



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY/ WEST COVINA COMMUNITY SERVICES FOUNDATION

**OCTOBER 18, 2022, 7:00 PM
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790**

**Mayor Dario Castellanos
Mayor Pro Tem Rosario Diaz
Councilwoman Letty Lopez-Viado
Councilmember Brian Tabatabai
Councilman Tony Wu**

Please turn off all cell phones and other electronic devices prior to entering the Council Chambers

AMERICANS WITH DISABILITIES ACT

The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at Council meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Do call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Council meetings, please request no less than four working days prior to the meeting.

AGENDA MATERIAL

Agenda material is available for review at the City Clerk's Office, Room 317 in City Hall, 1444 W. Garvey Avenue South, West Covina and at www.westcovina.org. Any writings or documents regarding any item on this agenda, not exempt from public disclosure, provided to a majority of the City Council that is distributed less than 72 hours before the meeting, will be made available for public inspection in the City Clerk's Office, Room 317 of City Hall located at 1444 W. Garvey Avenue South, West Covina, during normal business hours.

NOTICE

The City Council will regularly convene on the first and third Tuesday of the month. The West Covina Community Development Commission, West Covina Public Financing Authority and the West Covina Community Services Foundation are agencies on which the City Council serves as members. Agendas may contain items for these boards, as necessary.

PUBLIC COMMENTS ADDRESSING THE CITY COUNCIL (Per WCMC 2-48, Ordinance No. 2150)

Any person wishing to address the City Council on any matter listed on the agenda or on any other matter within their jurisdiction should complete a speaker card that is provided at the entrance to the Council Chambers and submit the card to the City Clerk.

Please identify on the speaker card whether you are speaking on an agenda item or non-agenda. Requests to speak on agenda items will be heard prior to requests to speak on non-agenda items. All comments are limited to five (5) minutes per speaker.

Oral Communications may be limited to thirty (30) minutes, unless speakers addressing agenda items have not concluded.

Any testimony or comments regarding a matter set for a Public Hearing will be heard during the hearing.

RULES OF DECORUM

Excerpts from the West Covina Municipal Code and Penal Code pertaining to the Rules of Decorum will be found at the end of agenda.

AGENDA

CITY OF WEST COVINA CITY COUNCIL/SUCCESSOR AGENCY/ WEST COVINA COMMUNITY SERVICES FOUNDATION

**TUESDAY OCTOBER 18, 2022, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Pastor Mason Okubo from Immanuel First Lutheran Church.

PLEDGE OF ALLEGIANCE

Led by Councilwoman Lopez-Viado

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

- Certificate recognizing the Fire Prevention Week Poster Contest Winner
- Certificate recognizing Firefighter/Engineer Jamelle Gibbs for organizing the 9/11 Memorial Softball Tournament/Chili Cook Off

ORAL COMMUNICATIONS - Five (5) minutes per speaker

Please step forward to the podium and state your name and city of residence for the record when recognized by the Mayor.

CITY MANAGER'S REPORT

City Manager's report on current City projects.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council/Community Development Commission request specific items to be removed from the Consent Calendar for separate discussion or action.

APPROVAL OF MEETING MINUTES

1) CONSIDERATION OF APPROVAL OF THE OCTOBER 04, 2022, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.

It is recommended that the City Council approve the October 04, 2022 Regular Session Meeting Minutes.

CITY CLERK'S OFFICE

2) BIENNIAL REVIEW OF THE CONFLICT OF INTEREST CODE AS REQUIRED BY THE POLITICAL REFORM ACT

It is recommended that the City Council receive and file the 2022 Local Agency Biennial Notice.

CITY MANAGER'S OFFICE

3) CONSIDERATION OF RESOLUTION NO. 2022-102 DETERMINING THERE IS A NEED TO CONTINUE THE LOCAL EMERGENCY

It is recommended that the City Council adopt the following resolution:

RESOLUTION NO. 2022-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DETERMINING THE NEED TO FURTHER CONTINUE THE LOCAL EMERGENCY PROCLAIMED ON MARCH 16, 2020, AND PREVIOUSLY CONTINUED ON APRIL 7, 2020, MAY 5, 2020, JUNE 2, 2020, JUNE 23, 2020, JULY 21, 2020, AUGUST 18, 2020, SEPTEMBER 15, 2020, OCTOBER 6, 2020, OCTOBER 20, 2020, NOVEMBER 17, 2020, DECEMBER 1, 2020, JANUARY 19, 2021, FEBRUARY 16, 2021, MARCH 16, 2021, APRIL 6, 2021, MAY 4, 2021, JUNE 1, 2021, JUNE 15, 2021, JULY 6, 2021, JULY 20, 2021, AUGUST 17, 2021, SEPTEMBER 7, 2021, OCTOBER 5, 2021, NOVEMBER 2, 2021, DECEMBER 7, 2021, JANUARY 4, 2022, FEBRUARY 1, 2022, MARCH 1, 2022, APRIL 5, 2022, MAY 3, 2022, JUNE 7, 2022, JULY 5, 2022, JULY 19, 2022, AUGUST 16, 2022 AND SEPTEMBER 20, 2022

FINANCE DEPARTMENT

4) CONSIDERATION OF ORDINANCES REPEALING FORMER REDEVELOPMENT AGENCY'S SALES TAX ORDINANCE AND RELATED SECTION 21-32 OF THE WEST COVINA MUNICIPAL CODE

1. It is recommended that the City Council, acting as the Successor Agency to the former West Covina Redevelopment Agency, introduce for first reading, by title only, the following ordinance:

ORDINANCE NO. 2504 - AN ORDINANCE OF THE SUCCESSOR AGENCY TO THE FORMER WEST COVINA REDEVELOPMENT AGENCY REPEALING ORDINANCE NO. 1 REGARDING SALES AND USE TAXES

2. It is recommended that the City Council introduce for first reading, by title only, the following ordinance:

ORDINANCE NO. 2505 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, REPEALING SECTION 21-32 (CREDIT FOR TAXES DUE TO REDEVELOPMENT AGENCY OF THE CITY OF WEST COVINA) OF ARTICLE II (SALES AND USE TAX) OF CHAPTER 21 (TAXATION) OF THE WEST COVINA MUNICIPAL CODE

POLICE DEPARTMENT

5) CONSIDERATION OF A RESOLUTION ESTABLISHING A REWARD FUND FOR THE GABRIELA DE HARO-PEREZ CASE

It is recommended that the City Council adopt the following resolution authorizing the establishment of a reward fund to further support the investigation of the Gabriela De Haro-Perez case:

RESOLUTION NO. 2022-100 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, OFFERING A REWARD IN THE TOTAL AMOUNT OF UP TO FIFTY THOUSAND DOLLARS (\$50,000) FOR THE INFORMATION LEADING TO THE DETERMINATION OF THE IDENTITY, APPREHENSION, AND CONVICTION OF THE PERSON OR PERSONS RESPONSIBLE FOR THE JANUARY 2, 2021 SHOOTING NEAR THE INTERSECTION OF AZUSA AVENUE AND AMAR ROAD

THAT LEAD TO THE DEATH OF GABRIELA DE HARO-PEREZ

PUBLIC SERVICES

6) CONSIDERATION OF THE WEST COVINA COMMUNITY SERVICES FOUNDATION FISCAL YEAR 2021-2022 ANNUAL REPORT

It is recommended that the Board of Directors of the West Covina Community Services Foundation receive and file this report.

END OF CONSENT CALENDAR

DEPARTMENTAL REGULAR MATTERS

PUBLIC SERVICES

7) CONSIDERATION OF DIAL-A-RIDE SERVICE AREA

It is recommended that the City Council:

1. Provide direction relative to the Dial-A-Ride service area; and
2. Authorize the City Manager to negotiate and execute all necessary documents, in such form as approved by the City Attorney, to carry out the City Council's direction.

MAYOR/COUNCILMEMBERS REPORTS

AB 1234 Conference and Meeting Report (verbal, if any)

(In accordance with AB 1234, Councilmembers shall make a brief report or file a written report on any meeting/event/conference attended at City expense.)

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

(Per City of West Covina Standing Rules 4.f - Requests for reports, studies, or investigations that are not readily available must be placed on the City Council/Successor Agency agenda as items of business and must be approved by a majority of the City Council/Successor Agency Board.)

CITY COUNCIL COMMENTS

ADJOURNMENT

Next Tentative City Council Meeting

Regular Meeting

November 1, 2022

7:00 PM

RULES OF DECORUM

The following are excerpts from the West Covina Municipal Code:

Sec. 2-48. Manner of addressing council; time limit; persons addressing may be sworn.

- a. Each person addressing the council shall step up to the rostrum, shall give his or her name and city of residence in an audible tone of voice for the record and unless further time is granted by the council, shall limit his or her address to five (5) minutes.
- b. The city council may establish a limit on the duration of oral communications.
- c. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a councilmember except through the presiding officer.
- d. The presiding officer may require any person to be sworn as a witness before addressing the council on any subject. Any such person who, having taken an oath that he or she will testify truthfully, willfully and contrary to such oath states as true any material matter

which he knows to be false may be held to answer criminally and subject to the penalty prescribed for perjury by the provisions of the Penal Code of the state.

Sec. 2-50. Decorum--Required.

- a. While the council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or disrupt the proceedings or the peace of the council nor interrupt any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.
- b. Members of the public shall not willfully disrupt the meeting or act in a manner that actually impairs the orderly conduct of the meeting. For the purposes of this code, "willfully disrupt" includes, but is not limited to, continuing to do any of the following after being warned by the Mayor that continuing to do so will be a violation of the law:
 - a. Addressing the Mayor and City Council without first being recognized.
 - b. Persisting in addressing a subject or subjects, other than that before the Mayor and City Council.
 - c. Repetitiously addressing the same subject.
 - d. Failing to relinquish the podium when directed to do so.
 - e. From the audience, interrupting or attempting to interrupt, a speaker, the Mayor, a council member, or a staff member or shouting or attempting to shout over a speaker, the Mayor, a council member or a staff member.
 - f. As a speaker, interrupting or attempting to interrupt the Mayor, a council member, or a staff member, or shouting over or attempting to shout over the Mayor, a council member, or a staff member. Nothing in this section or any rules of the council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City or of the acts or omissions of the City Council. It shall be unlawful to violate the provisions of this Section.

If any subsection, sentence, clause, or phrase or word of this Section 2-50 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases or words had been declared invalid or unconstitutional.

Sec. 2-52. Persons authorized to be within council area.

No person, except city officials, their representatives and members of the news media shall be permitted within the rail in front of the council chamber without the express consent of the council.

The following are excerpts from the Penal Code

148(a) (1) Every Person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

403 Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 303 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: October 18, 2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF APPROVAL OF THE OCTOBER 04, 2022, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.

RECOMMENDATION:

It is recommended that the City Council approve the October 04, 2022 Regular Session Meeting Minutes.

DISCUSSION:

That the City Council adopt the attached minutes.

Prepared by: Lisa Sherrick; Assistant City Clerk

Attachments

Attachment No. 1 - 10/4/2022 Regular Session Minutes Draft

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**OCTOBER 04, 2022, 7:00 PM
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790**

**Mayor Dario Castellanos
Mayor Pro Tem Rosario Diaz
Councilwoman Letty Lopez-Viado
Councilmember Brian Tabatabai
Councilman Tony Wu**

MINUTES

CALL TO ORDER

A Regular Session Meeting was called to order by Mayor Dario Castellanos on Tuesday, October 04, 2022 at 7:00 p.m., in the Council Chambers, 1444 West Garvey Avenue South, West Covina, California

INVOCATION

Led by Pastor Antonio Rodriguez from Calvary Chapel, New Beginnings West Covina

PLEDGE OF ALLEGIANCE

Led by Councilmember Tabatabai

ROLL CALL

Present: Council Members Tony Wu, Brian Tabatabai, Letty Lopez-Viado, Mayor Pro Tem Diaz, Mayor Castellanos.

Council Members

Absent: None

City Staff: David Carmany City Manager, Paulina Morales Assistant City Manager, Tom Duarte City Attorney, Lisa Sherrick Assistant City Clerk; other City staff presented reports and responded to questions as indicated in the minutes.

REPORTING OUT FROM CLOSED SESSION

None

PRESENTATIONS

- National Fire Prevention Week Proclamation
- Breast Cancer Awareness Proclamation
- Domestic Violence Awareness Proclamation

ORAL COMMUNICATIONS - Five (5) minutes per speaker

Lisa Mayo

Terry Paradez

George Ogden

Bill Robinson

CITY MANAGER'S REPORT

Presentation given by City Manager David Carmany.

CONSENT CALENDAR

ACTION: Motion by Councilmember Tabatabai, Second by Councilwoman Lopez-Viado 5-0 to: Approve Consent Calendar Items 1-5.

APPROVAL OF MEETING MINUTES

- 1) **CONSIDERATION OF APPROVAL OF THE SEPTEMBER 20, 2022, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES AND THE SEPTEMBER 20, 2022, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.**

Carried 5-0 to: approve the September 20, 2022, Closed Session Meeting Minutes and the September 20, 2022 Regular Session Meeting Minutes.

COMMUNITY DEVELOPMENT

- 2) **CONSIDERATION OF ACCEPTANCE OF ENERGY SYSTEM UPGRADES INSTALLATION – ENERGY EFFICIENCY PROJECT NO. 21034**

Carried 5-0 to: adopt the take the following actions:

1. Accept the work performed by Alliance Building Solutions, Inc. for the Energy System Upgrades Project.

2. Authorize the execution the recordation of the Notice of Completion and the release of retention funds 35 days thereafter.

3) **CONSIDERATION OF FINAL PARCEL MAP NO. 72097
LOCATION: 3501 EAST CAMERON AVENUE**

Carried 5-0 to: adopt the following resolution:

**RESOLUTION NO. 2022-97 – A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF WEST COVINA, CALIFORNIA, APPROVING FINAL PARCEL
MAP NO. 72097 LOCATED AT 3501 CAMERON AVENUE**

FINANCE DEPARTMENT

4) **CONSIDERATION OF AN ORDINANCE NO. 2501 - AMENDING PURCHASING
PROCEDURES**

Carried 5-0 to: adopt the following ordinance:

**ORDINANCE NO. 2501 – AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WEST COVINA, CALIFORNIA, AMENDING ARTICLE VII
(PURCHASES AND SALES) OF CHAPTER 2 (ADMINISTRATION) OF THE
WEST COVINA MUNICIPAL CODE**

HUMAN RESOURCES/RISK MANAGEMENT

5) **MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE CITY
OF WEST COVINA FIREFIGHTERS' ASSOCIATION (WCFFA)**

Carried 5-0 to: adopt the following resolution:

**RESOLUTION NO. 2022-98 – A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CITY
OF WEST COVINA FIREFIGHTERS' ASSOCIATION (WCFFA)**

END OF CONSENT CALENDAR

DEPARTMENTAL REGULAR MATTERS

PUBLIC SERVICES

6) **CONSIDERATION OF DIAL-A-RIDE SERVICE AREA**

***ACTION: Motion by Councilwoman Lopez-Viado, Second by Councilmember
Tabatabai 4-1 (No: Wu) to:*** take the following actions:

1. *Change the distance that Dial-a-ride will travel outside of city limits from 3 to 5 miles for medical trips.*

2. *Authorize the City Manager to negotiate and execute all necessary documents, in such form as approved by the City Attorney, to carry out the City Council's direction.surveys of the student bus goers.*

MAYOR/COUNCILMEMBERS REPORTS

None

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

Councilmember Tabatabai has requested that staff look into alternative transportation providers such as lyft to potentially pilot with to mitigate surge pricing for the residents.

Mayor Pro Tem Diaz has requested that staff look into installing doggy bags at local parks and paseos and potentially creating a fine for not cleaning up after your dog.

Councilman Wu has requested that staff contact Frontier to have them repair some damage made during their work on the streets.

Councilman Wu has requested that staff look into cleaning all the hills within the city in order to prevent any potential fire hazards.

CITY COUNCIL COMMENTS

None

ADJOURNMENT

A motion to adjourn the Regular Meeting was made by Mayor Castellanos, and the meeting was adjourned at 8:36 p.m. The next regularly scheduled Regular City Council Meeting will be held on Tuesday October 18, 2022 at 7:00 p.m. in the Council Chambers, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Lisa Sherrick
Assistant City Clerk

Dario Castellanos
Mayor



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: October 18, 2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: BIENNIAL REVIEW OF THE CONFLICT OF INTEREST CODE AS REQUIRED BY THE
POLITICAL REFORM ACT**

RECOMMENDATION:

It is recommended that the City Council receive and file the 2022 Local Agency Biennial Notice.

BACKGROUND:

The Political Reform Act requires every local government agency to adopt a conflict of interest code and to review its conflict of interest code biennially. A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700). 2022 is designated as a "code review" year.

At the June 21, 2022 City Council meeting, the City Council direct staff to review the City's current Conflict of Interest Code (the "Code") and report to the City Council if an amendment to the Code is required.

DISCUSSION:

Staff has reviewed the City's Conflict of Interest Code (the "Code") and determined that amendments are needed. The purpose of the attached Local Agency Biennial Notice is to inform the City Council that the Code requires amendments and outline which amendments are needed. As outlined in the Biennial Notice, amendments include adding new positions, revising titles of existing positions and deleting titles of positions that no longer exist. Staff will bring the amended Code for City Council consideration at a later date.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approved it as to form.

Prepared by: Lisa Sherrick, Assistant City Clerk

Fiscal Impact

FISCAL IMPACT:

None.

Attachments

Attachment No. 1 - 2022 Local Agency Biennial Notice

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness

2022 Local Agency Biennial Notice

Name of Agency: City of West Covina
 Mailing Address: 1444 E. Garvey Avenue South, West Covina, 91790
 Contact Person: Lisa Sherrick Phone No. 626-939-8433
 Email: lsherrick@westcovina.org Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☒ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☒ Include new positions
- ☐ Revise disclosure categories
- ☒ Revise the titles of existing positions
- ☒ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) _____

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: October 18, 2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF RESOLUTION NO. 2022-102 DETERMINING THERE IS A NEED TO CONTINUE THE LOCAL EMERGENCY

RECOMMENDATION:

It is recommended that the City Council adopt the following resolution:

RESOLUTION NO. 2022-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DETERMINING THE NEED TO FURTHER CONTINUE THE LOCAL EMERGENCY PROCLAIMED ON MARCH 16, 2020, AND PREVIOUSLY CONTINUED ON APRIL 7, 2020, MAY 5, 2020, JUNE 2, 2020, JUNE 23, 2020, JULY 21, 2020, AUGUST 18, 2020, SEPTEMBER 15, 2020, OCTOBER 6, 2020, OCTOBER 20, 2020, NOVEMBER 17, 2020, DECEMBER 1, 2020, JANUARY 19, 2021, FEBRUARY 16, 2021, MARCH 16, 2021, APRIL 6, 2021, MAY 4, 2021, JUNE 1, 2021, JUNE 15, 2021, JULY 6, 2021, JULY 20, 2021, AUGUST 17, 2021, SEPTEMBER 7, 2021, OCTOBER 5, 2021, NOVEMBER 2, 2021, DECEMBER 7, 2021, JANUARY 4, 2022, FEBRUARY 1, 2022, MARCH 1, 2022, APRIL 5, 2022, MAY 3, 2022, JUNE 7, 2022, JULY 5, 2022, JULY 19, 2022, AUGUST 16, 2022 AND SEPTEMBER 20, 2022

BACKGROUND:

On March 17, 2020, the City Council adopted Resolution 2020-19, ratifying Proclamation 2020-01 declaring the existence of a local emergency, which was issued by the City Manager acting in the capacity of Director of Emergency Services. The local emergency is due to the coronavirus (COVID-19) pandemic. Following adoption of the resolution, the City Council needs to review and reevaluate the need for continuing the local emergency at least once every thirty (30) days in accordance with Section 8-7(a)(2) of the West Covina Municipal Code (WCMC).

The City Council previously continued the local emergency on April 7, 2020, May 5, 2020, June 2, 2020, June 23, 2020, July 21, 2020, August 18, 2020, September 15, 2020, October 6, 2020, October 20, 2020, November 17, 2020, December 1, 2020, January 19, 2021, February 16, 2021, March 16, 2021, April 6, 2021, May 4, 2021, June 1, 2021, June 15, 2021, July 6, 2021, July 20, 2021, August 17, 2021, September 7, 2021, October 5, 2021, November 2, 2021, December 7, 2021, January 4, 2022, February 1, 2022, March 1, 2022, April 5, 2022, May 3, 2022, June 7, 2022, July 5, 2022, July 19, 2022, August 16, 2022 and September 20, 2022.

DISCUSSION:

Since March 4, 2022 in Los Angeles County, masks have no longer been required in most indoor settings, but continue to be strongly recommended by the Los Angeles County Department of Public Health ("LA County Health Department"). Pursuant to a revised Health Officer Order issued September 22, 2022, masks are strongly recommended, but not required, on public transit and in indoor transportation hubs in Los Angeles County. Correctional facilities and detention centers, homeless shelters, emergency shelters and cooling centers are permitted to use the Centers for Disease Control and Prevention (CDC) COVID-19 Community Levels to determine the level of masking requirements within their facilities. Masks are still required for all persons, regardless of vaccination status, in all indoor healthcare settings.

As of September 23, 2022, Los Angeles County remained at the CDC designated COVID-19 Community Level of Low.

The State of California remains in a State of Emergency. Los Angeles County's local emergency and public health emergency remain in effect.

Staff is requesting that the City Council determine there is a need to continue the local emergency.

LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and approved it as to form.

OPTIONS:

The options available to the City Council are as follows:

1. Adopt the resolution as submitted; or
2. Terminate the local emergency; or
3. Provide alternative direction.

Prepared by: David Carmany, City Manager

Attachments

Attachment No. 1 - Resolution No. 2022-102

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Maintain Good Intergovernmental Relations
Achieve Fiscal Sustainability and Financial Stability

RESOLUTION NO. 2022-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DETERMINING THE NEED TO FURTHER CONTINUE THE LOCAL EMERGENCY PROCLAIMED ON MARCH 16, 2020 AND PREVIOUSLY CONTINUED ON APRIL 7, 2020, MAY 5, 2020, JUNE 2, 2020, JUNE 23, 2020, JULY 21, 2020, AUGUST 18, 2020, SEPTEMBER 15, 2020, OCTOBER 6, 2020, OCTOBER 20, 2020, NOVEMBER 17, 2020, DECEMBER 1, 2020, JANUARY 19, 2021, FEBRUARY 16, 2021, MARCH 16, 2021, APRIL 6, 2021, MAY 4, 2021, JUNE 1, 2021, JUNE 15, 2021, JULY 6, 2021, JULY 20, 2021, AUGUST 17, 2021, SEPTEMBER 7, 2021, OCTOBER 5, 2021, NOVEMBER 2, 2021, DECEMBER 7, 2021, JANUARY 4, 2022, FEBRUARY 1, 2022, MARCH 1, 2022, APRIL 5, 2022, MAY 3, 2022, JUNE 7, 2022, JULY 5, 2022, JULY 19, 2022, AUGUST 16, 2022 AND SEPTEMBER 20, 2022

WHEREAS, the California Emergency Services Act (Government Code section 8550 et seq.) authorizes the City Council, or an official designated by ordinance adopted by the City Council, to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, West Covina Municipal Code section 8-7(a)(1) empowers the City Manager, as the Director of Emergency Services, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, on March 16, 2020, the City Manager declared a local emergency as authorized by Government Code section 8630(a) and West Covina Municipal Code section 8-7(a)(1) through Proclamation No. 2020-01 due to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 2020-19, ratifying the City Manager's proclamation as required by Government Code section 8630(b) and West Covina Municipal Code section 8-7(a)(1); and

WHEREAS, Section 8-7(a)(2) of the West Covina Municipal Code empowers the City Manager to request that the City Council review the need for continuing the local emergency at least once every 30 days until the City Council terminates the local emergency; and

WHEREAS, at the time the City Council ratified the proclamation, the World Health Organization (WHO) reported, as of March 15, 2020, 153,517 confirmed cases of COVID-

19 globally, 5,735 of which resulted in death. On October 10, 2022, the WHO reported a total of 618,521,620 confirmed cases globally, 6,534,725 of which resulted in death; and

WHEREAS, at the time the City Council ratified the proclamation, the California Department of Public Health (CDPH) reported that, as of March 15, 2020, there were 335 confirmed cases of COVID-19 in California, six (6) of which resulted in death. On October 6, 2022, CDPH reported that, as of October 4, 2022, there were a total of 10,437,463 confirmed cases in California, 95,414 of which resulted in death; and

WHEREAS, at the time the City Council ratified the proclamation, the Los Angeles County Department of Public Health ("LA County Health Department") reported that, as of March 15, 2020, Los Angeles County had 69 confirmed cases, including one (1) death and one (1) confirmed case at West Covina High School. On October 7, 2022, the LA County Health Department reported that, as of October 6, 2022, Los Angeles County had a total of 3,464,157 confirmed cases, 33,740 of which resulted in death; and

WHEREAS, as of October 6, 2022, the LA County Health Department reported a total of 36,480 confirmed cases in the City of West Covina, 385 of which resulted in death; and

WHEREAS, on April 7, 2020, the City Council adopted Resolution No. 2020-22, determining there was a need to continue the local emergency and confirming the written orders and regulations promulgated by the City Manager; and

WHEREAS, on May 5, 2020, the City Council adopted Resolution No. 2020-41, determining there was a need to continue the local emergency and confirming the written orders and regulations promulgated by the City Manager; and

WHEREAS, on June 2, 2020, the City Council adopted Resolution No. 2020-45, determining there was a need to continue the local emergency; and

WHEREAS, on June 23, 2020, the City Council adopted Resolution No. 2020-68, determining there was a need to continue the local emergency; and

WHEREAS, on July 21, 2020, the City Council adopted Resolution No. 2020-85, determining there was a need to continue the local emergency; and

WHEREAS, on August 18, 2020, the City Council adopted Resolution No. 2020-91, determining there was a need to continue the local emergency and confirming a written order promulgated by the City Manager; and

WHEREAS, on September 15, 2020, the City Council adopted Resolution No. 2020-96, determining there was a need to continue the local emergency; and

WHEREAS, on October 6, 2020, the City Council adopted Resolution No. 2020-101, determining there was a need to continue the local emergency; and

WHEREAS, on October 20, 2020, the City Council adopted Resolution No. 2020-105, determining there was a need to continue the local emergency and clarifying the City Manager's emergency powers; and

WHEREAS, on November 17, 2020, the City Council adopted Resolution No. 2020-116, determining there was a need to continue the local emergency; and

WHEREAS, on December 1, 2020, the City Council adopted Resolution No. 2020-118, determining there was a need to continue the local emergency and providing that, notwithstanding the requirements of West Covina Municipal Code section 8-7(a)(2), due to the City Council's meeting schedule, the next regular meeting at which the City Council would consider the need to continue the local emergency would be January 19, 2021; and

WHEREAS, on January 19, 2021, the City Council adopted Resolution No. 2021-01, determining there was a need to continue the local emergency; and

WHEREAS, on February 16, 2021, the City Council adopted Resolution No. 2021-12, determining there was a need to continue the local emergency; and

WHEREAS, on March 16, 2021, the City Council adopted Resolution No. 2021-17, determining there was a need to continue the local emergency; and

WHEREAS, on April 6, 2021, the City Council adopted Resolution No. 2021-25, determining there was a need to continue the local emergency; and

WHEREAS, on May 4, 2021, the City Council adopted Resolution No. 2021-49, determining there was a need to continue the local emergency; and

WHEREAS, on June 1, 2021, the City Council adopted Resolution No. 2021-65, determining there was a need to continue the local emergency; and

WHEREAS, on June 15, 2021, the City Council adopted Resolution No. 2021-72, determining there was a need to continue the local emergency; and

WHEREAS, on July 6, 2021, the City Council adopted Resolution No. 2021-76, determining there was a need to continue the local emergency; and

WHEREAS, on July 20, 2021, the City Council adopted Resolution No. 2021-86, determining there was a need to continue the local emergency; and

WHEREAS, on August 17, 2021, the City Council adopted Resolution No. 2021-91, determining there was a need to continue the local emergency; and

WHEREAS, on September 7, 2021, the City Council adopted Resolution No. 2021-92, determining there was a need to continue the local emergency; and

WHEREAS, on October 5, 2021, the City Council adopted Resolution No. 2021-99, determining there was a need to continue the local emergency; and

WHEREAS, on November 2, 2021, the City Council adopted Resolution No. 2021-101, determining there was a need to continue the local emergency; and

WHEREAS, on December 7, 2021, the City Council adopted Resolution No. 2021-116, determining there was a need to continue the local emergency; and

WHEREAS, on January 4, 2022, the City Council adopted Resolution No. 2022-07, determining there was a need to continue the local emergency; and

WHEREAS, on February 1, 2022, the City Council adopted Resolution No. 2022-14, determining there was a need to continue the local emergency; and

WHEREAS, on March 1, 2022, the City Council adopted Resolution No. 2022-21, determining there was a need to continue the local emergency; and

WHEREAS, on April 5, 2022, the City Council adopted Resolution No. 2022-29, determining there was a need to continue the local emergency; and

WHEREAS, on May 3, 2022, the City Council adopted Resolution No. 2022-38, determining there was a need to continue the local emergency; and

WHEREAS, on June 7, 2022, the City Council adopted Resolution No. 2022-58, determining there was a need to continue the local emergency; and

WHEREAS, on July 5, 2022, the City Council adopted Resolution No. 2022-79, determining there was a need to continue the local emergency; and

WHEREAS, on July 19, 2022, the City Council adopted Resolution No. 2022-84, determining there was a need to continue the local emergency; and

WHEREAS, on August 16, 2022, the City Council adopted Resolution No. 2022-87, determining there was a need to continue the local emergency; and

WHEREAS, on September 20, 2022, the City Council adopted Resolution No. 2022-96, determining there was a need to continue the local emergency; and

WHEREAS, since March 4, 2022 in Los Angeles County, masks have no longer been required in most indoor settings, but continue to be strongly recommended by the LA County Health Department; and

WHEREAS, as of September 22, 2022, Los Angeles County remained at the Low Community Level on the Centers for Disease Control and Prevention (CDC) COVID-19 framework, and was experiencing a weekly COVID-19 transmission rate lower than 100 cases per 100,000 residents; and

WHEREAS, on September 22, 2022, the LA County Health Department issued a revised Health Officer Order to closely align with the State Public Health Officer's September 20, 2022 guidance regarding masking in the following higher-risk settings: correctional facilities, homeless shelters, emergency shelters, and cooling and heating centers; and

WHEREAS, pursuant to the September 22, 2022 Health Officer Order, the Health Officer strongly recommends, but no longer requires, that persons continue to mask on public transit and in transportation hubs; and

WHEREAS, pursuant to the September 22, 2022 Health Officer Order, in the following non-healthcare indoor settings, facilities may use the CDC COVID-19 Community Levels to determine the level of masking requirements within their facility: state and local correctional facilities and detention centers, homeless shelters, emergency shelters and cooling and heating centers; and

WHEREAS, pursuant to the September 22, 2022 Health Officer Order, masks are still required in all indoor healthcare settings; and

WHEREAS, the City Manager has requested that the City Council review the need for continuing the local emergency in accordance with Section 8-7(a)(2) of the West Covina Municipal Code; and

WHEREAS, the City Council has reviewed the need for continuing the local emergency as required by West Covina Municipal Code section 8-7(a)(2); and

WHEREAS, the City Council finds that the conditions resulting from the COVID-19 emergency are still beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council has reviewed the need for continuing the local emergency as required by West Covina Municipal Code section 8-7(a)(2), and determines, based on the foregoing recitals, that there is a need to continue the local emergency.

SECTION 2. This local emergency shall continue to exist until the City Council proclaims the termination of the local emergency. The City Council shall review the need for continuing the local emergency in the manner required by law.

SECTION 3. Pursuant to Resolution No. 2020-105, while the local emergency remains in effect, the City Manager shall limit the exercise of the powers granted to the City Manager, as the Director of Emergency Services, during a proclaimed local emergency pursuant to Section 8-7 of the West Covina Municipal Code, to actions directly related to responding to the COVID-19 pandemic.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

APPROVED AND ADOPTED this 18th day of October, 2022.

Dario Castellanos
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2022-102 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 18th day of October, 2022, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: October 18, 2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF ORDINANCES REPEALING FORMER REDEVELOPMENT AGENCY'S SALES TAX ORDINANCE AND RELATED SECTION 21-32 OF THE WEST COVINA MUNICIPAL CODE

RECOMMENDATION:

1. It is recommended that the City Council, acting as the Successor Agency to the former West Covina Redevelopment Agency, introduce for first reading, by title only, the following ordinance:

ORDINANCE NO. 2504 - AN ORDINANCE OF THE SUCCESSOR AGENCY TO THE FORMER WEST COVINA REDEVELOPMENT AGENCY REPEALING ORDINANCE NO. 1 REGARDING SALES AND USE TAXES

2. It is recommended that the City Council introduce for first reading, by title only, the following ordinance:

ORDINANCE NO. 2505 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, REPEALING SECTION 21-32 (CREDIT FOR TAXES DUE TO REDEVELOPMENT AGENCY OF THE CITY OF WEST COVINA) OF ARTICLE II (SALES AND USE TAX) OF CHAPTER 21 (TAXATION) OF THE WEST COVINA MUNICIPAL CODE

BACKGROUND:

In 1989, the former Redevelopment Agency of the City West Covina took a number of actions related to the formation of the West Covina Fashion Plaza Community Facilities District ("CFD"). Those actions included establishing the CFD, determining the necessity to incur bonded indebtedness within the CFD, authorizing the levy of a special tax within the CFD and enacting Ordinance No. 1, a sales and use tax ordinance that allowed the Agency to receive sales tax generated from the expansion of the Fashion Plaza project. At the same time, the City enacted an ordinance (Ordinance No. 1818) providing a credit for its sales tax in the amount equal to the sales tax due to the Redevelopment Agency. Ordinance No. 1818 added Section 21-32 to the West Covina Municipal Code. This sales tax ordinance and related agreements between the City and the Agency essentially transferred the sales tax increment due to the Fashion Plaza expansion from the City to the Agency.

After these actions, the former Redevelopment Agency issued bonds to facilitate the Fashion Plaza expansion in 1990 that were secured by property tax increments, the special tax and sales tax. These

bonds were refunded in 1996. The pledge of sales tax increment revenue as security for the bonds remain in place until the bonds are retired.

DISCUSSION:

The refunding bonds matured in September 2022. Now that the sales tax from the Fashion Plaza expansion is no longer pledged to any debt, Ordinance No. 1 and Section 21-32 of the West Covina Municipal Code may be repealed. Once the ordinances are effective and the State Board of Equalization is notified, the sales tax will be reallocated to the General Fund.

LEGAL REVIEW:

The City Attorney's Office has reviewed the ordinances and approved them as to form.

Prepared by: Stephanie Sikkema, Finance Director

Fiscal Impact

FISCAL IMPACT:

Based on prior year actuals, approximately \$950,000 of average annual sales tax generated from the Fashion Plaza expansion will be allocated back to the City's General Fund.

Attachments

Attachment No. 1 - Ordinance No. 2504

Attachment No. 2 - Ordinance No. 2505

Attachment No. 3 - Ordinance No. 1

Attachment No. 4 - Ordinance No. 1818

CITY COUNCIL GOALS & OBJECTIVES: Achieve Fiscal Sustainability and Financial Stability

ORDINANCE NO. 2504

**AN ORDINANCE OF THE SUCCESSOR AGENCY TO THE
FORMER WEST COVINA REDEVELOPMENT AGENCY
REPEALING ORDINANCE NO. 1 REGARDING SALES AND USE
TAXES**

WHEREAS, on July 10, 1989, the former West Covina Redevelopment Agency ("Former Agency") adopted Ordinance No. 1, enacting a sales and use tax within the Fashion Plaza Redevelopment Project area (the "Sales and Use Tax Ordinance"); and

WHEREAS, pursuant to ABX 1 26, enacted on June 28, 2011, and as subsequently amended by AB 1484, SB 341, and SB 107 ("Dissolution Act"), the Former Agency was dissolved as of February 1, 2012, and the City of West Covina elected to serve as the Successor Agency to the Former Agency; and

WHEREAS, the Successor Agency has no obligations the payment of which is secured by a pledge of sales and use taxes levied pursuant to the Sales and Use Tax Ordinance, and the Successor Agency does not need any of such sales and use taxes to pay any of its obligations.

WHEREAS, the Successor Agency now desires to repeal Ordinance No. 1 in its entirety; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE FORMER WEST COVINA REDEVELOPMENT AGENCY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The Successor Agency finds that all of the recitals set forth herein are true and correct.

SECTION 2. Repeal of Sales and Use Tax Ordinance. The Successor Agency hereby repeals Ordinance No. 1 in its entirety.

SECTION 3. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Sections 15000 et seq.), the Successor Agency finds that this Ordinance is not a "project" and further, that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required, pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Successor Agency hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 6. Certification. The Secretary shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2022.

Dario Castellanos
Chair

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
Counsel

Lisa Sherrick
Secretary

I, LISA SHERRICK, Secretary to the Successor Agency to the former West Covina Redevelopment Agency, do hereby certify that the foregoing Ordinance No. 2504 was introduced at a regular meeting of the Successor Agency held on the 18th day of October, 2022, and adopted at a regular meeting of the Successor Agency on the _____ day of _____, 2022 by the following vote of the Successor Agency:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Secretary

ORDINANCE NO. 2505

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, REPEALING SECTION 21-32 (CREDIT FOR TAXES DUE TO REDEVELOPMENT AGENCY OF THE CITY OF WEST COVINA) OF ARTICLE II (SALES AND USE TAX) OF CHAPTER 21 (TAXATION) OF THE WEST COVINA MUNICIPAL CODE

WHEREAS, in 1989, the former West Covina Redevelopment Agency took several actions related to the formation of the West Covina Fashion Plaza Community Facilities District ("CFD"), including establishing the CFD, determining the necessity to incur bonded indebtedness within the CFD, authorizing the levy of a special tax within the CFD and adopting an ordinance that allowed the Redevelopment Agency to receive sales tax generated from the expansion of the Fashion Plaza project; and

WHEREAS, on July 10, 1989, the City Council adopted Ordinance No. 1818, adding a new Section 21-32 to Article II of Chapter 21 of the West Covina Municipal Code; and

WHEREAS, Section 21-32 provides for a credit against the sales and use taxes due to the City in an amount equal to the amount of sales and use taxes due to the Redevelopment Agency pursuant to Section 7202.6 of the California Revenue and Taxation Code; and

WHEREAS, Section 21-32 also provides that in the event the Redevelopment Agency issues obligations secured in whole or in part by taxes levied pursuant to Section 7202.6 of the California Revenue and Taxation Code, the City shall not revoke the credit in whole or in part, nor shall it reduce its sales and use tax rate, so long as such obligations are outstanding; and

WHEREAS, in 1990, the former Redevelopment Agency issued bonds to facilitate the Fashion Plaza expansion. The bonds were secured by an annual special tax levy, incremental property taxes, and incremental sales taxes generated within the CFD; and

WHEREAS, the bonds were refunded in 1996; and

WHEREAS, the refunding bonds matured in September 2022; and

WHEREAS, since the sales and use taxes generated from the Fashion Plaza expansion are no longer pledged to any debt, the City Council may repeal Section 21-32; and

WHEREAS, the City Council now desires to repeal Section 21-32 in its entirety; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds that all of the recitals set forth herein are true and correct.

SECTION 2. Repeal of Section 21-32. The City Council hereby repeals Section 21-32 (Credit for Taxes Due to Redevelopment Agency of the City of West Covina) of Article II (Sales and

Use Tax) of Chapter 21 (Taxation) of the West Covina Municipal Code in its entirety.

SECTION 3. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Sections 15000 et seq.), the City Council finds that this Ordinance is not a "project" and further, that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required, pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of West Covina hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2022.

Dario Castellanos
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2505 was introduced at a regular meeting of the City Council held on the 18th day of October, 2022, and adopted at a regular meeting of the City Council on the _____ day of _____, 2022 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

ORDINANCE NO. 1AN ORDINANCE OF THE REDEVELOPMENT AGENCY OF THE CITY
OF WEST COVINA ENACTING A SALES AND USE TAX

WHEREAS, the Redevelopment Agency of the City of West Covina (the "Agency") is a public body, corporate and politic, organized and existing under the Community Redevelopment Law of the State of California, constituting Part 1 of Division 24 of the Health and Safety Code of the State of California; and

WHEREAS, the City Council of the City of West Covina (the "City") has heretofore adopted the Uniform Local Sales and Use Tax Law, constituting Article II of Chapter 21 of the West Covina Municipal Code (the "City Sales and Use Tax Law") pursuant to the Bradley-Burns Uniform Local Sales and Use Tax law of the State of California, constituting Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California (the "Code"); and

WHEREAS, the Agency is authorized pursuant to Section 7202.6 of the Code to adopt a sales and use tax ordinance in accordance with the provisions of said Section 7202.6; and

WHEREAS, the Agency hereby declares that this Ordinance is enacted to achieve the following, among other, purposes, and directs that the provisions hereof be interpreted to accomplish those purposes:

(a) To adopt a sales and use tax which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Code;

(b) To adopt a sales and use tax which incorporates provisions identical to those of the State of California sales and use tax law, insofar as these provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Code;

(c) To adopt a sales and use tax which imposes a one percent (1%) tax and that the proceeds of said tax be utilized for the following purposes and for other general purposes determined at the Agency's discretion:

(i) pursuant to Section 33641 of the Health and Safety Code of the State of California to pay principal and interest, in whole or in part, on obligations issued by the Agency; and

(ii) to finance redevelopment projects within the Central Business District Redevelopment Project Area of the Agency by imposing such taxes within a portion of the Central Business District Redevelopment Project Area the boundaries of which portion are described more fully in Exhibit A attached hereto and by this reference incorporated herein (the "Redevelopment Project");

(d) To adopt a sales and use tax which does not impose a new tax or increase an existing tax upon any person located with the Redevelopment Project, but which results in a credit against payment of taxes due under the City Sales and Use Tax Law in accordance with Section 3.20.170 of the West Covina Municipal Code;

(e) To adopt a sales and use tax to be administered and collected by the State Board of Equalization in a manner which adopts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the State sales and use taxes; and

(f) To adopt a sales and use tax which can be administered in a manner which will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Code, minimize the cost of collecting Agency sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance; and

WHEREAS, the Agency has determined that the adoption of such a sales and use tax is in the public interests of the Agency and is not inconsistent with the provisions of Article XIII A and Article XIII B of the California Constitution.

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF WEST COVINA DOES ORDAIN AS FOLLOWS:

Section 1. Title of the Ordinance. This Ordinance shall be known as the "Redevelopment Agency of the City of West Covina Sales and Use Tax Ordinance" (the "Ordinance").

Section 2. Agency Sales Tax.

(a) (1) For the privilege of selling tangible personal property at retail, a tax is hereby imposed by the Redevelopment Agency of the City of West Covina (the "Agency") upon all retailers located within the area described more fully in Exhibit A attached hereto and by this reference incorporated herein (the "Redevelopment Project") at the rate of one percent (1%) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail within the Redevelopment Project on and after the operative date of this Ordinance.

(2) For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State of California (the "State") sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

(b) (1) Except as hereinafter provided and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and taxation Code of the State (the "Code"), all of the provisions of Part 1 (commencing with the Section 6001) of Division 2 of the Code, as amended and in force and effect on the date of adoption of this Ordinance, applicable to sales taxes, are hereby adopted and made a part of this Section 2 as though fully set forth herein.

(2) Wherever, and to the extent that, in Part 1 (commencing with Section 6001) of Division 2 of the Code, the State is named or referred to as the taxing agency, the same "Redevelopment Agency of the City of West Covina" shall be substituted therefor. Nothing in this subsection shall be deemed to require substitution of the name "Redevelopment Agency of the City of West Covina" for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of the Code nor in the definition of that phrase in Section 6203 of the Code.

(3) If a seller's permit has been issued to a retailer under Section 6067 of the Code, an additional seller's permit shall not be required by reason of this Section 2.

(4) There shall be excluded from the gross receipts by which the tax due under this section is measured, the amount of any sales or use tax imposed by the State upon a retailer or consumer.

(5) There shall be exempt from the tax due under this Section 2 the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the Redevelopment Project and the city in which the sale is made and directly and exclusively in use of such aircraft as common carriers of persons or property under the authority of the laws of the State, the United States, or any foreign government.

Section 3. Agency Use Tax.

(a) An excise tax is hereby imposed by the Agency on the storage, use or other consumption in the Redevelopment Project of tangible personal property purchased from any retailer on or after the operative date of this Ordinance for storage, use or other consumption in the Redevelopment Project at the rate of one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to the State sales or use tax, regardless of the place to which delivery is made.

(b) (1) Except as hereinafter provided and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Code, as amended and in force and effect on the date of adoption of this Ordinance, applicable to use taxes, are hereby adopted and made a part of this Section 3 as though fully set forth herein.

(2) Wherever, and to the extent that, in Part 1 (commencing with Section 6001) of Division 2 of the Code, the State is named or referred to as the taxing agency, the name "Redevelopment Agency of the City of West Covina" shall be substituted therefor. Nothing in this subsection shall be deemed to require substitution of the name "Redevelopment Agency of the City of West Covina" for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of the Code nor in the definition of that phrase in Section 6203 of the Code.

(3) There shall be excluded from the amount subject to tax under this section any sales or use tax imposed by the State upon a retailer or consumer.

(4) There shall be exempt from the tax due under this Section 3:

(i) the storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1 or 1.5 of Division 2 of the Code by any city and county, county, city or redevelopment agency in the State; and

(ii) in addition to the exemptions provided in Section 6366 and 6366.1 of the Code, the storage, use or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of the State, the United States, or any foreign government.

Section 4. Effective Date. Operative Date. Contract with the State Board of Equalization.

(a) This Ordinance shall be effective immediately upon its final passage by the Agency. This Ordinance shall be signed by the Chairman of the Agency and attested by the Secretary of the Agency.

(b) The Ordinance shall become operative on the first day of the first "calendar quarter" (as defined in Section 7202.6(b) of the Code) commencing more than one hundred eighty (180) days after the adoption of this Ordinance.

(c) Prior to the operative date of this Ordinance, the City Council, by an ordinance, shall have added a provision to the existing City Sales and Use Tax Law granting as a credit against the payment of tax owed under the City Sales and Use Tax Law the amount of sales and use tax paid, if any, to the Agency pursuant to this Ordinance.

(d) Prior to the operative date of this Ordinance, the Secretary of the Agency shall cause the Agency to contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Ordinance; provided, however, that if the Agency shall not have contracted with the State Board of Equalization prior to thirty-one (31) days before the operative date of this Ordinance, this Ordinance shall not become operative until thirty-one (31) days following the execution of such a contract by and between the Agency and the State Board of Equalization. Such contract, once executed, between the Agency and the State Board of Equalization, shall continue in effect so long as the County of Los Angeles and the City of West Covina shall have operative sales and use tax ordinances enacted pursuant to Part 1.5 of Division 2 of the Code.

Section 5. Amendments to the Revenue and Taxation Code. All amendments subsequent to the effective date of the enactment of Part 1 (commencing with Section 6001) of Division 2 of the Code relating to sales and use tax and not inconsistent with Part 1.5 of Division 2, of the Code, shall automatically become a part of this Ordinance.

Section 6. Consideration of the California Constitution. Prior to enacting this Ordinance the Agency considered the applicability of Section 4 of Article XIII A of, and Article XIII B of, the California Constitution to the Ordinance and hereby finds and determines that this Ordinance does not violate any of said provisions of the California Constitution.

Section 7. The Secretary shall certify to the adoption of this Ordinance and shall cause same to be published as required by law.

PASSED AND ADOPTED this 10th day of July, 1989.



Chairman

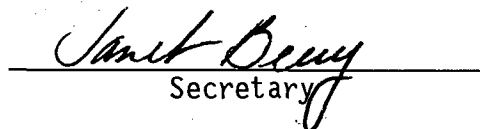
ATTEST:


Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF WEST COVINA)

I, Janet Berry, Secretary of the Redevelopment Agency of the City of West Covina, do hereby certify that the foregoing Ordinance No. 1 was introduced and placed upon its first reading at a regular meeting of the Redevelopment Agency of the City of West Covina on the 26th day of June, 1989. That, thereafter said ordinance was duly adopted at a regular meeting of the Redevelopment Agency on the 10th day of July, 1989, by the following vote:

AYES:	McFadden, Manners, Lewis, Bacon
NOES:	None
ABSENT:	Tarozzi
ABSTAIN:	None


Secretary

APPROVED AS TO FORM:



For Jones, Hall, Hill & White,
A Professional Law Corporation,
as Special Counsel

EXHIBIT A

LEGAL DESCRIPTION OF SITE

DEVELOPER TRACT:

Parcel #1

That portion of Lots 144, 155 and 156 of E.J. Baldwin's 4th subdivision of part of Rancho La Puente, in the City of West Covina, in the County of Los Angeles, State of California; as shown on map recorded in Book 8, Page 186 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the centerline intersection of California Avenue, 72.00 feet wide, and West Covina Parkway, having a north half street width of 40.00 feet; thence N 41° 13' 23" E, 30.56 feet along the centerline of said California Avenue; thence northwesterly N 43° 46' 37" W perpendicular to said centerline 36.00 feet to a point on the westerly line of California Avenue said point being the True Point of Beginning; thence along the westerly line of California Avenue N 41° 13' 23" E, 850.98 feet to a tangent curve concave northwesterly having a radius of 115.00 feet; thence northerly along said curve through a central angle of 33° 16' 16", an arc length of 66.78 feet; thence N 3° 30' 00" E, 120.00 feet to a tangent curve concave southeasterly having a radius of 193.00 feet; thence northeasterly along said curve through a central angle of 27° 00' 00", an arc length of 90.95 feet; thence N 30° 30' 00" E, 59.89 feet to a tangent curve concave southwesterly having a radius of 117.00 feet; thence northerly along said curve through a central angle of 82° 25' 27", an arc length of 168.31 feet to a point of compound curvature, a radial to said point bears N 38° 04' 33" E said curve having a radius of 93.00 feet; thence northwesterly along said curve a central angle of 37° 39' 23", an arc length of 61.12 feet; thence N 89° 34' 50" W, 105.58 feet; thence N 41° 13' 55" E, 32.53 feet to a point on a non-tangent curve concave southwesterly having a radius of 358.00 feet and a radial to said point of N 30° 51' 55" E, thence westerly along said curve through a central angle of 0° 07' 03", 0.73 feet; thence N 89° 34' 50" W, 307.67 feet; thence S 41° 11' 10" W, 683.37 feet; thence N 48° 48' 50" W, 350.50 feet; thence N 41° 11' 10" E, 22.29 feet; thence N 89° 34' 50" W, 741.49 feet; thence S 41° 11' 10" W, 350.85 feet; thence S 48° 48' 50" E, 79.51 feet; thence S 0° 25' 10" W, 49.24 feet; thence S 89° 34' 50" E, 231.15 feet; thence N 64° 46' 43" E, 55.46 feet; thence S 89° 34' 50" E, 98.00 feet; thence N 0° 25' 10" E, 61.00 feet; thence S 89° 34' 50" E, 348.00 feet; thence S 0° 25' 10" W, 61.00 feet; thence S 89° 34' 50" E, 15.00 feet; thence S 0° 25' 10" W, 184.00 feet; thence N 89° 34' 50" W, 378.00 feet; thence N 0° 25' 10" E, 125.00 feet; thence N 89° 34' 50" W, 129.52 feet; thence S 33° 34' 50" E, 186.96 feet; thence S 89° 34' 50" E, 432.96 feet; thence N 0° 25' 10" E, 160.00 feet; thence S 89° 34' 50" E, 445.09 feet;

thence S 48° 46' 37" E, 96.31 feet; thence S 0° 25' 10" W, 233.07 feet;
thence N 89° 34' 50" W, 305.38 feet; thence S 0° 25' 10" W, 201.44 feet
to a point on a non-tangent curve having a radius of 710.00 feet and a
radial bearing through said point of S 3° 36' 57" E, thence along said
curve through a central angle of 4° 05' 20", an arc length of 50.67
feet; thence N 82° 17' 46" E, 0.63 feet; thence N 0° 25' 10" E,
167.48 feet; thence S 89° 34' 50" E, 25.17 feet;
thence S 0° 25' 10" W, 161.62 feet; thence S 85° 31' 37" E, 143.25 feet
to a point on a tangent curve having a radius of 15.00 feet;
thence northeasterly along said curve through a central angle of
53° 15' 00", an arc length of 13.94 feet to the True Point of Beginning,
except the two portions described as follows:

Commencing at the centerline intersection of California Avenue, 72.00
feet wide and West Covina Parkway, having a north half street width of
40.00 feet; thence N 41° 13' 23" E, 30.56 feet along the centerline of
said California Avenue; thence northwesterly N 48° 46' 37" W,
perpendicular to said centerline 36.00 feet to a point on the westerly
line of California Avenue; thence N 41° 13' 23" E, 278.18 feet; thence N
48° 46' 27" W, 217.69 feet to the True Point of Beginning; thence
continuing N 48° 46' 27" W, 150.00 feet; thence N 41° 13' 33" E, 150.00
feet; thence S 48° 46' 27" E, 150.00 feet; thence S 41° 13' 33" W,
150.00 feet to the True Point of Beginning, also:

Commencing at the centerline intersection of California Avenue,
72.00 feet wide and West Covina Parkway, having a north half street
width of 40.00 feet; thence N 41° 13' 23" E, 30.56 feet along the
centerline of said California Avenue; thence northwesterly
N 48° 46' 37" W, perpendicular to said centerline 36.00 feet to a point
on the westerly line of California Avenue; thence N 41° 13' 23" E,
278.18 feet; thence N 48° 46' 27" W, 217.69 feet; thence
N 41° 13' 33" E, 304.58 feet to the True Point of Beginning; thence
continuing N 41° 13' 33" E, 247.42 feet; thence N 48° 46' 27" W, 150.00
feet; thence S 41° 13' 33" W, 247.72 feet; thence S 48° 53' 20" E,
150.00 feet to the True Point of Beginning.

Parcel #1 contains 22.645 more or less acres

Parcel #2

That portion of Lot 156 of E.J. Baldwin's 4th subdivision of part of Rancho La Puente, in the City of West Covina, in the County of Los Angeles, State of California, as shown on map recorded in Book 8, Page 186 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the centerline intersection of California Avenue, 72.00 feet wide, and West Covina Parkway, having a north half street width of 40.00 feet; thence N 41° 13' 23" E, 30.56 feet along the centerline of said California Avenue; thence northwesterly N 48° 46' 37" W perpendicular to said centerline 36.00 feet to a point on the westerly line of California Avenue; thence along the westerly line of California Avenue N 41° 13' 23" E, 850.98 feet to a tangent curve concave northwesterly having a radius of 115.00 feet; thence northerly along said curve through a central angle of 33° 16' 16", an arc length of 66.78 feet; thence N 3° 30' 00" E, 120.00 feet to a tangent curve concave southeasterly having a radius of 193.00 feet; thence northeasterly along said curve through a central angle of 27° 00' 00", an arc length of 90.95 feet; thence N 30° 30' 00" E, 59.89 feet to a tangent curve concave southwesterly having a radius of 117.00 feet; thence northerly along said curve through a central angle of 82° 25' 27", 168.31 feet to a point of compound curvature, a radial to said point bears N 38° 04' 33" E said curve having a radius of 93.00 feet; thence northwesterly along said curve through a central angle of 37° 39' 23", an arc length of 61.12 feet; thence N 89° 34' 50" W, 105.58 feet; thence N 41° 13' 55" E, 32.53 feet to a point on a non-tangent curve concave southwesterly having a radius of 358.00 feet, a radial to said point bears N 30° 51' 55" E, thence westerly along said curve through a central angle of 0° 07' 03", 0.73 feet; thence N 89° 34' 50" W, 307.67 feet; thence N 89° 34' 50" W, 69.53 feet to the True Point of Beginning; thence continuing N 89° 34' 50" W, 0.51 feet to a tangent curve concave northerly having a radius of 2080.00 feet; thence westerly along said curve through a central angle of 3° 24' 53", 123.96 feet; thence S 41° 11' 10" W, 232.54 feet; thence S 48° 48' 50" E, 17.70 feet; thence N 86° 11' 10" E, 53.14 feet; thence S 48° 48' 50" E, 41.35 feet; thence N 41° 11' 10" E, 273.40 feet to the True Point of Beginning.

Parcel #2 contains 0.549 acres more or less.

Parcel #3

That portion of lots 156 and 168 of E.J. Baldwin's 4th subdivision of part of Rancho La Puente, in the City of West Covina, in the County of Los Angeles, State of California, as shown on map recorded in Book 8, Page 186 of Maps in the office of the County Recorder of said County, described as follows:

Beginning at the centerline intersection of California Avenue, 72.00 feet wide, and West Covina Parkway, having a north half street width of 40.00 feet; thence N 41° 13' 23" E, 30.56 feet along the centerline of said California Avenue; thence northwesterly N 48° 46' 37" W perpendicular to said centerline 36.00 feet to a point on the westerly line of California Avenue; thence along the westerly line of California Avenue N 41° 13' 23" E, 850.98 feet to a tangent curve concave northwesterly having a radius of 115.00 feet; thence northerly along said curve through a central angle of 33° 16' 16", an arc length of 66.78 feet; thence N 3° 30' 00" E, 120.00 feet; thence southeasterly S 86° 30' 00" E perpendicular to the westerly line of Garvey Avenue 70.00 feet to the True Point of Beginning; thence S 37° 06' 09" E, 36.88 feet; thence S 86° 30' 00" E, 19.18 feet to a tangent curve concave northwesterly having a radius of 68.00 feet; thence northerly along said curve through a central angle of 67° 28' 02", an arc length of 80.07 feet to a point of compound curvature, a radial to said point bears S 63° 58' 02" E said curve having a radius of 105.00 feet; thence northerly along said curve through a central angle of 38° 58' 57", 71.44 feet; thence N 12° 56' 59" W, 148.60 feet; thence S 84° 08' 49" W, 17.33 feet to a point on a non-tangent curve concave northwesterly a radial to said point bears N 84° 00' 36" E having a radius of 179.00 feet; thence southwesterly along said curve through a central angle of 36° 39' 24", an arc length of 114.00 feet; thence S 30° 30' 00" W, 59.89 feet to a tangent curve concave southeasterly having a radius of 131.00 feet; thence southerly along said curve through a central angle of 5° 42' 45", an arc length of 13.06 feet; thence S 65° 12' 45" E, 8.00 feet to a point on a non-tangent curve concave southeasterly, a radial to said point bears N 65° 12' 45" W having a radius of 123 feet; thence southerly along said curve through a central angle of 21° 17' 15", an arc length of 45.70 feet to the True Point of Beginning.

Parcel #3 contains 0.393 acres more or less.

Parcel #4

That portion of lot 167 of E. J. Baldwin's 4th subdivision of part of Rancho La Puente, in the City of West Covina, in the County of Los Angeles, State of California, as shown on map recorded in Book 8, Page 186 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the centerline intersection of California Avenue, 72.00 feet wide and West Covina Parkway, having a north half street width of 40.00 feet; thence N 41° 13' 23"E, 106.10 feet along the centerline of said California Avenue; thence southeasterly S 48° 46' 37" E perpendicular to said centerline 35.00 feet to a point on the easterly line of California Avenue said point being the True Point of Beginning; thence along the easterly line of California Avenue N 41° 13' 23" E, 135.17 feet; thence S 48° 46' 87" E, 144.00 feet; thence S 41° 13' 23" W, 73.94 feet to a point on the northerly line of West Covina Parkway on a non-tangent curve concave southwesterly having a radius of 1112.87 feet a radial to said point bears N 13° 26' 50" E; thence westerly along said curve through a central angle of 7° 16' 02", an arc length of 141.15 feet to a point of reverse curvature, a radial to said point bears S 6° 10' 48" W, said reverse curve concave northeasterly having a radius of 15.00 feet; thence northerly along said curve through a central angle of 125° 02' 35", an arc length of 32.74 feet to the True Point of Beginning.

Parcel #4 contains 0.381 acres more or less.

Parcel #5

That portion of lot 155 of E.J. Baldwin's 4th subdivision of part of Rancho La Puente, in the City of West Covina, in the County of Los Angeles, State of California, as shown on map recorded in Book 8, Page 186 of Maps, in the office of the County recorder of said County, described as follows:

Beginning at the centerline intersection of California Avenue, 72.00 feet wide, and West Covina Parkway, having a north-half street width of 40.00 feet; thence N 41° 13' 23" E, 30.56 feet along the centerline of said California Avenue; thence northwesterly N 48° 46' 37" W perpendicular to said centerline 36.00 feet to a point on the westerly line of California Avenue, said point being on a non-tangent curve concave northwesterly having a radius of 15.00 feet a radial to said point bears S 48° 46' 37" E; thence southwesterly along said curve through a central angle of 53° 15' 00", an arc length of 13.94 feet to the northerly line of West Covina Parkway; thence westerly along the northerly line of West Covina Parkway N 85° 31' 37" W, 202.38 feet to the beginning of a tangent curve concave southerly having a radius of 790.00 feet; thence westerly along said curve through a central angle of 12° 10' 40", an arc length of 167.91 feet; thence continuing along said northerly line S 82° 17' 43" W, 29.62 feet to a tangent curve concave northerly having a radius of 710.00 feet; thence continuing westerly along said northerly line along said curve through a central angle of 8° 36' 41", an arc length of 106.71 feet to the True Point of Beginning; thence N 0° 25' 10" E, 203.18 feet; thence N 89° 34' 50" W, 420.45 feet; thence S 0° 25' 10" W, 174.76 feet to a point on the northerly line of West Covina Parkway; thence easterly along said northerly line S 85° 31' 37" E, 377.24 feet to a tangent curve concave northerly having a radius of 710.00 feet; thence easterly along said curve through a central angle of 3° 33' 59", an arc length of 44.19 feet to the True Point of Beginning.

Parcel #5 contains 1.830 acres more or less.

Parcel # 6

That portion of lot 143, 144, 154 and 155 of E.J. Baldwin's 4th subdivision of part of Rancho La Puente, in the City of West Covina, in the County of Los Angeles, State of California, as shown on map recorded in Book 8, Page 186 of Maps, in the office of the County recorder of said County, described as follows:

Beginning at the centerline intersection of California Avenue, 72.00 feet wide, and West Covina Parkway, having a north half street width of 40.00 feet; thence N 41° 13' 23" E, 30.56 feet along the centerline of said California Avenue; thence northwesterly N 48° 46' 37" W perpendicular to said centerline 36.00 feet to a point on the westerly line of California Avenue, said point being on a non-tangent curve concave northwesterly having a radius of 15.00 feet a radial to said point bears S 48° 46' 37" E; thence southwesterly along said curve through a central angle of 53° 15' 00" , an arc length of 13.94 feet to the northerly line of West Covina Parkway; thence westerly along the northerly line of West Covina Parkway N 85° 31' 37" W, 202.38 feet to a tangent curve concave southerly having a radius of 790.00 feet; thence westerly along said curve through a central angle of 12° 10' 40", an arc length of 167.91 feet; thence continuing along said northerly line S 82° 17' 43" W, 29.62 feet to a tangent curve concave northerly having a radius of 710.00 feet; thence continuing westerly along said northerly line along said curve through a central angle of 12° 10' 40" an arc length of 150.91 feet; thence continuing westerly along said northerly line of West Covina Parkway N 85° 31' 37" W, 433.38 feet to the True Point of Beginning; thence N 0° 25' 10" E, 170.79 feet; thence N 89° 34' 50" W, 196.31 feet; thence S 0° 25' 10" W, 160.89 feet to a point on the northerly line of West Covina Parkway said point being on a non-tangent curve concave southerly having a radius of 4645.00 feet to a radial to said point bears N 2° 05' 41" E; thence easterly along said northerly line of West Covina Parkway along said curve through a central angle of 2° 22' 42", an arc length of 192.81 feet; thence S 85° 31' 37" E, 3.76 feet to the True Point of Beginning.

Parcel #6 contains 0.774 acres more or less.

EXPANSION PARCELS:

Assessor's Parcel No.:

8474-8-03	8474-8-04	8474-8-05	8474-8-06	8474-8-900
8474-8-08	8474-8-11	8474-3-32	8474-3-33	8474-3-34
8474-3-35	8474-3-36	8474-3-37	8474-3-56	8474-7-01
8474-7-07	8474-7-900	8474-7-901		

AGENCY TRACT:

That portion of Lots 133 and 143 of E. J. Baldwin's 4th subdivision of part of Rancho La Puente, in the City of West Covina, in the County of Los Angeles, State of California, as shown on map recorded in Book 8 Page 186 of Maps, in the office of the County Recorder of said County, bounded by the following described lines:

Beginning at the most easterly corner of said Lot 143, thence North $48^{\circ} 46' 34''$ West along the northeasterly line of said Lot 143, 386.06 feet to the True Point of Beginning; thence South $00^{\circ} 25' 10''$ West, 133.80 feet; thence North $89^{\circ} 34' 50''$ West, 59.00 feet; thence South $00^{\circ} 25' 10''$ West, 41.34 feet; thence North $89^{\circ} 34' 50''$ West, 58.75 feet; thence South $00^{\circ} 25' 10''$ West, 120.19 feet to a point on to the northerly line of West Covina Parkway (80 feet wide) as described in Deeds to the City of West Covina, recorded on April 6, 1960, as Instrument No. 1937 in Book D-805 Page 520 of said Official Records and recorded on February 18, 1963, as Instrument No. 3131, in Book D-1924, Page 296 of said Official Records, said line being a curve concave southerly and having a radius of 4645.00 feet, a radial line to said point bearing North $02^{\circ} 31' 01''$ West; thence westerly along said curve, through a central angle of $0^{\circ} 36' 43''$ and an arc length of 49.61 feet to the intersection with a line parallel to and distant 335.00 feet southwesterly, measured at right angles, from the northeasterly line of said Lot 143; thence North $48^{\circ} 46' 34''$ West, along said parallel line, 609.43 feet to the southeasterly line of Sunset Place, as established by resolution of the City of West Covina, a certified copy of said resolution being recorded on August 16, 1962, as Document No. 3829 in Book D-1725, Page 481, Official Records of said County; thence North $41^{\circ} 13' 52''$ East, along said southeasterly line, 172.57 feet to the beginning of a tangent curve concave northwesterly and having a radius of 840.00 feet; thence northeasterly, along said curve, through a central angle of $11^{\circ} 08' 57''$ and an arc length of 163.46 feet to the intersection with the prolongation of the northeasterly line of said Lot 143; thence South $48^{\circ} 46' 34''$ East, along said prolongation and said northeasterly line; 557.07 feet to the True Point of Beginning.

BROADWAY TRACT:

Those portions of Lots 133, 144 and Lot 156 of E. J. Baldwin's Fourth subdivision of a portion of the Rancho La Puente in the City of West Covina, County of Los Angeles, State of California, as per map recorded in Book 8, Page 186 of Maps, in the office of the County Recorder of said County, described as follows:

BEGINNING at the most Southerly corner of said Lot 144; Thence along the Southwesterly line of said Lot 144, North 48° 46' 34" West 386.06 feet to the TRUE POINT OF BEGINNING; Thence continuing along the Southwesterly line of said Lot 144 North 48° 46' 34" West 541.22 feet to the most Westerly corner of said Lot 144; Thence continuing along the prolongation of said Southwesterly line of said Lot 144 North 48° 46' 34" West 15.85 feet to a point on the Southeasterly line of Sunset Place, as established by resolution of the City of West Covina, a certified copy of said resolution being recorded on August 16, 1962, as Document No. 3829, in Book D-1725, Page 481, Official Records of said County; said point being on a curve concave Northwesterly with a radius of 840.00 feet, a radial line to said point bears North 59° 55' 05" West; Thence Northeasterly along said curve and the Southeasterly right of way line of said Sunset Place, through a central angle of 13° 17' 39" an arc distance of 194.90 feet to the end of said curve; Thence tangent to last mentioned curve and along the Southeasterly line of said Sunset Place, North 16° 47' 16" East 321.44 feet to the most Southerly terminus of that certain curve in the Southerly line of the land described in the deed to the State of California, recorded on August 20, 1971, as Instrument No. 417, in Book D-5165, Page 33 of said Official Records, said certain curve being a tangent curve concave Southeasterly and having a radius of 25.00 feet; Thence Northeasterly along said last mentioned curve, through a central angle of 73° 37' 54" an arc distance of 32.13 feet; Thence continuing along said last mentioned Southerly line, being a line parallel with and distant Southerly 32 feet, measured at right angles, from the Northerly line of said Lot 133, and the Easterly prolongation of said parallel line, South 89° 34' 50" East 1184.85 feet, to the Easterly terminus of that certain course in the Southerly line of the land described in the deed to the State of California, recorded on September 28, 1970, as Instrument No. 248, in Book D-4843, Page 631 of said Official Records, said certain course having a bearing and length of South 89° 34' 50" East 136.03 feet, for the purpose of this description; Thence continuing along said last mentioned Southerly line, as follows:

Easterly along a tangent curve concave Southerly having a radius of 1984.00 feet, through a central angle of 4° 52' 08" an arc distance of 168.60 feet, and tangent to said curve, South 84° 42' 42" East 239.62 feet; Thence Easterly along a tangent curve concave Northerly having a radius of 2080.00 feet, through a central angle of 01° 27' 06" an arc distance of 52.80 feet to a point, a radial line to said point bears North 03° 50' 02" East; Thence South 41° 11' 10" West, 232.54 feet; Thence North 48° 48' 50" West, 201.22 feet; Thence South 41° 11' 10" West, 304.71 feet to a line parallel with and distant Southerly 338.82 feet, measured at right angles, from the Northerly line of said Lot 144; Thence along said last mentioned line North 89° 34' 50" West 741.49 feet; Thence South 41° 11' 10" West, 350.85 feet; Thence South 48° 48' 50" East, 79.51 feet; Thence South 00° 25' 10" West, 244.92 feet to the TRUE POINT OF BEGINNING.

BROADWAY TRACT (TBA):

That portion of Lots 143 and 144 of E. J. Baldwin's 4th subdivision of part of Rancho La Puente, in the City of West Covina, in the County of Los Angeles, State of California, as shown on map recorded in Book 8 Page 186 of Maps, in the office of the County Recorder of said County, bounded by the following described lines:

Beginning at the most southerly corner of said Lot 144; thence North $41^{\circ} 13' 33''$ East along the southeasterly line of said Lot 144 a distance of 161.13 feet; thence North $89^{\circ} 34' 50''$ West, 141.52 feet to the True Point of Beginning; thence South $00^{\circ} 25' 10''$ West, 160.89 feet to a point in the northerly line of West Covina Parkway as described in deeds to the City of West Covina, recorded on April 6, 1960, as Instrument No. 1937 in Book -D-805 Page 520 of said Official Records and recorded on February 18, 1963 as Instrument No. 3131 in Book D-1924 Page 296 of said Official Records, said point being on a curve concave southerly with a radius of 4645.00 feet, a radial line to said point bears North $02^{\circ} 05' 41''$ East; thence continuing southwesterly along the northerly line of said West Covina Parkway, through a central angle of $02^{\circ} 33' 57''$ an arc distance of 208.01 feet; thence North $00^{\circ} 25' 10''$ East, 159.46 feet; thence South $89^{\circ} 34' 50''$ East, 208.00 feet to the True Point of Beginning.

BULLOCKS' TRACT:

That portion of Lot 144 and 156 of E. J. Baldwin's 4th subdivision of part of Ranch La Puente, in the City of West Covina, in the County of Los Angeles, State of California, as shown on map recorded on Book 8 Page 186 of Maps, in the office of the County Recorder of said County, bounded by the following described lines:

Beginning at the most southerly corner of said Lot 144; thence North $41^{\circ} 13' 33''$ East, along the southeasterly line of said Lot 144, 998.49 feet to the True Point of Beginning; thence North $48^{\circ} 48' 50''$ West 64.61 feet; thence North $41^{\circ} 11' 10''$ East, 327.00 feet; thence South $48^{\circ} 48' 50''$ East 290.50 feet; thence North $41^{\circ} 11' 10''$ East 304.67 feet to a point on the southerly line of West Garvey Avenue, said point being on a curve concave northerly and having a radius of 2080 feet, a radial line to said point bearing South $0^{\circ} 40' 19''$ West; thence easterly, along said curve, through a central angle of $0^{\circ} 15' 09''$ and an arc length of 9.17 feet to a tangent line parallel to and distant 67.00 feet southerly, measured at right angles, from the northerly line of said Lot 156; thence South $89^{\circ} 34' 50''$ East, along said parallel line, 70.04 feet; thence South $41^{\circ} 11' 10''$ West 683.37 feet; thence North $48^{\circ} 48' 50''$ West 285.89 feet to the True Point of Beginning.

J. C. PENNEY'S TRACT:

That portion of Lots 143, 144 and 155 of E. J. Baldwin's 4th subdivision of part of Rancho La Puente, in the City of West Covina, in the County of Los Angeles, State of California, as shown on map recorded in Book 8, Page 186 of Maps, in the office of the County Recorder of said County, bounded by the following described lines:

BEGINNING at the most Southerly corner of said Lot 144; thence North 48° 46' 34" West, 386.06 feet to the True Point of Beginning; thence North 00° 25' 10" East, 195.68 feet; thence South 89° 34' 50" East, 231.15 feet; thence North 64° 46' 43" East, 55.46 feet; thence South 89° 34' 50" East 98.00 feet; thence North 00° 25' 10" East, 61.00 feet; thence South 89° 34' 50" East, 348.00 feet; thence South 00° 25' 10" West, 61.00 feet; thence South 89° 34' 50" East, 15.00 feet; thence South 00° 25' 10" West, 184.00 feet; thence North 89° 34' 50" West, 378.00 feet; thence North 00° 25' 10" East, 125.00 feet; thence North 89° 34' 50" West, 129.51 feet; thence North 33° 34' 50" West, 6.03 feet; thence North 89° 34' 50" West, 183.27 feet; thence South 00° 25' 10" West, 455.46 feet to a point on the Northerly line of West Covina Parkway as described in Deeds to the City of West Covina, recorded on April 6, 1960, as Instrument No. 1937 in Book D-805, Page 520 of said Official Records and recorded on February 18, 1963 as Instrument No. 3131, in Book D-1924, Page 296, of said Official Records, said line being a curve concave Southerly and having a radius of 4645.00 feet, a radial line to said point bearing North 0° 28' 16" West; Thence Westerly, along said curve, through a central angle of 0° 35' 32" and an arc length of 48.01 feet; Thence North 0° 25' 10" East, 290.79 feet to the TRUE POINT OF BEGINNING.

J. C. PENNEY'S TRACT (TBA):

That portion of Lot 155 of E. J. Baldwin's 4th subdivision of part of Rancho La Puente, in the City of West Covina, in the County of Los Angeles, State of California, as shown on map recorded in Book 8 Page 186 of Maps, in the office of the County Recorder of said County, bounded by the following described lines:

Beginning at the most westerly corner of said Lot 155; thence North $41^{\circ} 13' 33''$ East along the Northwesterly line of said Lot 155 a distance of 123.47 feet; thence South $89^{\circ} 34' 50''$ East, 662.84 feet to the True Point of Beginning; thence continuing South $89^{\circ} 34' 50''$ East 255.17 feet; thence South $00^{\circ} 25' 10''$ West 161.62 feet to a point in the northerly line of West Covina Parkway as described in Deeds to the City of West Covina, recorded on April 6, 1960, as instrument No. 1937 in Book D-805 Page 520 of said official records and recorded on February 18, 1963, as instrument No. 3131, in Book D-1924 Page 296 of said official records; thence North $85^{\circ} 31' 37''$ West along the northerly line of said West Covina Parkway a distance of 59.13 feet to a point of tangency with a curve concave southerly with a radius of 790 feet, a radial line to said point bears North $04^{\circ} 28' 23''$ East; thence continuing southwesterly along the northerly line of said West Covina Parkway, through a central angle of $12^{\circ} 10' 40''$ an arc distance of 167.91 feet to the end of said curve; thence tangent to last mentioned curve and along said northerly line of West Covina Parkway South $82^{\circ} 17' 43''$ West, 28.99 feet; thence North $00^{\circ} 25' 10''$ East, 167.48 feet to the True Point of Beginning.

ROADBED PARCELS:

That portion of California Avenue located north of West Covina Parkway and south of Garvey Avenue and that portion of Garvey Avenue located to the north of California, to the west of Vincent Avenue and to the south of the San Bernardino Freeway.

HOOK RAMP PARCEL

DESCRIPTION: THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF LOTS 156, 168 AND 169 OF E. J. BALDWIN'S FOURTH SUBDIVISION OF PART OF THE RANCHO LA PUENTE, IN THE CITY OF WEST COVINA, AS PER MAP RECORDED IN BOOK 8, PAGE 186 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, TOGETHER WITH PORTIONS OF CALIFORNIA AVENUE, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF THE LAND DESCRIBED AS "SOUTH 12 DEGREES 56' 59" EAST 148.60 FEET" IN THE DEED RECORDED MARCH 16, 1973 AS INSTRUMENT NO. 4561 OF OFFICIAL RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER, DISTANT ALONG SAID COURSE, NORTH 12 DEGREES 56' 59" WEST 89.96 FEET FROM THE SOUTHERLY TERMINUS THEREOF; THENCE ALONG THE BOUNDARY LINES OF THE LAND DESCRIBED IN SAID DEED AS FOLLOWS:

SOUTH 12 DEGREES 56' 59" EAST, 148.60 FEET, SOUTHERLY ALONG A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 105 FEET, THROUGH A CENTRAL ANGLE OF 38 DEGREES 58' 57" AN ARC LENGTH OF 71.44 FEET, SOUTHWESTERLY ALONG A COMPOUND CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 68 FEET THROUGH A CENTRAL ANGLE OF 67 DEGREES 28' 02" AN ARC DISTANCE OF 80.07 FEET, NORTH 86 DEGREES 30' 00" WEST, 19.18 FEET, NORTH 37 DEGREES 06' 09" WEST, 36.89 FEET TO A POINT IN A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 123.00 FEET, NORTHERLY ALONG SAID CURVE FROM A TANGENT BEARING NORTH 3 DEGREES 30' 00" EAST THROUGH AN ANGLE OF 16 DEGREES 37' 45" AN ARC DISTANCE OF 35.70 FEET; AND NORTH 69 DEGREES 52' 15" WEST, 8.00 FEET TO A POINT IN A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 131.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE FROM A TANGENT BEARING SOUTH 20 DEGREES 07' 45" WEST THROUGH AN ANGLE OF 16 DEGREES 37' 45", AN ARC DISTANCE OF 38.02 FEET, THENCE TANGENT SOUTH 3 DEGREES 30' 00" WEST 118.59 FEET; THENCE SOUTH 86 DEGREES 30' 00" EAST 8.29 FEET; THENCE SOUTHERLY ALONG A NON-TANGENT CURVE, CONCAVE WESTERLY HAVING A RADIUS OF 189 FEET, FROM A TANGENT WHICH BEARS SOUTH 2 DEGREES 40' 09" WEST, THROUGH A CENTRAL ANGLE OF 2 DEGREES 26' 39", AN ARC DISTANCE OF 8.06 FEET TO THE CENTER LINE OF SAID CALIFORNIA AVENUE; THENCE THEREON, NORTH 41 DEGREES 13' 44" EAST 40 FEET MORE OR LESS TO THE INTERSECTION THEREOF WITH A LINE BEARING NORTH 86 DEGREES 30' 00" WEST AND WHICH IS TANGENT TO THE WESTERLY PROLONGATION OF THAT CERTAIN CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 135.00 FEET AS DESCRIBED IN PARCEL 1 OF THE FINAL ORDER OF CONDEMNATION HAD IN SUPERIOR COURT CASE NO. C 9100, A CERTIFIED COPY OF WHICH RECORDED OCTOBER 27, 1972 AS INSTRUMENT NO. 4468 OF OFFICIAL RECORDS; THENCE ALONG SAID LINE SOUTH 86 DEGREES 30' 00" EAST 21.85 FEET TO SAID POINT OF TANGENCY WITH SAID 135 FOOT RADIUS CURVE;

THENCE EASTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 106 DEGREES 46' 59" AN ARC DISTANCE OF 250.82 FEET; THENCE TANGENT NORTH 12 DEGREES 56' 59" EAST 52.58 FEET TO A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 139.00 FEET, BEING CONCENTRIC WITH AND 3.00 FEET SOUTHERLY FROM THAT CERTAIN CURVE HAVING A RADIUS OF 136.00 FEET IN THE NORTHERLY LINE OF THE LAND DESCRIBED IN DEED RECORDED APRIL 29, 1977 AS INSTRUMENT NO. 77-445266 OF OFFICIAL RECORDS; THENCE WESTERLY ALONG SAID 139 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 36 DEGREES 39' 12" AN ARC DISTANCE OF 88.92 FEET TO THE POINT OF BEGINNING.

ORDINANCE NO. 1818

AN ORDINANCE OF THE CITY OF WEST COVINA AMENDING
UNIFORM LOCAL SALES AND USE TAX ORDINANCE TO PROVIDE
CREDIT FOR PAYMENT OF SALES AND USE TAXES PAID TO
THE REDEVELOPMENT AGENCY OF THE CITY OF WEST COVINA

WHEREAS, the City Council of the City of West Covina (the "City") has heretofore adopted an ordinance adding the Uniform Local Sales and Use Tax Ordinance of the City of West Covina to the West Covina Municipal Code, constituting Article II of Chapter 21 of said Code (the "City Ordinance"). pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law of the State of California, constituting Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California (the "Code"); and

WHEREAS, the Redevelopment Agency of the City of West Covina (the "Agency") is authorized pursuant to Section 7202.6 of the Code to adopt a sales and use tax ordinance in accordance with the provisions of said Section 7202.6, and the Agency proposes to adopt such an ordinance at this time; and

WHEREAS, Section 7202.6 of the Code provides that the agency may adopt such sales and use tax ordinance if the City Ordinance contains the provision described in Section 7202.5 of the Code providing a credit under the City Ordinance for the amount of sales and use taxes due to the Agency; and

WHEREAS, the City Council approves of the adoption of such sales and use tax ordinance by the Agency; and now desires to amend the City Ordinance as set forth herein.

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

Section 1. Amendment of City Ordinance. The City Ordinance is hereby amended by adding a new Section 21-32 to Article II of Chapter 21 of the West Covina Municipal Code, to read in its entirety as follows:

Section 21-32. Credit for taxes due to Redevelopment Agency of the City of West Covina.

Any person subject to a sales and use tax under the provisions of this Article shall be entitled to credit against the payment of taxes due under this Article the amount of sales and use taxes due to the Redevelopment Agency of the City of West Covina pursuant to Section 7202.6 of the Revenue and Taxation Code. In the event that the Redevelopment Agency of the City of West Covina issues obligations secured in whole or in part by taxes levied pursuant to the provisions of Section 7202.6 of the Revenue and Taxation Code, the City shall not revoke this credit in whole or in part, nor shall it reduce its sales and use tax rate, so long as such obligations are outstanding.

Section 2. Effective Date. This Ordinance shall take effect thirty days following its passage and adoption.

Section 3. Publication and Posting. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published and posted as required by Section 36933 of the Government Code of the State of California.

The City Clerk shall certify to the adoption of this Ordinance.

PASSED AND ADOPTED by the City Council of the City of West Covina at a regular meeting held on the 10th day of July, 1989.


Mayor


ATTEST:


City Clerk

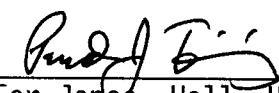
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF WEST COVINA)

I, Janet Berry, City Clerk of the City of West Covina, do hereby certify that the foregoing Ordinance No. 1818 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 26th day of June, 1989. That, thereafter said ordinance was duly adopted at a regular meeting of the City Council on the 10th day of July, 1989, by the following vote:

AYES:	McFadden, Manners, Lewis, Bacon
NOES:	None
ABSENT:	Tarozzi
ABSTAIN:	None

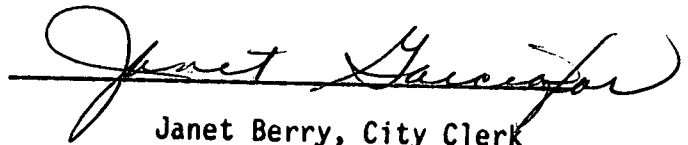

City Clerk

APPROVED AS TO FORM:


For Jones, Hall, Hill & White,
A Professional Law Corporation
as Special Counsel

C E R T I F I C A T I O N

I, JANET BERRY, City Clerk of the City of West Covina, State of California, do hereby certify that a true and accurate copy of Ordinance No. 1818 was published, pursuant to law, in the San Gabriel Valley Tribune, a newspaper of general circulation published and circulated in the City of West Covina.


Janet Berry, City Clerk
City of West Covina, California

DATED: 7-18-89



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: October 18, 2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF A RESOLUTION ESTABLISHING A REWARD FUND FOR THE
GABRIELA DE HARO-PEREZ CASE**

RECOMMENDATION:

It is recommended that the City Council adopt the following resolution authorizing the establishment of a reward fund to further support the investigation of the Gabriela De Haro-Perez case:

RESOLUTION NO. 2022-100 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, OFFERING A REWARD IN THE TOTAL AMOUNT OF UP TO FIFTY THOUSAND DOLLARS (\$50,000) FOR THE INFORMATION LEADING TO THE DETERMINATION OF THE IDENTITY, APPREHENSION, AND CONVICTION OF THE PERSON OR PERSONS RESPONSIBLE FOR THE JANUARY 2, 2021 SHOOTING NEAR THE INTERSECTION OF AZUSA AVENUE AND AMAR ROAD THAT LEAD TO THE DEATH OF GABRIELA DE HARO-PEREZ

BACKGROUND:

On January 2, 2021, at approximately 10:16 p.m., West Covina Police Department received a call of a shooting in the area of Azusa Avenue and Amar Road. Gabriela De Haro-Perez and her husband were driving in the area when a shooting occurred and, as a result, Gabriela was struck by the shooter. Officers arrived and found Gabriela De Haro-Perez suffering from a gunshot wound. Ms. De Haro-Perez was transported to a local hospital where she eventually succumbed to her injuries.

City Council has requested a reward be offered in the amount of up to \$50,000 for information leading to the identity, apprehension, and conviction of those responsible for the crime.

DISCUSSION:

The attached resolution provides for a reward of up to \$50,000 for information leading to the arrest and conviction of the person or persons responsible for this crime.

The terms of the reward provide that:

1. The information given that leads to the determination of the identity, the apprehension, and conviction of any person or persons must be given to the West Covina Police Department no later than October 18, 2023;
2. All reward claims must be in writing and shall be received by the City Clerk no later than

November 18, 2023;

3. The total City payments of any and all rewards shall in no event exceed \$50,000 and no claim shall be paid prior to conviction unless the City Council makes a finding of impossibility of conviction due to the death or incapacity of the person or persons responsible for the crime or crimes;
4. The City's reward may be apportioned between various persons and/or paid for the conviction of various persons as the circumstances dictate;
5. Rewards shall only be paid to the person if the information is given voluntarily, at the person's own initiative; and
6. Rewards shall not be paid as part of any plea bargain.

If anyone believes to have information which could lead to the conviction of the criminal(s) involved in this matter, you are asked to contact the West Covina Police Department's Detective Bureau at (626) 939-8500 and refer to Case Number 21-32.

LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and approved it as to form.

Fiscal Impact

FISCAL IMPACT:

Monies for any possible payment of the reward will be paid from General Fund unassigned fund balance, account no. 110.31.3110.6571, Reward - Crimes. The exact amount awarded will be appropriated through a future budget amendment following the disbursement of funds.

Attachments

Attachment No. 1 - Resolution No. 2022-100

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety

RESOLUTION NO. 2022-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, OFFERING A REWARD IN THE TOTAL AMOUNT OF UP TO FIFTY THOUSAND DOLLARS (\$50,000) FOR THE INFORMATION LEADING TO THE DETERMINATION OF THE IDENTITY, APPREHENSION, AND CONVICTION OF THE PERSON OR PERSONS RESPONSIBLE FOR THE JANUARY 2, 2021 SHOOTING NEAR THE INTERSECTION OF AZUSA AVENUE AND AMAR ROAD THAT LEAD TO THE DEATH OF GABRIELA DE HARO-PEREZ

WHEREAS, the City of West Covina ("City") may offer and pay rewards as authorized by Section 53069.5 of the Government Code of the State of California ("Section 53069.5"); and

WHEREAS, Section 53069.5 authorizes the City to offer and pay a reward, the amount thereof to be determined by the City, for information leading to the determination of the identity of, and the apprehension of, any person whose willful misconduct results in injury or death to any person; and

WHEREAS, on January 2, 2021 near the intersection of Azusa Avenue and Amar Road, a shooting took place resulting in the death of 29-year-old victim Gabriela De Haro-Perez, a West Covina resident; and

WHEREAS, investigators with the West Covina Police Department have worked tirelessly to solve this unsolved crime; and

WHEREAS, investigators believe that there may be witnesses with information to this crime who have not yet come forward; and

WHEREAS, the offer of a reward is consistent with and is taken for the protection of public peace, health, and safety; and

WHEREAS, the offense was of such a nature or committed under special circumstances that as a matter of public policy, the City should provide a reward as an added inducement or incentive for persons to come forward with information leading to the arrest of the perpetrator(s); and

WHEREAS, the offense was especially heinous, atrocious, or cruel and manifested exceptional depravity; and

WHEREAS, the City Council wishes to provide additional resources to further support the investigation into the shooting of Ms. De Haro-Perez by establishing a reward in the amount of \$50,000.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. The City Council hereby approves and authorizes a reward in the total amount of \$50,000.00 (the "Reward") for information leading to the determination of the identity of, and the apprehension of, any person responsible for the acts stated above.

SECTION 3. The terms of the Reward shall be as follows:

- (a) The information given that leads to the determination of the identity, the apprehension, and conviction of any person or persons must be given no later than October 18, 2023 to the West Covina Police Department.
- (b) The total City payments of any and all rewards shall in no event exceed \$50,000.00 and no claim shall be paid prior to conviction unless the West Covina City Council makes a finding of impossibility of conviction due to the death or incapacity of the person or persons responsible for the crime or crimes. The Reward may be apportioned between various persons and/or paid for the conviction of various persons as the circumstances dictate. Rewards shall only be paid to the person if the information is given voluntarily, at the person's own initiative. Rewards shall not be paid as part of any plea bargain.
- (c) Any claims for the Reward shall be filed in writing, no later than November 18, 2023, with the City Clerk of the City of West Covina, 1444 W. Garvey Avenue South, West Covina, California, Attention: Gabriela De Haro-Perez Reward Fund.

SECTION 4. The offer of reward will be effective for a period of one (1) year from the adoption of this resolution unless further extended by the City Council. The offer of reward shall terminate by payment, by revocation or by withdrawal thereof by the City Council by resolution or minute action adopted by a majority of the City Council or by expiration of the time period set forth in this resolution.

SECTION 5. All decisions with respect to the relevance or materiality of information received, whether or not utilized in establishing the determination of the identity of and the apprehension of, any one or more persons, and whether such

information provides a basis for the payment of a reward, are within the sole discretion of the City Council.

SECTION 6. All determinations affecting, or dispositive of, the offer of reward, shall be within the sole discretion of the City Council and shall be final.

SECTION 7. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 18th day of October, 2022.

Dario Castellanos
Mayor

APPROVED AS FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2022-100 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 18th day of October, 2022, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: October 18, 2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF THE WEST COVINA COMMUNITY SERVICES FOUNDATION
FISCAL YEAR 2021-2022 ANNUAL REPORT**

RECOMMENDATION:

It is recommended that the Board of Directors of the West Covina Community Services Foundation receive and file this report.

BACKGROUND:

On February 1, 2005, the City of West Covina authorized the formation of the West Covina Community Services Foundation (Foundation), a California Public Benefit Corporation. According to the bylaws (Attachment No. 1), the Foundation was organized for charitable purposes to "provide services beneficial to the public interest by seeking to offer, improve, or expand services that enhance the quality of life for residents."

The Foundation does this by receiving gifts of funds from donors for specific purposes (i.e., 4th of July Celebration, Summer Concerts, etc.). In addition, funds are raised to provide new recreational opportunities, increase public safety services, preservation of City equipment and facilities, and the pursuit of other benefits of public interest. The Foundation also allows the City to be more competitive when seeking grant funding to help provide such services.

The Foundation's Board of Directors consists of the West Covina City Council, with the Mayor as the Chairperson of the Board and the Mayor Pro Tem as the Vice Chairperson of the Board. The City Manager serves as the Foundation's President, City Clerk as the Secretary, and Finance Director as the Chief Financial Officer.

The Foundation received its Internal Revenue Service tax deductible 501(c)3 status on June 16, 2006 (Tax ID # 43-2085596).

DISCUSSION:

Pursuant to the bylaws, the Board of Directors is required to cause an annual report to be furnished no later than one hundred and twenty (120) days after the close of the Foundation's fiscal year (June 30) to all Directors of the Foundation. The annual report is required to contain the following information:

- The assets and liabilities, including the trust funds, of the Foundation at the end of the fiscal year;
- The principal changes in assets and liabilities, including trust funds, during the fiscal year;
- The revenue or receipts of the Foundation, both unrestricted and restricted to particular purposes, for the fiscal year; and
- The expenses or disbursements of the Foundation, for both general and unrestricted purposes, for the fiscal year.

The annual report must be accompanied by either a report of independent accountants or a certificate of an authorized officer of the Foundation that such statements were prepared without audit from the books and records of the Foundation.

The Finance Department is responsible for monitoring and preparing the Foundation's Annual Report. The funds are also listed in the City's Adopted Budget each year. The FY 2021-2022 Annual Report is included as Attachment No. 2.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approved it as to form.

Prepared by: Kelly McDonald, Public Services Manager

Additional Approval: Stephanie Sikkema, Finance Director

Fiscal Impact

FISCAL IMPACT:

Attached to this report is a Balance Sheet and Statement of Revenues, Expenditures and Changes in Fund Balance for the Foundation for Fiscal Year 2021-22. (Attachment No. 2). The report shows that a cumulative total of \$164,312 in revenues were collected and \$180,091 in funds were expended. As of June 30, 2022, the Foundation has a fund balance of \$290,578. The financial information included in this report is preliminary, unaudited and subject to revision upon completion of the City's closing and audit.

Revenues have been collected in a variety of ways. Donations are received from businesses and residents wanting to donate for a special cause or program (i.e., Veterans Memorial, Police Wall of Honor, Fire Explorer Program, Senior Services, Special Events, etc.). Funds raised at community events are also set aside in the Foundation to offset the costs to offer those individual programs (i.e., sponsorships at Summer Concerts, Spring Festival, etc.). Donated funds are utilized for the projects and programs identified prior to any City General Fund dollars being utilized. Without these donations, many of these programs and events may not have happened, because of the impact to the City's General Fund.

Attachments

Attachment No. 1 - West Covina Community Services Foundation Bylaws

Attachment No. 2 - Annual Report

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness
Achieve Fiscal Sustainability and Financial Stability

**BYLAWS
OF
West Covina Community Services Foundation, Incorporated
A CALIFORNIA PUBLIC BENEFIT CORPORATION**

**ARTICLE 1
NAME**

The name of this corporation is "West Covina Community Services Foundation, Incorporated."

**ARTICLE 2
OFFICES**

SECTION 1. PRINCIPAL OFFICE

The principal office of the Corporation for the transaction of its business is West Covina City Hall, 1441 West Garvey Avenue, West Covina, 91790 located in Los Angeles County, California.

SECTION 2. OTHER OFFICES

The Corporation may also have subordinate offices at such other places, within the city of West Covina, where it is qualified to do business, as its business may require and as the board of directors may, from time to time, designate.

**ARTICLE 3
PURPOSES**

SECTION 1. OBJECTIVES AND PURPOSES

This Corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code. The primary objectives and purposes of this Corporation shall be:

- (1) To provide services beneficial to the public interest by seeking to offer, improve, or expand services that enhance the quality of life for residents including, but not limited to:

- a. Recreational opportunities for residents, i.e., hiking, walking, and equestrian trails, aquatics, sports, parks and open space, classes, etc.;
 - b. Public safety services, i.e., police and fire services to residents;
 - c. Social services, i.e., nutritious meals for seniors and youth, case management, counseling, etc., for residents; and
 - d. Building and improving City facilities and infrastructure.
- (2) Preservation of buildings, structures, documents, etc., of historical significance to the community.
- (3) To qualify and be more competitive when seeking to acquire grant funding to help provide such services to residents and in this way mitigate the financial impact to the City government.
- (4) To receive gifts of funds for specific purposes.
- (5) To pursue any other opportunities available that would benefit the public interest.

ARTICLE 4 DIRECTORS

SECTION 1. NUMBER

The Corporation shall have five (5) directors and collectively they shall be known as the Board of Directors. The Board of Directors shall consist of the members of the West Covina City Council. The number and requirement that the Directors be City Councilmembers may be changed by amendment of this Bylaw, or by repeal of this Bylaw and adoption of a new Bylaw, as provided in these Bylaws.

SECTION 2. POWERS

Subject to the provisions of the California Nonprofit Public Benefit Corporation law and any limitations in the Articles of Incorporation and Bylaws relating to action required or permitted to be taken or approved by the members, if any, of this Corporation, the activities and affairs of this Corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board of Directors. Unless otherwise provided pursuant to amendment of these bylaws, voting rights in this Corporation shall remain vested solely in the Board of Directors.

SECTION 3. DUTIES

It shall be the duty of the Directors to:

- (1) Perform any and all duties imposed on them collectively or individually by law, by the Articles of Incorporation of this Corporation, or by these Bylaws;
- (2) Appoint and remove, employ and discharge, and, except as otherwise provided in these Bylaws, prescribe the duties, of all officers, agents and employees of the Corporation;
- (3) Supervise all officers, agents and employees of the Corporation to assure that their duties are performed properly;
- (4) Meet at such times and places as required by these Bylaws;
- (5) Register their addresses with the Secretary of the Corporation and notices of meetings mailed or telegraphed to them at such addresses shall be valid notices thereof.

SECTION 4. DESIGNATION OF CHAIRPERSON AND VICE CHAIRPERSON.

The Mayor shall serve as the Chairperson of the Board during his or her term as Mayor, or until he or she resigns or is otherwise disqualified to serve, whichever occurs first. However, should the Mayor wish that another Board Member replace him or her the as Chairperson, then the Board shall elect another Board Member as the Chairperson. The Mayor Pro-Tem shall serve as the Vice Chairperson of the Board during his or her term as Mayor Pro-Tem, or until he or she resigns or is otherwise disqualified to serve, whichever occurs first. However, should the Mayor Pro-Tem wish that another Board Member replace him or her the as Vice Chairperson, then the Board shall elect another Board Member as Vice Chairperson. At no time shall the same person serve concurrently as Chairperson and the Vice Chairperson of the Board.

SECTION 5. DUTIES OF CHAIRPERSON OF THE BOARD

The Chairperson shall supervise and manage/direct the affairs of the Corporation. He or she shall perform all duties incident to his or her position as Chairperson and such other duties as may be required by law, by the Articles of Incorporation or the Bylaws, or which may be prescribed from time to time by the Board of Directors. The Chairperson shall preside at all meetings of the Board. Except as otherwise expressly provided by law, by the Articles of Incorporation, or by these Bylaws, he or she shall, in the name of the Corporation, execute such

deeds, mortgages, bonds, contracts, checks or other instruments which may from time to time be authorized by the Board of Directors.

SECTION 6. DUTIES OF VICE CHAIRPERSON OF THE BOARD

In the absence of the Chairperson, or in the event of his or her inability to or refusal to act, the Vice Chairperson shall perform all the duties of the Chairperson and when so acting shall have all the powers of, and be subject to all the restrictions of the Chairperson. The Vice Chairperson shall have other powers and perform such other duties as may be prescribed by law, by the Articles of Incorporation, or by these bylaws, or as may be prescribed by the Board of Directors.

SECTION 7. TERMS OF OFFICE

The term of office for each Director shall run concurrently with his or her term of office on the City Council.

SECTION 8. PLACE OF MEETINGS

Meetings shall be held at the principal office of the Corporation unless otherwise provided in these Bylaws or at such place within the City of West Covina, which has been designated from time to time by resolution of the Board of Directors.

SECTION 9. REGULAR AND ANNUAL MEETINGS

Regular meetings of the Board of Directors shall be held, as needed, on the first and/or third Tuesday of each month at 7:00 PM, to coincide with City Council Meetings. The annual meeting of the Board of Directors shall coincide with the annual meeting at which the City Council adopts the fiscal year budget.

SECTION 10. SPECIAL MEETINGS

Special meetings of the Board of Directors may be called by the Chairperson of the Board of Directors, or by any two Directors, and such meetings shall be held at the place, within the City of West Covina, designated by the person or persons calling the meeting, and in the absence of such designation, at the principal office of the Corporation.

SECTION 11. NOTICE OF MEETINGS

Noticing of all meetings shall be done in compliance with Govt. Codes 54954.2 and 54956 (Brown Act). Regular meetings shall be noticed at least seventy-two

(72) hours in advance of the meeting. Special meetings shall be noticed at least twenty-four (24) hours in advance of the meeting.

Notice shall be given of any adjourned regular or special meeting to Directors absent from the original meeting if the adjourned meeting is held more than twenty-four (24) hours from the time of the original meeting.

SECTION 12. QUORUM FOR MEETINGS

A quorum shall consist of three (3) Directors.

Except as otherwise provided in these Bylaws or in the Articles of Incorporation of this Corporation, or by law, no business shall be considered by the Board of Directors at any meeting at which a quorum, as defined above, is not present, and the only motion which the Chair shall entertain at such meeting is a motion to adjourn. However, a majority of the Directors present at such meeting may adjourn from time to time until the time fixed for the next regular meeting of the Board of Directors.

The Directors present at a duly called and held meeting at which a quorum is initially present may continue to do business notwithstanding the loss of a quorum at the meeting due to a withdrawal of Directors from the meeting, provided that any action thereafter taken must be approved by at least a majority of the required quorum for such meeting or such greater percentage as may be required by law, or the Articles of Incorporation or Bylaws of this Corporation.

SECTION 13. MAJORITY ACTION AS BOARD ACTION

Every act or decision done or made by a majority of the Directors present at a meeting duly held at which a quorum is present is the act of the Board of Directors, unless the Articles of Incorporation or Bylaws of this Corporation, or provisions of the California Nonprofit Public Benefit Corporation Law, particularly those provisions relating to appointment of committees (Section 5212), approval of contracts or transactions in which a director has a material financial interest (Section 5233) and indemnification of directors (Section 5238e), require a greater percentage or different voting rules for approval of a matter by the board.

SECTION 14. CONDUCT OF MEETINGS

Meetings of the Board of Directors shall be presided over by the Chairperson of the Board, or, if no such person has been so designated or, in his or her absence, the Vice Chairperson or, in his or her absence, by the Director chosen a majority of the Directors present at the meeting. The Secretary of the Corporation shall act as Secretary of all meetings of the Board of Directors,

provided that, in his or her absence, the presiding officer shall appoint another person to act as Secretary of the Meeting.

The provisions of the Brown Act (Gov. Code §54950 et seq.) shall apply to the conduct of meetings of the Corporation. Meetings shall be governed by Roberts's Rules of Order, as such rules may be revised from time to time, insofar as such rules are not inconsistent with or in conflict with these Bylaws, with the Articles of Incorporation of this Corporation, or with provisions of law.

SECTION 15. NON-LIABILITY OF DIRECTORS

The Directors shall not be personally liable for the debts, liabilities, or other obligations of the Corporation.

SECTION 16. INSURANCE FOR CORPORATE AGENTS

Members of the Board of Directors and Officers of the Corporation are insured under the City's umbrella insurance policy for liability caused or incurred while acting within the scope of their duties as Members of the Board of Directors and/or Officers of the Corporation.

SECTION 17. PREMATURE VACANCIES ON BOARD

Whenever there is a vacancy in the office of one of the at-large directors whether by reason of death, resignation, removal, disqualification or otherwise, the vacancy shall be temporarily filled by the Community Services Director until the vacancy is filled by majority vote of the remaining board members.

ARTICLE 5 OFFICERS

SECTION 1. NUMBER OF OFFICERS

The officers of the Corporation shall be a President, Secretary and Chief Financial Officer. The City Manager shall serve as President, the City Clerk shall serve as the Secretary and the Finance Director shall serve as the Chief Financial Officer. Any number of offices may be held by the same person, except that neither the Secretary nor the Chief Financial Officer may serve concurrently as the President, Chairperson or Vice Chairperson of the Board.

SECTION 2. QUALIFICATION AND TERM OF OFFICE

The City Manager, City Clerk and Finance Director shall serve as President, Secretary and Chief Financial Officer, respectively, until he or she resigns or is removed by a majority vote of the Board of Directors, or is otherwise disqualified to serve, whichever occurs first.

SECTION 3. SUBORDINATE OFFICERS

The Board of Directors may appoint such other officers or agents as it may deem desirable, and such officers shall serve such terms, have such authority, and perform such duties as may be prescribed from time to time by the Board of Directors.

SECTION 4. VACANCIES

Any vacancy caused by the death, resignation, removal, disqualification, or otherwise, of any officer shall be filled by the Board of Directors in accordance with these Bylaws and applicable law.

SECTION 5. DUTIES OF PRESIDENT

The President shall be the administrative head of the Corporation and its affairs and he/she shall operate under the direction and control of the Board of Directors except as otherwise provided by law, by the Articles of Incorporation, or by these Bylaws. He/she shall be responsible for the efficient administration of all the affairs of the Corporation which are under his/her control. He/she shall prescribe such administrative rules and procedures as he may deem proper or necessary for the general conduct and operation of the Corporation's affairs under his control. He/she shall perform any and all duties imposed on him/her by law, by the Articles of Incorporation, by these Bylaws or by the Board. Upon the request and authorization of the Board, the President may enter into any contract, or execute and deliver any instrument, in the name of and on behalf of, the Corporation. The President shall supervise all agents of the Corporation to assure that their duties are performed properly. He/she shall meet at such times and places as required by these bylaws. It shall be the duty of the President to recommend to the Board the adoption of measures he/she deems necessary for the efficient operation of the Corporation. Unless provided for in

SECTION 6. DUTIES OF SECRETARY

The Secretary shall:

- (1) Certify and keep at the principal office of the Corporation the original, or a copy of these Bylaws as amended or otherwise altered to date.
- (2) Keep at the principal office of the Corporation or at such other place as the board may determine, a book of minutes of all meetings of the directors, and, if applicable, meetings of committees of directors and of members, recording therein the time and place of holding, whether regular or special, how called, how notice thereof was given, the names of those present or represented at the meeting, and the proceedings thereof.
- (3) See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law.
- (4) Be custodian of the records and of the seal of the Corporation and see that the seal is affixed to all duly executed documents, the execution of which on behalf of the Corporation under its seal is authorized by law or these Bylaws.
- (5) Keep at the principal office of the Corporation a membership book containing the name and address of each and any members, and, in the case where any membership has been terminated, he or she shall record such fact in the membership book together with the date on which such membership ceased.
- (6) Exhibit at all reasonable times to any director of the Corporation, or to his or her agent or attorney, on request therefore, the Bylaws, the membership book, and the minutes of the proceedings of the directors of the Corporation.
- (7) In general, perform all duties incident to the office of Secretary and such other duties as may be required by law, by the Articles of Incorporation of this Corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the Board of Directors

SECTION 7. DUTIES OF CHIEF FINANCIAL OFFICER

Subject to the provisions of these Bylaws relating to the "Execution of Instruments, Deposits and Funds," the Chief Financial Officer shall:

- (1) Have charge and custody of, and be responsible for, all funds and securities of the Corporation, and deposit all such funds in the name of the Corporation in such banks, trust companies, or other depositories as shall be selected by the Board of Directors.

- (2) Receive, and give receipt for, monies due and payable to the Corporation from any source whatsoever.
- (3) Disburse, or cause to be disbursed, the funds of the Corporation as may be directed by the Board of Directors, taking proper vouchers for such disbursements.
- (4) Keep and maintain adequate and correct accounts of the Corporation's properties and business transactions, including accounts of its assets, liabilities, receipts, disbursements, gains and losses.
- (5) Exhibit at all reasonable times the books of account and financial records to any director of the Corporation, or to his or her agent or attorney, upon request
- (6) Render to the Board of Directors, whenever requested, an account of any or all of his or her transactions as Chief Financial Officer and of the financial condition of the Corporation.
- (7) Prepare, or cause to be prepared, and certify, or cause to be certified, the financial statements to be included in any required reports.
- (8) In general, perform all duties incident to the office of Chief Financial Officer and such other duties as may be required by law, by the Articles of Incorporation of the Corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the Board of Directors.

ARTICLE 6

EXECUTION OF INSTRUMENTS, DEPOSITS AND FUNDS

SECTION 1. EXECUTION OF INSTRUMENTS

The Board of Directors, except as otherwise provided in these Bylaws, may by resolution authorize any officer or agent of the Corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances. Unless so authorized, no officer, agent, or employee shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount.

SECTION 2. CHECKS AND NOTES

Except as otherwise specifically determined by resolution of the Board of Directors, or as otherwise required by law, checks, drafts, promissory notes,

orders for the payment of money, and other evidence of indebtedness of the Corporation shall be signed by the Chief Financial Officer and countersigned by the Chairperson of the Board of Directors.

SECTION 3. DEPOSITS

All funds of the Corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

SECTION 4. GIFTS

The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest, or devise for the charitable or public purposes of this corporation. Limitations on gifts to individual Directors shall comply with the Political Reform Act and the Fair Political Practices Commission.

ARTICLE 7 CORPORATE RECORDS, REPORTS AND SEAL

SECTION 1. MAINTENANCE OF CORPORATE RECORDS

The Corporation shall keep at its principal office in the State of California:

- (1) Minutes of all meetings of directors, committees of the board and , indicating the time and place of holding such meetings, whether regular or special, how called, the notice given, and the names of those present and the proceedings thereof;
- (2) Adequate and correct books and records of account, including accounts of its properties and business transactions and accounts of its assets, liabilities, receipts, disbursements, gains and losses;
- (3) A copy of the corporation's Articles of Incorporation and Bylaws as amended to date, which shall be open to inspection by the members, if any, of the Corporation at all reasonable times during office hours.

SECTION 2. CORPORATE SEAL

The Board of Directors may adopt, use, and at will alter, a corporate seal. Such seal shall be kept at the principal office of the Corporation. Failure to affix the seal to corporate instruments, however, shall not affect the validity of any such instrument.

SECTION 3. DIRECTORS' INSPECTION RIGHTS

Every director shall have the absolute right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the Corporation.

SECTION 4. RIGHT TO COPY AND MAKE EXTRACTS

Any inspection under the provisions of this Article may be made in person or by agent or attorney and the right to inspection includes the right to copy and make extracts.

SECTION 5. ANNUAL REPORT

The Board shall cause an annual report to be furnished not later than one hundred and twenty (120) days after the close of the Corporation's fiscal year to all directors of the Corporation and, if this Corporation has members, to any member who requests it in writing, said report shall contain the following information in appropriate detail:

- (1) The assets and liabilities, including the trust funds, of the Corporation as of the end of the fiscal year;
- (2) The principal changes in assets and liabilities, including trust funds, during the fiscal year;
- (3) The revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes, for the fiscal year;
- (4) The expenses or disbursements of the Corporation, for both general and restricted purposes, during the fiscal year;

The annual report shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer of the Corporation that such statements were prepared without audit from the books and records of the corporation.

ARTICLE 8 FISCAL YEAR

SECTION 1. FISCAL YEAR OF THE CORPORATION

The fiscal year of the Corporation shall begin on July 1 and end on the June 30 in each year.

ARTICLE 9 AMENDMENT OF BYLAWS

SECTION 1. AMENDMENT

Subject to any provision of law applicable to the amendment of Bylaws of public benefit nonprofit corporations, these Bylaws, or any of them, may be altered, amended, or repealed and new Bylaws adopted as follows:

- (1) Subject to the power of members, if any, to change or repeal these Bylaws under Section 5150 of the Corporations Code, by approval of the Board of Directors unless the Bylaw amendment would materially and adversely affect the rights of members, if any, as to voting or transfer, provided, however, if this Corporation has admitted any members, then a Bylaw specifying or changing the fixed number of directors of the Corporation, the maximum or minimum number of directors, or changing from a fixed to variable board or vice versa, may not be adopted, amended, or repealed except as provided in subparagraph (2) of this Section; or
- (2) By approval of the members, if any, of this Corporation.

ARTICLE 10 AMENDMENT OF ARTICLES

SECTION 1. AMENDMENT OF ARTICLES BEFORE ADMISSION OF MEMBERS

Before any members have been admitted to the Corporation, any amendment of the Articles of Incorporation may be adopted by approval of the Board of Directors.

SECTION 2. AMENDMENT OF ARTICLES AFTER ADMISSION OF MEMBERS

After members, if any, have been admitted to the Corporation, amendment of the Articles of Incorporation may be adopted by the approval of the Board of Directors and by the approval of the members of this Corporation.

SECTION 3. CERTAIN AMENDMENTS

Notwithstanding the above sections of this Article, this Corporation shall not amend its Articles of Incorporation to alter any statement which appears in the original Articles of Incorporation of the names and addresses of the first directors of this Corporation, nor the name and address of its initial agent, except to

correct an error in such statement or to delete such statement after the corporation has filed a "Statement by a Domestic Non-Profit Corporation" pursuant to Section 6210 of the California Nonprofit Corporation Law.

ARTICLE 11 MEMBERS

SECTION 1. DETERMINATION OF MEMBERS

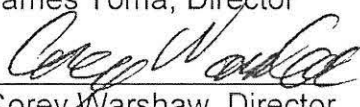
If this Corporation makes no provision for members, then, pursuant to Section 5310(b) of the Nonprofit Public Benefit Corporation Law of the State of California, any action which would otherwise, under law or the provisions of the Articles of Incorporation or Bylaws of this Corporation, require approval by a majority of all members or approval by the members, shall only require the approval of the Board of Directors.

WRITTEN CONSENT OF DIRECTORS ADOPTING BYLAWS

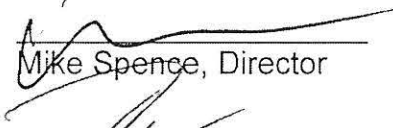
We, the undersigned, are all of the persons named as the initial Directors in the Articles of Incorporation of the West Covina Community Services Foundation, Incorporated, a California Nonprofit Public Benefit Corporation, and, pursuant to the authority granted to the Directors by these Bylaws to take action by unanimous written consent without a meeting, consent to, and hereby do, adopt the foregoing Bylaws, consisting of fourteen (14) pages, as the Bylaws of this Corporation.

Dated: 4/19/16

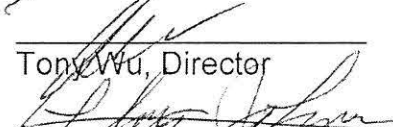
James Toma, Director



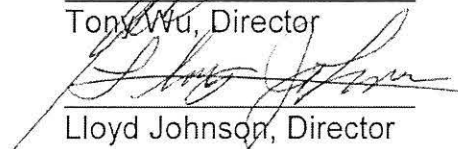
Corey Warshaw, Director



Mike Spence, Director



Tony Wu, Director

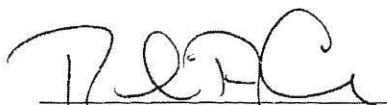


Lloyd Johnson, Director

CERTIFICATE

This is to certify that the foregoing is a true and correct copy of the Bylaws of the corporation named in the title thereto and that such Bylaws were duly adopted by the Board of Directors of said Corporation on the date set forth below.

Dated: 4/19/16



Rosalia Conde, Secretary

West Covina Community Services Foundation, Inc.
Balance Sheet
June 30, 2022

Cash	\$ 232,397
Accounts Receivable	70,015
Prepaid Expenses	11,989
Interest Receivable	-
Total Assets	<u><u>\$ 314,401</u></u>
Accounts Payable	\$ 23,823
Fund Balance	<u>290,578</u>
Total Liabilities and Fund Balance	<u><u>\$ 314,401</u></u>

West Covina Community Services Foundation, Inc.
Changes in Assets and Liabilities
June 30, 2022

	Beginning Balance	Ending Balance	Change
Cash	\$ 309,260	\$ 232,397	\$ (76,863)
Accounts Receivable	-	70,015	70,015
Prepaid Expenses	-	11,989	11,989
Interest Receivable	-	-	-
Total Assets	<u>\$ 309,260</u>	<u>\$ 314,401</u>	<u>\$ 5,141</u>
Accounts Payable	\$ 2,903	\$ 23,823	\$ 20,920
Fund Balance	306,357	290,578	(15,779)
Total Liabilities and Fund Balance	<u>\$ 309,260</u>	<u>\$ 314,401</u>	<u>\$ 5,141</u>

West Covina Community Services Foundation, Inc.
Statement of Revenues, Expenditures and Changes in Fund Balance
For the year ended June 30, 2022

Revenues

Interest	\$ -
Charges for Services	60,530
Other Revenues	103,782
Total Revenues	<u>164,312</u>

Expenditures

FN - Taxes filings	10
PD - Misc Exp	3,909
FR - Explorer Program	1,875
PS - Events, supplies, etc.	145,733
PS - Summer Concerts	21,939
CS - Senior Center - Supplies, etc.	6,625
Total Expenditures	<u>180,091</u>

Net Change in Fund Balance	<u>(15,779)</u>
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Fund Balance - Beginning of Year	<u>306,357</u>
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Fund Balance - End of Year	<u>\$ 290,578</u>
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West Covina Community Services Foundation, Inc.
Financial Certificate
June 30, 2022

I, Stephanie Sikkema, certify that these statements were prepared without audit from the books and records of the corporation. Additionally, the financial information included in this report is preliminary, unaudited and subject to revision upon completion of the City's closing and audit.



Chief Financial Officer
West Covina Community Services Foundation, Inc.



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: October 18, 2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF DIAL-A-RIDE SERVICE AREA

RECOMMENDATION:

It is recommended that the City Council:

1. Provide direction relative to the Dial-A-Ride service area; and
2. Authorize the City Manager to negotiate and execute all necessary documents, in such form as approved by the City Attorney, to carry out the City Council's direction.

BACKGROUND:

Through a contracted vendor, the City provides Dial-A-Ride service, which is a shared-ride demand response transportation service for seniors (age 55 and older) as well as persons with disabilities residing within West Covina. Dial-A-Ride service currently operates Monday through Friday from 8:00 a.m. until 5:30 p.m. and Sunday from 8:00 a.m. until 2:30 p.m. The fare is \$0.50 each way.

Currently, clients may travel to/from any location within City limits for any purpose. At the October 4th City Council meeting, discussion focused on extension of the service area to 5 miles outside City limits for medical trips only.

DISCUSSION:

This matter returns to the City Council for further discussion. At the September 20, 2022, meeting, the City Council expressed a desire to reconsider the current distance limit and exception criteria. At the October 4, 2022, meeting, the City Council again discussed this matter. Information was requested regarding the type and number of trips being taken by program participants. MV Transportation provided a categorization of Dial-A-Ride trips for the month of September and will provide such information moving forward. Because clients are not asked the purpose of their trips, the types and numbers are based on consideration of the destination.

Type	Number of Trips September 2022
Medical	185
Personal/Recreational	173
Shopping	119
Medical - Out of City (3 mi)	100

Employment	51
Nutritional	7
Total	635

The table below provides a summary of criteria for the DAR programs of neighboring cities.

City	Exceptions for Travel Beyond City Limits	Maximum Distance/Approved Locations
Baldwin Park	Medical	5-mile radius (City Hall)
Covina	Medical and Government Buildings	3 miles outside + Kaiser Baldwin Park; Kaiser Irwindale; City of Hope
El Monte	Medical	5-mile radius (City Hall)
La Puente	Medical and Dental	5 miles outside
Glendora	Medical	<ul style="list-style-type: none"> • City of Hope • Inter-Community Hospital • Kaiser Permanente Baldwin Park Medical Center • Kaiser Permanente San Dimas Medical Offices • Kaiser Permanente Irwindale Medical Offices • Pomona Valley Hospital • Queen of the Valley Hospital
Monrovia	Medical	3 miles outside and City of Hope
Rosemead	None	5 miles outside + Kaiser Baldwin Park and Huntington Memorial Pasadena (non-emergency)

Prepared by: Kelly McDonald, Public Services Manager

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness