

**PUENTE HILLS HABITAT PRESERVATION AUTHORITY
CITIZENS TECHNICAL ADVISORY COMMITTEE
*Endowment Provided by the Puente Hills Landfill***

November 15, 2022, Tuesday, 7 p.m.

LOCATION:

This meeting will take place remotely in accordance with Government Code section 54953(e) *et seq.* (AB 361) and Resolution 22-14, adopted by the Board on October 20, 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/88424095491>

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

Meeting ID: 884 2409 5491, Find your local number: <https://us02web.zoom.us/j/88424095491>

Roy Francis, Vice Chair	La Habra Heights
Catherine Houwen	La Habra Heights
Adam Nazaroff	La Habra Heights
Shelley Andros	Whittier
Ray Wong	Whittier
Jeff Brauckmann	Whittier
Matthew Liang	County of Los Angeles
(vacant)	County of Los Angeles
(vacant)	County of Los Angeles

Members of the public may provide electronic comments by Monday, November 14, 2022, by 4:00 p.m. to info@HabitatAuthority.org. Please label the email in the subject heading as “Public Comments.” Public comments may also be verbally heard during item IV of the meeting.

72 hours prior to Citizens Technical Advisory Committee meetings, the entire Citizens Technical Advisory Committee agenda package is available for review, along with any meeting-related writings or documents provided to a majority of the Committee members after distribution of the agenda package, at the Authority’s website, 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) will hold a regular meeting of the Citizens Technical Advisory Committee (CTAC) at the above time and location for the purpose of:

Oath of Office for new Advisory Committee member Jeff Brauckmann.

AGENDA

- I. Call to order.
- II. Roll call.
- III. Introduction of new Advisory Committee Member.
- IV. Public comments.

- V. Approval of Minutes for the October 18, 2022, Regular Meeting.
- VI. Standing Reports:
 - a) Report by Board Liaison on previous month's Authority Board of Directors meeting.
 - b) Report from the social media subcommittee.
 - c) Committee Member feedback from the public as it relates to the Habitat Authority.
- VII. Discussion: Receive and file October 2022 Mountains Recreation and Conservation Authority (MRCA) Ranger Report.
- VIII. Discussion and recommendation to the Board to submit Authority's comments on Initial Study/Mitigated Negative Declaration for the City of Whittier's Murphy Ranch Little League Baseball Field Lighting Project.
- IX. Discussion and recommendation to the Board to authorize 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 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.
- X. Discussion and recommendation to the Board to authorize 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.
- XI. Discussion and recommendation to the Board regarding Authority's remote meeting regulations as specified in California Assembly Bill 2449.
- XII. Closing Remarks (Comments/questions from Committee Members and/or Executive Director).
- XIII. Adjournment and announcement of the next meeting.

The Puente Hills Habitat Preservation Authority is a public entity established pursuant to the Joint Exercise of Powers Act by agreement between the City of Whittier, Los Angeles County, and Sanitation Districts of Los Angeles County. Regular meetings of the Citizens Technical Advisory Committee are scheduled for the Tuesday before the third Thursday of every month.

Questions about any agenda item can be addressed to Andrea Gullo, Executive Director, 562.945.9003.

DRAFT 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.

Members Present:	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

Members Absent:	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.

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.



MOUNTAINS RECREATION & CONSERVATION AUTHORITY
Franklin Canyon Park
2600 Franklin Canyon Drive
Beverly Hills, California 90210
Phone (310) 858-7272 Fax (310) 858-7212

October 31, 2022

Puente Hills Habitat Preservation Authority Ranger Services Activities for October 2022

- Continued general patrol for: providing visitor information, identifying hazardous conditions and correcting illegal activity.
- Continued general maintenance for: graffiti removal, vandalism repair, litter and dumping removal, fence and gate repairs, sign installations and repairs and trail maintenance.
- Participated in the check presentation with Assemblymember Calderon, and Senator Archuleta for funding to the Habitat Authority for ranger services.
- Ranger staff met with the new La Habra Heights Fire Marshal.
- Attended the Puente Hills Habitat Preservation Authority (Habitat Authority) Board meeting.
- Participated in our ranger monthly management meeting.
- Monitoring the dead tree removal project in Whittier.
- Monitored the contractor with the goats for the vegetation management project in Turnbull Canyon.
- Picked up dumping including:
 - Debris in Worsham Canyon.
 - Construction debris in Arroyo San Miguel.
 - Boxes of crackers and trash off Mar Vista St.
- Continue to notify the Habitat Authority staff of all unsuccessful animal road crossings that are observed at or near Habitat Authority property. During the month of October the following animal was observed.
 - Opossum on Colima Road.
- Continue to monitor the Harbor underpass. No activity to report.

- Due to safety concerns and overcrowding at the Turnbull Canyon entrance, we previously worked with the owner of the property and Whittier Police Department to secure the vacant lot that is next to the entrance. The lot needed to be re-secured once in October.
- Continue monitoring the surveillance cameras at various trailheads in attempt to catch the vehicle break-in perpetrators. We are also coordinating with Whittier Police and L.A. County Sheriff.
- Continue to contact the Los Angeles County Department of Street Maintenance regarding the graffiti along Turnbull Canyon Road.
- Monitored the second roadside clearance for La Habra Heights as part of the fuel modification contract.
- Replaced rules sign and trail marker signs in Turnbull Canyon.
- Replaced ADA trail sign at Hacienda Hills Trailhead.
- Replaced trail marker signs at Hellman Park.
- Replaced trail marker sign at Workman Ridge.
- Installed mountain lion information signs at all the trailheads.
- Removed a yellow jacket nest under the bridge on the Ahwingna ADA Trail.
- Secured Elderberry gate after it had been damaged. Looking into a permanent repair.
- Drunk driver damaged the railing at the Hacienda Hills Trailhead. Andrea Gullo has contacted his insurance company for the costs of repairs.
- Continue to check and re-post trail closure signs and rope-fence at unauthorized trails and restoration areas in Turnbull Canyon, Worsham Canyon, Powder Canyon and Hellman Park.
- Continue to pick up dog defecation at all the trailheads.
- Continue to conduct perimeter patrols of all property for fence damage, illegal access points, rope swings, and encroachments.
- Continue to patrol the SCE, Brea 57 site and Monterey mitigation sites in Powder Canyon and the Olinda site in Arroyo San Miguel.

- Dealt with various violations including:
 - In the Preserve after hours at Sycamore Canyon, Hacienda Hills, Powder Cyn. and Arroyo Pescadero.
 - Parking violations at Arroyo Pescadero, Hacienda Hills Trailhead, Sycamore Canyon and Ford property.
 - Loud music in the Hacienda Hills and Arroyo Pescadero.
 - Marijuana at Arroyo Pescadero and Turnbull Canyon.
 - Smoking at Arroyo Pescadero.
 - Alcohol at Hacienda Hills, Arroyo Pescadero and Turnbull Canyon.
 - Warn and advise electric bikes in Powder Canyon and Hacienda Hills.
 - Dogs off leash at Hacienda Hills and Arroyo Pescadero.
 - Bikes in Arroyo Pescadero and Sycamore Canyon.

- Received several calls during the month of October to our 24-hour ranger emergency services number including:
 - Several calls for hikers locked in at Hellman Park.
 - Reporting an ATV in Powder Canyon.
 - Caller locked in at the Hacienda Hills Trailhead.
 - Reporting dumping along Colima Road.
 - Caller waiting for Arroyo Pescadero Trailhead to open.
 - Caller waiting for Hacienda Hills Trailhead to open.
 - Caller lost their drivers license.
 - Reporting an ATV in Powder Canyon.
 - Reporting kids dug under the fence at Hellman Park.

- Continue to work closely with Executive Director Andrea Gullo on various projects and assignments as requested.

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

Sincerely,

K E Hughes

Kenn Hughes
Deputy Chief Ranger

MEMORANDUM

Meeting Date: November 15, 2022
To: Citizens Technical Advisory Committee
Prepared by: Andrea Gullo, Executive Director

Agenda Item VIII. Discussion and recommendation to the Board to submit Authority's comments on Initial Study/Mitigated Negative Declaration for the City of Whittier's Murphy Ranch Little League Baseball Field Lighting Project.

Background:

The City of Whittier's Murphy Ranch Little League Baseball Field Lighting Project proposes to As the Lead Agency, the City of Whittier released a Mitigated Negative Declaration (MND) for public review on October 20th. Please see the Authority's attached draft comment letter (Exhibit A).

The project site, is adjacent to the Authority-managed land of the Puente Hills Preserve (Exhibits B and C), owned by the City which the Authority holds conservation easements over. Due to the Project's proximity, Authority staff were contacted by the City staff and provided informal review of the MND prior to its public release.

The deadline for submitting comments is Friday, November 18, 2022. The Notice of Availability and Draft Initial Study—Mitigated Negative Declaration are posted on the City's website: <https://www.cityofwhittier.org/government/community-development/environmental-documents-notices/mitigated-negative-declaration-and-appendices-for-the-murphy-ranch-little-league-baseball-field-lighting-project>

The notice of availability is attached for reference (Exhibit D).

Recommendation:

That the Committee recommend to the Board to submit the attached comment letter regarding the above-mentioned project.

Attachments:

- A -Draft comment letter
- B & C -Maps for orientation
- D -Notice of Availability



Puente Hills Habitat Preservation Authority

Endowment Provided by the Puente Hills Landfill

DRAFT

November 17, 2022

Kyle Cason, Director of Public Works
City of Whittier, Public Works Department
13230 Penn Street
Whittier, California 90602
PubWks@cityofwhittier.org

Re: Comments on Initial Study/ Mitigated Negative Declaration for the City of Whittier's Murphy Ranch Little League Baseball Field Lighting Project

Dear Mr. Cason:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the City of Whittier's Initial Study/Mitigated Negative Declaration for the City of Whittier's Murphy Ranch Little League Baseball Field Lighting Project released October 20, 2022. The Board of Directors for the Habitat Authority met on November 17, 2022, and is submitting these comments for your consideration.

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

In the Puente Hills, the Habitat Authority manages the open space in its ownership as well as open spaced owned by the City of Whittier and Sanitation Districts, totaling over 3,880 acres, within the Cities of Whittier and La Habra Heights and the County unincorporated area known as Hacienda Heights. These lands are collectively referred to as the Puente Hills Preserve (Preserve). The proposed Murphy Ranch Little League Baseball Field Lighting Project is adjacent to Preserve lands that are managed by the Habitat Authority through Agreements with the City of Whittier, A97-172 and A15-128, and the Habitat Authority holds a conservation easement over 15.8 acres of the adjacent land.

Overall, we support the City's commendable efforts to provide enhanced recreational opportunities to local youth. Upon review of the Initial Study/Mitigated Negative Declaration

we were pleased to note that many biological mitigation measures were implemented to reduce negative impacts to the biological resources of the adjacent Preserve.

Our full comments are attached in Exhibit A.

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

Sincerely,

DRAFT

Ivan Sulic
Chair

cc: Board of Directors
Citizens Technical Advisory Committee

Exhibit A

Project Description:

The project proposes to install 11 galvanized steel poles with lights ranging in height from 60-feet to 80-feet to light the two Murphy Ranch Little League baseball fields to allow evening baseball practice and games. The baseball fields are used by the Murphy Ranch Little League for baseball practice and games for youth ages 4 to 16 years old that live or attend schools in the Murphy Ranch Little League boundaries which are in close proximity to the project site. Construction to install the 11 galvanized steel poles is scheduled to occur sometime during the fourth quarter of 2022 until the summer of 2023. Once construction starts it is estimated to take two months and it is the City's intent to complete installation prior to bird nesting season. If work does occur during the breeding season, pre-construction surveys will be conducted including following the U.S. Fish and Wildlife Service technical guidance for the Preserve for surveys conducted during coastal California gnatcatcher breeding season. Appropriate avoidance and minimization measures will be taken including establishment of appropriate buffers around active nests and work will be monitored to ensure against negative impacts to nesting birds. The proposed lighting of the two existing baseball fields would allow the Murphy Ranch Little League to use the baseball fields 7 days a week year-around. The lights would shut off at 10:00 pm. A dimmer switch would be installed to allow the lights to be reduced to 50 percent of the full light intensity for ten minutes and further reduced to 30 percent for five minutes to allow players, parents and spectators to safely get to their cars before the lights are completely shut-off at 10:15 pm each evening. These baseball fields are on Proposition A funded City-owned property.

General Comments:

We appreciate that the City contracted with Bloom Biological. We stand ready to join the City in these efforts and future planning efforts. In the future, we would like to coordinate with the City for studies or analysis conducted on the Preserve consistent with the agreement A-97-172 to avoid potential impacts to the various conservation easements in the area and from overlapping studies, especially those with USFWS protocols, and to list the Habitat Authority as additional insureds.

The Habitat Authority staff previously provided unofficial detailed comments on the project prior to release of the MND and appreciated the opportunity to do so, as well as the City's detailed response.

Section IV Biological Resources

The MND states that, "...the project could impact special status wildlife within the PHHPA adjacent to the site with to the operation of the proposed lights and noise associated with the baseball activities that would occur in the evening hours with the operation of the proposed lights."

The MND states that, "Increasing the recreational use of the little league field and the noise associated with the use in combination with the new impact of artificial lighting is expected to have an adverse impact on wildlife movement within the existing wildlife corridor."

The Habitat Authority greatly appreciates the Biological Assessment Report and various mitigation measures to decrease impacts. The biological report states, “The results of the biological assessment conclude that the project has the potential to impact the following sensitive species and biological resources: Coastal California Gnatcatcher, Golden Eagle, mountain lion, western mastiff bat, pocketed free-tailed bat, western red bat, western yellow bat, nesting birds, wetland and riverine habitat, and a wildlife corridor.”

Special status species documented in the vicinity of the project are coastal California gnatcatcher, western mastiff bats, pocketed free-tailed bats, and mountain lion. Other special status bat species that have been documented within the Preserve or are suspected to roost within or near the Preserve include pallid bats, western red bats and western yellow bats. Also, the project is located adjacent to a well-documented wildlife corridor, as stated in the MND. In early October 2022, a collared mountain lion passed through the Puente Hills Preserve that originated in the Santa Ana Mountains. It crossed under or over Colima Road at some point. This telemetry study, CA Mountain Lion Project, is being conducted through UC Davis and data is being monitored by the California Department of Fish and Wildlife.

Additional comments are below:

1. The Habitat Authority appreciates the City decreasing the use of the fields from 11pm at night to 10 pm at night. However, please consider reducing the use hours further to possibly 9 pm, as well as not turning on the lights when the individual fields are not scheduled for use, and turning them off earlier when the fields have stopped being used. Please also consider choosing to light the field closest to Colima Road if only one field is needed. These actions could benefit the local wildlife, as well as reduce costs for the City and save energy.
2. The MND discussed that light back-spill onto the open space is calculated to be “0” footcandles 100 feet from the outfield fence line. As previously requested, it would be clearer to assess potential impacts to the Preserve if Figures 9 and 10 were to scale and placed on an aerial imagery if this is possible to provide.
3. According to Mitigation Measures 7 and 10, and previous inquiry, it is the Habitat Authority’s understanding that access will not be through the Preserve and construction activities and staging will only occur onsite (within the baseball field side of the fence), and not in the Puente Hills Preserve. This is appreciated as not using the Preserve for access and having staging with all construction activities occurring onsite will reduce potential negative impacts to biological resources.
4. Regarding Mitigation Measures 15 and 16 concerning coastal California gnatcatchers and nesting bird surveys: The Habitat Authority requires coordination for any bird surveys that occur on lands it manages pursuant to the Agreement A97-172, and in accordance with the Habitat Authority’s 15.8 acre conservation easement adjacent to the project site that is occupied with coastal California gnatcatchers. The Habitat Authority will work to facilitate immediate access for the surveys as coordinated with our Ecologist.

5. Potential impacts to bats were not fully addressed in the MND. A number of sensitive bat species are known to occur within the vicinity of the project. The City has reported that it will not remove bat habitat; however, there still may be impacts to bats in part because bat habitat is close by as stated in City communications, “There is potential bat roosting habitat in the eucalyptus trees adjacent to the project site and there is high quality bat habitat in Arroyo San Miguel further to the southeast of the site.” Furthermore, according to the biological report,

While in some instances bats may benefit from the congregation of insects at artificial lights, they may also be negatively impacted by a vacuum effect caused by lights (insects leaving the darker areas and entering the illuminated areas), having to travel further to forage, and increased collisions with stationary objects in light compared to dark conditions (Mathews et al. 2015, Stone et al. 2012, Orbach and Fenton 2010). Additionally, some species of bats may emerge from their roosts later as a result of artificial light (Downs et al. 2003). It is likely that nearly all artificial light can result in impacts to bats, but the effects of the light can vary between species. Without further study of the effects on the species found within the study area, it is safe to assume that this project has a potential to impact sensitive bat species including western mastiff bats, pocketed free-tailed bat, western red bat, and western yellow bat.

Additionally, it is recommended if not already conducted, that the City review the City’s Proposition A acquisition grant agreement for the City’s property for compatibility and/or compliance.

The Habitat Authority is processing wildlife camera data at the Colima underpass from 2020 and 2021. We will continue to monitor the underpass to assess use by wildlife after this project has been installed and make any appropriate recreational management adjustments if needed to achieve the goal of sustaining biological resource values.

MURPHY RANCH LITTLE LEAGUE BASEBALL FIELD LIGHTING PROJECT | CITY OF WHITTIER

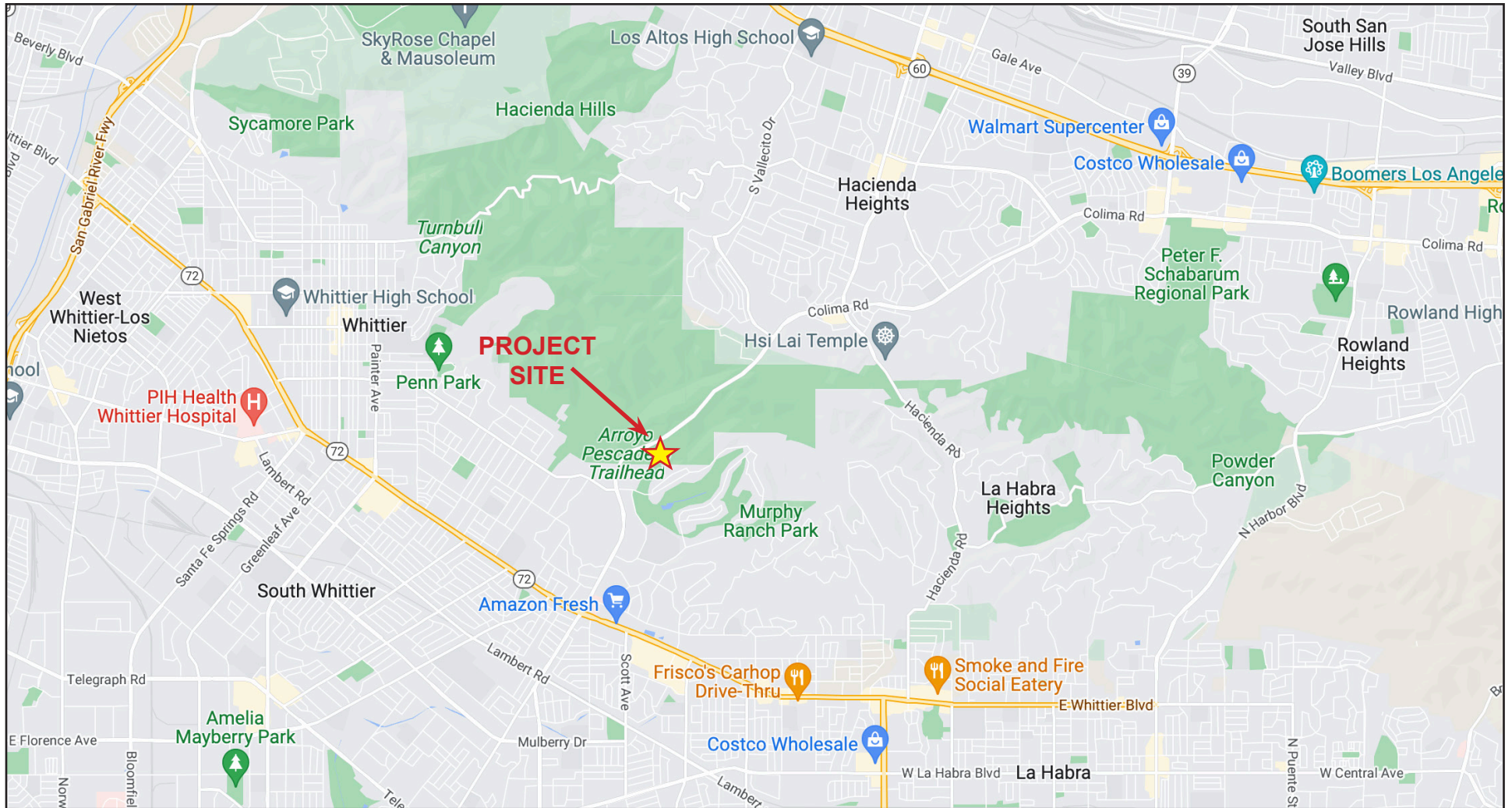


FIGURE 2
Local Vicinity Map

Source: Google Maps

11/4/2021 1:00:57 pm

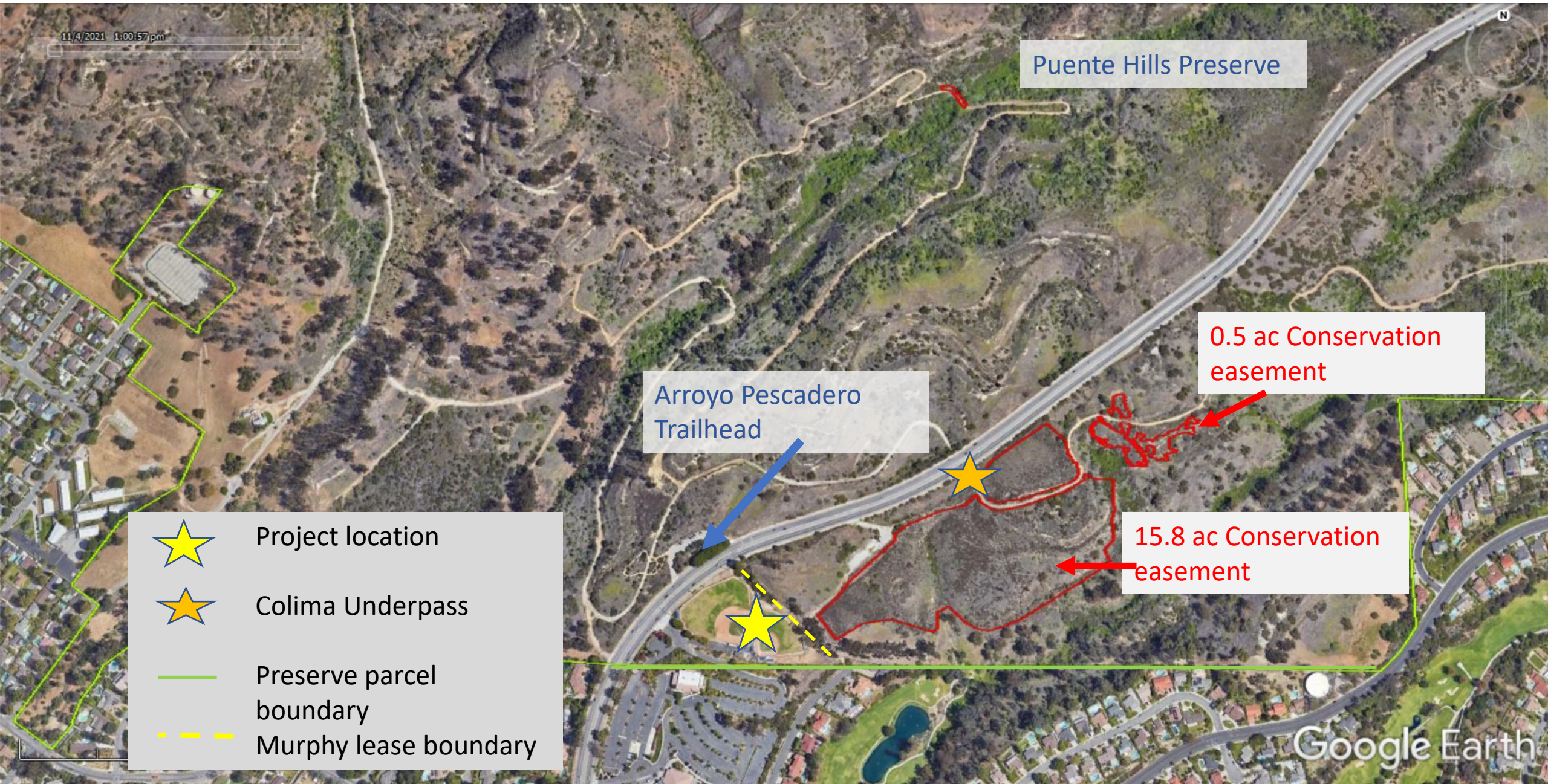
Puente Hills Preserve

Arroyo Pescadero Trailhead

0.5 ac Conservation easement

15.8 ac Conservation easement

- ★ Project location
- ★ Colima Underpass
- Preserve parcel boundary
- - - Murphy lease boundary





City of Whittier

13230 Penn Street, Whittier, California 90602-1772
 Tel: (562) 567-9500 Fax: (562) 567-2872
www.cityofwhittier.org

NOTICE OF AVAILABILITY AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that pursuant to the requirements of the California Environmental Quality Act, a Draft Initial Study, Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program has been prepared for the project listed below. The Mitigated Negative Declaration is available for public review for a 30-day review period beginning Thursday, October 20, 2022, and ending Friday, November 18, 2022, in the Public Works Department, 13230 Penn Street, Whittier, CA, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday and on the City's website at www.cityofwhittier.org.

Project Title: Murphy Ranch Little League Baseball Field Lighting Project

Project Location: The project site is located at 7550 Colima Road on City-owned property in the city of Whittier, within Los Angeles County, California.

Project Summary: The project proposes to install 11 galvanized steel poles with lights ranging in height from 60-feet to 80-feet to light the two baseball fields to allow evening baseball practice and games. The holes for the 60-foot tall steel light poles would be 30" in diameter and 10 feet deep and the holes for the 80-foot tall steel light poles would be 42" in diameter and 20 feet deep. Trenching would also be required to install underground wiring from the electrical panel behind the baseball fields to the light poles.

Tribal Cultural Resources: In accordance with Assembly Bill 52, Tribal letters were mailed by the City of Whittier to nine tribes and formally invited consultation with the City in compliance with California Public Resources Code §21080.3.1. At the end of the required 30-day period the City received a tribal request for consultation from the Gabrieleño Band of Mission Indians – Kizh Nation. As requested, the City consulted with the Gabrieleño Band of Mission Indians – Kizh Nation in compliance with California Public Resources Code § 21080.3.1.

Hazardous Waste Sites: The project site is not located on any of the lists enumerated under Government Code Section 65952.5.

Public Hearing: The City of Whittier may consider the Murphy Ranch Little League Baseball Field Lighting Project at the City Council meeting on Tuesday, December 13, 2022, at 6:00 p.m. Please refer to the December 13, 2022 Agenda at www.cityofwhittier.org for the most recent public comment and viewing options. For further information, contact the City Clerk Department at (562) 567-9850 or ccd@cityofwhittier.org.

Any person wishing to comment on the proposed project may do so in writing between the date of this notice and the public hearing(s); or, may be heard at the time and place noted above. All comments must be received prior to, or at the time of the public hearing(s). All such comments will be submitted to the City Council and the City Council will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Be advised that as a result of public hearings and comments, the City Council may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Contact Person: For questions concerning this project, please contact Alfredo Hernandez at (562) 567-9500. Written comments may be submitted to PubWks@cityofwhittier.org.

MEMORANDUM

Meeting Date: November 15, 2022

To: Citizens Technical Advisory Committee

Prepared by: Andrea Gullo, Executive Director

Agenda Item IX. Discussion and recommendation to the Board to authorize 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 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.

Background:

Approved at the Authority's October 2020 Board meeting was a contract with SCI Consulting Group, which included tasks for a funding measure feasibility and public opinion research survey.

The first step was the initial research, data analysis, and planning for the communities within the Puente Hills area. The proposed research areas included the Cities of Whittier and La Habra Heights, the Workman Mill area, and the communities of Hacienda Heights and Rowland Heights. The analysis identified approximately 50,000 parcels and 114,000 potential registered voters. The next step was to conduct a public opinion survey, which has been completed. The surveys were conducted by mail to mimic any future special tax election process. The respondent sample was drawn from the universe of potential registered voters through a stratified random selection process.

At the April 8, 2022 Board meeting, it was decided to delay moving forward with a financing mechanism, and to hire a financial services advisor for a more in-depth and third party analysis. At the October 20, 2022 meeting, the Board heard the report from the consultant that the Authority has a structural deficit. The Board instructed staff to return with proposals for professional assistance with additional polling and public outreach to local communities.

A timeline based on the November 2023 election was considered at the last Board meeting, however upon further review of the matter, an alternate timeline for the March 2024 election is offered for the Board's consideration. These timelines are in the attached proposal provided by SCI. The delayed timeline would provide the Authority more time for

outreach in January through April before the second opinion poll, and would have the same potential revenue distribution schedule as the November 2023 election. Also, SCI suggests that an item on the March 2024 ballot may be less expensive than one on the November 2023 ballot. The delayed timeline would allow for a new poll to be conducted in April, and those results shared with the Board in June, at which time the Board would decide whether to proceed with the ballot item.

In regards to the November 2023 ballot timeline, SCI opines that a tracking poll of limited scope in January/February would be comparable or slightly less in price compared to a new poll in April. Public outreach before the release of this new poll would be far less extensive compared to the delayed timeline above, but could be as extensive as preferred after the poll.

The schedules could be as follows:

<i>Steps</i>	<i>Approximate timeline</i> <i>Nov 2023 Ballot</i>	<i>Approximate timeline</i> <i>Delayed Mar 2024 Ballot</i>	<i>Summarized Tasks</i>
Step 1	Dec. 2022 – March 2023	Dec 2022 – June 2023	Prepare and conduct community/stakeholder outreach meetings. Release opinion poll and receive results.
Step 2	April – Aug. 2023	July – Nov/Dec 2023	If the Board decides to move forward with a financing mechanism, then the planning process would ensue, and outreach continues.
Step 3	Aug – Nov. 2023	Nov 2023 – March 2024	Discuss with Authority legal counsel the options for continued community education
Step 4	After Nov 2023	After March 2024	Possible: annual administration of CFD

Financial Analysis Planning and Polling:

SCI would conduct polling, and plan and process the proposed measure.. The costs for the polling would be \$31,250, plus incidents, and costs for planning and processing the measure would be \$50,000, plus incidentals, with an optional \$25,000 for outreach. Incidentals would be \$5,000. The overall contract would be \$86,250 with incidentals, or \$111, 250 with optional outreach. (For cost savings, the optional \$25,000 is not recommended.) SCI’s proposal with a detailed scope of work is attached for your review.

Public Outreach and Consulting:

Props and Measures’ proposal with a detailed scope of work is attached for your review.

Their rate is \$7,200 a month for specialized public outreach, educational services, and strategy consulting services. The minimum costs for services from December 2022 through June 2023 is \$50,400, and for services July through November, \$36,000. Costs for a mailer start at \$34,754, and other technical communications outreach efforts would be approximately \$5,000. The overall contract cost would be \$86,400, up to \$126,154 with one electronic and one hard mailer. This budget would be managed with staff and the Board subcommittee.

SCI and Props and Measures have experience partnering and coordinating on public measures.

We also received a proposal from Clifford Moss for communication services, however their rates are higher at \$7,500, and the expenses for additional services were higher.

According to Section 2-1 of the Authority's Purchasing Policy, contracts over \$25,000 need Board approval. Also, in accordance with section 4-4 of the Purchasing Policy, it is recommended that if competitive procurement of services is not in the best interest of the Authority, it can be waived. 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 CFDs 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.

Fiscal Impact:

The fiscal impact for SCI's services is \$86,250, or \$111,250 with optional outreach services, and \$86,400, up to \$126,154 for Props and Measures.

\$86,250 is recommended for SCI and up to \$126,154 for Props and Measures, totaling \$212,404. (Should more than one mailing be desired the costs would increase.)

The costs for both consultants combined from December 2022 through approximately June 2023 when the Board decides whether to proceed with the local measure or not, would be minimally \$86,650, plus costs for technical outreach and mailers.

Approximate costs after June 2023 for SCI ballot development services (\$50,000) and communication services (\$36,000 minimum) through November, total \$86,000 minimum, plus costs for technical outreach and mailers. Costs are unknown at this time from the Registrar of Voters which could be between \$250,000 - \$500,000 to put an item on a ballot.

Funding for this endeavor would be from the interest earned in a recent short-term (six month) investment made by the Authority in October yielding \$85,000 by April. Additional funding could come from possible subsequent short-term investments made after April 2023. Furthermore, funding is recommended to be from the remaining \$547,000 (of the original \$739,200) of undesignated funds resulting from Access Fees from the Monterey, Olinda, and Brea 57/Lambert mitigation projects. Based on the above, available funding is \$632,000 total.

Overall costs could range from approximately \$422,650 to \$737,404.

Recommendation:

That the Committee recommend to the Board to authorize the Executive Director to: (A) execute a contract with SCI Consulting in the amount of \$86,250; and (B) execute a contract with Props and Measures in the amount of \$126,154.

Attachments:

SCI proposal

Props and Measures proposal

November 7, 2022

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

Re: Proposal for Public Opinion Research and Community Facilities District Special Tax Consulting Services

Dear Andrea:

SCI Consulting Group (SCI) is pleased to submit, for your review, this Agreement to provide Community Facilities District (“CFD”) Special Tax Consulting Services for the Puente Hills Habitat Preservation Authority (“Authority”). We understand the Authority wants to form a new CFD and wishes to consolidate the new special tax with the November 2023 or March 2024 General Election.

The purpose of the CFD will be to provide additional funding for the preservation of open lands and fire prevention in the Authority’s jurisdiction. A CFD is a flexible and stout funding mechanism that can be implemented and administered easily and efficiently.

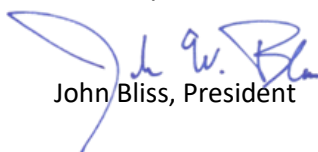
Our proposal includes a public opinion survey to test community support for the proposed plan, all tasks required for a successful CFD formation, including special tax analysis, development of the local goals and policies, the rate and method of apportionment, and development of all required documents. Our proposal also includes other services important to the process such as collaborative outreach and coordination with registered voters, landowners and other stakeholders, as needed.

Established in 1985, SCI Consulting Group is a recognized public finance consulting firm with leading expertise in assisting California public agencies with local funding of public services and improvements. We also possess industry leading expertise with the important legal and procedural requirements for the formation of Community Facilities Districts, Benefit Assessment Districts, and other local financing mechanisms. SCI has formed and annually administers over 850 special taxes, assessments and fees for over 140 public agencies throughout the State.

For your convenience, we have enclosed a “Consultant Services Agreement” for your review and execution. If you have any questions or require additional information, please do not hesitate to contact me. I can be reached at (707) 430-4300 or via email at John.Bliss@sci-cg.com.

We look forward to this opportunity to assist the Authority with this important project and stand ready to proceed.

Sincerely,


John Bliss, President

CONSULTANT SERVICES AGREEMENT

THIS AGREEMENT is made on _____, 2022, between the **Puente Hills Habitat Preservation Authority**, (“Authority”) and **SCI Consulting Group** (“Consultant” or “SCI”), a California Corporation, who agree as follows:

- 1. Scope of Work (“Work”).** Consultant shall perform the work and render the services described in the Scope of Work shown below (the “Work”). The Consultant shall provide all labor, equipment, material and supplies required or necessary to properly and competently perform the Work, and determine the method, details and means of doing the Work.
- 2. Payment.**
 - a.** In exchange for the Work, Authority shall pay to the Consultant a fee for completed phases of the Work. The total fee for the Work shall not exceed amounts set forth in the Fee Schedule shown below. There shall be no compensation for extra or additional work or services by the Consultant unless approved in advance in writing by District. The Consultant’s fee shall include all the Consultant’s costs and expenses related to the Work.
 - b.** At the completion of each phase of the Work, the Consultant shall submit to the Authority an invoice for the Work performed. If the Work is satisfactorily completed and the invoice is accurately computed, the Authority shall pay the invoice within 30 days of its receipt.
- 3. Term.** This Agreement shall take effect on the above date and shall continue in effect until completion of the Work.
- 4. Insurance.**
 - a. Types & Limits.** The Consultant, at its sole cost and expense, shall procure and maintain for the duration of this Agreement the following types and limits of insurance:

Commercial General Liability	\$2,000,000 per occurrence \$4,000,000 aggregate
Automobile Liability	\$2,000,000 per accident
Workers' Compensation	Statutory limits
Professional Liability	\$2,000,000 per claim
Excess Liability (over General Liability & Auto Liability)	\$1,000,000 per occurrence & \$1,000,000 aggregate
 - b. Other Requirements.** The general liability policy(ies) shall be endorsed to name the Authority, its officers and employees as additional insureds regarding liability arising out of the Work.

- c. **Proof of Insurance.** Upon request, the Consultant shall provide to the Authority proof of insurance.
5. **Indemnification.** The Consultant shall indemnify, defend, protect, and hold harmless the Authority, and its officers and employees from and against any and all liability, losses, claims, damages, expenses, demands, and costs (including, but not limited to, attorney, expert witness and consultant fees, and litigation costs) arising out of the Consultant's performance of the Work and caused by willful misconduct of or by the Consultant or its employees, agents and subcontractors.
6. **Entire Agreement.** This writing represents the sole, final, complete, exclusive and integrated expression and statement of the terms of this contract between the parties concerning the Work, and supersedes all prior oral and/or written negotiations, representations or contracts. This Agreement may be amended only by a subsequent written contract approved and executed by both parties.
7. **Independent Contractor.** The Consultant's relationship to the Authority is that of an independent contractor.
8. **Successors and Assignment.** This Agreement shall bind and inure to the benefit of the heirs, successors and assigns of the parties; however, the Consultant shall not subcontract, assign or transfer this Agreement or any part of it without the prior written consent of the Authority.
9. **No Waiver of Rights.** Any waiver at any time by either party of its rights as to a breach or default of this Agreement shall not be deemed to be a waiver as to any other breach or default.
10. **Severability.** If any part of this Agreement is held to be void, invalid or unenforceable, then the remaining parts will nevertheless continue in full force and effect.
11. **Governing Law and Venue.** This Agreement will be governed by and construed in accordance with the laws of the State of California.
12. **Default.** In the event that the Consultant defaults in the obligations of the Consultant under this Agreement, or the Consultant defaults in the performance of the terms and conditions of this Agreement, the Authority may, at its option, declare this Agreement to be in default and, at any time, thereafter, may do any one or more of the following: a) enforce performance of the Agreement by the Consultant; or b) terminate this Agreement. In the event that this Agreement is terminated, payment shall still be due for all Work performed by the Consultant through the date of the termination.
13. **Cancellation.** The Authority or the Consultant may cancel this Agreement without cause. The party desiring to cancel this Agreement shall notify the other party in writing. In the event that this Agreement is cancelled, payment shall still be due for all Work performed by the Consultant through the date of the notification of cancellation.

14. Attorney's Fees. In the event any legal action is brought to enforce or construe this Agreement, the prevailing party shall be entitled to an award of reasonable attorney's fees, expert witness and consulting fees, and litigation costs.

15. Notice. Any notice, invoice or other communication that is required or permitted to be given under this Agreement shall be in writing and either served personally or sent by prepaid, first class U.S. mail or by commercial delivery service, addressed as follows:

Public Agency:
Puente Hills Habitat Preservation
Authority
7333 Greenleaf Avenue – First Floor
Whittier, CA 90

Consultant:
SCI Consulting Group
4745 Mangels Boulevard
Fairfield, CA 94534

Any party may change its address by notifying the other party of the change in the manner provided below:

_____	_____
_____	_____
_____	_____
_____	_____

SCOPE OF WORK

The purpose of this Scope of Work is to detail the responsibilities SCI Consulting Group would provide for the Puente Hills Habitat Preservation Authority.

DEFINITIONS:

- Authority: The Puente Hills Habitat Preservation Authority and Staff.
BOARD: The Authority Governing Board.
CFD: The proposed Community Facilities District special taxes for fire prevention and maintenance of local natural lands.
SCI: SCI Consulting Group, and any and all employees and sub-contractors.

SCOPE OF WORK:

Based upon our current understanding of the Authority financial needs, we propose the following scope of work:

Phase 1:

Mailed Public Opinion Survey

1. Updated analysis of voters and tax base by service area
2. Analysis of property and ownership base by service area
3. Mailed survey to 10,000 voters, accompanying informational item, outgoing, and a postage-prepaid return envelope.
4. Profiles of likely supporters and opponents.
5. A summary of the most desired services and improvements and the most effective messaging approaches.
6. Presentation of survey results to the Authority Board and the public.

Phase 2:

Special Tax Analysis and Planning

1. Review the Authority's annual budget and other related financial documents.
2. Assist the Authority in preparing the budgets for the CFD.
3. Determine the amount of special tax needed to ensure sufficient funding to meet the Authority's goals.
4. Provide a rational basis for the method of apportionment of special tax for the proposed CFD.
5. Prepare a preliminary Public Hearing Report ("Report") which shall summarize the purpose of the CFD, the affected properties, costs, special tax rates, the Rate and Method of Apportionment of Special Tax ("RMA"), description of services and facilities to be financed by the CFD and other information.
6. Review the preliminary Report with the Authority and incorporate any proposed changes to finalize the Report.

CFD Formation Proceedings

1. Finalize the RMA and the Description of Services and Facilities to be financed by the CFD (“Services and Facilities”) with Authority staff and legal counsel as necessary,
2. Prepare preliminary Local Goals and Policies for the CFD (“Policies”).
3. Prepare a CFD Boundary Map depicting the precise boundaries of the CFD and identifying the properties included in the CFD.
4. Prepare all documents required for the CFD formation proceedings including resolutions, agenda reports, the Notice of Public Hearing, Notice of Special Tax Lien and Ordinance to Levy the Special Tax, and review them with Authority staff and legal counsel, as necessary.
5. Coordinate the publication of the Notice of the Public Hearing for the proposed CFD.
6. Assist the Authority with the presentation of the proposed CFD process during the formation proceedings before the Board of Directors.

Assistance with Election Materials

1. Provide the County Elections Department with GIS maps of the areas proposed for the measure and assist the Elections Department as needed with preparing the voter rolls.
2. Assist with the preparation of the draft election resolution, ballot question, full ballot text, and elections materials.
3. Provide the elections materials to the County Elections Department, the Authority, and its legal counsel, for review and commentary.
4. Prepare draft resolutions, notices and other materials and documents required or recommended for the proposed CFD taxes. Such documents shall be finalized in conjunction with the Authority’s legal counsel.

Informational Outreach / Stakeholder Outreach Services (Optional)

1. As necessary, assist with the presentation and review of the proposed CFD details to the participating registered voters, landowners and other stakeholders.
2. As necessary, prepare and present additional financial information and analysis, attend meetings and assist in discussions with registered voters, landowners and other stakeholders regarding the proposed CFD.
3. Provide strategic guidance to the Authority on identifying and engaging stakeholders and implementing informational outreach approaches.
4. In close collaboration with the Authority, evaluate the proposed services and improvements, stakeholders and overall messaging and project objectives.
5. Make recommendations on the appropriate information outreach and strategies. Recommendations may incorporate findings and information from the survey conducted previously within the proposed CFD.
6. Assist with the development of printed materials and other informational items, message delivery options, public informational outreach strategies and media interaction.

Annual Administration

1. Determine the taxable and nontaxable parcels in the CFD, and on a parcel-by-parcel basis, calculate and verify the proposed specific tax amount for each parcel and prepare the preliminary tax roll to be used by the Authority as a basis for the annual budget.
2. Prepare any needed resolutions and staff reports for the CFD Tax.
3. Prepare and assist with the publication of any notices for the continuation of the CFD Taxes, if needed.
4. Attend Authority Board meetings as needed, including those at which the resolution is approved.
5. Finalize the Tax Roll, other documents and supporting materials.
6. Prepare the final Tax Rolls for the CFD Taxes and submit them to the County Auditor/Tax Collector for inclusion on the upcoming fiscal year tax bills.
7. Complete and file the annual Financial Transactions Reporting with the State Controller's Office within 7 months after the close of each fiscal year.
8. After the first year of collection of the Taxes, prepare an annual CFD Special Tax Report, and file it with the Authority by January 1 after the close of the fiscal year.
9. Provide the County Auditor/Tax Collector with our toll-free phone number so property owners can directly contact SCI Consulting Group throughout the fiscal year regarding any questions that arise.
10. Throughout the fiscal year, research and, if necessary, revise any taxes which we find to be based upon incorrect information being used to apply the CFD Tax methodology. (It should be noted that, due to our comprehensive levy validation procedures, actual revisions are expected to be very minimal, if at all.)

Optional: Post-Election Notification Postcards

Prepare and mail a notice of new parcel tax to the owner of parcels affected by the tax, if that owner does not reside within the District, in accordance with Government Code 54930.

TENTATIVE TIMELINE

SCI has presented two potential timelines for the mailed public opinion survey, CFD formation, and election dates.

Puente Hills Habitat Preservation Authority Proposed Timeline for Mailed Public Opinion Survey, CFD Formation and Election

	Survey: January 2023 Election Nov 7, 2023	Survey: April 2023 Election March 5, 2024
Survey Tasks		
Mail Surveys	mid January 2023	late April
Presentation of survey results to PHHPA subcommittee/Board	March 2023	June 2023
CFD Formation/Balloting Tasks		
First Board Action: Initial CFD documents & Resolution of Intention	May 2023	August 2023
*Second Board Action: Public Hearing; Resolution of Formation & Resolution Ordering Election and Requesting Consolidation	June 2023	October 2023
Ballot text & Resolution calling for election to ROV	August 2023	November 2023
<i>Election Day</i>	<i>November 07, 2023</i>	<i>March 05, 2024</i>
Third Board Action: Adopt Resolution Certifying Election Results; Introduce Ordinance Levying the Special Tax	December 2023	April 2024
Adopt Ordinance and Resolution levying the CFD Tax	January 2024	May 2024
First Special Tax Disbursement	December 2024	December 2024
<i>*Special board meeting</i>		

FEE SCHEDULE

1. Compensation for Mailed Public Opinion Survey shall be a fixed fee amount of \$31,250. Payment shall be due and payable upon mailing the surveys.
2. Compensation for Special Tax Analysis and Planning shall be a fixed fee amount of \$5,000. Payment shall be due and payable upon submittal of the Public Hearing Report.
3. Compensation for CFD Formation Proceedings shall be a fixed fee amount of \$24,500 and shall include up to three meetings. Payment shall be due and payable upon submittal of the CFD formation documents.
4. Compensation for Assistance with Election Materials shall be a fixed fee amount of \$20,500 and shall include up to two meetings. Payment shall be due and payable upon submittal of documents to the Election Department.
5. Compensation for Educational Outreach Services (*Optional*) shall be a fixed fee amount of \$25,000 due upon conclusion of the Election.
6. Incidental costs incurred by SCI for the purchase of property or statistical data, travel and other out-of-pocket expenses incurred in performing the scope of work shall be reimbursed at actual cost, not to exceed \$5,000 without prior authorization from the Authority.
7. Optional: Post-Election Notification Postcards required for Fiscal Year 2023-24, \$1.50 per postcard.

The tasks included in this proposal are for the initial formation of the CFD.

CFD ANNUAL ADMINISTRATION

If SCI administers both the proposed special tax, SCI shall be compensated for the performance of the Scope of Work as follows:

	<u>FY 23-24</u>	<u>FY 24-25</u>	<u>FY 25-26</u>	<u>FY 26-27</u>
Annual Levy Administration	\$ 35,000	\$ 32,000	\$ 32,960	\$ 33,949
Maximum Direct Expenses	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Total Contract Authorization	<u>\$ 36,500</u>	<u>\$ 33,500</u>	<u>\$ 34,460</u>	<u>\$ 35,449</u>
<i>Due on August 15 of FY</i>	\$ 17,000	\$ 17,500	\$ 17,000	\$ 17,500
<i>Remainder due on January 31 of FY</i>				

1. The annual administration includes one meeting with the Authority. Any additional meetings shall be billed at the rate of \$1,500 per person per meeting.
2. In the event that the Authority elects to request optional, additive scope of work, SCI will work with the Authority to negotiate compensation for these

additional tasks and execute an Addendum to the agreement for these additional services.

3. If the Authority desires to extend the term of this agreement, the fee amount for each additional year will be the amount of the last fiscal year shown above, increased annually by 3%.
4. Incidental costs incurred by SCI for the purchase of property data, maps, travel and other out-of-pocket expenses incurred in performing the Scope of Work shall be reimbursed at actual cost by the Authority with total cost not to exceed \$1,500 per year, without prior authorization from the Authority.

It is important to note that all costs associated with the formation and annual administration of the CFD may be paid from the CFD proceeds.

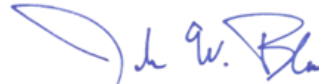
SIGNATURE PAGE

By signing below, we agree to the terms of this Agreement.

Accepted:

Accepted:

Andrea Gullo
Executive Director
Puente Hills Habitat Preservation Authority



John W. Bliss
President
SCI Consulting Group

Date

November 8, 2022
Date



Proposal for Communication and Education Services

Prepared for
Puente Hills Habitat Preservation Authority

November 7, 2022



November 7, 2022

Andrea Gullo
Executive Director
Puente Hills Habitat Preservation Authority

Dear Ms. Gullo:

Thank you for the opportunity to present this proposal to the Puente Hills Habitat Preservation Authority as you consider communications to educate and inform residents on funding, benefits and needs related to the potential establishment of a CFD and funding measure on the November 2023 or March 2024 ballot.

TBWBH Props & Measures is a strategy and communications consulting firm that specializes in helping local government agencies design revenue measures for the ballot and implement the communication strategies that help your community understand your revenue needs. Over the past two decades, we have helped a variety of special districts, parks and open space authorities, counties, cities, school districts, community college districts and other agencies pass hundreds of successful revenue measures, generating billions in locally controlled funding for public projects and services.

We believe we are uniquely qualified to help you in this process to achieve a successful revenue measure for the following reasons:

- **Extensive Local Experience.** Props & Measures has proven success helping numerous agencies throughout Los Angeles County develop and pass tax measures to fund improved services, facilities, and infrastructure. The partners and consultants at Props & Measures have passed measures in the communities of Arcadia, Azusa, Baldwin Park, Covina, Diamond Bar, Downey, Glendale, La Cañada-Flintridge, Lomita, Manhattan Beach, Pico Rivera, Rosemead, San Gabriel, Santa Fe Springs, Santa Monica, South Pasadena, Torrance, Walnut, Whittier, and others.
- **Deep Experience in LA County.** In addition to our experience passing measures for local school districts, cities, and special districts, we serve as the strategy and communication consultants to the County of Los Angeles. In advance of the November 2018 election, Props & Measures implemented an informational communication and outreach effort to educate and inform the public about Measure W, a parcel tax measure for the LA County Flood Control District's Safe Clean Water Program. Measure W was approved with 69.5% voter support. Prior to a March 2017 special election, Props & Measures implemented a countywide informational communication effort for Measure H, a countywide sales tax to fund homeless services and prevention that passed with a 69.3% yes vote. Prior to the November 2016 election, Props & Measures developed and implemented a similar public information effort about Measure A – a parcel tax to fund parks and open space improvements throughout LA County that passed with a 74.9% yes vote. We know the politics of the southland, the key stakeholders that must be engaged and how to communicate efficiently and effectively with the many diverse communities that comprise the region.



- **Capacity and Infrastructure to Serve You.** All qualified political firms are busy during the election season. Unlike our competitors whose firms are comprised of one or two principal consultants, Props & Measures has our industry’s largest team of full-time, experienced professionals to ensure your project receives the attention and service it deserves.
- **Experience with Information, Not Advocacy.** We have extensive experience helping public agencies craft effective public informational materials that don’t cross the line into advocacy. This information plan includes gathering information back from stakeholders and the community to gauge their understanding of this potential measure. Our team will work closely with your team to develop a specific communication plan.

The remainder of this proposal provides information about our firm, the services we provide, our track record and other details.

Please don’t hesitate to contact me at (510) 914-0028 (cell) or jkummer@propsandmeasures.com if you have any questions or need additional information.

Sincerely,

Joy Kummer,
Partner
510-914-0028
jkummer@propsandmeasures.com



Scope of Work

Props & Measures has a proven approach to revenue measures that follows four critical steps. Within each step we customize a set of strategies and tactics to address the specific challenges, circumstances, and nuances for each of our projects.

PHASE 1: December 2022 – August 2023

Step 1: Feasibility study to determine if, and under what conditions, the Puente Hills Habitat Preservation Authority can pass a parcel tax measure.

Step 2: Build consensus with outreach, awareness-building and public input strategies.

PHASE 2: July – December 2023

Step 3: Work with the team to align the measure’s features with the community’s priorities and sensitivities.

If a tax measure is placed on the ballot and an independent advocacy committee forms, these services would be offered to that group and privately funded under a separate agreement.

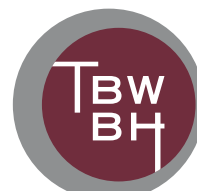
PHASE 1: Props & Measures will break the process into three phases as requested by the Preservation Authority. In Phase 1 P&M will work with your organization and selected teams on the second voter survey with legally complaint language to determine priorities for the community.

Step 1: Initial Communication Plan and Tracking Survey December 2022 – March 2023

We start by working with your team on the CFD formation and the passage of a potential funding measure within it, including attending any team meetings via online conference or in person. We’ll work with the information you have already obtained through SCI’s survey, and then help the team assess the local political landscape and tackle important strategic questions that must be answered to build a solid communication and outreach plan. We will look to answer the following questions:

- How do voters rate the local quality of life?
- What services, improvements and priorities are voters most likely to fund?
- What tax rate or structure is preferred by voters?
- What duration or sunset date maximizes support?
- How might specific accountability protections be included in a successful measure?
- What is the optimal timing for an election?
- What are the themes and messages that will assist in reaching a successful outcome?
- Does sufficient community awareness of your needs already exist?
- What controversies or competing issues must be considered before moving forward?

We will work closely with the Authority’s selected team to design a tracking survey instrument to accurately measure community attitudes and opinions and develop the critical 75-word question that will appear on ballots. By employing an inclusive research design process, where we collaborate with your team, we can enhance confidence in the survey results and help build consensus in making important strategic decisions based on the research results.



Step 2: Build Consensus

January – August 2023

Using what we learned in December in Step 1, we will create a plan for public information and outreach to educate the community about your funding needs and build broad consensus around a solution. While public agencies are prohibited from using public funds to advocate for the passage of a ballot measure, agencies can and should use public resources to be transparent, educate and inform the public with impartial information, and seek community input, prior to a final decision by your governing body to place a measure on the ballot. This outreach can also be helpful as we prepare a survey to determine support.

Stakeholder Outreach

Our plan will include recommended strategies and timing for informing and engaging influential community groups and leaders, including elected leaders, business leaders, neighborhood leaders, faith community leaders, taxpayer groups and others.

During this phase of work Props & Measures will:

- Attend any Authority Board meetings as needed to present information regarding community outreach and materials
- Attend any meetings with staff and partners to develop a communication plan to inform voters of the potential CFD and ballot measure
- Develop informational messaging and plan for getting the message out to key audiences
- Provide talking points, answers to frequently asked questions, a slide presentation for public or webinar use, and message training for anyone helping to conduct outreach or speak to the media regarding the tax increase
- Provide information to be added to your website, the websites of affiliated groups and organizations, and distributed through social media and included in newsletters
- Write, design and produce informational mailings and advertising to educate, inform and engage voters (mailer production is priced separately, not included in fees)
- Develop strategies and plans to inform and engage influential external groups including elected leaders, business leaders, neighborhood leaders, faith community leaders, taxpayer groups and others
- Work closely with your in-house communications team to build on your existing communication channels and practices

Measuring Success

We believe strongly in measuring the reach and response of public engagement programs. We rely on these programs to inform our own opinion of your Agency’s readiness to proceed to the ballot before we can make a final recommendation to the Board to proceed with the election.

Generally, we monitor several metrics:

- The Agency’s progress through our recommended series of meetings, conversations and presentations to key community leaders and organizations.
- Responses and questions that arise from these meetings.
- Public engagement metrics on our digital and social informational programs, developed in concert with your existing online channels and practices.
- Finally, most of our public information programs include an online survey (often also made available to residents via direct mail), which helps you understand resident priorities and hear comments and concerns. While these results are not scientifically quantifiable, they do provide qualitative input, and we can draw conclusions from the volume and tenor of public responses.



PHASE 2:

Step 3: Finalizing Outreach and Ballot Measure

July – November 2023

Stakeholder Outreach Continues

Continue outreach to community groups and leaders, including elected leaders, business leaders, neighborhood leaders, faith community leaders, taxpayer groups and others.

Ballot Measure

Once we know what a viable measure looks like, our team will work with you, SCI and your legal counsel to develop your measure and qualify for the ballot.

Props & Measures will:

- Work with you and the team to finalize the tax rate and structure of your measure
- Refine any expenditure plan or project list to make sure they are written in clear and understandable language, feature voters’ top priorities, and meet your legal counsel’s guidance for your preferred ballot measure
- Work with you and legal counsel to define important taxpayer accountability protections
- Work with you and legal counsel to develop all resolutions required for calling the election
- Finalize the critical 75-word question that will appear on ballots
- Develop and refine the full text of the measure and other materials that will appear in the ballot pamphlet mailed to all voters
- Present recommendations and documents to your Board for formal approval
- Draft the ballot argument (and rebuttal, if needed) and recommend signers



Props & Measures Overview

Props & Measures is a communications consulting firm specializing in public finance ballot measures for parks and open space authorities, counties, cities, school districts, community college districts, transportation authorities and other public agencies. Props & Measures' seven project-leading partners offer a combined century of strategy and communication consulting experience in California.

Commitment to Client Service

We view our working relationship with our clients as a partnership. We know public finance measures, and you know your community. We also understand that the reputation of your agency is at stake when you seek funding from your community. It's not enough just to "win," but the measure and the related messaging must help you strengthen your relationship with your community.

Today's Communication Tools

Strong revenue measures require that the public understands your needs and the merits of your revenue proposal. To ensure your message reaches the full array of stakeholders and decision-makers, we rely on a blend of digital media like social media and online advertising as well as traditional communication channels like print media, direct mail and earned media.

In-House Design and Production

Props & Measures is one of the few firms in our industry that maintains an in-house Art Department and Production Department, to produce award-winning, creative concepts and attend to all the details required for efficient and timely delivery of digital media and printed materials. Our team will focus on ensuring your messaging materials have the right local look and feel for your community. They will also ensure all messaging is delivered on time and on budget.

Joy Kummer

jkummer@propsandmeasure.com

Cell: 510-914-0028

Partner

Joy joined TBWBH Props & Measures in 2010 and brings over 25 years of political, legal and community service experience to each of her clients and causes. Over the past several years, Joy has been successful in helping public agencies in all regions of California develop local public finance measures for the ballot and achieve voter support—raising billions of dollars for counties, community college and other special districts, cities, schools, hospitals and other much-needed community projects.



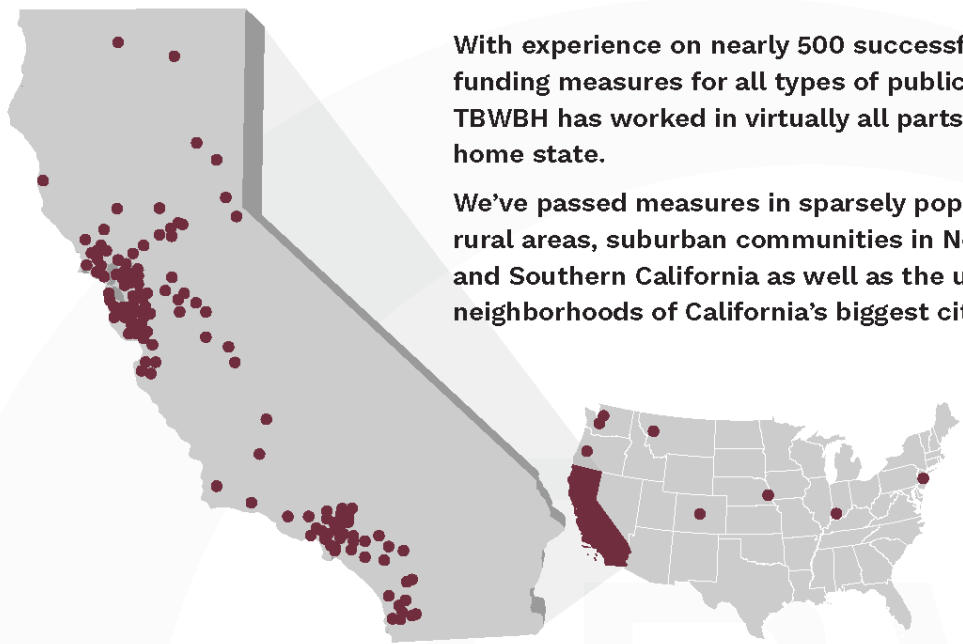
Part of Joy's success is in the relationships she builds with her clients, focusing in on their specific needs and working together to build a communication and community plan that allows them to reach their goals. She is known for her can-do attitude, friendly smile and willingness to listen and collaborate as a team to find the right solution.

Joy grew up in Montana, where she received her J.D. from the University of Montana School of Law and a B.A. in Communications from Montana State University–Billings. Before joining the Props & Measures team, Joy served as Regional Field Director for Senator Max Baucus (D-MT), and as Field Director for the successful 49ers Stadium Campaign in Santa Clara, CA.

Joy and her husband Todd live in Oakland where they enjoy cheering on the A's and Cal Bears. Joy is a proud mother and grandmother, occasional yoga instructor, slow and steady distance runner, roller coaster enthusiast and master gluten-free baker.



COMBINED EXPERIENCE OF TBWBH'S PARTNERS



With experience on nearly 500 successful local funding measures for all types of public agencies, TBWBH has worked in virtually all parts of our home state.

We've passed measures in sparsely populated rural areas, suburban communities in Northern and Southern California as well as the urban neighborhoods of California's biggest cities.

Cities and Counties

- Los Angeles County Homeless Initiative
- Marin County
- Napa County
- Placer County
- San Bernadino County
- San Mateo County
- Santa Clara County
- Santa Cruz County
- Solano County
- Sonoma County
- City of Adelanto
- City of Alameda
- City of Arcadia
- City of Barstow
- City of Benicia
- City of Berkeley
- City of Beverly Hills
- City of Burlingame
- City of Campbell
- City of Carlsbad
- City of Chula Vista
- Town of Corte Madera
- City of Crescent City
- City of Del Mar
- City of Diamond Bar
- City of Downey
- City of Emeryville
- City of Fairfield
- City of Foster City
- City of Fremont
- City of Fullerton
- City of Glendale
- City of Goleta
- City of Gustine
- City of Kerman
- City of Lancaster
- City of Lafayette
- City of Laguna Beach
- City of La Palma
- City of La Verne
- City of Livermore
- City of Lomita
- City of Los Altos
- City of Madera
- City of Manteca
- City of Merced
- City of Modesto
- City of Montebello
- City of Morgan Hill
- City of Murrieta
- City of Napa
- City of Oceanside
- City of Ontario
- City of Orinda
- City of Pacifica
- City of Palm Springs
- City of Palmdale
- City of Palo Alto
- City of Paramount
- City of Pleasant Hill
- City of Pomona
- City of Redlands
- City of Redwood City
- City of Sacramento
- City of Saint Helena
- City of Salinas
- Town of San Anselmo
- City of San Bernardino
- City of San Bruno
- City of San Mateo
- City of San Jose
- City of San Rafael
- City of Santa Cruz
- City of Santa Fe Springs
- City of Santa Monica
- City of Santa Rosa
- City of South Lake Tahoe
- City of South Pasadena*
- City of Suisun City
- City of Torrance
- Town of Truckee
- City of Union City
- City of Vacaville
- City of Ventura
- City of Watsonville
- City of Whittier
- Town of Windsor
- City of Yuba City

Statewide Measures

- Proposition 1 2018 – Veterans and Affordable Housing Act
- Proposition 2 2018 – Homeless Mental Health Housing Act
- Proposition 39 2012 – Close the Oil and Gas Loophole
- The Millionaires Tax 2012 – Restoring California
- Measures 66 & 67 2010 – Oregon

Transportation

- BART (Santa Clara County)*
- Caltrain*
- Contra Costa Transportation Authority*
- Fresno County Transportation Authority*
- Madera County Transportation Commission
- Merced County Association of Governments
- Metropolitan Transportation Commission*
- Monterey-Salinas Transit
- Napa County Transportation Agency
- Placer County
- Riverside County Transportation Commission
- San Mateo County Transit District
- Santa Cruz County Regional Transportation Commission
- Sonoma County Transportation Authority*
- Sonoma-Marin Area Rail Transit
- Stanislaus County Transportation*
- Transportation Agency of Monterey County*
- Transportation Authority of Marin*
- Truckee/North Tahoe Transportation Agency

Hospitals and Healthcare

- Salinas Valley Memorial Healthcare System
- Save Laguna Hospital
- Seton Medical Center
- Valley Health System*

Parks, Open Space and Water Districts

- Alameda County Clean Water Program
- Big Sur Land Trust
- Camden Water*
- City of Fresno Parks*
- Desert Recreation Open Space
- East Bay Parks Open Space
- Greater Vallejo Recreation District
- Hayward Area Recreation District
- Los Angeles County Flood Control District
- Los Angeles County Regional Park and Open Space District
- Marin County Flood Control and Water Conservation District
- Marin County Parks/MALT*
- Mendocino County Inland Water & Power
- Missoula Open Space (Montana)
- Monterey Peninsula Regional Park District
- Napa County Regional Park and Open Space District/Napa Land Trust*
- Peninsula Open Space Trust
- Santa Clara Valley Open Space Authority
- Santa Clara County Parks
- Santa Clara Valley Water District
- Santa Cruz Land Trust
- San Francisco Bay Restoration Authority*
- Sonoma County Agricultural Preservation and Open Space District
- Tiburon Open Space
- Zone 7 Water Agency (Alameda County)

Fire Districts

- Crescent Fire Protection District
- East Contra Costa Fire Protection District
- Fresno County Fire Protection District
- Los Angeles County Fire
- Marin County Fire Department
- North Tahoe Fire Protection District
- Northstar Fire District
- Santa Cruz County Fire District – CSA48
- Sonoma County Fire District
- Truckee Fire Protection District

(Partial list) * TBWBH worked with the private-side campaign and not directly for the district/agency.



Libraries

Garfield County Public Libraries (Colorado)
Los Altos Library
Marin County Free Library
Pacifica Library
San Jose Library
Santa Cruz County Library
South Pasadena Public Library

Community College Districts

Allan Hancock College
Antelope Valley College
Cabrillo College
Chabot-Las Positas CCD
Chaffey College
College of the Canyons
College of Marin
College of the Siskiyous
Contra Costa CCD
Foothill-De Anza CCD
Gavilan College
Glendale College
Hartnell College
Lane Community College (Oregon)
Mendocino College
Merced CCD
MiraCosta College
Monterey Peninsula College
Napa Valley College
Pasadena Area CCD
Peralta CCD
Mt. San Jacinto CCD
Rancho Santiago CCD
Riverside CCD
San Bernardino CCD
San Joaquin Delta CCD
San Mateo CCD
Santa Barbara City College
Santa Monica College
Santa Rosa Junior College
Yuba College

High School Districts

Antelope Valley High SD
Anaheim Union High SD
Campbell Union High SD
Chaffey Joint Union High SD
Delano Joint Union High SD
East Side Union High SD
El Dorado Union High SD
Fullerton Joint Union High SD
Galt Joint Union High SD
Grant Joint Union High SD
Jefferson Union High SD
Los Gatos-Saratoga Union High SD
Mountain View-Los Altos High SD
Nevada Joint Union High SD
Oxnard Union High SD
Perris Union High SD
Petaluma Joint Union High SD
Placer Union High SD
Roseville Joint Union High SD
San Benito High SD
San Dieguito Union High SD
San Mateo Union High SD
San Rafael High SD
Santa Cruz City High SD
Santa Rosa High SD
Sequoia Union High SD
Tamalpais Union High SD
William S. Hart Union High SD

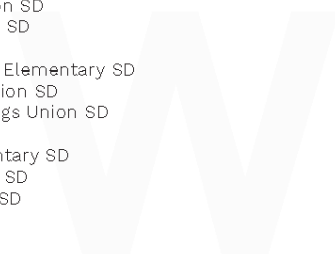
Elementary School Districts

Alisal Union SD
Alpine Union SD
Alta Loma SD
Alum Rock Union Elementary SD
Anaheim Elementary SD
Auburn Union SD
Beardsley SD
Belmont-Redwood Shores SD
Berryessa Union SD
Bonsall SD
Buena Park SD
Burlingame SD
Cambrian SD
Campbell Union SD
Castaic Union SD
Central SD
Centralia Elementary SD
Cupertino Union SD
Del Mar Union SD
Eastside Union SD
Fountain Valley SD
Franklin-McKinley SD
Fruitvale SD
Fullerton SD
Hermosa Beach City SD
Hillsborough City SD
Huntington Beach City SD
Jefferson Elementary SD
Kentfield SD
La Mesa-Spring Valley Union SD
Lakeside Union SD (San Diego County)
Larkspur-Corte Madera SD
Live Oak SD
Loma Prieta Joint Union SD
Los Altos SD
Los Gatos Union SD
Lowell Joint SD
Menifee Union SD
Mill Valley SD
Millbrae SD
Miller Creek SD

Unified School Districts

Alvord USD
Alameda USD
Albany USD
Amador County USD
Arcadia USD
Azusa USD
Baldwin Park USD
Bassett USD
Beaumont USD
Brea Olinda USD
Cabrillo USD
Capistrano USD
Carlsbad USD
Castro Valley USD
Charter Oak USD
Claremont USD
Conejo Valley USD
Corona-Norco USD
Cotati-Rohnert Park USD
Culver City USD
Davis Joint USD
Downey USD
Dublin USD
El Rancho USD
Evansville-Vanderburgh School Corporation (Indiana)
Fairfield-Suisun USD
Folsom Cordova USD
Fontana Unified SD
Fremont USD
Garden Grove USD
Glendale USD
Hayward USD
Irvine USD
Jurupa USD
Kerman USD
La Cañada USD
Lake Elsinore USD
Lammersville USD
Las Virgenes USD
Livermore Valley Joint USD
Lompoc USD
Long Beach USD
Los Alamitos USD
Los Angeles USD
Madera USD
Manhattan Beach USD
Manteca Unified SD
Martinez USD
Milpitas USD
Monterey Peninsula USD
Moorpark USD
Moreno Valley USD
Morgan Hill USD
Mount Diablo USD
Mountain Empire USD
Napa Valley USD
New Albany Floyd County Consolidated School Corporation (Indiana)
Newark USD
New Haven USD
Novato USD
Oak Park USD
Orange USD
Pajaro Valley USD
Palo Alto USD
Palos Verdes Peninsula USD
Paradise USD
Patterson Joint USD
Pleasanton USD
Poway USD
Riverside USD
Sacramento City USD
Saddleback Valley USD
San Jose USD
San Lorenzo Valley USD
San Marcos USD
San Marino USD
San Ramon Valley USD
Santa Ana USD
Santa Monica-Malibu USD
Scotts Valley USD
Simi Valley USD
Snowline Joint USD

Modesto City Elementary SD
Moraga SD
Moreland SD
Morgan Hill SD
Morongo SD
Mount Pleasant Elementary SD
Mountain View Whisman SD
Norris SD
North Sacramento SD
Oakley Union Elementary SD
Ocean View SD (Orange County)
Orinda Union SD
Pacifica SD
Palmdale SD
Perris Elementary SD
Petaluma City Elementary SD
Portola Valley SD
Ravenswood City SD
Redwood City SD
Reed Union SD
Romoland SD
Rosemead SD
Roseville City SD
Ross Valley SD
San Carlos SD
San Mateo-Foster City SD
San Rafael Elementary SD
Santa Cruz City Elementary SD
Santa Rita Union SD
Santa Rosa Elementary SD
Saratoga Union SD
Saugus Union SD
Savanna SD
Soquel Union Elementary SD
Stanislaus Union SD
Sulphur Springs Union SD
Union SD
Victor Elementary SD
Walnut Creek SD
Westminster SD





Fees

As is the standard in our industry, Props & Measures works on a standard fixed-fee basis. Our standard consulting fee is \$7,200 per month, inclusive of all travel expenses for meeting attendance. Partial months of services would be billed at a prorated amount. Production and distribution of any paid informational communication is not included in our fee and would be priced separately.

Reimbursable business expenses, such as photocopying and overnight delivery, will be billed separately along with any other hard costs associated with printing, postage and advertising costs for informational communication and outreach. Our contract can be severed at any time if you chose to abandon or delay your measure effort.

To help you estimate hard costs related to the production of informational materials (including postage), the cost of producing a mailer to all voter households in the Authority’s boundaries (an estimated 50,000 households) would be:

11x17 two-fold informational newsletter with tear off survey:	\$40,775
11x17 one-fold informational newsletter:	\$37,450
8.5x11 jumbo postcard:	\$34,754

While all our services beyond our basic fee are optional, our recommended budget for public information communication services would include 2-3 potential mailings and a paid digital program.

Our goal will be to work within your existing communication resources to provide information to the public in order to utilize the most cost-effective means. Should the Authority decide to engage in broader informational communication efforts, once hired, TBWBH Props & Measures can provide pricing for texting, production and distribution of video, paid digital media ads or other communication programs separately.

MEMORANDUM

Meeting Date: November 15, 2022
To: Citizens Technical Advisory Committee
Prepared by: Andrea Gullo, Executive Director

Agenda Item X. Discussion and recommendation to the Board to authorize 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.

Background:

The Authority has held a landscaping contract annually since 2003. Previously, long-term landscaping contracts were bid in 2003 and again in 2010 and awarded each time for a five-year period with amendments issued to extend the timeframes. Nakae and Associates was the lowest and most qualified bidder in each instance. From 2018 through 2020 the Board approved non-bid contracts with Nakae for one-year periods spanning the majority of the subsequent years. The current contract expires on December 16, 2022. The proposed new contract would be executed upon expiration of the current contract and continue for a twelve-month period. The new contract in the amount of \$20,000 is consistent with the agency's approved budget for FY 2022-23.

Approving this new contract with Nakae will allow for continued maintenance of the Authority's Preserve entailing invasive weed removal, trailside vegetation maintenance, trailhead native vegetation maintenance, and other needs as they arise. The various tasks would be implemented on an as-needed basis only after Nakae provides cost estimates based on approved rates to ensure that the contract budget is adhered to.

In accordance with Section 4-3, contracts for services shall be based on demonstrated competence, the professional qualifications necessary for satisfactory performance of the required services, and a fair and reasonable price. Also, in accordance with Section 4-4 of the Purchasing Policy, competitive procurement of services valued over \$10,000 is necessary when the Purchasing Agent determines it will be in the best interest of the Authority. In this case noncompetitive procurement is in the best interest of the Authority.

Nakae is recommended because the proposed contractor is 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.

Nakae is a licensed landscape/general engineering contractor established in 1984 and incorporated in 1985. They have experience restoring and maintaining over 7,000 acres of native habitats with projects in California, Utah and Arizona. Nakae has served the Authority exceptionally well with several contracts over the years. Their communication, flexibility, coordination, and quality of work has been outstanding. Additionally, they have always stayed within their budgets. Their knowledge of the Preserve's native vegetation and invasive weeds has proven to be extremely effective and beneficial for meeting the Authority's unique needs. The rates for a contract in the amount of \$20,000 are attached for your reference.

CEQA

The proposed maintenance work is exempt from the California Environmental Quality Act pursuant to sections 15304, 15307, and 15333.

15304 MINOR ALTERATIONS TO LAND

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to: ...d) minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;

15307 ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF NATURAL RESOURCES

Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

15333. SMALL HABITAT RESTORATION PROJECTS

Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that: a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065, (b) There are no hazardous materials at or around the project site that may be disturbed or removed, and (c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. (d) Examples of small restoration projects may include, but are not limited to: ...4) projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment.

Fiscal Impact:

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

Recommendation:

That the Committee recommend to the Board to authorize Executive Director to execute a contract with Nakae and Associates in an amount of \$20,000, and find that the associated maintenance work is exempt from CEQA.

Attachment:

Nakae's proposal



31 October 2022

PUENTE HILLS HABITAT PRESERVATION AUTHORITY
Attention: Ms. Andrea Gullo
7333 Greenleaf Avenue, First Floor
Whittier, CA 90602

Re: Native Landscape Maintenance Projects

Dear Ms. Gullo:

Thank you for the opportunity to provide the following proposal for the above referenced project. Our proposal is based on the following scope of work.

SCOPE OF WORK

- Provide labor, equipment and materials needed to complete various landscape maintenance tasks associated with native landscape projects throughout areas managed by the Habitat Authority. All work will be completed on a time and materials basis utilizing the attached rates.

BUDGET

***Not to Exceed*..... \$ 20,000.00**

SPECIFIC EXCLUSIONS

- Permits or fees.
- Performance or payment bonds (unless requested and we can charge against the contract for the bond premium).
- Large tree removals or trimming.
- Monitoring or reports.
- SWPPP.

NOTE

- All work will be completed utilizing California Prevailing Wage Rate Determinations for "Landscape Maintenance Laborer", Determination #SC-LML-2022-1.

Please contact me if you have any questions or need additional information.

Sincerely,

Kevin P. Kirchner
KPK/cm
Attachment

F:\Info & Forms\Proposal\2022\103122 PHHPA Native Landscape Maint Projects.docx

LABOR & EQUIPMENT RATES Prevailing Wage "Maintenance"	
ITEM	RATE/PERIOD
Labor	
Project Manager	\$ 125.00 /hour
Superintendent	\$ 100.00 /hour
Landscape Maintenance Foreman	\$ 48.00 /hour
Landscape Maintenance Crew Leader	\$ 37.00 /hour
Landscape Maintenance Laborer	\$ 30.00 /hour
*Operated Rates'	
*Trencher 'Operated'	\$ 100.00 /hour
*Backhoe 'Operated'	\$ 100.00 /hour
*Skiploader 'Operated'	\$ 85.00 /hour
*Dump Truck 'Operated'	\$ 90.00 /hour
*Water Truck 'Operated'	\$ 85.00 /hour
*DC 80 Dozer 'Operated' (w/boom sprayer)	\$ 125.00 /hour
*750 HL Wheel Loader	\$ 100.00 /hour
*8840 Farm Tractor 'Operated'	\$ 120.00 /hour
*T770 Bobcat 'Operated'	\$ 85.00 /hour
**Bare Rates'	
**Super-Cab Pickup	\$ 100.00 /day
**Flat Bed Truck	\$ 125.00 /day
**Compressor	\$ 125.00 /day
**Wacker	\$ 75.00 /day
**200-Gal. Sprayer	\$ 200.00 /day
**Hand Tiller	\$ 100.00 /day
**Arrowboard	\$ 75.00 /day
**Irrigation Trailer	\$ 50.00 /day
**4x4 Kubota ATV	\$ 75.00 /day
**Auger Attachment	\$ 10.00 /hour
**8' Disk Attachment	\$ 25.00 /hour
**14' Mower Attachment	\$ 25.00 /hour
**81' Tiller Attachment	\$ 25.00 /hour
**Flail Mower Attachment	\$ 25.00 /hour
Materials/Dump Fees	Cost + 15% Mark-up

Rates are good for twelve (12) months from date of proposal.

All work will be completed utilizing California Prevailing Wage Rate Determinations for "Landscape Maintenance Laborer", Determination #SC-LML-2022-1.

MEMORANDUM

Meeting Date: November 15, 2022

To: Citizens Technical Advisory Committee

Prepared by: Andrea Gullo, Executive Director; Elena Gerli, Legal Counsel

Agenda Item **XI. Discussion and recommendation to the Board regarding Authority's remote meeting regulations as specified in California Assembly Bill 2449.**

Background:

Two things of note:

First, it appears that the Governor will lift the Covid-related state of emergency, effective February 28, 2023. Once that happens, the Habitat Authority's Board/Committee meetings, if they are held over Zoom, will require that each teleconferencing location be noticed on the agenda, with the agenda posted at the location and the location open to the public, and at least a quorum of the Board/Committee must be located within the jurisdictional boundaries of the Habitat Authority.

Second: The Board should adopt a reasonable accommodation policy in all due haste. A policy can be put in place before the end of the year, and if necessary can be ratified by the Board shortly thereafter.

Additional Background:

A new bill, AB 2449, amends the Brown Act to add alternative teleconferencing provisions, in addition to the existing traditional teleconferencing rules ("Traditional Rules") and the AB 361 teleconferencing rules.

- The Traditional Rules under Gov't § 54953(b)(3) require that members of the legislative body of a public agency can participate in meetings by teleconference, provided that: at least a quorum of the members participate in-person from a locations identified on the agenda that are within the agency's jurisdictional boundaries; each teleconference location is accessible to the public; posting of an agenda at each teleconference location; and identification of such location in the meeting notices and agenda.

- The AB 361 provisions will remain in the Brown Act until January 1, 2024. However, once the Governor lifts the emergency order, likely February 28, 2023, these rules cannot be used to hold remote meetings as was done during Covid.
- New teleconferencing rules. Members can teleconference into meetings without meeting the requirements of the Traditional Rules only for just cause or due to emergency circumstances. These provisions expire January 1, 2026.
 - “Just cause” includes: (i) necessary caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (ii) having a contagious illness, (ii) having a physical or mental disability that is not otherwise accommodated; or (iv) traveling on official business of the local agency or another state or local agency. This can only be used twice in one year by each member.
 - “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.
 - Cannot use these provisions to attend remotely for more than 3 months out of the year, or 20% of the annual meetings.
 - AB 2449 has requirements for how a member can notify the body that they need to teleconference without complying with the Traditional Rules, and provides a process for how to address the request if it comes after the time for publishing the agenda.
 - These provisions also have a number of requirements for remote participation by the public, including the type of platform that should be used, and providing the public with the ability to comment in real time during the meeting, and including information on the agenda regarding how the public can participate.

AB 2449 also amends the Brown Act to add a requirement for a reasonable accommodation policy, which sunsets by January 1, 2026.

- All agencies should adopt a written policy to swiftly address reasonable accommodation requests, and either provide it as part of the agenda, or reference it on the agenda and provide a link. Current agenda language regarding accessibility should be updated to include reference to reasonable accommodations.
- This requirement goes into effect January 1, 2023 and therefore requires action by the body prior to January 1. The Americans with Disabilities Act requires reasonable accommodations irrespective of any language in the Brown Act.

Finally, AB 2449 amends the Brown Act to add non-discrimination provisions, reflecting current law.

Fiscal Impact:

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

Recommendation:

That the Committee recommend to the Board to direct the Executive Director to update the agenda language as appropriate to comply with the requirements of AB 2449, effective January 1, 2023, and return to the Board with a proposed reasonable accommodation policy for Board approval.

Attachment:

AB 2449 (track changes version)

2022 Cal. Legis. Serv. Ch. 285 (A.B. 2449) (WEST)

CALIFORNIA 2022 LEGISLATIVE SERVICE

2022 Portion of 2021-2022 Regular Session

Additions are indicated by **Text**; deletions by

Vetoed material is indicated by ~~Text~~ ;
stricken material by ~~Text~~.

CHAPTER 285

A.B. No. 2449

AN ACT to amend, repeal, and add Sections 54953 and 54954.2 of the Government Code, relating to local government.

[Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. The act authorizes a legislative body to take action on items of business not appearing on the posted agenda under specified conditions. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular

physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body, as prescribed. The bill, until January 1, 2026, would authorize a legislative body to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The bill would define terms for purposes of these teleconferencing provisions.

This bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The people of the State of California do enact as follows:

SECTION 1. Section 54953 of the Government Code, as amended by Section 3 of Chapter 165 of the Statutes of 2021, is amended to read:

<< CA GOVT § 54953 >>

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b)(1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. **If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:**

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations~~***~~. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).~~***~~

~~***~~

(c)(1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act~~***~~. **(Division 10** (commencing with Section **7920.000**) of ~~***~~ Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d)(1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e)(1) ~~***~~ **The legislative body of a** local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

~~***~~

~~***~~ (A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. ~~***~~

~~***~~

(B) In the event of a disruption **that** prevents the ~~***~~ **legislative body** from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control **that** prevents members of the public from offering public comments using the call-in option or internet-based service option, the **legislative** body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption **that** prevents the ~~***~~ **legislative body** from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. ~~***~~

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E)(i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f)(1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i)(1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) “Remote location” means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

***** (5) “State of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).**

(6) “Teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) “Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) “Two-way telephonic service” means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) “Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 2. Section 54953 of the Government Code, as added by Section 4 of Chapter 165 of the Statutes of 2021, is amended to read:

<< CA GOVT § 54953 >>

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b)(1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all **otherwise applicable** requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. **If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:**

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations * * *. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). * * *

* * *

(c)(1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act * * * **(Division 10** (commencing with Section **7920.000**) of * * * Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d)(1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e)(1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h)(1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.

(2) “Just cause” means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. “Child,” “parent,” “grandparent,” “grandchild,” and “sibling” have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) “Remote location” means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) “Teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(6) “Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) “Two-way telephonic service” means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(8) “Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 3. Section 54953 is added to the Government Code, to read:

<< CA GOVT § 54953 >>

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b)(1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c)(1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d)(1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers

authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2026.

SEC. 4. Section 54954.2 of the Government Code is amended to read:

<< CA GOVT § 54954.2 >>

54954.2. (a)(1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by

the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) “Integrated agenda management platform” means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) “Legislative body” has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 5. Section 54954.2 is added to the Government Code, to read:

<< CA GOVT § 54954.2 >>

54954.2. (a)(1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) “Integrated agenda management platform” means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) “Legislative body” has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to

questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall become operative January 1, 2026.

SEC. 6. The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hospital room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 7. The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings.

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Additional Materials

Daily Bulletin

How \$1.9 million in state funds will help Rancho Cucamonga fight wildfires Early wildfire detection systems will be installed along the city's foothill boundaries



Assemblymember Chris Holden presents a ceremonial check for \$1.9 million in state funding to the city of Rancho Cucamonga. The money will help the city install early wildfire detection equipment ahead of the 2023 fire season. Left to right are Holden, Mayor L. Dennis Michael, Mayor Pro Tem Lynne B. Kennedy, City Council Member Kristine D. Scott, Rancho Cucamonga fire

Chief Mike McCliman and Deputy Chief of Operations Augie Beretta. (Photo by Jordan Darling/Inland Valley Daily Bulletin/SCNG)

By **JORDAN B. DARLING** | jdarling@scng.com | **Daily Bulletin**

PUBLISHED: October 26, 2022 at 2:15 p.m. | UPDATED: October 26, 2022 at 2:50 p.m.

Rancho Cucamonga has received \$1.9 million from the state to install early **wildfire** detection units across the city's northern border which backs into the foothills of the San Gabriel Mountains.

Assemblymember Chris Holden presented the almost \$2 million check to Rancho Cucamonga on Monday, Oct. 24, for the installation of 30 units to monitor the city's foothills. The units are built by an Azusa-based Lindsey FireSense LLC.

Rancho Cucamonga will be the first city to deploy the units ahead of the 2023 fire season, which starts in late spring.

"We are honored to be the first city in the state of California to pilot this life-saving system," Mayor L. Dennis Michael said.

According to Jack McCall, executive vice president of Lindsey FireSense, the units will be posted on the already existing power line structures along the city's northern border and will be deployed sometime next year. There will be four to eight units posted per mile to get an unobstructed view of the foothills and the wildlands.

The units will use two types of sensors: A thermal detector will pick up on thermal signatures and optical cameras will be used to verify the information visually. The data will then be processed in the detection units and, if the information is consistent, an alarm will notify local firefighters. From start to finish, the process should take about two minutes, according to McCall.

<https://www.sbsun.com/2022/10/26/how-1-9-million-in-state-funds-will-help-rancho-cucamonga-fight-wildfires/>

McCall also said that the sensors will be able to detect fires as small as 5 feet by 5 feet up to 900 feet away, and smaller fires of about 3 feet by 3 feet up to 400 feet away.

“And the reason we use both types of sensors is we want to minimize the amount of false alarms,” McCall said. “We want, when there is an alarm, we want there to be a very very high probability that there is an actual fire.”

The units are meant to help fire officials strategize their approach to a fire and contain a blaze before it gets out of hand.

The Rancho Cucamonga Fire District covers beyond the city’s boundaries. The department is responsible for protecting the North Etiwanda Preserve and the wildland borders in the Alta Loma and Etiwanda neighborhoods, as well as the foothills of the San Gabriel Mountains that border the city.

The areas are classified as very high hazard for wildfire, according Deputy Chief of Operations Augie Beretta.

“This area is prone to high Santa Ana winds which can rapidly spread small wildfires,” Beretta said. “Early wildfire detection is critical as it will allow for resources to rapidly respond to wildfires in the early stages.”

In 2003, the [Grand Prix fire](#) burned for 15 days, stretching from northern Fontana to Claremont, burning nearly 70,000 acres and reaching the northern Etiwanda area. A decade later, the [Etiwanda Fire](#) erupted in April 2014 northwest of the North Etiwanda Preserve, burning nearly 2,000 acres in the same area as the 2003 fire. With the new system, McCall said, early warnings mean fire resources can be maximized and fires can be knocked down at earlier stages. McCall said the units were initially developed in fall of 2019 and tested at the All Risk Training Center in Rancho Cucamonga in May of 2020.

The Rancho Cucamonga Fire Department helped the company test the pilot unit at the training center and then put the company in touch with the San Bernardino Fire Department for further testing at their facilities.

When the company approached the city for the initial deployment they were very enthusiastic, according to McCall.

“Here is somebody who is actively invested in the development of the technology so really it was the perfect fit,” said McCall.

State sues SCE and T-Mobile, saying they caused the Silverado fire in OC in 2020

The blaze forced the evacuation of 90,000 and critically burned two Orange County Fire Authority firefighters



Firefighters set backfires along Alton Road to help battle blazes that started from high wind and the Silverado fire in Lake Forest on Monday, October 26, 2020. (Photo by Mindy Schauer, Orange County Register/SCNG)

By **TONY SAAVEDRA** | tsaavedra@scng.com | Orange County Register

PUBLISHED: October 21, 2022 at 6:17 p.m. |

UPDATED: October 21, 2022 at 6:40 p.m.

The state forestry department has sued Southern California Edison and T-Mobile USA, alleging equipment failures caused the 12,466-acre Silverado fire in 2020, displacing [90,000 residents](#) in south Orange County.

The lawsuit filed Thursday, Oct. 20 by the California Department of Forestry said arcing between a 12,000-volt electrical conductor operated by Edison and a communication line assembly belonging to T-Mobile ignited the wildfire in the early morning of Oct. 26, 2020.

Fueled by 80-mph gusts, the blaze that began at Santiago Canyon Road and Silverado Canyon Road damaged 16 structures, threatened 1,314 more and critically injured two Orange County Fire Authority firefighters, the suit states. The fast moving fire spread to Irvine and Lake Forest and took nearly two weeks to contain.

The lawsuit accused Edison and T-Mobile of negligence and failing to properly design, install and maintain their equipment. The flaws caused arcing in the blistering Santa Ana winds, sending sparks and molten metal into the dry brush, according to the forestry department.

“Wildland fires such as the Silverado Fire ordinarily do not happen in the absence of negligence,” the suit says. It doesn’t specify a monetary damage amount.

SCE spokesman David Eisenhauer said Friday the utility is working to improve its system to prevent future wildfires and has cooperated fully throughout the state’s investigation.

“Our thoughts remain with those affected by the fire, including the two firefighters who were critically injured,” Eisenhauer said. “Our top priority is the safety of customers, employees and communities.”

[Whittier Daily News](#)

October 24, 2022

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Eisenhauer pointed to SCE's yearly inspection of trees and other vegetation near power lines in high-risk areas as an example.

He also noted that SCE installed 3,500 miles of overhead wire with a protective coating during the last four years to lower the chance of wildfires.

T-Mobile did not comment on the suit.

Shortly after the fire broke out, Edison wrote a letter to the California Public Utilities Commission saying that the utility suspected its equipment started the blaze.

Equipment problems also caused the Camp Fire in 2018 that decimated the town of Paradise. Pacific Gas & Electric pleaded guilty in 2020 to 84 counts of involuntary manslaughter in the most deadly fire in state history, according to published reports.

No one died in the Santiago fire, but hand crew members [Dylan Van Iwaarden](#), 26, and Phi Le, 31, were critically burned after the flames rolled over them. Iwaarden was burned over 65% of his body and he could not speak for two months.

Edison has been sued before in connection with wildfires.

Two groups of families are suing the company, alleging negligence in the Fairview Fire that broke out Sept. 5 in Hemet. Two were killed and thousands were forced from their homes in the Riverside County fire.

The suit alleges the Fairview Fire was ignited by sparks from a high-voltage line.

Edison also was sued by families in Orange County's Coastal Fire, which rolled through 200 acres and burned more than 20 homes in May. The families blamed Edison for the blaze after the utility reported it had experienced "circuit activity" near the fire's origin.

And last year Edison reached a \$500 million settlement with the Public Utilities Commission for huge wildfires in 2017 and 2018, including the massive Woolsey Fire that torched homes in Thousand Oaks, Calabasas and Malibu as it spread across the Santa Monica Mountains to the coast. The cause of the fires was attributed to Edison's equipment.