservation Authority

**CC:** Andrea Gullo, Executive Director

**FROM:** Anna Sarabian, Principal  
Chelsea Redmon, Assistant Vice President

**SUBJECT:** CFD and Financial Analysis

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### **Background**

The Puente Hills Habitat Preservation Authority (“Authority”) has undergone budget reductions over the last few years in order to support the financial health of the Authority. These budget reductions were necessary since despite receiving grants and other one-time funds from the state of California, the Authority does not have sufficient ongoing revenues to support operations. The cost cutting measures implemented by the Authority included leaving positions unfunded and cutting many services and programs. As a result, the remaining program and service levels are lower than the Authority’s needs and fall short of addressing the Authority’s goal of providing comprehensive service. The Authority believes this level of operations is unsustainable and an additional source of ongoing supplemental revenue is needed to enable continued operations.

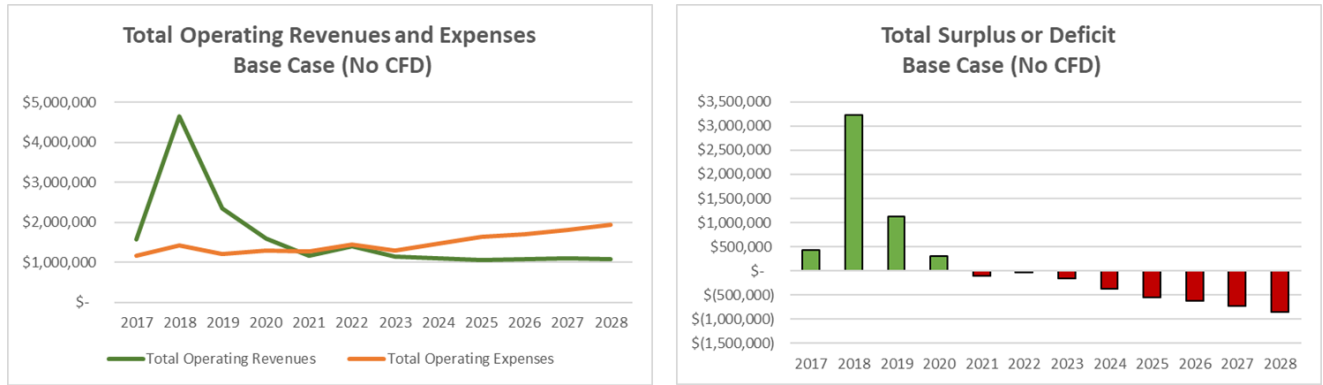
Consequently, the Authority contracted with SCI Consulting Group (“SCI”) to conduct a public opinion research survey related to a possible funding mechanism, a Community Facilities District (“CFD”), that would provide such ongoing revenue source. After SCI’s analysis was complete, at the April meeting, the Board approved hiring a financial services advisor, Fieldman, Rolapp and Associates, Inc. (“Fieldman”), to review the Authority’s financials and examine the potential impact of a CFD to address any financial challenges.

### **Review Process**

Authority staff and the Authority’s accounting consultant from Lance, Soll & Lunghard provided Fieldman with background information such as audits, financial statements, end of year budgets and the SCI analysis. First, using that information, Fieldman examined the Authority’s historical and budgeted revenues and expenses since Fiscal Year 2016-17. Next, in coordination with staff and the accounting consultant, a five-year forecast of revenues and expenses was prepared based on assumptions provided by the Authority and its accounting consultant. As one-time revenues and state-grants are not a stable ongoing source of operating revenues, these revenues and the annual costs they paid for (if and when such revenues are available) were excluded from the analysis. Fieldman then analyzed the resulting projected annual financial surplus or deficit and the impact that various levels of CFD special tax scenarios would have on potentially resolving any such projected deficit.

## Results

As illustrated in the graphs below, without a CFD, the financial forecast projects ongoing, growing, structural deficits, demonstrating that future operations are not sustainable without additional revenue sources.



\*Graphs are estimates and based upon forecast assumptions developed by the Authority staff and consultant.

Fieldman examined a few CFD scenarios that funded services such as fire prevention, safety and natural resources and facilities management, as well as annual CFD administration. Depending on the particular CFD special tax rate, there are scenarios where the projected deficits may be eliminated. However, the ultimate results and the optimal special tax rate depend upon the specific CFD boundaries, the Authority’s objectives and specific services to be funded, and the forecasted revenues and expenses. If the Authority desires to proceed with a CFD ballot measure, their needs to start ballot measure planning in early 2023 and then coordinate the adoption of the resolutions of intention and formation. The deadline for submitting the ballot measure would be early August 2023 for consideration by the voters at the November 2023 election.

Fieldman presented this summary and analysis to the Citizens Technical Advisory Committee on October 18, 2022 and the Committee recommended that the Board of Directors seek to engage a consultant or consultants for community outreach, with the goal of taking a measure to the November 2023 election. At the October 20, 2022 Board of Directors meeting, the Board directed staff to proceed with engaging a consultant or consultants for community outreach.

## Conclusion


Fieldman was tasked with examining the Authority’s financial condition. The analysis identified financial challenges and demonstrated that without a new ongoing revenue source, there would be projected structural deficits. The impact of a CFD special tax on the Authority’s financials was examined and, assuming there is public support for a CFD measure, such CFD could provide a potential ongoing revenue source to supplement the existing Authority revenues. Depending on the level of the CFD special tax rate, the projected deficits could be reduced or eliminated, with the optimal level of tax rate driven by a variety of factors. The Board directed Authority staff to engage an election consultant to assist with community outreach efforts.

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

**Subject:** Agenda Item No. 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.

Recommendation:

That the Board authorize the Executive Director to execute contract with Fairbank, Maslin, Maullin, Metz & Associates (FM3) in the amount of \$33,900.

Background:

At the November 17, 2022 Authority Board meeting, there was discussion regarding returning to the Board in December with a proposal from a survey consultant to perform an opinion poll for the Authority regarding the financial needs of the agency. Staff solicited and received proposals from two companies (True North Research and FM3) for telephone, online and texting methods.

True North submitted a proposal in the amount of \$28,760 for a 15-minute survey with a sample size of 600, offered verbally and written in English and Spanish.

FM3 provided a proposal in the following amounts offered verbally in English, Spanish and Chinese.

	<b>Sample size 400</b>	<b>Sample size 500</b>	<b>Sample size 600</b>
<b>15-minute survey</b>	\$26,400	\$28,500	\$30,900
<b>20-minute survey</b>	\$29,250	\$31,360	<b>\$33,900</b>

For an additional \$1,000 the surveys can be provided written in Spanish or Chinese. However, initial research indicates this may not be needed.

Both companies are highly qualified. However, a unique level of experience that FM3 would bring to this effort is a knowledge and familiarity with the local issues and voter trends in the Authority's region, as well as south San Gabriel Valley and the northern Gateway Cities. Also, they have experience with recent county-wide park measures and issues. This vast library of local research is a key reason for the recommendation to hire this consultant. Additionally, the option to conduct the survey in a variety of manners is also highly desirable.



December 15, 2022

Agenda Item 5

Page 2

Initial conversations indicate that a 20-minute survey for a sample size of 600 is needed. It is suggested that a contract with FM3 in the amount of \$33,900 be approved for flexibility with the final survey method to be chosen after further consultation and discussion is had with the associated Board subcommittee, staff and consultant on this matter. It is estimated that the survey efforts would commence in January 2023 and conclude in March.

Fiscal Impact:

Funding for this endeavor in part would be from the interest earned from a short-term (six month) investment made by the Authority in October yielding \$85,000 by April. Expected cost savings from the general operating budget would supplement this effort as well.

Attachment:

FM3 proposal



**TO** Puente Hills Habitat Preservation Authority

**FROM** Richard Bernard, Ph.D., Partner  
Adam Sonenshein, Vice President  
Fairbank, Maslin, Maullin, Metz & Associates (FM3)

**RE:** Proposal to Conduct Voter Opinion Research

**DATE** December 2, 2022

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Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3 Research) is pleased to present this proposal to provide opinion research services for the Puente Hills Habitat Preservation Authority (“the Habitat Authority”). We understand the Habitat Authority’s objective is to create and fund a facilities district through a local ballot initiative for the preservation of open space and habitat protection, including fire protection and mitigation. Furthermore, there is an interest in including a cost of living escalator not to exceed approximately three percent. The Habitat Authority is considering this revenue measure for a 2023 special election or on the March 2024 presidential primary election ballot. FM3’s principal business and philosophy is to provide timely public opinion analysis designed to help policymakers make decisions, and we pride ourselves on helping local jurisdictions obtain funding to protect and improve their residents’ quality of life.

**FM3 is a leader in providing research for the successful passage of finance measures—including parcel tax measures—for cities, counties, special districts, and statewide in California.** We have provided research and strategic advice for over 500 local finance measures dealing with issues relating to open space, parks, conservation, public safety, infrastructure, transportation, utilities, libraries, education, health care, and social services for cities, counties, school districts, and other local and state service providers. **Historically, over 95 percent of local revenue measures that were placed before voters by FM3’s clients, under our advisement, have been approved.**

**FM3 is a national leader in conducting research on public opinion regarding conservation and open space issues.** We have worked for a wide variety of cities, counties, districts, and other government agencies; non-profit organizations; and conservation groups seeking to understand public attitudes – and change behavior – toward the protection of our land, air, and water. Our clients on these issues have included National Wildlife Federation, The Nature Conservancy, Ducks Unlimited, Trout Unlimited, Western Conservation Foundation, the Natural Resources Defense Council, the Association of Fish and Wildlife Agencies, the Sierra Club, Resource Media, the League of Conservation Voters, the Trust for Public Land, the Theodore Roosevelt Conservation Partnership, Backcountry Hunters and Anglers, the Chesapeake Bay Foundation, the Wilderness Society, American Forests, and more.

**A major focus of our work on open space and conservation relates to wildfire risks and mitigation.** FM3 has conducted dozens of research projects in the last few years alone on behalf of conservation interests

where we have explored the priority voters place on reducing wildfire risks and their willingness to generate and dedicate more funding toward it.

**Further, FM3 has conducted research in the south San Gabriel Valley and northern Gateway Cities areas, including in Whittier.** This includes research on behalf of Supervisor Janice Hahn as well as L.A. County agencies and community college and K-12 school districts in the region.

The following pages provide more information on FM3's qualifications and experience, research recommendations and approach, and costs.

## **1 QUALIFICATIONS AND RELATED EXPERIENCE**

### **1.1 FM3 Company Profile**

Fairbank, Maslin, Maullin, Metz & Associates (FM3 Research or FM3) is a California-based S-Corporation with 25 full-time employees located in our Los Angeles and Oakland offices. We have been conducting public policy-oriented opinion research since 1981 on issues of major economic and social concern, such as constituent satisfaction with public services and support for policy proposals; budgetary issues and taxation; natural resource conservation and development; environmental protection; education; water supply and infrastructure; transportation; public safety; health care; growth and property development; communications technology; energy development; and organizational branding.

The research that FM3 conducts goes far beyond simply documenting the knowledge, views, and behaviors of various populations. Rather, our work produces actionable data which provides a strategic roadmap for policy makers and to inform community outreach and communication efforts. FM3's clients benefit from our significant experience translating survey data into meaningful recommendations that help provide direction for public agencies on a variety of goals including building support for policy proposals and ballot initiatives.

The firm's broad menu of opinion research and marketing services includes:

- Telephone, web-based, mail, and multimodal listed sample (including voter, address-based, and commercial database samples) public opinion surveys in English, Spanish, and other languages
- Web-based and in-person focus groups conducted in English, Spanish, and other languages
- Online qualitative discussion groups (using the Qualboards® platform)
- Web-based advertising and communications testing
- Intercept surveys in English and Spanish
- In-depth executive interviews
- Product testing and consumer market research
- Advertising testing using Audience Response System (ARS) "Perception Analyzer" technology
- Communications and public opinion strategy consulting

In any given year, FM3 conducts as many as 300 surveys and 160 focus groups (as well as other types of opinion research), which we use to provide strategic insights and advice to our clients. **All key FM3 staff members have advanced degrees in public policy, research methods, and/or extensive experience working in state, regional, and local government; and every FM3 project is personally led by one of our firm's partners.**

Additionally, while our firm is not so big that you will wonder whom to call with your questions, we are big enough to have our own in-house data analysis/processing team and graphic design resources. This means we can provide our clients with a level of personal attention and service from firm partners and other senior staff more often associated with much smaller organizations, while also providing rapid project turnaround, airtight data security, and more sophisticated data analysis and presentations tailored to client needs, as one might expect from larger firms.

More detailed information about our company, services, and clients may be found on our website, [www.fm3research.com](http://www.fm3research.com).

## 1.2 Parcel Tax Measure Experience

**FM3 is a recognized leader in conducting survey research that helps California cities, counties, special districts, and other jurisdictions objectively evaluate the viability of passing local ballot measures to secure additional revenue.** We have worked successfully in over 160 California cities and other jurisdictions to develop strategies to pass revenue measures. Our research identifies the feasibility of a potential ballot measure (or measures); the most appropriate tax rate and revenue mechanism (parcel tax, sales tax, transient occupancy tax, utility user tax, bond measure, etc.); how voters would prefer additional revenue to be used; and how to phrase the ballot label language. Further, the finance measure research that FM3 conducts for our public agency clients not only assists in drafting the most compelling 75-word ballot label possible, but also quantitatively identifies which unique, legally permissible messages will resonate most among that agency's constituents when engaging in community outreach and education.

Our municipal clients represent a diverse cross-section of large and small cities and other jurisdictions, including suburban, urban, and rural communities, in every region of the state of California. We make it a priority to work closely with each of our clients to design the research because we know every community or region is different and requires an approach that addresses its own unique characteristics and needs.

Since 2020, FM3's research helped over 70 California cities pass ballot measures to provide funding for local public services. Some of these cities include: **Alhambra, Arcata, Azusa, Bellflower, Carson, Commerce, Corona, Costa Mesa, Cotati, Culver City, Daly City, Duarte, El Monte, Elk Grove, Exeter, Galt, Gardena, Goleta, Half Moon Bay, Healdsburg, Imperial Beach, Lakewood, Lomita, Long Beach, Los Alamitos, Malibu, Milpitas, Montclair, Montebello, Monterey, Monterey Park, Morro Bay, Norwalk, Ontario, Orinda, Oxnard, Palmdale, Paramount, Pasadena, Paso Robles, Petaluma, Piedmont, Pismo**

**Beach, Reedley, Richmond, Riverside, San Bernardino, San Francisco, San Gabriel, San Jacinto, San José, San Luis Obispo, Scotts Valley, South El Monte, South Lake, Taft, Tahoe, Tehachapi, Torrance, Turlock, West Hollywood, and Whittier.**

Specifically, FM3 is a statewide leader in providing research to help pass parcel tax measures for California’s local agencies. Parcel tax measures can be among the most challenging local taxes to pass, given the required two-thirds approval threshold enshrined by Proposition 13. And flat rate parcel taxes can be even more difficult to pass because of the perception that parcels are not paying their fair share. FM3’s work on behalf of the Los Angeles County Regional Park and Open Space District is a case in point. The District’s \$23 flat rate parcel tax measure in 2014 was defeated with 62.89% of the vote (below the two-thirds threshold). Two years later, a parcel tax levying 1.5 cents per square foot of structural improvements to property (Measure A) received 74.9 percent of the vote.

However, despite the challenges inherent in this financing mechanism, agencies throughout California regularly pursue—and secure—voter approval for local parcel tax measures, including flat rate taxes. FM3 has aided numerous cities and special districts, as well as school districts, in the design of parcel tax measures that have achieved the threshold of support required for passage. Our experience has identified the most direct route to success with this funding mechanism: crafting ballot language that highlights the service and infrastructure improvements that were quantitatively found to be the highest priorities for local voters, while emphasizing strict accountability provisions written into the measure.

California agencies that have passed parcel taxes using FM3’s research and consulting services are shown in **Figure 1** below.

**Figure 1: FM3 Successful California Parcel Tax Measures (1997 – Present)**

Agency	Tax Rate	Measure	Election Date
Oakland Zoo	\$68 per parcel	Measure Y	November 2022
San Geronio Memorial Healthcare District	\$60.52 per parcel	Measure H	December 2021 (Special Election)
Santa Clara Valley Water District	\$.006/Sq. ft.	Measure S	November 2020
City of Arcata (CA), Natural Open Space Preservation Parcel Tax	\$37 per parcel	Measure A	November 2020
City of Arcata (CA), Natural Open Space Preservation Parcel Tax	\$37 per parcel	Measure A	November 2020
Los Angeles County Flood Control District	\$.025/sq. ft.	Measure W	November 2018
Southern Marin Fire Protection District	\$200	Measure U	November 2018
Tahoe-Truckee Unified School District	\$148	Measure AA	November 2018
Evergreen School District	\$125	Measure EE	November 2018
Manhattan Beach Unified School District	\$225	Measure MB	June 2018
Ravenswood City School District	\$196	Measure Q	June 2018
City of Orinda	\$69	Measure J	June 2018
City of Desert Hot Springs	\$267.60	Measure B	November 2017
Arcadia Unified School District	\$288	Measure A	March 2017

Agency	Tax Rate	Measure	Election Date
Los Angeles County Regional Park & Open Space District	\$.015/sq. ft.	Measure A	November 2016
Mountain Communities Healthcare District	\$114	Measure G	November 2016
Apple Valley Fire Protection District	\$126.90	Measure A	November 2016
Monterey Peninsula Regional Park District	\$25.26	Measure E	November 2016
City of Culver City	\$99	Measure CW	November 2016
Rodeo-Hercules Fire Protection District	\$216	Measure O	November 2016
San Francisco Bay Restoration Authority	\$12	Measure AA	June 2016
Marin Emergency Radio Authority	\$29	Measure A	November 2014
City of San José	\$29.84	Measure B	June 2014
Evergreen School District	\$100	Measure H	June 2014
Santa Clara Valley Water District	\$56	Measure B	November 2012
City of Wildomar	\$28	Measure Z	November 2012
Arcadia Unified School District	\$228	Measure A	March 2012
City of Riverside	\$19	Measure I	November 2011
Mountain Communities Healthcare District	\$118	Measure T	June 2011
Tahoe Truckee Unified School District	\$135	Measure A	March 2011
County of Marin	\$24	Measure M	November 2010
City of Desert Hot Springs	\$121	Measure G	June 2010
Milpitas Unified School District	\$84	Measure B	June 2010
City of Santa Cruz	\$94	Measure E	November 2008
Evergreen School District	\$90	Measure T	November 2008
Franklin-McKinley School District	\$72	Measure U	November 2008
City of Orinda	\$39	Measure E	June 2008
City of Monrovia	\$62	Measure L	February 2008
Mountain Communities Healthcare District	\$118	Measure P	November 2006
City of Santa Monica	\$84	Measure V	November 2006
City of San José	\$25	Measure S	November 2004
Palm Drive Healthcare District	\$155	Measure W	November 2004
East Bay Regional Park District	\$12	Measure CC	November 2004
City of Oakland	\$75	Measure Q	November 2004
Alum Rock Unified School District	\$100	Measure R	November 2004
County of Los Angeles	\$.03/sq. ft.	Measure B	November 2002
Santa Monica-Malibu Unified School District	\$98	Measure Y	November 2000
Consolidated Fire Protection District of Los Angeles County	\$66.06	Proposition E	June 1997

### 1.3 Experience in the Habitat Authority, Border Cities, South San Gabriel Valley and the Northern Gateway Cities

A key advantage FM3 would bring to this project is our knowledge and familiarity with the local issues and political landscape in Habitat Authority region as well as south San Gabriel Valley and the northern Gateway Cities more generally. A few examples of our work in the jurisdiction include the following:

- In 2020, FM3 research assisted in the successful passage of the **City of Whittier's** Measure W, a three-quarter cent sales tax that was passed by voters in March 2020.
- FM3 also conducted research for **Rio Hondo Community College District**, which includes the City of Whittier. This includes research for Measure A (2004), a \$245 million bond measure, and Measure R (2002), a \$194 million bond measure.
- In 2016, FM3 conducted research on behalf of the **Hacienda La Puente Unified School District** (which serves Hacienda Heights), leading to the successful passage of Measure BB, a \$148 million bond measure.

Within the south San Gabriel Valley, FM3 research aided in the passage of revenue measures in **Diamond Bar, Montebello, South El Monte, and West Covina** as well as for **Los Angeles CCD, Mount San Antonio CCD, Citrus CCD, and Walnut Valley USD**. Furthermore, we have also conducted community satisfaction and/or revenue measure research on behalf of the cities of **Covina, Diamond Bar, El Monte, La Puente, Temple City, Walnut and West Covina**.

In the northern Gateway Cities region, in addition to the City of Whittier, FM3 research has helped inform the municipal budgets and policy priorities of **Bellflower, Commerce, Downey, Norwalk, Paramount, Pico Rivera, Santa Fe Springs, and South Gate**. We also conducted research on behalf of Assemblymember **Cristina Garcia in AD 58**.

FM3 has conducted a number of research projects on behalf of the **City of La Habra**, a neighboring city to Whittier. In 2021, FM3 was retained to conduct a community satisfaction survey in La Habra. In 2020, we conducted research to explore the viability of a funding measure, but we advised the City to not move forward at that time. FM3 has also provided research and strategic advice on behalf of the City of La Habra that assisted in the passage of Measure T in 2008 (a half-cent sales tax) and Measure II in 2002 (a utility users tax).

FM3 regularly conducts survey research for larger government agencies that include Whittier, Hacienda Heights, La Habra Heights, and Rowland Heights within their service areas. This includes our research conducted on behalf of the **Los Angeles County Regional Park and Open Space District** which was utilized to help pass the largest local park and open space parcel tax (2016's **Measure A**) in U.S. history. Other countywide experience includes the **County of Los Angeles Department of Public Works, the Los Angeles County Department of Public Health** and the **Los Angeles County Flood Control District**, for which FM3 conducted research on the successful Los Angeles County water supply and water quality parcel tax measure (**Measure W**) approved by voters in November 2018. FM3 has also worked for the County of Los Angeles Chief Executive Office **on the Los Angeles County Homeless Initiative, the Los Angeles County**

**Fire Department, the Los Angeles Community College District, the Los Angeles County Registrar-Recorder, the San Gabriel Valley Basin Watermaster, and the Los Angeles County Metropolitan Transportation Authority (METRO).** FM3 has also recently conducted research for the **Central Basin Municipal Water District**, which includes Whittier and La Habra Heights.

Finally, FM3 has represented candidates seeking election in the area of Whittier, Hacienda Heights, La Habra Heights, and Rowland Heights, including multiple members of the State Assembly. We provided research and strategic advice on behalf of **Supervisor Hilda Solis's** 2022 re-election campaign. Furthermore, FM3 has conducted research on behalf of **Supervisor Janice Hahn** for over a decade, including providing polling and strategic advice in her campaigns for U.S. Congress as well as the Los Angeles County Board of Supervisors in the 4th District which includes the planned Joint Powers District (we also provided research that helped elect Lindsey Horvath in the 3rd District). Our research experience in the 4<sup>th</sup> District and counsel to Supervisor Hahn gives us even more insight into the region and the characteristics, needs and priorities of its residents.

#### **1.4 Experience with Open Space and Recreational Areas**

FM3 has conducted research related to conservation, open space and environmental protection in 47 states and in every region of California. In fact, we have conducted approximately 40 conservation-related research projects in the last few years alone. Moreover, in just the past decade, FM3 has worked with numerous cities, counties, and park/recreation/open space districts in securing voter approval for local tax and bond measures for improvements to parks and recreational facilities and open space preservation. This experience will inform our work on behalf of the Habitat Authority.

Our research has helped guide the passage of ballot measures that have provided funding for parks and open space across the country: **Los Angeles County (CA), City of Martinez (CA), City of San Francisco (CA), Marin County (CA), Sacramento County (CA), Sonoma County (CA), the Beaumont Cherry Hill Valley Park and Recreation District (CA), the City of Scottsdale (AZ), Pima County (AZ), the Fair Oaks Recreation and Parks District (CA), the Town of Eagle (CO), Chaffee County (CO), Grand County (CO), Miami-Dade County (FL), Maui and Hawaii Counties (HI), the City of Missoula (MT), Town of Whitefish (MT), Missoula County (MT), the City of Newark (NJ), the Portland-area Metro Regional Government (OR), City of Bend (OR), the City of Cannon Beach (OR), City of Gresham (OR), the City of Medford (OR), the City of Tigard (OR), Deschutes County (OR), Tualatin Hills Park and Recreation District (OR), Willamalane Park and Recreation District (OR), Lackawanna County (PA), Monroe County (PA), City of Austin (TX), City of Houston (TX), City of San Antonio (TX), Salt Lake City (UT), Salt Lake County (UT), the City of Everett (WA), Bainbridge Island (WA), Benton County (WA), Pierce County (WA), and Thurston County (WA).**

FM3 has also conducted survey research for numerous statewide park funding measures. These have included all of **California's statewide park funding measures – Propositions 68 (2018), 84 (2006), 40 (2002), 50 (2002), and 12 (2000) – as well as Florida's Amendment 1 (2014), the largest conservation finance measure in U.S. history; Connecticut's Amendment 2 (2018); Rhode Island's Question 3 (2018), and Questions 5 and 6 (2012); New Jersey's Question 1 (2014) and Question 3 (2007); Missouri's**



**Amendment 1** (2016), the fourth renewal of a sales tax funding parks and soil conservation; **Oregon's Measure 76** (2010); **Iowa's Question 1** (2010); **The Minnesota Clean Water Land and Legacy Amendment** (2008); **the Clean Ohio ballot measure (Issue 2 – 2008)**; **Pennsylvania's "Growing Greener" measure** (2005); and **Nevada's Question 1** (2002).

FM3 served as the primary public opinion research firm for the **Los Angeles County Regional Park & Open Space District** between 2013 and 2016, assisting in the passage of Measure A in 2016, the largest local park and open space measure of its kind in U.S. history. Following the defeat of a countywide ballot measure for parks and open space funding in the November 2014 election, the Los Angeles County Board of Supervisors directed the Los Angeles County Park & Open Space District to conduct a comprehensive assessment of the County's parks, recreation and open space needs. Over the course of 14 months, this first-ever countywide assessment documented the parks, recreation and open space needs—both met and unmet—of every city and unincorporated community throughout the County. FM3 supported this process by conducting five focus groups and two countywide surveys that qualitatively and quantitatively identified County residents' top priorities for parks, recreation, and open space maintenance and improvements (both within their local community and at the regional level) as well as identified potential funding opportunities that County voters would be willing to support. Our research determined the viability of the measure and helped create a roadmap for effective outreach and communication methods. After the completed assessment was delivered to the Board of Supervisors in May of 2016, the Board decided to fund the substantial unmet needs identified by the assessment by placing a new parcel tax, Measure A, on the November 2016 ballot, which was approved by Los Angeles County voters with 74.9 percent support. The County resolution for Measure A, as well as the ballot label language and summary, were all drafted using data from FM3's survey research.

Additionally, since the late 1990s, we have provided research on behalf of **The Nature Conservancy's (TNC)** Conservation Campaigns team and many other units within the organization. Our work for TNC has helped guide the passage of dozens of state and local conservation finance ballot measures and explored the communications challenges of issues like "green infrastructure," "ecosystem services," "natural climate solutions," and the ecological role of fire. We have even conducted research for the TNC in other countries as unique and challenging as Costa Rica, Brazil, and China.

Of our wide-ranging work for TNC, perhaps best-known is the series of communications recommendations ("The Language of Conservation: How to Communicate Effectively with Voters to Build Support for Conservation") that emerged from a national voter survey and focus groups we conducted in 2018. This research was, in part, an update of the landmark opinion research our firm conducted for TNC and the Trust for Public Land in 2004, 2009, and 2013. The research sought to gauge public concern about conservation issues, support for public spending on protection of land and water during more difficult economic times, and testing of economic rationales in support of conservation as well as more traditional conservation themes for public outreach and communications campaigns. A key focus of the research was identifying the most effective themes and messages for conservation organizations to use in communicating with the public.

Below we provide a recent example of our work to pass a parcel tax on behalf of a newly created special district:

**Marin County Open Space District Community Facilities District Measure M:** In 2022, FM3 research contributed to the success of Measure M in Marin County to preserve natural lands and protect the open space from development. The Measure authorized \$23 million in bonds to pay for the sale and then raised \$18 million by creating a special tax district which would levy a tax of \$335 per year for property owners in the district—increasing by two percent a year until the bonds are repaid.

FM3 conducted a dual-mode survey which simulated an electoral environment by measuring voter support or opposition for the measure based on ballot language alone, re-asking the “vote” after hearing proponent messages and then again after hearing opposition messages. In addition to determining the most effective communications, the survey also looked at priorities for uses of the funding to help build the most effective ballot language.

In November, the measure passed with 79 percent of the vote—well above the two-thirds threshold required for passage.

## 1.5 Fire Protection and Mitigation Experience

FM3 is often retained to conduct research related to fire protection and mitigation. Over the past few years alone, FM3 has conducted research related to fire risk and forest management in California, Arizona, Colorado, Oregon, and Tennessee, among other states. Moreover, exploration of public opinion around wildfire risk is a critical component of nearly every open space and conservation survey we conduct—giving us a wide-reaching understanding of its importance to voters and how to build communications around efforts to reduce wildfire risks.

Below we provide a few recent examples of our work where reducing wildfire risk was a key component of the research.

**National Survey on Wildfire and Forest Management:** In the summer and fall of this year, FM3 conducted qualitative (focus group) and quantitative (survey) research on American voters’ views of wildfire and forest management. The research included a dual-mode survey of 2,039 U.S. voters, with an oversample producing 807 respondents in the Intermountain West region (Montana, Idaho, Wyoming, Nevada, Utah, Colorado, Arizona, and New Mexico). The qualitative research included in-person focus groups in the Denver (CO) metropolitan area; Sevier County (TN); and Placer and El Dorado Counties (CA) as well as a Qualboard online discussion among rural voters throughout the West.

The survey research assessed the level of concern about wildfires compared to other issues; the impact of wildfires on the respondents and people they know; how worried they are about wildfires; what they consider the key causes; who is responsible for reducing fire risk; their response to proposals to reduce wildfire risk; and opinions of agencies and organizations who play a role in wildfire and forest management (including the U.S. Forest Service and the Bureau of Land Management). It also assessed changes in support and opposition for a proposal for increased federal funding to reduce the threat and

intensity of future wildfires after hearing supportive and opposition statements. Some questions were tracked to surveys dating back as far as 2008 to measure changes in opinion.

The survey showed that residents in the Mountain and West regions of the nation are far more likely to know people affected by wildfires or wildfire smoke than in any other region of the country. Nationwide, however, the proportion who say they “worry more” about fires than they did five years ago has nearly doubled since the question was first asked in 2008 in comparison to the 2022 survey—with voters in the West significantly more likely to say they worry more (69%) compared to the overall national findings (44%).

The qualitative research allowed FM3 to gain a deeper understanding of opinions that impact support for a proposal to reduce the threat and intensity of future wildfires.

**Los Angeles County Fire District Measure FD:** In 2020, FM3 conducted research to explore the viability of a six cents per square foot parcel tax measure to provide \$134 million annually for Los Angeles County fire services. The survey was designed to simulate a campaign environment. The survey first measured support and opposition for the measure based on ballot language alone, and then tested a number of supportive statements and measured the impact of these statements on the vote. The strongest statement tested focused on upgrading and improving wildfire-fighting equipment and vehicles and hiring more local firefighters to protect L.A. communities. The measure initially received 56 percent of the vote based on ballot language alone. While support rose after hearing supportive statements, after opposition statements, support returned to its initial level (57%). Reflecting this, on election day—and most likely also impacted by the onset of the COVID-19 pandemic—the measure received 53 percent of the vote. This was within the margin of error of FM3’s survey results—and below the super majority needed for passage.

**Chaffee County (Colorado) Conservation Initiative (2018):** In 2018, FM3 conducted a survey assessing the importance of and support for new funding to manage, protect, and enhance public lands. The research tested potential ballot language for a sales tax or flat tax measure dedicated to protecting open space, including protecting the lands from wildfires. The survey found that wildfire risk was one of the most urgent problems voters perceived, and they highly valued projects that would address it. Moreover, the survey found that the most trusted messengers include firefighters and organizations managing forests. With the assistance of FM3 research, Chaffee County’s one-quarter cent sales tax was passed by voters on the November 2018 ballot.

## **1.6 Experience Working with Multiple Organizations on a Project**

FM3 frequently works in collaboration with multiple agencies or layers of government with shared research goals. For example, when we work on county measures, we often reach out to various cities within the county to ensure their particular concerns are met.

More specifically, when we work with agencies on projects that are truly joint efforts, we understand that the process requires buy-in from all relevant stakeholders, from the initial kick-off call to the final presentation. Our sampling strategies will ensure that the relevant voter population is accurately represented by all demographics, including geography, and to the extent possible within your budget, we

will be able to identify places where voters in Whittier, La Habra Heights, Hacienda Heights, and Rowland Heights may have differing priorities. We frequently give multiple presentations to different stakeholder groups (e.g., a City Council, a Board of Supervisors, staff, and/or community groups) to share results and ensure all relevant groups are on the same page.

As a recent example, we successfully worked with the **City of Elk Grove and the Cosumnes Community Service District**, with the latter agency partially located in the City. FM3 ensured that all representatives from both organizations had an opportunity to share their thoughts on the potential measure and review and comment on the survey throughout the process. The result was a successful measure that will provide funds for City services and infrastructure maintenance and improvements, as well as for the special district that is responsible for parks and recreation and fire.

FM3 has also worked with other agencies that have partnered on measures, including the City of Santa Monica and the Santa Monica-Malibu Unified School District and the City of Pasadena and the Pasadena Unified School District in their successful efforts to pass and share a sales tax revenue.

### **1.7 Experience Conducting Research in Diverse Communities**

FM3 has a long record of providing extremely accurate research among California's most diverse and multilingual communities. We know a commitment to studying diversity, inclusion, and equity begins by providing it in the sampling methodology. Our survey must provide the opportunity for every resident to have an equal chance to be selected and take part in the survey to ensure that we gain a full understanding of opinions and perceptions about life, community, and concerns in the region. The findings are not valuable if they do not reflect a representative sample of all residents—including residents of all ethnic and racial backgrounds, ages, incomes, education levels, and genders, among others.

**Our firm has conducted survey interviews in Spanish, Mandarin, Cantonese, Japanese, Khmer, Korean, Tagalog, Vietnamese, and other languages for more than three decades, and our multilingual survey research is considered the gold standard for such research throughout California.** FM3 conducts literally hundreds of bilingual and multilingual surveys annually in California's many diverse communities, including the following:

- Mandarin in San Gabriel Valley cities such as Alhambra, Arcadia, Diamond Bar, Hacienda Heights, Rosemead, San Francisco, Monterey Park, San Marino, Temple City, and Walnut as well as Silicon Valley communities such as Cupertino
- Cantonese in San Francisco, Oakland, and various communities in San Mateo County
- Vietnamese in San José and in Northern Orange County cities, including Fountain Valley, Garden Grove, Stanton, and Westminster and various K-12 school district and community college districts
- Korean in Anaheim, Glendale, and Diamond Bar
- Tagalog in Daly City, Glendale, Long Beach, and Vallejo
- Khmer in Long Beach
- Spanish throughout the majority of California and the southwestern United States

A few recent examples of our multilingual survey research include the following:

- L.A. Metro region survey in English, Armenian, Chinese, Japanese, Korean, Russian, and Vietnamese
- City of Burbank survey in English, Spanish, and Armenian
- City of Long Beach survey in English, Khmer, Spanish, and Tagalog
- City of Milpitas survey in English, Spanish, Vietnamese, and Chinese
- City of West Hollywood survey in English, Spanish, and Russian
- City of Torrance survey in English, Spanish, and Japanese

**FM3 possesses in-house Spanish language capability and provides some of the highest-quality English-Spanish bilingual research available.** Our firm has conducted surveys bilingually in English and Spanish for more than three decades and doing so is another one of our firm’s longstanding strengths. We are extremely sensitive to details such as the geographic and national differences in Spanish vocabulary and pronunciation, and we conduct hundreds of surveys and dozens of focus groups in Spanish every year.

Furthermore, we have long-term relationships with call centers who employ regular, full-time multilingual interview staff who have the strongest fluency in both English and their respective second languages, including Spanish, Mandarin, and Cantonese. **FM3 will leverage the experience and methodologies we have acquired and developed over three decades of conducting the highest quality multilingual survey research to enhance the research we conduct for the Habitat Authority.**

## **2 PROPOSED RESEARCH TEAM**

FM3’s proposed project team consists of firm Partner **Richard Bernard** in the role of Project Manager and Vice President **Adam Sonenshein** as Assistant Project Manager. Dr. Bernard and Mr. Sonenshein routinely work together to produce highly accurate voter opinion research for our municipal clients throughout California.

FM3 takes great pride in the superior service we provide to our clients, including the time and attentiveness provided by firm partners and other senior personnel. Consistent with this policy, Dr. Bernard and Mr. Sonenshein will each remain attached and committed to this project through Election Day and will remain available to the Habitat Authority to conduct additional analysis of the research results, provide advice, or address other needs upon request.

Brief résumés of Dr. Bernard and Mr. Sonenshein are provided below.

### Richard Bernard, Partner— Project Manager



FM3 Partner Richard Bernard joined FM3 after being on the faculty at the University of Toronto from 1999 to 2002. Dr. Bernard routinely conducts research and provides strategic advice for a diverse set of clients including cities, counties, special districts, K-12 and community college districts, non-profits, businesses, and labor unions. His work provides a road map to help his clients communicate effectively with their populations of interest.

Dr. Bernard was the Project Manager for the L.A. County Parks and Open Space District research between 2013 and 2016, including conducting all the focus groups, designing the survey research, and presenting findings to the Los Angeles County Board of Supervisors and other stakeholders. His research led to the passage of Measure A in 2016, the largest local park and open space parcel tax measure in U.S. History.

Dr. Bernard has served as Project Manager on a number of other projects related to open space, park and water conservation for clients including the County of Ventura, the cities of San Juan Capistrano, Los Angeles and Rancho Palos Verdes; the Conejo Recreation and Park District and the Desert Recreation District; the Nature Conservancy in San Diego County; and the Port of San Diego. In 2020, he was commissioned to work on behalf of a coalition of conservation advocates (including NRDC, NextGen and Save the Redwoods League) to conduct research statewide on a natural resources protection measure, which was used as the basis for AB211. This bill, signed into law, dedicated more than 150 million dollars to fire protection, fuel reduction, vegetation management, post-fire recovery and restoration, wildlife and forest resilience. He has also led a multitude of projects on citizen satisfaction, budget priority, and strategic planning surveys for more than 35 cities in Los Angeles County (including Whittier, Bellflower, Diamond Bar, Paramount, Montebello, Monterey Park, Norwalk, Pico Rivera, South El Monte, and Walnut) and for Los Angeles County Department of Public Works, Los Angeles County Flood Control District and the Los Angeles County Metropolitan Transportation Authority (Metro).

While at the University of Toronto, he taught research methods and statistics, and within his research dealt frequently with issues related to cities, employment, ethnicity, and families. He has published in such journals as East Asian Pacific Migration Journal, International Migration Review, and the Canadian Journal of Sociology. Prior to joining the faculty at University of Toronto, Dr. Bernard was a Sloan Foundation post-doctoral fellow at the National Opinion Research Center (NORC) based at The University of Chicago, where he both designed and tested quantitative and qualitative research related to family, work, and educational issues.

*Education:* Richard Bernard received an Honors B.A. at York University, a M.A. at McGill University and a Ph.D. at UCLA in Sociology. He is a former City of West Hollywood Transportation Commissioner. Richard can be reached at (310) 428-1809 or at [Bernard@fm3research.com](mailto:Bernard@fm3research.com).

### Adam Sonenshein, Vice President– Asst. Project Manager



Vice President Adam Sonenshein came to FM3 Research in 2013, following over a decade of experience working on behalf of non-profit organizations and political candidates in California. He has conducted opinion research and evaluation and provided strategic advice for dozens of clients including candidates running for political office, K-12 school and community college districts, local governments, non-profit organizations, business associations, and ballot measure campaigns.

Adam's research has helped secure voter approval for dozens of revenue measures for a variety of clients, including the Los Angeles County Regional Park and Open Space District and has studied voter support for issues related to open space protection, environmental conservation and fire mitigation, for statewide coalitions of environmental organizations, the Desert Recreation District, Mariposa County, and the Port of San Diego among many others. He has also been a key member of surveys on citizen satisfaction, budget priorities, and strategic planning for many Los Angeles County cities including Arcadia, Bellflower, Burbank, Montebello, Norwalk, Paramount, and Pasadena, as well as for the Whittier Union High School District, Los Angeles County Department of Public Works, Los Angeles County Flood Control District and the Los Angeles County Metropolitan Transportation Authority (Metro).

His research has explored attitudes on a range of issues including environment, open space protection and water conservation, K-12 and early childhood education, strategies to address poverty, public safety, reducing homelessness, making the political system more transparent and fair, and public transportation.

Prior to joining FM3, Mr. Sonenshein spent over a decade working on behalf of non-profit organizations and political candidates in California. He spent eight years with Los Angeles Universal Preschool (LAUP), a county-wide nonprofit organization which focuses on building public will for expanding access to quality preschool education. He was responsible for developing the organization's public policy, advocacy, and community involvement strategies. Further, he has served as a consultant for political campaigns, coalitions, and public awareness campaigns in the San Francisco Bay Area.

*Education:* Mr. Sonenshein received a Bachelor's degree in Political Science from Tufts University in 1998 and a Master's of Public Policy (M.P.P.) from the UCLA Luskin School of Public Affairs in 2005 with awards for Outstanding M.P.P. Student of the Year and Outstanding Academic Achievement. Adam can be reached in FM3's Los Angeles office at (310) 828-1183 or at [adam@fm3research.com](mailto:adam@fm3research.com).

### 3 PROPOSED WORK PLAN AND METHODOLOGY

FM3 recommends conducting a 20-minute, dual-mode survey (with text message invitations) of 600 registered voters from the proposed District boundaries who are likely to participate in the March 2024 primary election. The survey will be offered in English, Spanish, and Chinese.

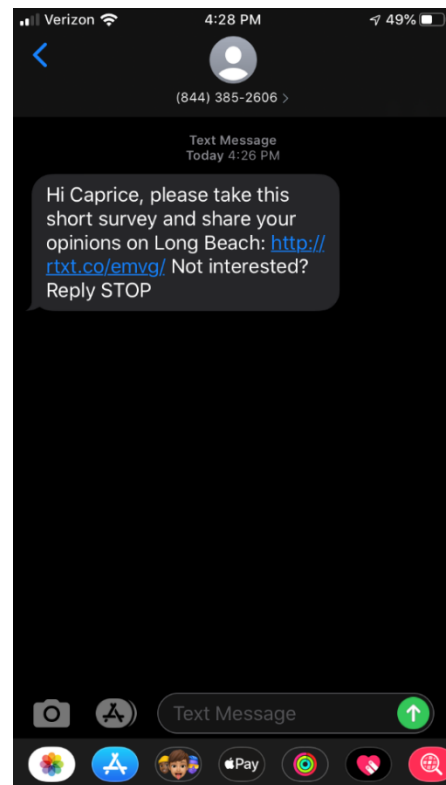
FM3 offers survey length options of either 15 or 20 minutes. **However, our recommendation is to use a 20-minute questionnaire for this survey**, as this length will provide the opportunity to evaluate support, as well as the importance of a broader range of potential uses of measure funds, tax rates (flat or per square foot), a cost of living increase, ballot label language, and legally permissible educational statements – increasing the level of information we will have about the priorities and tax tolerances of your voters and thereby helping to position you for success.

Surveying the population of likely March 2024 primary election voters will also provide data on the perceptions of the smaller group of likely 2023 special election voters, as this group is a subset of those who are likely to vote in the 2024 primary election. This will enable FM3 to compare support for and viability of a potential finance measure in both a March 2024 primary election and 2023 special election.

#### 3.10 Methodology

As mentioned, FM3 recommends the use of a **dual-mode, online and telephone (landline and wireless), interviewing methodology** for this survey. The contemporary approach for gathering statistically reliable data is to employ the traditional telephone survey methodology alongside the latest online survey applications, with invitations to take the survey online distributed to potential respondents via email and (in the case of cellular phones) by text message (please refer to **Figure 2** at right for an example of the latter). In instances where a potential respondent is randomly selected to take the survey online but does not promptly respond to the email invitation to do so (and a cellular telephone number for this individual is also available), FM3 will follow-up with a text message invitation, and an additional reminder as necessary. This relatively new survey contact approach has been found to improve response rates to online surveys. Furthermore, without utilizing text messaging, a subset of the population who relies on text communication would not be included in the survey, making it less representative of the voter population overall. FM3’s use of text messages to distribute survey invitations has been vetted by independent legal counsel and determined to be in compliance with all applicable state and federal laws and regulations, including the U.S. Telephone Consumer Protection Act (known as the TCPA).

Figure 2: Sample Text Message Survey Invitation





Combining the data from the telephone and online surveys produces an all-inclusive, representative sample of the population of interest. FM3's dual-mode surveys demonstrated their precision over the course of the 2016 through 2022 election cycles, helping guide more than 160 local ballot measures to victory in communities throughout the U.S.

Using this modern dual-mode survey methodology, FM3 collects survey data in two phases:

### **Phase I: Online Interviews**

During this phase, FM3 will pull a randomized sample of voters from the area of interest who are likely to vote in the March 2024 election. FM3 will collect email addresses for respondents in this sample from (1) the Los Angeles County Registrar of Voters and (2) from matching the names of those who do not have an email address on file with the County Registrar against a list of email addresses obtained from commercially available consumer records.

Once FM3 has identified email addresses for the desired number of respondents, an invitation will be sent to the individuals for whom an email address is available. The email invitation will provide a link for the voter to take the survey online. Three to four days after this initial email invitation is sent, a second reminder email will be directed to recipients who have not yet taken the survey, requesting that they do so.

**As mentioned earlier, in addition to sending out invitations by e-mail, FM3 will send out invitations via text message to ensure a representative sample.** In many cases, voters' main access to the internet is through their smartphones. During the matching process, our firm is also able to identify cellular numbers, and can program an invitation to participate in the survey via text by providing a link to the online questionnaire. Recipients of the text message invitations will then be able to complete the survey through their smartphones. This approach is especially helpful to ensure the survey is more wide-reaching and captures the opinions of a representative sample of voters living in the Habitat Authority region.

### **Phase II: Telephone Interviews**

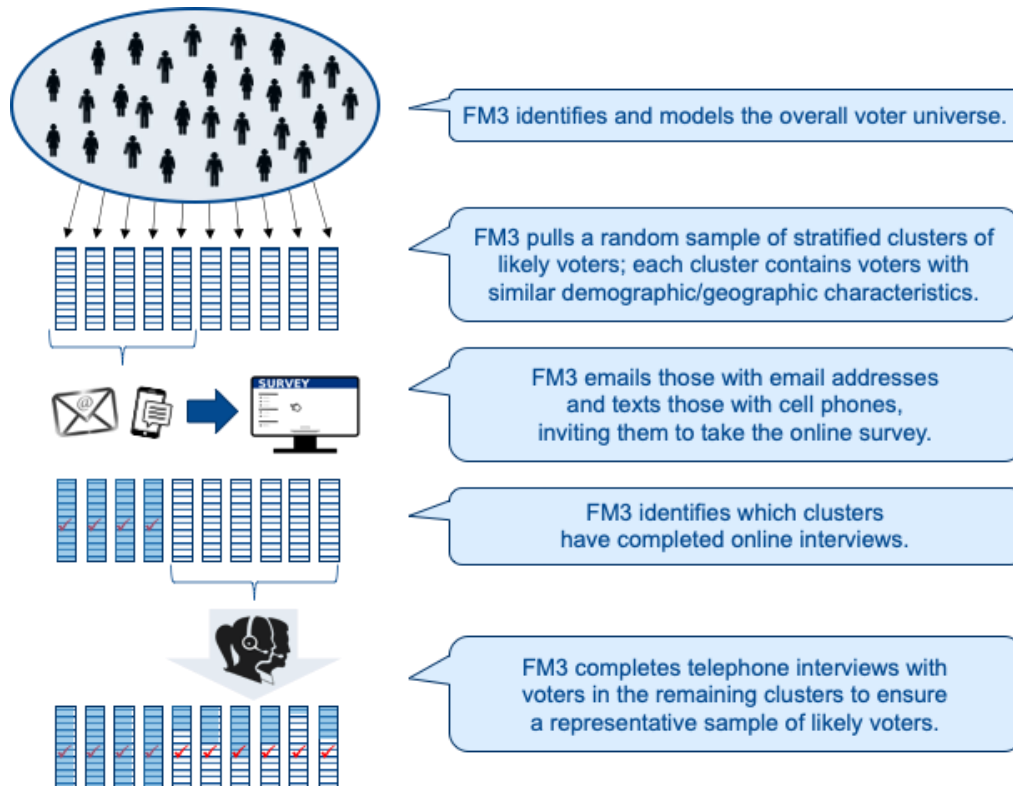
Within a few days of the initial email's distribution, FM3 will conduct a thorough examination of the demographic characteristics of those who have taken the survey online. By comparing the demographic characteristics of those who have completed the survey online with the attributes of the likely voter population in the region of interest as a whole, FM3 will note specific subsets that are either overrepresented or underrepresented in the online sample. To control for attitudinal differences between voters who are more likely to respond to a survey online and those who prefer to participate via telephone, FM3 will take care, if necessary, to ensure a 50%-50% balance between the total number of online and telephone respondents to the survey.

FM3 will then conduct further interviews with additional respondents by telephone after matching the names of potential respondents with their current telephone numbers (cellular and landline) acquired from consumer records. The telephone interviews will be conducted primarily among respondents who were underrepresented in the online sample, thereby producing an overall survey sample using both methodologies (online and telephone) that mirrors the likely voter population.

FM3 will conduct a smaller number of telephone interviews among individuals whose demographic profile matches that of the online survey participants (but for whom no email address is available) to ensure the accuracy of the data produced by the initial, online portion of the survey.

**Figure 3** depicts the basic steps involved when FM3 conducts a dual-mode voter survey. To simplify the concept, the graphic depicts a hypothetical 10-interview survey.

**Figure 3: Sampling and Data Collection Methodology, Dual-Mode Voter Survey**



### Questionnaire Design

In designing the research for this project, FM3 will draw from its knowledge of public opinion survey methodology, our comprehensive review of any past survey research in the region (including tracking past questions if available and when appropriate); the Habitat Authority’s current and future objectives and needs; and our own vast library of research. The process will begin with an initial kickoff meeting (either in-person or via conference call) between the FM3 team and Habitat Authority staff members assigned to this project, during which we will hold a comprehensive discussion of major issues or challenges that should be explored in the survey. FM3 will then present a first draft of the questionnaire to the Habitat Authority for review and comment. After collecting feedback on the first draft, we will revise and refine the survey. We foresee proceeding through several drafts, incorporating feedback from the Habitat Authority before each revision to develop a research instrument that will obtain all the information desired. Before interviewing commences, FM3 will secure approval from the appropriate Habitat

Authority representative(s) on the final version of the questionnaire. We have found this approach is a very effective way to ensure Habitat Authority leadership has the opportunity to prioritize issues to explore in the survey and that we can provide actionable, useful data that helps support the Habitat Authority's goals.

Our approach to ballot measure surveys has been developed over the course of several decades. For this project, our firm recommends a questionnaire design that simulates an actual parcel tax measure campaign. First, voters will respond to the possible measure unprompted by any previous information. Survey respondents will then respond to a series of legally permissible educational statements that could be used during community outreach, and the measure is tested again to gauge the impact of that outreach. Following that, respondents will also respond to a critical statement, simulating a possible opposition campaign. Once voters receive all information, the proposed measure's favorability is tested for a third time in order to best understand the impact of that information on the likely outcome for the measure. The survey will also test individual characteristics of the measure, which could include the viability of various parcel tax rates, impact of including a cost-of-living increase in the measure, voters' budgeting and spending priorities, and the level of support in different geographic communities within the region. The survey could also include a set of contextual questions FM3 has developed to help measure voters' willingness to support a revenue measure during this time of financial concern. As part of the survey questionnaire development process, we will review these questions with Habitat Authority staff to identify which questions are appropriate to be incorporated into the revenue measure survey.

## **Translation**

FM3 translates and offers our surveys in any language desired by our clients as well as makes recommendations for language translation based on the overall population demographics, client objectives, and purpose of the research. FM3 will provide the survey in Spanish and Chinese on the phone. In the cost section of this proposal, we provide the optional cost for offering the survey in Spanish and Chinese online as well. However, we recommend conducting the survey in Chinese only to those participating by phone. Our experience and best practices suggest that conducting online interviews in Chinese is not usually cost-effective because very few eligible Chinese-dominant participants prefer to respond online in their respective language.

## **Interviewing**

FM3 will subcontract internet hosting and emailing services, as well as telephone interviewing services, to one of the country's leading firms in the field of public opinion data collection. FM3's online interviewing platform is optimized to enable respondents to easily take the survey from either a personal computer or tablet/smartphone device, providing respondents with enormous flexibility regarding when and how they can participate.

Our vendor's telephone facilities have well-established procedures to supervise the interviewing process and to verify that interviews are conducted according to specifications. Among these procedures is the monitoring of actual interviews by on-site supervisors, identification of each interview by interviewer, and the use of a regularly employed staff of professional, full-time interviewers who are fluent in English,

Spanish, Mandarin, and Cantonese. There is an established protocol for callbacks of busy or "not-at-home" numbers designed specifically to maintain the randomness of interviewee selection. FM3 proposes to review its procedures with City representatives to ensure satisfaction with all technical aspects of the interviewing process.

### **Data Analysis/Reporting**

Response data will be analyzed by FM3's Data Processing and Analysis Department staff using Survey System and SAS software, both well-documented and widely used data analysis software packages. As needed, FM3 may augment Survey System and SAS with its own custom-designed statistical analysis program to report the tabulation and cross-tabulation of data. The Data Processing and Analysis Department staff employs a data checking and editing system to eliminate errors and document the handling of data received from the interviewers.

Within one to two days after interviewing has been completed, FM3 will produce the aggregate "topline" results of the survey for the Habitat Authority's initial internal review. These results will show the overall percentage of respondents that chose each answer for all of the survey's questions.

Within two to three days, FM3 will then produce a comprehensive set of cross-tabulated results. The cross-tabulated results will include a table for each question or demographic variable in the survey, with a series of up to 180 columns indicating how various subgroups of voters responded to that question. The cross-tabulated results will make it possible to detect how responses differ, if at all, among various subsets of the electorate. For example, it will be possible to compare answers provided by men and women, voters of various age categories and income levels, responses based on ethnicity/race, homeowners and renters, parents and non-parents, voters living in different cities of the region, and many more subgroups of the population.

It is worth noting that in previous research efforts, we have used an array of statistical analysis techniques to help our clients identify populations with distinct opinion characteristics and/or appropriate target audiences for public communications. These include factor analysis, cluster analysis, logistic regression, stepwise regression analysis, and Total Unduplicated Reach and Frequency (or TURF) analysis.

### **Reports and Presentations**

Results of the survey will be presented both in person and in writing based on the Habitat Authority's scheduling needs and preferences. This report will at a minimum take the form of a detailed PowerPoint presentation but can take additional forms depending upon the Habitat Authority's needs. The PowerPoint report will include demographic breakouts and summaries of key findings, conclusions, and recommendations—first in draft form for your review and input before producing the final report. The report will provide clear, actionable recommendations regarding how to use survey results to achieve your objectives. FM3 will present the results of the survey to Habitat Authority staff and other key stakeholders requested at your convenience. FM3 is also happy to provide additional data analysis and develop summary memos or more-focused presentations or reports to clarify survey results after the initial presentation or to meet other Habitat Authority needs.

Finally, after FM3's final deliverables have been completed, we will remain available to answer follow-up questions and to present results to additional key stakeholders. We view the responses to the survey as an ongoing data resource; if needed, FM3 can conduct further analysis to provide answers to any follow-up questions that may arise.

#### 4 SCHEDULE

FM3 is prepared to begin work on this research project immediately and would approach it in three distinct phases: research design, data collection, and data analysis and reporting. One of our firm's strengths is the ability to complete a course of research quickly and efficiently. **Figure** on the following page presents a draft outline of the timeframe within which project milestones will be completed. While this timeline describes a process that takes six to eight weeks, we will be happy to accelerate or otherwise adjust this timeline in order to best accommodate the agencies' needs.

Furthermore, we view the survey results as an ongoing resource for our clients and, at the conclusion of Phase 3, FM3 would remain available for ongoing consultation and any further analysis and presentation of the research, as needed, including helping to develop the 75-word ballot title and summary, should the Habitat Authority decide to proceed with placing a measure on the ballot.

**Figure 4: Dual-mode (w/Text Messaging) Voter Survey Phases & Timeline**

**Phase 1 - RESEARCH DESIGN - (2 weeks)**

- Kick-off meeting/confirmation of research specifications
- Review necessary background materials
- Draft, refine, and finalize survey questionnaire
- Draft, refine, and finalize invitation email
- Finalize sample parameters and order/prep sample
- Translate survey questionnaire into Spanish and Chinese
- Program and test survey questionnaire

**Phase 2 - DATA COLLECTION - (2-3 weeks)**

- Send email/text message invitations and reminders (as necessary)
- Analyze demographics of online survey respondents
- Initiate and conduct telephone interviews
- Continually review responses and sample quotas
- Begin development of cross-tabulated report structure

**Phase 3 - DATA ANALYSIS & REPORTING - (2-3 weeks)**

- Generate topline survey results
- Generate cross-tabulated results
- Conduct statistical analysis
- Generate PowerPoint presentation of key findings, conclusions, and actionable recommendations
- Present findings

## 5 COSTS

While we recommend a 20-minute survey among 600 likely voters, mindful of budgetary considerations, we provide costs for a 15- and 20-minute survey among 400, 500 and 600 voters (see **Figure 5**). These cost figures are all-inclusive, and reflect all charges for questionnaire development, voter sample acquisition, translation, online survey hosting and emailing, telephone interviewing (in English, Spanish, and Chinese)<sup>1</sup>, data entry, cross-tabulation, data analysis, and preparation and presentation of survey results. Direct incidental expenses, such as extra reproduction of reports and travel, are not included but would be billed at cost if incurred.

**Figure 5: Habitat Authority Joint Powers District Multilingual, Dual Mode Voter Survey Cost**

Length	Number of Interviews		
	n=400	n=500	n=600
15 minutes	\$26,400	\$28,500	\$30,900
20 minutes	\$29,250	\$31,350	\$33,900

Of course, any number of alternative survey structures are possible, which may result in higher or lower costs. FM3 is committed to working with the Habitat Authority to tailor the research plan to fit your budget and meet your research needs.

FM3 welcomes the opportunity to work with the Habitat Authority. Our firm believes our vast experience in the communities your Authority covers provides significant added value to understanding your voter priorities and how they think about revenue measures. This will help inform the research work and the Authority’s ability to best outreach to your voters. If you have any questions or if there is any further information we can provide, please do not hesitate to contact us. Thank you for your consideration. You may reach us as follows:

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**Partner**  
 12100 Wilshire Boulevard  
 Suite 350  
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<sup>1</sup> The survey can be offered in Spanish and/or Chinese online for an additional cost of \$1,000 per language.

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 \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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

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

Acting Secretary, Andrea Gullo

# 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.**

Member Nazaroff motioned to approve these minutes as drafted. Member Andros seconded this motion, and in a roll call vote the motion passed unanimously.
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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.