



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**MAY 19, 2020, 7:00 PM
REGULAR MEETING**

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

**Mayor Tony Wu
Mayor Pro Tem Letty Lopez-Viado
Councilman Dario Castellanos
Councilman Lloyd Johnson
Councilmember Jessica C. Shewmaker**

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

IN ORDER TO REDUCE THE SPREAD OF THE COVID-19 VIRUS, GOVERNOR NEWSOM HAS ISSUED EXECUTIVE ORDERS THAT TEMPORARILY SUSPEND CERTAIN REQUIREMENTS OF THE BROWN ACT AND ALLOW COUNCIL MEMBERS TO ATTEND CITY COUNCIL MEETINGS TELEPHONICALLY. PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDERS AND DUE TO CONCERNS OVER COVID-19, THE CITY COUNCIL MEETING WILL BE CONDUCTED ENTIRELY TELEPHONICALLY.

Public Participation: In accordance with Executive Order N-29-20 and guidance from the California Department of Public Health on gatherings, City Council Chambers will remain closed to the public. Members of the public may participate remotely in the following ways:

Public comments will be accepted via e-mail to the City Clerk at City_Clerk@westcovina.org. The subject line should specify either "Public Comment or Public Hearing – 5/19/2020". Please include your full name and address in your e-mail. The City Clerk will read emails received by 6:30 P.M. the day of the Council meeting out loud into the public record.

If you wish to address the Council by telephone during public comment or a public hearing, you may contact the City Clerk by email City_Clerk@westcovina.org or by telephone (626) 939-8433 by 6:30 P.M. on the day of the Council meeting, to advise the City Clerk that you would like to address the Council during public comment or a public hearing.

Members of the public may watch City Council meetings live through the West Covina City YouTube channel at www.westcovina.org/LIVE. Council meeting videos are also posted to the City's Video Archive on <https://www.westcovina.org/departments/city-clerk/agendas-and-meetings/current-meetings-and-agendas>.

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

**TUESDAY MAY 19, 2020, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Pastor DuPee from Faith Community Church

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Lopez-Viado

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

- Walnut Grove Intermediate School: Achieve 3000 students

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.

CITY CLERK'S OFFICE

- 1) **MAY 5, 2020 CITY COUNCIL/SUCCESSOR AGENCY REGULAR MEETING MINUTES
MAY 5, 2020 CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES**

It is recommended that the City Council approve the May 5, 2020 Regular Meeting Minutes and May 5, 2020 Closed Session Meeting Minutes.

CITY MANAGER'S OFFICE

- 2) **CONSIDER APPROVAL OF UPDATED BUDGET AND FINANCIAL POLICIES**

It is recommended that the City Council adopt Resolution No. 2020-35 Approving Updated Financial and Budget Policies.

COMMUNITY DEVELOPMENT

- 3) **CONSIDERATION OF EXTENSION TO THE PROFESSIONAL SERVICES AGREEMENT WITH EC&AM ASSOCIATES, INC. DBA GK & ASSOCIATES FOR AZUSA SEWER LIFT STATION UPGRADE PROJECT**

It is recommended that the City Council:

1. Approve the First Amendment to the Professional Services Agreement with EC&AM Associates, Inc. dba GK & Associates to extend the term of the agreement through September 6, 2021, for an additional 16-months of services for project management, inspection services, and testing for the Azusa Sewer Lift Station Upgrades project; and
2. Authorize the City Manager to negotiate and execute the amendment.

- 4) **CONSIDERATION OF SECOND READING AND ADOPTION OF ORDINANCE NO. 2472 - CODE AMENDMENT NO. 20-02 REGARDING COMMERCIAL LAND USES AND STANDARDS**

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

ORDINANCE NO. 2472 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT NO. 20-02, CODE AMENDMENT RELATED TO COMMERCIAL (NONRESIDENTIAL) USES AND STANDARDS

- 5) **CONSIDERATION OF SECOND READING AND ADOPTION OF ORDINANCE NO. 2470 - CODE AMENDMENT 16-03 REGARDING WIRELESS TELECOMMUNICATION FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

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

ORDINANCE NO. 2470 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT NO. 16-03, RELATED TO WIRELESS TELECOMMUNICATION FACILITIES IN THE PUBLIC RIGHT OF WAY

- 6) **CONSIDERATION OF ESTABLISHMENT OF A WEST COVINA COVID-19 SMALL BUSINESS LOAN PROGRAM**

It is recommended the City Council approve the proposed guidelines for the West Covina COVID-19 Small Business Loan Program and authorize the City Manager to prepare the necessary loan documents and reporting requirements consistent with Department of Housing and Urban Development requirements.

HUMAN RESOURCES/RISK MANAGEMENT

7) CONSIDERATION OF RESOLUTION DELEGATING TORT LIABILITY CLAIMS HANDLING TO THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY AS AUTHORIZED BY GOVERNMENT CODE SECTION 910 ET SEQ

It is recommended that the City Council take the following actions:

1. Adopt the following resolution:

RESOLUTION NO. 2020-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, IMPLEMENTING A POLICY DELEGATING TORT LIABILITY CLAIMS HANDLING RESPONSIBILITIES TO THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY AS AUTHORIZED BY GOVERNMENT CODE SECTION 910, ET SEQ.

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

8) PUBLIC HEARING REGARDING ISSUANCE OF TAX-EXEMPT BONDS FOR EMANATE HEALTH QUEEN OF THE VALLEY HOSPITAL

1. Conduct a Tax Equity and Fiscal Responsibility Act hearing in consideration of the issuance of tax-exempt bond financing by the California Statewide Communities Development Authority for the benefit of Emanate Health.
2. Adopt the following Resolution:

RESOLUTION NO. 2020-26 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ISSUANCE OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY REVENUE BONDS (EMANATE HEALTH), SERIES 2020 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$260,000,000 FOR THE PURPOSE OF FINANCING AND/OR REFINANCING THE ACQUISITION, CONSTRUCTION, EQUIPPING, IMPROVEMENT, RENOVATION, REHABILITATION AND/OR REMODELING OF HOSPITAL, HEALTH CARE AND RELATED FACILITIES AND CERTAIN OTHER MATTERS RELATING THERETO

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

6/2/2020

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: May 19, 2020

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: MAY 5, 2020 CITY COUNCIL/SUCCESSOR AGENCY REGULAR MEETING MINUTES
MAY 5, 2020 CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING
MINUTES**

RECOMMENDATION:

It is recommended that the City Council approve the May 5, 2020 Regular Meeting Minutes and May 5, 2020 Closed Session Meeting Minutes.

DISCUSSION:

That the City Council adopt the attached minutes.

Attachments

Attachment No. 1 - 05-05-2020 Regular Session Meeting Minutes Draft

Attachment No. 2 - 05-05-2020 Closed Session Meeting Minutes Draft



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REGULAR MEETING**

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1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790**

**Mayor Tony Wu
Mayor Pro Tem Letty Lopez-Viado
Councilman Dario Castellanos
Councilman Lloyd Johnson
Councilmember Jessica C. Shewmaker**

AGENDA

CALL TO ORDER

A Regular Meeting was called to order by Mayor Wu on Tuesday, April 21, 2020 at 7:37 p.m. in the Council Chambers, 1444 West Garvey Avenue South, West Covina, California.

ROLL CALL

Council Members

Present: Council Members Dario Castellanos, Lloyd Johnson, Jessica Shewmaker,
Mayor Pro Tem Letty Lopez-Viado, Mayor Tony Wu

Council Members

Absent: None

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

INVOCATION

Led by Assistant City Manager Mark Persico

PLEDGE OF ALLEGIANCE

Led by Councilman Johnson

REPORTING OUT FROM CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code § 54956.9(d)(1)

1. Oscar Tirado v. City of West Covina, et al., (Los Angeles Superior Court, Case No. 19STCV27088)
2. Julian Gutierrez v. City of West Covina et al., (United States District Court, Central District, Case No. 2-18-CV-00781)

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

City Negotiators: Carmany, Duarte

Employee Organizations

- Confidential Employees
- Maintenance & Crafts Employees
- Non-Sworn
- W.C. Police Officers' Association
- W.C. Firefighters' Management Assoc.
- W.C. Firefighters' Association, I.A.F.F., Local 3226
- General Employees
- Mid-Management Employees
- W.C. Police Management Association

Unrepresented Employee Group

- Department Heads

City Attorney Thomas P. Duarte reported regarding Gutierrez, vote 5-0 Council directed staff to pay plaintiff \$400,000; in exchange plaintiff agreed to dismiss the lawsuit.

PROCLAMATIONS:

- Lupus Awareness Month
- Fibromyalgia Awareness Month
- Mental Health Awareness Month

ORAL COMMUNICATIONS - Five (5) minutes per speaker

CITY MANAGER'S REPORT

- Presentation given by Mr. Carmany

CONSENT CALENDAR

ACTION: MOTION BY MAYOR PRO TEM LOPEZ-VIADO AND SECONDED BY COUNCILMAN JOHNSON, CARRIED 5-0 to: approve Consent Calendar Items 1-4, 6, and 8-14. (Items 5 and 7 pulled from the Consent Calendar by City Manager Carmany.)

APPROVAL OF MEETING MINUTES

- 1) **APRIL 21, 2020 CITY COUNCIL/SUCCESSOR AGENCY REGULAR MEETING MINUTES
APRIL 21, 2020 CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES**

CARRIED 5-0 to: approve the April 21, 2020 Regular Meeting Minutes and the April 21, 2020 Closed Session Meeting Minutes.

COMMISSION SUMMARY OF ACTIONS

- 2) **SUMMARY OF ACTIONS FOR THE COMMUNITY AND SENIOR SERVICES COMMISSION MEETING OF JANUARY 14, 2020.**

CARRIED 5-0 to: receive and file the Summary of Actions for the January 14, 2020, regular meeting of the Community and Senior Services Commission.

INVESTMENT REPORT

- 3) **CONSIDERATION OF INVESTMENT REPORT FOR THE MONTH ENDED FEBRUARY 29, 2020**

CARRIED 5-0 to: receive and file the Investment Report for the month ended February 29, 2020.

4) CONSIDERATION OF INVESTMENT REPORT FOR THE MONTH ENDED MARCH 31, 2020

CARRIED 5-0 to: receive and file the Investment Report for the month ended March 31, 2020.

CITY MANAGER'S OFFICE

5) CONSIDERATION OF CONTRACT FOR MICROSOFT ENTERPRISE AGREEMENT WITH SOFTWAREONE

(Item 5 was removed from the Agenda by City Manager Carmany.)

6) CONSIDERATION OF RESOLUTION NO. 2020-41 EXTENDING THE LOCAL EMERGENCY DECLARATION

CARRIED 5-0 to: adopt Resolution 2020-41 as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DETERMINING THE NEED TO CONTINUE THE LOCAL EMERGENCY PROCLAIMED ON MARCH 16, 2020

7) CONSIDER APPROVAL OF UPDATED BUDGET AND FINANCIAL POLICIES

(Item 7 was removed from the Agenda by City Manager Carmany.)

COMMUNITY DEVELOPMENT

8) CONSIDERATION OF RENEWAL OF LANDSCAPE MAINTENANCE DISTRICT NO. 4 — ORDERING OF ENGINEER'S REPORT AND PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT

CARRIED 5-0 to: adopt the following resolutions:

1. Adopt the following resolution:

RESOLUTION NO. 2020-27 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ORDERING THE PREPARATION AND FILING OF A REPORT REGARDING THE FISCAL YEAR 2020-21 ASSESSMENT TO BE LEVIED IN CONNECTION WITH LANDSCAPE MAINTENANCE DISTRICT NO. 4

2. Following adoption of Resolution No. 2020-27, adopt the following resolution:

RESOLUTION NO. 2020-28 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE DISTRICT NO. 4, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN SAID DISTRICT FOR FISCAL YEAR 2020-21 AND SETTING A PUBLIC HEARING REGARDING SUCH ASSESSMENTS

- 9) **CONSIDERATION OF RENEWAL OF LANDSCAPE MAINTENANCE DISTRICT NO. 6 — ORDERING OF ENGINEER'S REPORT AND PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT**

CARRIED 5-0 to: adopt the following resolutions:

1. Adopt the following resolution:

RESOLUTION NO. 2020-29 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ORDERING THE PREPARATION AND FILING OF A REPORT REGARDING THE FISCAL YEAR 2020-21 ASSESSMENT TO BE LEVIED IN CONNECTION WITH LANDSCAPE MAINTENANCE DISTRICT NO. 6

2. Following adoption of Resolution No. 2020-29, adopt the following resolution:

RESOLUTION NO. 2020-30 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE DISTRICT NO. 6, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN SAID DISTRICT FOR FISCAL YEAR 2020-21 AND SETTING A PUBLIC HEARING REGARDING SUCH ASSESSMENTS

- 10) **CONSIDERATION OF RENEWAL OF LANDSCAPE MAINTENANCE DISTRICT NO. 7 — ORDERING OF ENGINEER'S REPORT AND PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT**

CARRIED 5-0 to: adopt the following resolutions:

1. Adopt the following resolution:

RESOLUTION NO. 2020-31 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ORDERING THE PREPARATION AND FILING OF A REPORT REGARDING THE FISCAL YEAR 2020-21 ASSESSMENT TO BE LEVIED IN

CONNECTION WITH LANDSCAPE MAINTENANCE DISTRICT NO. 7

2. Following adoption of Resolution No. 2020-31, adopt the following resolution:

RESOLUTION NO. 2020-32 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE DISTRICT NO. 7, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN SAID DISTRICT FOR FISCAL YEAR 2020-21 AND SETTING A PUBLIC HEARING REGARDING SUCH ASSESSMENTS

- 11) **CONSIDERATION OF RENEWAL OF THE CITYWIDE LIGHTING AND MAINTENANCE DISTRICT AND PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT**

CARRIED 5-0 to: adopt the following resolutions:

1. Adopt the following resolution:

RESOLUTION NO. 2020-33 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ORDERING THE PREPARATION AND FILING OF A REPORT REGARDING THE FISCAL YEAR 2020-21 ASSESSMENT TO BE LEVIED IN CONNECTION WITH THE CITY'S CITYWIDE LIGHTING AND MAINTENANCE DISTRICT

2. Following adoption of Resolution No. 2020-33, adopt the following resolution:

RESOLUTION NO. 2020-34 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR THE CITYWIDE LIGHTING AND MAINTENANCE DISTRICT, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN SAID DISTRICT FOR FISCAL YEAR 2020-21 AND SETTING A PUBLIC HEARING REGARDING SUCH ASSESSMENTS

- 12) **CONSIDERATION OF WEST COVINA CITYWIDE SEWER SERVICE CHARGE - RESOLUTION OF INTENTION TO COLLECT SEWER SERVICE CHARGES ON COUNTY TAX ROLL FOR FY 2020-21 AND SETTING A PUBLIC HEARING DATE ON THE CHARGES**

CARRIED 5-0 to: adopt the following resolution:

RESOLUTION NO. 2020-36 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DECLARING ITS INTENTION TO COLLECT SEWER SERVICE CHARGES ON THE COUNTY TAX ROLL FOR FISCAL YEAR 2020-21 AND SETTING JUNE 16, 2020 FOR A PUBLIC HEARING REGARDING THE CHARGES TO BE SO COLLECTED

HUMAN RESOURCES/RISK MANAGEMENT

13) CONSIDERATION OF AUTHORIZATION TO PARTICIPATE IN THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (CJPIA) FOR THE CITY'S GENERAL LIABILITY AND WORKERS' COMPENSATION AND OTHER INSURANCE NEEDS

CARRIED 5-0 to: take the following actions:

1. Authorize the City's withdrawal from the California State Association of Counties (CSAC) Excess Insurance Authority effective July 1, 2020.
2. Authorize the City to join the California Joint Powers Insurance Authority (CJPIA) and pool the City's self-insurance general liability and workers' compensation insurance through the CJPIA programs by adopting the following resolutions:

RESOLUTION NO. 2020-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING EXECUTION OF THE JOINT POWERS AGREEMENT CREATING THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY

RESOLUTION NO. 2020-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, TO AUTHORIZE AND APPROVE POOLING OF SELF-INSURANCE THROUGH THE EXCESS LIABILITY PROTECTION PROGRAM OF THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY

RESOLUTION NO. 2020-39 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, TO AUTHORIZE AND APPROVE POOLING OF SELF-INSURANCE THROUGH THE EXCESS WORKERS' COMPENSATION PROGRAM OF THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY

RESOLUTION NO. 2020-40 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, PROVIDING WORKERS' COMPENSATION COVERAGE FOR CERTAIN CITY OF WEST COVINA VOLUNTEERS PURSUANT TO THE PROVISIONS OF SECTION 3363.5 OF THE LABOR CODE

3. Authorize the City Manager to negotiate and execute the Joint Powers Agreement and any related documents.
4. Authorize the use of CJPIA for the City's other insurance needs, such as property, automobile, cyber and crime and authorize the City Manager to execute any related documents.
5. Authorize the City Manager to negotiate and execute Third-Party Administrator (TPA) Agreements with Carl Warren and Company for General Liability Claims Administration and Sedgwick for Workers' Compensation Claims Administration and any related documents.
6. Authorize the Finance Director to fund and replenish reserve funds for the payment of the self-insured retention (SIR) portion of general liability claims with Carl Warren and Company and Workers' Compensation claims with Sedgwick; and
7. Approve the Certification of Director and Alternate(s) to CJPIA, appointing Councilman Dario Castellanos as Director, and appointing City Manager David Carmany, Mayor Tony Wu, Mayor Pro Tem Letty Lopez-Viado, Councilman Lloyd Johnson, and Councilmember Jessica Shewmaker as alternates to represent the City Council.

PUBLIC SERVICES

14) CONSIDERATION OF THE SALE OF SURPLUS VEHICLES AND EQUIPMENT

CARRIED 5-0 to: authorize the sale of the surplus vehicles listed below by the public auction company US Auctions.

Item No.	Unit No.	Year/Make/Model	VIN/Serial Number	Mileage	Funding Source*	Category**
1	108	2001 GMC W4	4KDB4B1R31J802555	124,086	110	1,2
2	109	1992 GMC 3500	1GDJC34KXNE540972	107,725	110	1,2
3	112	1980 Ford C-700	C70HVHD5743	80,142	110	1,2
4	119	1998 Ford LT8501 Vactor Jetter	1FDZW86E6WVA39996	41,321	110	1,2,4
5	123	1993 GMC C-2500	1GDGC24K3PE549956	124,939	110	1,2
6	124	1993 GMC C-2500	1GDHC34K6PE557852	89,925	110	1,2,4
7	135	1992 GMC 3500 W/Hyd Lift	1GDJC34K9NE541546	120,950	110	1,2
8	136	1999 GMC Dump Truck	4KLB4B1R5XJ004300	135,556	110	1,2
9	137	2001 Ford F350	1FDWW36S81EA36196	122,593	110	1,2
10	140	1985 Case 480L Loader	9864196	1,618	110	1,2,4

11	141	1987 Case Roller W252	8408675560	991	110	1,2,4
12	146	1988 GMC stake Bed Dump	J8DM7A1N6J3201218	46,075	110	1,2
13	148	1993 GMC C-3500	1GDHC34K0PE557247	79,489	110	1,2
14	162	1988 John Deere 544E Loader	DW544ED518283	6,386	110	1,2
15	203	2007 Ford F-150	1FTRF12W97KC61462	157,794	110	1,2,3
16	204	2007 Ford F-150	1FTRF12W07KC61463	149,720	110	1,2,3
17	213	1992 GMC 3500	1GDJC34K6NE541486	95,472	110	1,2,3
18	713	1982 CAT Generator	CA698528	N/A	110	1,2,3
19	718	1985 Case Backhoe	17025944	N/A	110	1,2,3
20	T142	1987 Zieman Trailer	1ZCT21S24HZP13427	N/A	110	1,2,3,4
21	T190	2005 Pressure Washer & Trailer	N/A	N/A	110	1,2,3,4
22	STA4	1979 Onan Generator	C78311584	N/A	110	1,2,4
23	B18	2006 Ford Mustang	1ZVFT80N165244843	160,472	117	1,2,4
24	D13	2007 Chevrolet Impala	2G1WT58N579288606	113,663	117	1,2,4
25	47	1991 GMC Sonoma	1GTCT14Z8M8518495	43,108	110	1,2,3
26	45	1990 GMC C-2500	1GTFC24H2LZ555674	18,442	110	1,2,3,4
27	P29	2011 Ford Interceptor	2FABP7BV8BX176231	89,810	117	1,2,4
28	P16	2011 Ford Interceptor	2FABP7BV0BX176109	116,513	117	1,2,4
29	P46	1993 GMC 3500	1GTHC33F0PJ757576	69,710	110	1,2,3,4
30	D34	2006 Ford Crown Victoria	2FAHP71W36X155068	100,225	110	1,2,3,4

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

15) CONSIDERATION OF CODE AMENDMENT NO. 16-03 - WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

Council Member Shewmaker requested to amend from 250 feet to 500 feet separation between facilities/poles, and Councilman Johnson

requested that all applications go through Planning Commission and then to City Council for final approval.

ACTION: MOTION BY COUNCILMAN JOHNSON AND SECONDED BY MAYOR WU, CARRIED 5-0 as amended to: approve Zoning Code Amendment as follows:

ORDINANCE NO. 2470 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT NO. 16-03, RELATED TO WIRELESS TELECOMMUNICATION FACILITIES IN THE PUBLIC RIGHT-OF-WAY

16) CONSIDERATION OF CODE AMENDMENT NO. 20-02 - COMMERCIAL LAND USES AND STANDARDS

ACTION: MOTION BY COUNCILMAN CASTELLANOS AND SECONDED BY COUNCILMAN JOHNSON CARRIED 5-0 to: consider a Zoning Code Amendment as follows:

ORDINANCE NO. 2472 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT NO. 20-02, CODE AMENDMENT RELATED TO COMMERCIAL (NONRESIDENTIAL) USES AND STANDARDS

MAYOR/COUNCILMEMBERS REPORTS

None

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

None

CITY COUNCIL COMMENTS

None

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ADJOURNMENT

A motion to adjourn the Regular Meeting was made by Mayor Wu, and the meeting was adjourned at 8:55 p.m. The next regularly scheduled Regular City Council Meeting will be held on Tuesday, May 19, 2020 at 7:00 p.m. in the Council Chambers, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Lisa Sherrick
Assistant City Clerk

Tony Wu
Mayor



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

MAY 5, 2020, 6:00 PM
REGULAR MEETING - CLOSED SESSION

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

MINUTES

CALL TO ORDER

A Closed Session Meeting was called to order by Mayor Wu on Tuesday, May 5, 2020 at 6:00 p.m., in the City Hall Council Chambers, 1444 West Garvey Avenue South, West Covina, California.

ROLL CALL

Council Members

Present: Council Members Dario Castellanos, Lloyd Johnson, Jessica C. Shewmaker, Mayor Pro Tem Letty Lopez-Viado, Mayor Tony Wu – All Members were present via a GoToMeeting request

Council Members

Absent: None

City Staff: David Carmany City Manager, Mark Persico Assistant City Manager, Thomas P. Duarte City Attorney, Helen Tran Director of Human Resources, Denise Rocawich/Jones-Mayer, Bruce Lindsay/ Jones-Mayer via GoToMeeting request.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code § 54956.9(d)(1)

1. Oscar Tirado v. City of West Covina, et al., (Los Angeles Superior Court, Case No. 19STCV27088)
2. Julian Gutierrez v. City of West Covina, et al., (United States District Court, Central District, Case No. 2-18-CV-00781)

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

City Negotiators: Carmany, Duarte

Employee Organizations

- Confidential Employees
- Maintenance & Crafts Employees
- Non-Sworn
- W.C. Police Officers' Association
- W.C. Firefighters' Management Assoc.
- W.C. Firefighters' Association, I.A.F.F., Local 3226
- General Employees
- Mid-Management Employees
- W.C. Police Management Association

Unrepresented Employee Group

- Department Heads

REPORTING OUT

City Attorney Thomas P. Duarte reported regarding Gutierrez, vote 5-0 Council directed staff to pay plaintiff \$400,000, in exchange plaintiff agreed to dismiss the lawsuit.

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ADJOURNMENT

The Closed Session Meeting adjourned at 6:30 p.m., by Mayor Wu. The next regularly scheduled Closed Session City Council Meeting will be held on Tuesday, May 19, 2020 at 6:00 p.m. in the City Hall Council Chambers, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Lisa Sherrick
Assistant City Clerk

Tony Wu
Mayor



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: May 19, 2020

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDER APPROVAL OF UPDATED BUDGET AND FINANCIAL POLICIES

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2020-35 Approving Updated Financial and Budget Policies.

BACKGROUND:

On February 4, 2020, the City Council initiated the process for the issuance of Pension Obligation Bonds (POB's) to refund outstanding obligations to the California Public Employees Retirement System (CalPERS). The ultimate issuance of those bonds requires further approval by the City Council.

DISCUSSION:

Staff has been working with the finance team to assure that the City obtains the best possible bond rating and the lowest borrowing costs. One of the best management practices is to review and assure that the City has updated policies related to city finances. Staff is recommending that the City Council update the following policies:

- Budget Policy - This policy establishes a budget process to help decision makers make informed choices about the provision of services and capital assets and to promote stakeholder participation in the process.
- Debt Management - This policy establishes guidelines for the issuance and management of debt
- Disclosure - This policy is intended to ensure that the City remains in compliance with all applicable securities laws.
- Computer/IT Backup - This policy is designed and implemented with disaster recovery/business continuity as key deliverable and is not designed as a method of archiving material for extended periods of time.
- Pension Funding Policy (New) - This policy provides guidance in making annual budget decisions; demonstrates prudent financial management practices; create sustainable and affordable budgets for pensions; and reassures bond rating agencies.

These policies show that the City has strong internal controls, which will be beneficial as the City moves forward toward issuing the Pension Obligation Bonds.

Prepared by: Mark Persico, Assistant City Manager

Additional Approval: Robbeyn Bird, CPA, Finance Director

Attachments

Attachment No. 1 - Resolution 2020-35

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

RESOLUTION NO. 2020-35

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF WEST COVINA, CALIFORNIA, ADOPTING
FINANCIAL AND BUDGET POLICIES**

WHEREAS, the City Council of the City of West Covina, California is adopting financial and budget policies as a best management practice.

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

SECTION 1. The City Council has reviewed and approved the following policies:

- A. Budget Policy
- B. Debt Management Policy
- C. Disclosure Policy
- D. Information Technology Backup Policy
- E. Pension Funding Policy

SECTION 2. 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.

PASSED AND ADOPTED this 19th day of May, 2020.

Tony Wu
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. 2020-35 was duly adopted by the City Council of the City of West Covina, California, at a special meeting thereof held on the 19th day of May, 2020, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

FINANCIAL AND BUDGET POLICIES



City of West Covina

Budget Policy

Updated – May 19, 2020

INTRODUCTION

This document defines the policies and procedures for the budget for the City of West Covina.

The procedures serve as a guide for maintaining the City's reputation for fairness and integrity of fiscal responsibility in preparation of the annual budget using proper checks and balances. The budget functions will be conducted using the highest ethical standards.

The objective of the budget policy is to establish a budget process that helps decision makers make informed choices about the provision of services and capital assets and to promote stakeholder participation in the process. The term "stakeholder" refers to anyone affected by or has a stake in the City of West Covina with priority to residents and West Covina businesses. The use of "shall" is synonymous with will.

POLICY PURPOSE

Policy and procedures have been established in order to provide the most efficient and effective operations of preparing the budget. The budget process will cover four main Goals:

1. *Establish Broad Goals to Guide City Decision Making*

- The City Council does adopt broad goals on an annual basis that provide overall direction for the City and serve as a basis for decision making.
 - i. Assess community needs, priorities, challenges and opportunities.
 - ii. Identify opportunities and challenges for City services, capital assets, and management.
 - iii. Develop and disseminate broad goals.

2. *Develop Approaches to Achieve Goals*

- The City will utilize specific policies, plans, programs, and management strategies to define how it will achieve its long-term goals.
 - i. Adopt and review financial policies.
 - ii. Develop programs, services, operating, and capital policies and plans.
 - iii. Develop management strategies.

3. *Develop a Budget Consistent with Approaches to Achieve Goals*

- A financial plan and budget that moves toward achievement of goals, within the constraints of available financial resources, is to be prepared and adopted.
 - i. Develop a process for preparing and adopting a budget.
 - ii. Make choices necessary to adopt a budget.

4. *Evaluate Performance and Make Adjustments*

- Programs and financial performance will be continually evaluated, and adjustments made, to encourage progress toward achieving goals.
 - i. Monitor, measure, and evaluate performance.
 - ii. Make adjustments as needed.

Goal # 1 - Establish Broad Goals to Guide City Decision Making

i. Assess Community Needs, Priorities, Challenges, and Opportunities

- A. Identify Stakeholder Priorities, Needs, and Concerns
 - The City Council meetings are an open forum providing opportunity to stakeholders to bring forth concerns, needs, and priorities.
 - Among other mechanisms that might be considered are special public hearings, surveys, meetings of leading residents and resident interest groups, City strategic planning processes, meetings with City employees, and workshops involving City administrative staff and/or the City Council.
- B. Evaluate Community Condition, External Factors, Opportunities, and Challenges¹
 - The City Council will regularly collect and evaluate information about trends in community condition, the external factors affecting it, opportunities that may be available, and problems and issues that need to be addressed.
 - Some mechanisms will involve data gathering from pre-existing sources or through opinion surveys.
 - Other mechanisms will be subjective, such as observing physical characteristics of geographic areas within the community or talking to residents, experts, business and community leaders, and legislative bodies. Formal studies of particular issues or trends may also be undertaken.
 - The frequency and extensiveness of the evaluation should be consistent with how frequently the information changes and the relative importance of the information being gathered.

ii. Identify Opportunities and Challenges for City Services, Capital Assets, and Management

- A. Assess Services and Programs, and Identify Issues, Opportunities, and Challenges
 - The City shall inventory, identify, and assess the programs and services that it provides, their intended purpose, and factors that could affect their provision in the future.

¹ *The intent of this practice is for the City to have up-to-date information with which to evaluate community conditions and major issues that are integral to the development and achievement of goals. In evaluating community condition, the City may want to consider local, regional, national, and global factors affecting the community (i.e. economic and financial factors, demographics, physical or environmental factors, changes in technology, etc.).*

- Identify the changes in community conditions or other factors that may result in a program or service no longer addressing the needs it was intended to serve. Also, identify any changes in the operating environment that may affect the cost or effectiveness of service delivery in the future.
 - The review will involve each department's assessment of the programs'
 - purposes, beneficiaries and needs served, their success in achieving goals, and issues, challenges, and opportunities affecting their future provision.
 - The inventory of programs and services will identify the organization responsible for service delivery if it is not the City itself. An evaluation of factors affecting service delivery will also be undertaken, such as funding issues; changes in technology; economic, demographic, or other factors that may affect demand; and legal or regulatory changes. These reviews will typically utilize a variety of information sources.
 - Stakeholder involvement in these reviews is encouraged, such as through budget study workshops.
- B. Assess Capital Assets, and Identify Issues, Opportunities, and Challenges
- The City will identify and conduct an assessment of its capital assets, including the condition of the assets and factors that could affect the need for or ability to maintain the assets in the future. The capital assets of the City and their condition are critical to the quality of services provided, and hence are important in determining whether the needs and priorities of stakeholders can be met.
 - The City shall establish a process for inventorying its capital assets and assessing the need for and the condition of these assets. (See Capital Asset Management Policy)
 - The City will assess and evaluate issues, challenges, and opportunities affecting the provision of capital assets in the future, such as community needs and priorities; the impact of deferred maintenance; funding issues; changes in technology; economic, demographic, or other factors that may affect demand; and legal or regulatory changes. This review may be undertaken in conjunction with an evaluation of the program or service utilizing the particular assets.
 - The assessment of capital asset condition must consider the impact of any deferred maintenance and needed improvements. Identification or development of measurement standards for the condition of capital assets (including what is regarded as acceptable) are a valuable output of this practice.

C. Assess City Management Systems, and Identify Issues, Opportunities, and Challenges

- The City will identify and analyze its organization and management systems, including system strengths and weaknesses and factors that could affect these systems in the future. The support systems established to manage the City are integral to the achievement of goals.
- The City will inventory management systems by department and routinely identify, analyze, and address issues related to the City's organization and management systems and the environment in which these systems operate.
- Each department will include an examination of strengths and weaknesses of the organizational structure, interdepartmental communication and cooperation, communication of goals and directives, motivation of staff, conflict management, and provision of other internal needs and support systems.
- The review will also include an assessment of management policies, procedures, and systems that support achievement of goals.

iii. Develop and Disseminate Broad Goals

A. Identify Broad Goals

- The City is to identify broad goals based on its assessment of the community it serves and its operating environment. Broad goals define the priorities and preferred future state of the community or area served. They provide a basis for making resource allocation decisions during the budget process and serve as a focal point for assessing and coordinating various long-range or strategic plans.
- Goals are to be expressed in written form and should reflect stakeholder concerns, needs, and priorities as well as factors affecting the community and the City.
- They must be sufficiently specific to help define the services to be emphasized and make difficult resource allocation decisions in the budget process.
- Define priorities among goals to improve their usefulness in allocating resources.

B. Disseminate Goals and Review with Stakeholders

- The City will disseminate broad goals and review them with stakeholders. Disseminating and reviewing goals helps foster participation, awareness, consensus, pride, and a sense of direction.
- Dissemination may occur by conducting public forums and by publishing goals in key public documents, such as strategic and other planning documents and budget documents. Electronic media may also be used including the City website.

Goal # 2 - Develop Approaches to Achieve Goals

i. Adopt and Review Financial Policies

A. Develop Policy on Stabilization Funds

- The City developed policies to guide the creation, maintenance, and use of resources for financial stabilization purposes. (See Fund Balance Policy²).
- The policy establishes how and when the City builds up stabilization funds and will identify the purposes for which they may be used.

B. Develop Policy on Fees and Charges³

- The City has established a master fee schedule that identifies the manner in which fees and charges are set and the extent to which they cover the cost of the service provided.
- The fee schedules are to be evaluated annually in the budget process to review all fees and charges, the level of cost recovery for services and the reason for any subsidy, and the frequency with which cost-of-services studies will be undertaken.
- Policies on fees and charges are publicly available and summarized in materials used in budget preparation.

C. Develop Policy on Debt Issuance and Management

- The City has established a Debt Management Policy to guide the issuance and management of debt. Issuing debt commits the City's revenues several years into the future and may limit the City's flexibility to respond to changing service priorities, revenue inflows, or cost structures. Adherence to a debt policy helps ensure that debt is issued and managed prudently in order to maintain a sound fiscal position and protect credit quality. compliance.

² The Fund Balance Policy is reviewed annually to assess the alignment with set goals established in the budget process. The City should evaluate reserves set in the fund balance policy. These funds may be used at the City's discretion to address temporary cash flow shortages, emergencies, unanticipated economic downturns, and one-time opportunities.

³ Costs of service include direct and indirect costs such as operating and maintenance costs, overhead, and charges for use of capital. The City may choose not to recover all costs, but it must identify such costs. Reasons for not recovering full costs will be identified and explained. State and local law may govern the establishment of fees and charges.

- Debt policies are available to the public and other stakeholders. Because these policies are essential to budget decision making, particularly capital budgets, they will be reviewed by decision makers during the annual budget process and as an appendix in the budget document. Debt Policy will be reviewed for every debt issuance for The City Council has a debt policy and compiles it with other financial policies.

D. Evaluate the Use of Unpredictable Revenues

- One-time or short-term revenues will be identified clearly in the budget process. Unpredictable revenue sources cannot be relied on as to the level of revenue they will generate.
- For each major unpredictable revenue source, the City identifies those aspects of the revenue source that make the revenue unpredictable. Such as, grant supported operating costs.
- One-time revenues will never cover the costs of continuing operating budgets. One-time revenues will only cover one-time costs such as matching requirements, one-time purchases, one-time payments to unfunded liabilities, etc.

E. Develop Policy on Balancing the Operating Budget

- The City defines its Balanced Operating Budget as uses of resources for operating purposes does not exceed available resources over the budget period, July 1 to June 30th.
- The City is committed to a balanced budget under normal circumstances and will provide disclosures when a deviation from a balanced operating budget is planned or when it occurs. A balanced budget is a basic budgetary constraint intended to ensure that the City does not spend beyond its means.
- Operating resources (revenues) includes all taxes, licenses and permits, fines and forfeitures, use of money and property, charges for services, interdepartmental charges, miscellaneous revenues and intergovernmental revenues in the General Fund, Special Revenue Funds, Capital Projects, Debt Service Funds, and Internal Service Funds.
- Operating uses (expenditures) are personnel service costs, material and service costs, capital purchases, and interdepartmental allocations.

ii. Develop Programs, Services, Operating, and Capital Policies and Plans

A. Prepare Policies and Plans to Guide the Design of Programs and Services

- Service and programs directly relate to strategies identified by the City to achieve set goals.

- Each department of the City, such as City Council, City Manager, City Clerk, Police, etc. identify the programs and services along with groups or populations to be serviced, service delivery issues, specific programs listed with standards of performance (including level of service standards or other measures to gauge success), expected costs, time frames for achievement of goals, issues pertaining to organization structure, and priorities for service provision.
 - Each department identifies their goals and achievements by department which should correlate to overall goals of the City.
 - Each department identifies the resources (revenues) used to obtain the goals.
- B. Prepare Policies and Plans for Capital Asset Acquisition, Maintenance, Replacement, and Retirement
- The City will annually evaluate the need to budget for acquisition, maintenance, replacement, and retirement of capital assets to help ensure that needed capital assets or improvements receive appropriate consideration in the budget process and that older capital assets are considered for retirement or replacement. This is necessary to plan for large expenditures and to minimize deferred maintenance.
 - Annual budget evaluation may address inventorying capital assets and evaluating their condition, criteria for acceptable condition, criteria for continued maintenance versus replacement or retirement of an existing asset, and identification of funding for adequate maintenance and scheduled replacement of capital assets.
 - Any assets identified as coming due for replacement will be addressed in multi-year budgets to address replacement and renewal schedules and must recognize the linkage of capital expenditures with the annual operating budget.
 - Plans for addressing deferred maintenance may also be an output of this practice. Once adopted, which may be included in the Capital Improvement Program (CIP) Budget, the plan will be made publicly available, particularly as set forth in budget, management, and planning documents.
- C. Develop Options for Meeting Capital Needs and Evaluating Acquisition Alternatives⁴
- The City develops Capital Improvement Program Budgets to address

⁴ City is to conduct quarterly reviews of existing capital projects in relation to goal attainment and to maintain, renovate, and replace, City facilities. Various considerations to be part of evaluation (i.e. costs, impacts on service, funding levels, use of non-General Funds, stakeholder input, etc.).

- capital needs that are consistent with financial, programmatic, and capital policies and to evaluate alternatives for acquiring the use of capital assets. Capital project planning is necessary to give adequate consideration to longer-range needs and goals, evaluate funding requirements and options, and achieve consensus on the physical development of the community.
- Annually in the budget process the City evaluates alternative mechanisms to help ensure that the best approach for providing use of a capital asset or facility is chosen based on the policies and goals of the City.
- The City uses the CIP Budget to identify capital projects that are needed to achieve goals and a general time frame in which these assets will be needed.

D. Develop Performance Measures

- The City will annually, during the budget process, review and develop and utilize performance measures for functions, programs, and/or activities. Performance measures are used for assessing how efficiently and effectively functions, programs, and activities are provided and for determining whether program goals are being met.
- Performance measures may be linked to specific program goals and objectives.
- The measures are to be valid, reliable, and verifiable.
- Whenever feasible, they should be expressed in quantifiable terms.
- Measures will be reported in periodic reviews of functions and programs, staff reports, and should be integral to resource allocation decisions.
- They also are to be reported in the budget document and may be reported in separate management reports or reports to residents.
- Different aggregations of performance measures may be appropriate for different audiences.

iii. Develop Management Strategies

A. Develop Strategies to Facilitate Attainment of Program and Financial Goals

- The City has an organizational structure and management strategies that facilitate attainment of program and financial goals. Goals are more likely to be achieved if organizational and management strategies are developed to support and encourage organizational and individual performance directed toward goal attainment.
- The City has developed a means to review, improve, and implement strategies that encourage the City and its employees to work toward achievement of goals.
- These strategies include both positive incentives and penalties.

- They also include support systems such as technology support, education, and training.

B. Develop Mechanisms for Budgetary Compliance

- Finance provides monthly budget to actual reports to each department head and City Manager to ensure proper review for compliance with the adopted budget. Appropriate management processes and systems allow the City to detect and correct significant deviation if it occurs.
- On a quarterly basis Finance provides budget to actual reports to department heads and City Council.
- These reports provide measures of departments' budget.
- Budgetary compliance is encouraged through use of data collection and reporting systems that control disbursements of funds and that facilitate the evaluation of revenue and expenditure trends and financial projections.
- City Manager will address any deviation of the budget to actual report (i.e. budget amendments).
- The City has instituted procedures to review the budget quarterly and decide on actions to bring the budget into balance, if necessary.

C. Develop the Type, Presentation, and Time Period of the Budget

- The City will annually present the budget, which will cover the fiscal year July 1st through June 30th. The type of budget, the time period covered, and the manner of presenting materials in the budget documents can have a significant practical impact on the City's approach to planning, control, and overall management of its programs, services, and finances, and on the quality of information provided to stakeholders.
- The output of the budget will provide fund level and department level program information for the full fiscal year. The adopted budget will be provided to all stakeholders on the City website.
- A formal review will be undertaken periodically to ensure that the budget type, time period, and approach to presenting the budget continue to meet the needs and priorities of the City. Such a review will be broadly focused, and not directed simply at the format of individual pages.

Goal# 3-Develop a Budget Consistent with Approaches to Achieve Goals

i. Develop a Process for Preparing and Adopting a Budget

A. Develop a Budget Calendar

- The City publishes a comprehensive budget calendar that specifies when budget tasks are to be completed and that identifies timelines for those tasks. This includes budget workshops available to the public. Stakeholders need to be aware of when key budget tasks, events, and decisions will occur so they have an opportunity to plan and to participate in the process. The preparation of a calendar helps ensure that all aspects of the budget process have been considered and that adequate time has been provided.
- Multiple calendars can be produced, each with different levels of detail and emphasis to meet the needs of the different types of stakeholders. (i.e. Internal Calendar and Public Calendar).
- Calendars list the dates of key events and deadlines.
- At least one calendar describes the overall budget and planning process and identify roles, responsibilities, and assignments.
- To ensure the greatest impact, calendars will identify when and how stakeholders can participate in the process.

B. Develop Budget Guidelines and Instructions

- The City will develop annual general policy guidelines and budget preparation instructions for each budget cycle and accompany the internal budget calendar. Budget guidelines and instructions help ensure that the budget is prepared in a manner consistent with government policies and the desires of management and the City Council. Instructions are necessary so that all participants know what is expected, thereby minimizing misunderstanding and extra work.
- Budget guidelines are specific to the particular budget under development and will incorporate relevant aspects of the City's financial policies.
- Each department is required to provide the Projected Actuals for revenues and expenditures of the current year for their respective department.
- Each department is required to provide Proposed Revenues and Appropriations for the upcoming fiscal year for their respective department.
- Guidelines and instructions may set forth financial constraints and key assumptions that will be used to guide development of the budget, as well as policy direction.
- Instructions often include sample forms to be completed by the operating departments. Guidelines and instructions are prepared in a

written format but may also be presented in an electronic format or through training and/or an oral presentation.

C. Develop Mechanisms for Coordinating Budget Preparation and Review

- The City has developed mechanisms and assigned responsibilities to provide for overall coordination of the preparation and review of the budget. The complete budget process involves many levels, departments, and individuals in the City, as well as a number of distinct processes and disparate groups of stakeholders. Coordination is needed to ensure that processes move forward as planned, to prevent confusion and misinformation, and to ensure appropriate stakeholders are involved.
- The Finance Department is the single point of coordination for all departments.
- The Finance Department's coordination process will involve a number of tasks: developing a calendar, identifying responsibilities for completing various tasks, ensuring that various parts of the budget process are properly integrated, keeping the process on schedule, producing reports, identifying issues and problems, and ensuring that other requirements are met and quality standards are maintained.
- The Finance Director has ultimate responsibility for coordinating the budget process and will respond to stakeholder issues and concerns that arise in the context of the budget process with direction from the City Manager and City Council.

D. Develop Procedures to Facilitate Budget Review, Discussion, Modification, and Adoption

- The City has a process to facilitate the review, discussion, modification, and adoption of a proposed budget. Appropriate procedures are needed to resolve conflicts, to promote acceptance of the proposed budget by stakeholders, and to assist in timely adoption of the budget.
- This process allows stakeholders to be informed of the budget proposal and to allow the legislative body to achieve consensus and adopt a budget.
- Some examples include: small group meetings, hearings, workshops, independent analysis, specific decision-making techniques and procedures, conflict resolution processes, and methods for presenting portions of the budget.

E. Identify Opportunities for Stakeholder Input

- The City provides opportunities in the budget process for obtaining stakeholder input.⁵ By definition, stakeholders are affected by the City's resource allocation plans and service and program decisions. Stakeholders should have clearly defined opportunities to provide input. This helps ensure that stakeholder priorities are identified and enhances stakeholder support for the approved budget.
- Stakeholder input can be obtained in a number of ways, including public hearings, advisory commissions, informal conversations, roundtable briefings, televised and live online broadcast, opinion surveys, neighborhood meetings, office hours, letter writing, telephone calls, and e-mail.
- The budget calendar should identify specific opportunities for resident input where City officials are available to explain issues and choices and to receive comments.

ii. Make Choices Necessary to Adopt a Budget

A. Prepare and Present a Recommended Budget

- The City will prepare and present a recommended comprehensive program and financial plan (the "budget") for review by stakeholders and consideration for adoption by the City Council. A complete plan is necessary to allow stakeholders to be informed on how well all the different aspects of the plan fit together and whether there is an appropriate balance of resources and assigned uses.
- The proposed budget will consist of a set of recommended actions regarding programs and services to be funded, including service level, quality, and goals to be achieved.
- It will also identify funding requirements and sources of funds and provide the supplemental information necessary to review the plans.
- The budget is to be consistent with policies and goals set by the City.
- The recommended budget must also comply with any statutory requirements.

⁵ *The budget process should include opportunities for all stakeholders to participate. A general-purpose public hearing shortly before final decisions are made on the budget is not adequate as the sole means of soliciting stakeholder input, especially on major issues. The process developed for obtaining stakeholder input should ensure that information is gathered in a timely and complete manner to be useful in budget decision making, such as City workshops.*

B. Present the Budget in a Clear, Easy-to-use Format

- Budget documents and related materials made available to stakeholders is to be presented in a clear and readily comprehensible format. The budget is the guide that determines the direction of the City. It is arguably the single most important document routinely prepared by the City. To be usable, it not only must contain the appropriate information, but must also be prepared in a manner that is clear and comprehensible.
- Some items in a budget document that will assist the reader include: a table of contents, summaries, a consistent format, high-level summary information that describes overall funding sources and the organization as a whole, a description of the overall planning and budgeting process and the interrelationships of those various processes, supplementary information about the City and the area for which it has responsibility, charts and graphs to better illustrate important points, succinct and clearly-written summaries, uncluttered pages, and detailed information placed in appropriate locations so that it does not overwhelm the reader.
- Similar requirements apply to the non-written means (e.g., audio, video) of presenting budget material to stakeholders at various times during the budget process.

C. Adopt the Budget

- The City should adopt a budget that meets all statutory requirements prior to the beginning of the fiscal year.⁶ The timely adoption of a budget permits the City to proceed with implementing programs and services that further the achievement of goals.
- The adopted budget will clearly present the financial, operating, and capital plan.
- It includes all operations and funds, although not necessarily at the same level of detail.
- Non-appropriated funds, revolving funds, and any other planned revenues and expenditures are also included.
- Whenever feasible, the adopted budget should include (though not necessarily in a single document) all statutorily required materials such as the appropriation ordinance.
- Legally required documents that otherwise do not contribute to an understanding of the budget may be included as an appendix.

⁶ *If there are delays in adopting the budget, actions are to be taken to minimize uncertainty when the new budget period starts, as appropriate. A continuing appropriation may be legally required.*

Goal# 4 - Evaluate Performance and Make Adjustments

i. Monitor, Measure, and Evaluate Performance

A. Monitor, Measure, and Evaluate Program Performance

- The City quarterly evaluate the performance of the programs and services it provides. The City functions, programs, and activities will also be periodically reviewed to determine whether they are accomplishing intended program goals and making efficient use of resources.
- Performance measures, including efficiency and effectiveness measures, are to be presented in basic budget materials, including the operating budget document, and be available to stakeholders.
- Performance measures should be reported using actual data, where possible.
- At least some of these measures should document progress toward achievement of previously developed goals and objectives.
- More formal reviews and documentation of those reviews should be carried out as part of the overall planning, decision-making, and budget process.

B. Monitor, Measure, and Evaluate Budgetary Performance

- At a minimum, the City will, on a quarterly basis, evaluate its financial performance relative to the adopted budget. Regular monitoring of budgetary performance provides an early warning of potential problems and gives decision makers time to consider actions that may be needed if major deviations in budget-to-actual results become evident. It is also an essential input in demonstrating accountability.
- Budget-to-actual or budget-to-projected actual comparisons of revenues, expenditures, cash flow, and fund balance will be reviewed quarterly during the budget period. Staffing levels are also monitored.
- Comparisons for at least the current year will be included in the budget document and be generally available to stakeholders during discussions related to budget preparation and adoption.
- Expenditures shall be limited to the amount budgeted. Expenditures shall be continuously monitored and projected to the end of the year. If the projected expenditures exceed the budget, appropriate remedies shall be implemented immediately.

C. Monitor, Measure, and Evaluate Financial Conditions

- The City will monitor and evaluate its financial condition at least quarterly. The financial health of the City is critical to its ability to meet

- the needs of stakeholders. Financial condition should be evaluated to identify potential problems and any changes that may be needed to improve performance over both the short and long terms.
- Financial indicator measures often are developed to monitor financial condition and achievement of explicitly set financial goals.
- Indicators to monitor factors that affect financial performance are also reported.
- A report on financial condition will be periodically prepared and updated.
- The report may be a separate document or incorporated into other relevant documents, including the budget document.

D. Monitor, Measure, and Evaluate External Factors

- The City is to constantly monitor and evaluate external factors that may affect budget and financial performance and achievement of goals at least quarterly. Factors outside the City's control, such as the national or regional economy, demographic changes, statutory changes, legislation, mandates, and weather, may affect achievement of stated goals. Monitoring these factors helps the City to evaluate and respond to the effect of these external influences on goals, programs, and financial plans.
- External factors that are likely to be important in achieving goals are to be identified and monitored regularly.
- The results of this analysis will be factored into the assessment of program and financial performance and considered in adjusting these programs.
- Trends and significant issues may be described in reports to stakeholders discussing program, budget, and financial performance.
- The assessment of external factors is to be reported, at least in summary form, and available to stakeholders.

E. Monitor, Measure, and Evaluate Capital Improvement Program Implementation

- The City will monitor, measure, and evaluate capital improvement program implementation at least quarterly. Monitoring the status of capital projects helps to ensure that projects progress as planned, problems (such as delays in key milestones and cost overruns) are identified early enough to take corrective action, funds are available when needed, and legal requirements are met.
- Reports on capital project implementation will be prepared for decision makers and other stakeholders.
- Summary information is to be considered for projects that are progressing as planned.
- Project milestones, such as dates for completion of such tasks as planning, land acquisition, engineering and design, and construction,

should be identified and progress in meeting these milestones should be reported at least annually, and as available.

- The City will monitor quality compliance and financial performance.

ii. Make Adjustments as Needed

A. Adjust the Budget

- The budget may be adjusted during the budget period should unforeseen events require changes to the original budget plan. The budget is a plan based on a set of assumptions that may not always match actual experiences during the execution phase. The City should watch for significant deviations from expectations and make timely adjustments so that the plan is consistent with revised expectations.
- The City has procedures in place to determine when deviations from the budget plan merit adjustments to the budget.
- Budget adjustments, whether to programs or to revenues and expenditures, are to be made as appropriate in a timely manner.⁷
- Any changes to the budget are to be reported.
- The timing and way this is done depends on the stakeholder group and the level of materiality of the changes.

B. Adjust Policies, Plans, Programs, and Management Strategies

- The City may adjust its policies, plans, programs, and management strategies during the budget period, as appropriate. Changing conditions or programs and services that are not producing the desired results or efficiently utilizing resources may require adjustments for the City to continue to meet the needs of stakeholders and to meet its own goals.
- The City's management team will evaluate their monthly budget to actual report for review, decision making, and implementation of changes to policies, plans, programs, and management strategies during the budget period.
- Adjustments are based on findings obtained from monitoring and assessing program and financial results, stakeholder input, and external circumstances.
- Regular briefings to management and elected officials on the contents of the reports permit timely adjustments as needed to the plan or program activities.

⁷ Budget adjustments may be administrative or legislative depending on the adjustment needed and on statutory requirements such as the legal level of control of the budget appropriations. City Manager may make adjustment within the fund across departments as long as the overall appropriation is not changed.

C. Adjust Broad Goals, if Appropriate

- The City will modify or change its broad goals if conditions change sufficiently that these goals are no longer appropriate. Goals may need to be adjusted in response to new information about program results, stakeholder needs, and external circumstances in order to be more relevant for the community or more practically attainable.
- The City department heads meet to evaluate performance or changes in the annual budget plan to ensure that goals are reviewed during the budget period and adjusted when appropriate.
- Adjustments are based, in part, on findings obtained from monitoring and assessing program and financial results, stakeholder input, and external circumstances.
- Opportunities and challenges facing the City are also to be considered.



City of West Covina

Debt Management Policy

Adopted – May 19, 2020

CITY OF WEST COVINA

DEBT MANAGEMENT POLICY

Section 1 – Introduction

The purpose of this Debt Management Policy (Policy) is to establish guidelines for the issuance and management of debt for the City of West Covina and all affiliated city entities (collectively, the “City”). While the City prefers to finance projects on a pay-as-you-go basis, in the event debt is necessary, this Policy confirms the commitment of the Council, management, staff, advisors and other decision makers to adhere to sound financial management practices, including full and timely repayment of borrowing, and achieving the lowest possible cost of capital within prudent risk parameters.

Debt Issuance Priorities:

1. Achieve the lowest cost of capital while maintaining compliance with state and federal laws and regulations
2. Maintain a prudent level of financial risk and maintain the City’s sound financial position
3. Preserve future financial flexibility
4. Ensure that all debt is structured to maximize the benefit to both current and future taxpayers, ratepayers, and constituents of the City
5. Maintain full and complete financial disclosure and reporting
6. Obtain and maintain the highest practical credit ratings consistent with maximizing the benefit to both current and future taxpayers, ratepayers and constituents of the City.
7. Maintain good relations with all investors in City debt
8. Ensure that the City’s debt is consistent with the City’s planning goals and objectives and capital improvement program or budget, as applicable

This policy shall govern the issuance and management of all debt and lease financing funded from the capital markets (including private placement and bank loans), including the selection and management of related financial services and products and investment of bond and lease proceeds. While adherence to this policy is required in applicable circumstances, it is recognized that changes in the capital markets, agency programs and other unforeseen circumstances may from time to time produce situations that are not covered by this policy and will require modifications or exceptions to achieve policy goals. In these cases, management flexibility is appropriate, provided specific authorization from the City Manager and City Council is obtained.

Section 2 – Responsibilities

The City’s debt program for all City funds shall be operated in conformance with applicable federal, state, and other legal requirements, including the West Covina Municipal Code.

Responsibility for managing the coordinating of all activities related to the structure, issuance and administration of all long and short-term debt obligations shall rest with the Finance Director.

No debt obligations shall be presented to the City Council for their authorization without the joint assessment and recommendation of the City Manager, Finance Director and the City Attorney. Departments planning debt-financed capital programs or equipment acquisitions shall work closely with the City Manager, Finance Director

and City Attorney to provide information and otherwise facilitate the issuance and on-going administration of debt.

The Finance Director shall have the authority to periodically select service providers as necessary to meet legal requirements and minimize debt costs. Such services may include financial advisory, underwriting, trustee, verification agent, escrow agent, arbitrage consulting, special tax consulting, bond and disclosure counsel, and other consultants as needed. To achieve an appropriate balance between service and cost, the Finance Director is authorized to select such service providers through sole source selection or a competitive process using a Request for Proposals.

The Finance Director shall be responsible for maintaining good communications with rating agencies, investors and other debt related service providers about the City's financial condition and will follow a policy of full disclosure.

The Finance Director shall conduct an annual review of the Policy and bring forward to the City Council any amendments deemed necessary and appropriate.

Section 3 – Debt Considerations

The City will evaluate the need for debt financing a project compared to a pay-as-you-go financing methodology. The City prefers to fund projects on a pay-as-you-go basis.

A. Factors favoring a pay-as-you-go methodology include:

- a. Current projected revenues and fund balances available are sufficient to fund the project
- b. Long term total costs are lower due to the avoidance of interest expense
- c. Existing debt capacity is insufficient to absorb the additional debt without adverse impact to credit ratings
- d. Market conditions are unfavorable or present difficulties in marketing

B. Factors favoring debt financing include:

- a. Current and projected revenues available for debt service are sufficient and reliable so that financing can be marketed with investment grade credit ratings
- b. Market conditions present favorable interest rates and demand for the City financings
- c. A project is mandated by state or federal requirements, and current resources are insufficient or unavailable to fully fund the project
- d. The project is immediately required to meet or relieve capacity needs or emergency conditions and current resources are insufficient or unavailable
- e. The savings from the project are sufficient to pay for the debt service costs

The City will review debt limits in conjunction with any proposed financing. It is the City's goal to limit debt service costs in the General Fund to no more than twenty-five (25%) percent of revenues, including transfers. Payments on bonds that are tied to a specified revenue stream other than General Fund resources (e.g. enterprise revenue bonds, tax allocation bonds, and land secured bonds) are not subject to the twenty-five (25%) percent limit. The debt limit will exclude pension obligation bonds and other refunding bonds. Each proposed

financing will be individually assessed by the Finance Director and subject to the approval policies contained herein.

Section 4 – Debt Term

The City Council recognizes that any new debt obligation will have an impact on the long-term affordability of all outstanding debt and any future planned debt, as well as budgetary impacts associated with the maintenance and operating costs of debt financed facilities.

- A. Term of Debt – Debt will be structured for the shortest period possible, consistent with a fair allocation of costs to current and future beneficiaries or users. The weighted average maturity of the debt (or the portion of the debt allocated to the project) shall not exceed the useful life of the project.
- B. Debt Repayment – Typically, the City desires level debt service payments over the term of the debt. However, the cost of capital, financial risk, current economic conditions, future financial flexibility, credit ratings and available cash flow will be evaluated to determine the most appropriate method of debt amortizations for each debt issue. Notwithstanding the above, back loading of debt service will be evaluated as the circumstances dictate. Back loading occurs when debt service payments are lower in the initial years of a debt term and higher toward the later years of a debt term.

Section 5 – Debt Issuance

The City has the capacity to issue long and short-term debt and to refund any outstanding debt. The following section details the purposes of debt issuance and the method of determining the type of sale for such debt.

- A. Long-term Debt – Long-term debt financings are appropriate when the project to be financed is necessary to provide basic services and long-term debt may be used to finance the acquisition or improvement of land, infrastructure, facilities or equipment for which it is appropriate to spread the costs of such over more than one budget year. Long-term debt may be used to fund capitalized interest, cost of issuance, required reserves and any other financing related costs that may be legally capitalized. Long-term debt shall not be used to fund City operating costs.
- B. Short-term Debt – Short-term debt will be considered as an interim source of funding in anticipation of long-term debt. Short-term debt may be issued for any purpose for which long-term debt may be issued, including capitalized interest and financing related costs. Short-term debt is also appropriate to address legitimate short-term cash flow requirements during a given fiscal year to fund the operating costs of the City to provide necessary public services. The City will not engage in short-term borrowing solely for the purpose of generating investment income.
- C. Financings on Behalf of Other Entities - The City may also find it beneficial to issue debt on behalf of other governmental agencies or private third parties to benefit the public purposes of the City. In such cases, the City shall take reasonable steps to confirm the financial feasibility of the project to be financed and the financial solvency of any borrower and that the issuance of such debt is consistent with the policies set forth herein.
- D. Refunding – Refunding opportunities will be identified by periodic reviews of outstanding debt obligations. Refunding will be considered when there is a net economic benefit from the refunding of a least three (3) percent on a net present value basis. Non-economic refunding may be undertaken to achieve City objectives relating to changes in covenants, call provisions, operational flexibility, tax status, issuer, or other non-economic factors related to the debt.

- E. Method of Sale – The City shall have the flexibility to determine which method of sale is appropriate for each debt issuance in light of market interest rates and City objectives. Determination of the appropriate method of sale will rest collectively with the City Manager, Finance Director, and City Attorney. Potential methods of sale include:
 - a. A competitive bidding process through which interested underwriters submit proposals to purchase an issue of bonds and the award is based on, among other factors, the lowest offered true interest cost.
 - b. A negotiated sale process through which a selected underwriter, or team of underwriters, negotiate the terms of an issue and sell bonds in the municipal market. Negotiated sales are often used where there are unusual conditions or unique considerations related to the bond sale. A negotiated sale is subject to approval by the City to ensure that interest costs are in accordance with comparable market interest rates.
 - c. A private (or direct) placement sale typically occurs when the financing can or must be structured for a single or limited number of purchasers or where the terms of the private placement are more beneficial to the City than either a negotiated or competitive sale.
- F. Pooled Financing – The City may also consider use of pooled financing as a method of accessing the capital markets. Use of pooled financing will be evaluated collectively by the City Manager, Finance Director, and City Attorney.

Section 6 - Debt Structure

- A. Credit Ratings – The City seeks to obtain and maintain the highest possible credit rating when issuing debt. The City will seek credit ratings from at least one major credit rating agency on all debt, as appropriate. Ratings from multiple rating agencies may be sought for a single debt issue based upon the market conditions at the time of the issuance.
- B. Fixed Rate and Variable Rate Debt – The City prefers to issue fixed rate debt. Variable rate debt may be used, if market conditions warrant at the time of issuance. It is acknowledged that variable rate debt passes an unknown obligation onto future budget cycles.
- C. Call Provisions – The timing for when bonds are callable varies and is determined at the time of pricing such bonds. The City's preferred structure is to negotiate for optional redemption at par in order to maintain flexibility in the future, but a final decision will be made on a case by case basis after evaluation of the marketability of the City's bonds.
- D. Credit Enhancements – The City may use credit enhancements (letters of credit, bond insurance, surety bonds, etc.) when such credit enhancements prove to be cost effective. The City will consider the use of credit enhancements on a case-by-case basis.
- E. Reserve Funds – A debt service reserve fund provides an added measure of security to bond holders and may improve the credit rating and thus lower the costs of borrowing. Reserve funds may be necessary for specific transactions, or the City may choose to create one if it is determined to be cost effective. When cost beneficial, the City may consider the use of surety bonds, lines of credit, or similar instruments to satisfy the reserve requirements.

Section 7 – Private Activity Use Limitations on Tax Exempt Debt

IRS Tax Code Section 141 sets forth private activity tests for the purpose of limiting the volume of tax-exempt bonds that finance activities of persons other than state and local governmental entities. These tests serve to identify arrangements that actually or reasonably expect to transfer the benefits of tax-exempt financing to non-

governmental persons. The law includes tests of private use, security and payment as well as private loan financing tests. The law also provides for various safe harbors and nuances to the application of these limits. The City will manage a process to ensure private use compliance and will consult with bond counsel to obtain federal tax advice regarding whether anticipated project use will be consistent with the restrictions on private business use of the bond financed property and, if not, whether any “remedial action” permitted under §141 of the code may be taken as means of enabling that use arrangement to be put into effect without adversely affecting the tax-exempt status of the bonds.

With respect to tax-exempt bonds, the City pledges in each bond issuance that it will monitor and control the receipt, investment, expenditure, and use of all bond proceeds and will take or omit to take any actions as necessary to cause interest on tax-exempt bonds to remain excludable from the gross income of bond holders. City staff will ensure appropriate lease and building use policies to maintain compliance with this pledge.

Section 8 – Interfund Borrowings

The City may borrow internally from other funds with temporary cash surpluses to meet short term cash needs in lieu of issuing debt. Interfund borrowing extending for more than one year will be brought to Council for approval.

Section 9 – Debt Administration

The Finance Director shall be responsible for administering the City’s debt management program. To that end, this position shall:

- A. Ensure compliance with all disclosure and reporting requirements outlined in the City’s Disclosure Policy
- B. Periodically review outstanding debt for refunding opportunities
- C. Maintain positive working relationships with rating agencies and other financial professionals
- D. Review and recommend appropriate structures for all new debt issuances
- E. Ensure compliance with the Investment Policy and bond documents regarding investing bond proceeds

Section 10 – Arbitrage Compliance

Arbitrage is defined as the profit earned when tax-exempt bond proceeds are invested in higher yielding securities than the interest rates of the bonds issued. The City shall comply with its investment policy and California and federal laws.

To ensure compliance with federal arbitrage laws, the City will monitor ongoing activities, including remittance of any required arbitrage rebate. If necessary, the City will utilize a consultant for arbitrage rebate calculations and preparation of the required Internal Revenue Service forms. Arbitrage rebate calculations on outstanding bond issues will be performed periodically, but never longer than the 5th year after a bond issuance.

Section 11 – Disclosure Policy

The Finance Director will be the disclosure coordinator for the City and will have the responsibility of complying with the City’s Disclosure Policy document, as adopted by City Council.



City of West Covina

Disclosure Policy

Adopted – May 19, 2020

CITY OF WEST COVINA

DISCLOSURE POLICIES

Section 1 - General

These debt-related disclosure policies and procedures (the “**Disclosure Policies**”) are intended to ensure that the City of West Covina and all affiliated city entities (collectively, the “City”) remain in compliance with all applicable federal and state securities laws.

Section 2 – Disclosure Coordinator

The Finance Director of the City shall be the disclosure coordinator of the City (the “**Disclosure Coordinator**”).

Section 3 – Review and Approval of Official Statements

The Disclosure Coordinator of the City shall review any Official Statement prepared in connection with any debt issuance by the City in order to ensure there are no misstatements or omissions of material information in any sections that contain descriptions of information prepared by the City.

In connection with the review of the Official Statement, the Disclosure Coordinator shall consult with third parties, including outside professionals assisting the City, and all members of City staff, to the extent that the Disclosure Coordinator concludes they should be consulted so that the Official Statement will include all “material” information (as defined for purposes of federal securities law).

As part of the review process, the Disclosure Coordinator shall submit all Official Statements to the City Council for approval. The approval of an Official Statement by the City Council shall be placed on the agenda as a new business matter and shall not be approved as a consent item. The City Council shall undertake such review as deemed necessary by the City Council, following consultation with the Disclosure Coordinator, to fulfill the City Council’s responsibilities under applicable federal and state securities laws. In this regard, the Disclosure Coordinator shall consult with the City’s disclosure counsel to the extent the Disclosure Coordinator considers appropriate.

Section 4 – Continuing Disclosure Filings

Under the continuing disclosure undertakings that the City has entered into in connection with its debt offerings, the City is required each year to file annual reports with the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access (“**EMMA**”) system in accordance with such undertakings. Such annual reports are required to include certain updated financial and operating information, and the City’s audited financial statements.

The City is also required under its continuing disclosure undertakings to file notices of certain events with EMMA.

The Disclosure Coordinator is responsible for establishing a system (which may involve the retention or one or more consultants) by which:

- (i) the City will make the annual filings required by its continuing disclosure undertakings on a complete and timely basis, and
- (ii) the City will file notices of events enumerated in Exhibit A on a timely basis.

At their sole discretion, the Disclosure Coordinator may engage a consultant that specializes in continuing disclosure compliance to assist the City in maintaining compliance with all covenanted continuing disclosure requirements.

Section 5 – Annual Reporting to the State of California

At the time of adoption of these Disclosure Policies, there are three primary categories of annual reporting required by the State of California, as outlined below:

1. With the adoption of Senate Bill No. 1029 (which became effective January 1, 2017 and applies to all debt sold on or after January 21, 2017), debt issuers in the State of California are required to file annual debt transparency reports (“ADTRs”) that cover a reporting period of July 1 to June 30. These ADTRs are to include specified information about debt authorized, issued, and outstanding and regarding the use of proceeds from debt during the reporting period. These ADTRs are due by January 31st of each year for any debt outstanding in the prior fiscal year and are to be filed with the California Debt and Investment Advisory Commission (“CDIAC”).
2. Mello-Roos Reporting: All issuers that have sold community facilities district bonds after January 1, 1993 are required to report certain information about the bond issues through by completing a Yearly Fiscal Status Report (“YFSR”) and/or a Draw on the Reserve Fund or Default Report. Issuers are required to file all YFSRs if they have sold bonds on or before June 30th of each year and each year thereafter until the bonds are no longer outstanding. All issuers, regardless of when bonds are sold, are required to report any draw on reserve or default that occurs throughout the calendar year. These reports must be submitted to CDIAC no later than October 30th each year.
3. Marks-Roos Reporting: Any joint powers authority selling bonds on or after January 1, 1996 that uses the proceeds to acquire one or more local obligations is required to report annually on the fiscal status of the Authority Bonds and the local obligations acquired until the final maturity of the bonds. CDIAC has developed the Marks-Roos Yearly Fiscal Status Report for Authority Issue to standardize and facilitate reporting on joint powers authority bonds. Such reports must be submitted to CDIAC no later than October 30th each year.

The Disclosure Coordinator will be responsible for complying with State requirements regarding annual filings all applicable outstanding City debt. At their sole discretion, the Disclosure Coordinator may engage a consultant that specializes in compliance with State reporting requirements to assist the City in maintaining compliance with all covenanted continuing disclosure requirements.

Section 6 – Public Statements Regarding Financial Information

Whenever the City makes statements or releases information relating to its finances to the public that are reasonably expected to reach investors and the trading markets, the City is obligated to ensure that such statements and information are complete, true, and accurate in all material respects.

Section 7 – Training

The Disclosure Coordinator shall ensure that the members of the City staff involved in the initial or continuing disclosure process and the City Council are properly trained to understand and perform their responsibilities.

The Disclosure Coordinator shall arrange for disclosure training conducted by the City's disclosure counsel or other qualified instructor. Such training sessions shall include education on these Disclosure Procedures, the City's disclosure obligations under applicable federal and state securities laws and the disclosure responsibilities and potential liabilities of members of the City's staff and members of the City Council. Such training sessions may be conducted using a recorded presentation.

EXHIBIT A LISTED EVENTS

The Disclosure Coordinator should review this list at least once each week to determine whether any event has occurred that may require a filing with EMMA.

For securities subject to Rule 15c2-12, the following events require notice in a timely manner not in excess of ten (10) business days after the occurrence of the event:

1. principal and interest payment delinquencies;
2. non-payment related defaults, if material;
3. unscheduled draws on debt service reserves reflecting financial difficulties;
4. unscheduled draws on credit enhancements reflecting financial difficulties;
5. substitution of credit or liquidity providers, or their failure to perform;
6. adverse tax opinions, the issuance by the I.R.S. of proposed or final determinations of taxability, Notices of Proposed Issue or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
7. modifications to rights of security holders, if material;
8. bond calls, if material, and tender offers;
9. defeasances;
10. release, substitution, or sale of property securing repayment of the securities, if material
11. rating changes;
12. bankruptcy, insolvency, receivership or similar event of the obligated person;
13. consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. appointment of a successor or additional trustee or the change of name of a trustee, if material.

For continuing disclosure undertakings entered into on or after February 27, 2019, the following events require notice in a timely manner not in excess of ten (10) business days after the occurrence of the event:

15. incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
16. default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.



City of West Covina

Information Technology Backup Policy

Updated – May 19, 2020

City of West Covina
Administrative Policies

SUBJECT: Information Technology Backup Policy

EFFECTIVE DATE: May, 19, 2020

PURPOSE: To establish a policy regarding the backup of data and essential systems to ensure recovery/business continuity in the event of a virus attack, software interruption, system failure or other disaster.

Introduction:

Division of Information Technology (DoIT) uses full and incremental backups of all servers and databases; saving data to onsite and cloud storage service. This allows for data to be stored and then replicated in a timely manner. This policy has been designed and implemented with disaster recovery/business continuity (i.e. the ability to recover recent live data in the event of a partial or total loss of data) as key deliverables and is not designed as a method of archiving material for extended periods of time.

The data backups cover all systems managed by the DoIT. Data held and managed locally in departments is excluded unless departments have entered into specific arrangements with DoIT. All staff are reminded that they are individually responsible for data held locally on their desktop or laptop computer. All critical data must be stored on the network drives provided.

A. Backup Schedule:

1. Upon completion of backups, data is stored to a secure remote site for disaster recovery purposes.
2. A limited number of personnel have access to the backup application.
3. Frequency: Server backup daily. Incremental backup every day and full backup on a weekly basis.

B. Backup Access:

4. Upon completion of backups, data is stored to a secure remote site for disaster recovery purposes.
5. A limited number of personnel have access to the backup application.

C. Backup Policy:

1. The DoIT backup systems have been designed to ensure that routine backup operations require no manual intervention.
2. DoIT ensures regular monitoring of backup operations and the status for backup jobs is checked regularly with a full recovery test yearly and a random partial recovery test quarterly.

D. Restore:

- 1. Data is available for restore upon request
- 2. Request for data recovery should be submitted to the DoIT service desk.

Shawn Granger
IT Manager

David Carmany
City Manager

Date



City of West Covina

Pension Funding Policy

Adopted – May 19, 2020

I. PURPOSE

The City's Pension Funding Policy documents the method the City will use to determine its actuarially determined contributions to fund the long-term cost of benefits to the plan participants and annuitants. The policy also:

- Provides guidance in making annual budget decisions;
- Demonstrates prudent financial management practices;
- Create sustainable and affordable budgets for pensions;
- Reassures bond rating agencies; and
- Shows employees and the public how pensions will be funded.

II. BACKGROUND

The City provides defined benefit retirement plan through the California Public Employees' Retirement System (CalPERS). CalPERS is a multiple-employer public employee defined benefit pension plan.

All full-time and certain part-time City employees are eligible to participate in CalPERS. CalPERS provides retirement and disability benefits, annual cost of living adjustments and death benefits to plan members and their beneficiaries. CalPERS acts as a common investment and administrative agent for participating public entities within the State of California. Benefit provisions and all other requirements are established by state statute.

The financial objective of a defined benefit pension plan is to fund the long-term cost of benefits provided to the plan participants. In order to assure that the plan is financially sustainable, the plan should accumulate adequate resources in a systematic and disciplined manner over the active service life of benefitting employees. This funding policy outlines the method the City will utilize to determine its actuarially determined contributions to fund the long-term cost of benefits to the plan participants and annuitants.

Pension Funding: A Guide for Elected Officials, issued by eleven national groups including the U.S. Conference of Mayors, the International City/County Management Association, and the Government Finance Officers Association, established the following five general policy objectives for a pension funding policy:

- **Actuarially Determined Contributions.** A pension funding plan should be based upon an actuarially determined contribution (ADC) that incorporates both the cost of benefits in the current year and the amortization of the plan's unfunded actuarial accrued liability.

- **Funding Discipline.** A commitment to make timely, actuarially determined contributions to the retirement system is needed to ensure that sufficient assets are available for all current and future retirees.
- **Intergenerational equity.** Annual contributions should be reasonably related to the expected and actual cost of each year of service so that the cost of employee benefits is paid by the generation of taxpayers who receives services from those employees.
- **Contributions as a stable percentage of payroll.** Contributions should be managed so that employer costs remain consistent as a percentage of payroll over time.
- **Accountability and transparency.** Clear reporting of pension funding should include an assessment of whether, how, and when the plan sponsor will ensure sufficient assets are available for all current and future retirees.

III. POLICY

- A. **Actuarially Determined Contribution (ADC).** CalPERS actuaries will determine the City's ADC to CalPERS based on annual actuarial valuations. The ADC will include the normal cost for current service and amortization of any under-funded amount. The normal cost will be calculated using the entry age normal cost method using economic and non-economic assumptions approved by the CalPERS Board of Administration.

The City will review the CalPERS annual actuarial valuations to validate the completeness and accuracy of the member census data and the reasonableness of the actuarial assumptions.

- B. **Additional Discretionary Payment (ADP) Contribution.** The City will consider making ADP contributions with one-time General Fund resources, with the objectives of increasing the plan's funded status, by reducing the unfunded actuarially accrued liability, and reducing ongoing pension costs.
- C. **Pension Obligations Bonds.** The City will consider pension obligation bonds if such bonds have expected savings using borrowing costs and CalPERS' discount rate.

The City and its advisors will discuss and consider the risks of any potential pension obligation bonds.

Any pension obligation bonds, or refundings of pension obligation bonds, must be voted upon by the City Council.

- D. **Contributions as a Manageable Budget Expense.** The City will always make its required annual contributions to CalPERS. Contributions should be stable and a manageable portion of revenue. The City may:
- Make additional discretionary contributions directly to CalPERS.
 - Consider establishing a pension stabilization trust, subject to approval by the Council.
 - Issue, call, or refund pension obligation bonds.
- E. **Transparency and Reporting.** Funding of the City's pension plans should be transparent to vested parties including plan participants, annuitants, the City Council, and residents. In order to achieve this transparency, the following information shall be available:
- Copies of the annual actuarial valuations for the City's CalPERS plans shall be made available to the City Council.
 - The City's Comprehensive Annual Financial Report shall be published on its website. This report includes information on the City's annual contributions to the pension systems and their funded status.
 - The City's annual operating budget shall include the City's contributions to CalPERS.
- F. **Review of Funding Policy.** Funding a defined benefit pension plan requires a long-term horizon. As such, the City will review this policy at least every two years.



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: May 19, 2020

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF EXTENSION TO THE PROFESSIONAL SERVICES AGREEMENT WITH EC&AM ASSOCIATES, INC. DBA GK & ASSOCIATES FOR AZUSA SEWER LIFT STATION UPGRADE PROJECT

RECOMMENDATION:

It is recommended that the City Council:

1. Approve the First Amendment to the Professional Services Agreement with EC&AM Associates, Inc. dba GK & Associates to extend the term of the agreement through September 6, 2021, for an additional 16-months of services for project management, inspection services, and testing for the Azusa Sewer Lift Station Upgrades project; and
2. Authorize the City Manager to negotiate and execute the amendment.

BACKGROUND:

On May 7, 2019, the City Council authorized the award of a Professional Services Agreement (PSA) to GK & Associates for construction management and inspection services in connection with the Azusa Avenue Sewer Lift Station Upgrades Project. The PSA provides for a term of 12 months. However, due to a typographical error, the PSA states that the term of the PSA ends on July 17, 2019. The City and GK & Associates intended to amend the PSA to correct the end date to correspond with the 12-month term; however, the amendment was never fully executed. GK & Associates has continued to provide services based upon the 12-month term language of the PSA. Therefore, staff is requesting City Council's approval of an amendment to extend the term of the PSA for 16 months, through September 6, 2021.

DISCUSSION:

The field construction for the Azusa Sewer Lift Station Upgrades Project is scheduled to commence in Summer of 2020. The anticipated construction completion is late 2020. Staff is recommending extending GK & Associates' agreement for an additional 16-months, through September 6, 2021, for GK & Associates to continue providing project management, inspection services, and testing for the Azusa Sewer Lift Station Upgrades Project.

LEGAL REVIEW:

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

OPTIONS:

The City Council has the following options:

1. Approve Staff's recommendation; or
2. Provide alternative direction.

Prepared by: Okan Demirci, PE, CIP Manager

Fiscal Impact**FISCAL IMPACT:**

The total estimated project cost is as follows:

Design and Staff Oversight	\$111,049.00
Construction Contract	\$2,239,700.00
Contingencies	\$223,970.00
Southern California Edison New Service Connection	\$25,000.00
Construction Management and Inspection	\$118,110.00
Staff Project Administration	\$68,571.00
Temporary Odor Control During Construction	\$25,000.00
Project Total	\$2,811,400.00

The funds previously approved for this project are as follows:

Project No.	Funds	Account No.	Amount
U-17022	Sewer Fund (189)	17022.189.7300	\$2,740,000.00
U-17022	Sewer Fund (189)	17022.189.7300	\$71,400.00
Total			\$2,811,400.00

There are sufficient funds available in the Sewer Fund, and there is no impact to the General Fund. No additional funds are required for the contract extension.

Attachments

Attachment No. 1 - First Amendment

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Facilities and Infrastructure
Enhance the City Image and Effectiveness
Enhance Public Safety
Enhance City Programs and Activities

**FIRST AMENDMENT TO
CITY OF WEST COVINA
PROFESSIONAL SERVICES AGREEMENT
WITH
EC&AM ASSOCIATES, INC. DBA GK & ASSOCIATES
FOR
CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR
AZUSA SEWER LIFT STATION UPGRADES PROJECT**

THIS FIRST AMENDMENT ("Amendment") is made and entered into as of May 6, 2020 ("Effective Date"), by and between the CITY OF WEST COVINA, a municipal corporation ("City"), and EC&AM ASSOCIATES, INC., a California corporation DBA GK & ASSOCIATES ("Consultant").

WHEREAS, City and Consultant entered into a Professional Services Agreement dated May 7, 2019 for Consultant to provide construction management and inspection services for the Azusa Sewer Lift Station Upgrades Project ("Original Agreement"); and

WHEREAS, Section 4.1 of the Original Agreement provides for a term of twelve (12) months; and

WHEREAS, Section 4.1 of the Original Agreement contains a typographical error that lists July 19, 2019 as the expiration date; and

WHEREAS, City and Consultant intended that Section 4.1 of the Agreement provide for a 12-month term, ending on May 6, 2020; and

WHEREAS, Consultant has provided services throughout the intended 12-month period; and

WHEREAS, City and Consultant desire to correct the typographical error; and

WHEREAS, City and Consultant further desire to extend the term for sixteen (16) months, through September 6, 2021, for Consultant to continue to provide project management, inspection services, and testing for the Azusa Sewer Lift Station Upgrades Project.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Section 4.1 of the Original Agreement shall be amended to read as follows:

4.1 Term. This Agreement shall commence on the Effective Date and continue for a period of one (1) year, ending on May 6, 2020, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

2. The term of the Original Agreement shall be extended for sixteen (16) months, through September 6, 2021.

3. All terms not defined herein shall have the same meaning and use as set forth in the Original Agreement.
4. All other terms, conditions, and provisions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, City and Consultant have executed this Amendment as of the date set forth above.

CITY OF WEST COVINA

CONSULTANT

David Carmany
City Manager

Ghazala Khan

Ghazala Khan
President

ATTEST:

Lisa Sherrick
Assistant City Clerk

APPROVED AS TO FORM:

Thomas P. Duarte
City Attorney



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: May 19, 2020

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF SECOND READING AND ADOPTION OF ORDINANCE NO. 2472 - CODE AMENDMENT NO. 20-02 REGARDING COMMERCIAL LAND USES AND STANDARDS

RECOMMENDATION:

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

ORDINANCE NO. 2472 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT NO. 20-02, CODE AMENDMENT RELATED TO COMMERCIAL (NONRESIDENTIAL) USES AND STANDARDS

BACKGROUND:

The Planning Commission initiated the code amendment on January 28, 2020, to consider modifying land uses in commercial areas of the City to allow greater flexibility. On February 25, 2020, the Planning Commission held a study session to review the proposed amendments. At the conclusion of the study session, the Planning Commission gave direction to staff to draft a code amendment. On April 14, 2020, the Planning Commission held a public hearing and recommended that the City Council approve the code amendment.

Based upon the actions and recommendations of the Planning Commission, the City Council held a public hearing and introduced Ordinance No. 2472 at the May 5, 2020 City Council meeting.

DISCUSSION:

The purpose of the Ordinance is to amend the Municipal Code to modify certain land uses allowed in specific zones and modify certain development standards for nonresidential uses, including screen walls, landscaping in the M-1 zone, and the separation of tattoo uses from residential zoned properties. It is requested that the City Council conduct the second reading and adopt Ordinance No. 2472.

The ordinance will take effect 30 days after adoption, which is on or about June 18, 2020.

LEGAL REVIEW:

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

Prepared by: Jeff Anderson, Community Development Director

Fiscal Impact**FISCAL IMPACT:**

The proposed code amendment would not have any direct fiscal impact to the General Fund.

Attachments

Attachment No. 1 - Ordinance No. 2472

CITY COUNCIL GOALS & OBJECTIVES: Enhance the City Image and Effectiveness
Enhance City Programs and Activities

ORDINANCE NO. 2472

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT NO. 20-02, CODE AMENDMENT RELATED TO COMMERCIAL (NONRESIDENTIAL) USES AND STANDARDS

WHEREAS, on the 28th day of January 2020, the Planning Commission initiated a code amendment related to commercial standards; and

WHEREAS, the Planning Commission, did on the 25th day of February 2020, conduct a study session to consider the initiated code amendment; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 14th day of April 2020, conduct a duly advertised public hearing as prescribed by law; and

WHEREAS, the City Council, upon giving the required notice, did on the 5th day of May 2020, conduct a duly advertised public hearing as prescribed by law on the proposed ordinance; and

WHEREAS, based on review of the State CEQA Guidelines, the City Council finds and determines that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and

WHEREAS, the City Council has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

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

SECTION 1: Subsection (a) of Section 26-572 of Chapter 26, Article X, Division 3 of the West Covina Municipal Code is hereby amended to read as follows:

- (a) A minimum of eight (8) percent of the total net area (net area shall be computed by excluding public streets) of the development, **in all zone except the Manufacturing (M-1) zone,** shall be landscaped, and permanently watered with a water efficient automatic irrigation system. **In the Manufacturing (M-1) zone, a minimum of four (4) percent of the total net area (net area shall be computed by excluding public streets) of the development shall be landscaped, and permanently watered with a water efficient automatic irrigation system, and 75 percent of the landscaping shall be within 50 feet of a public street.**

Approximately one-half of such landscaped area shall be generally distributed throughout the parking lot with the remainder as planted areas around buildings, peripheral planters around the site, parkways, street tree wells and other locations as deemed appropriate by the planning director. The planning director shall also determine whether the type, size, and location of the proposed landscaping is appropriate given the scale and design of the development.

- (b) No planting area shall be less than twenty-four (24) square feet or less than three (3) feet in width (inside dimensions) with the exception of raised planter boxes around or in close proximity to buildings.
- (c) Parking lot trees.
 - (1) An average of at least one (1) tree (minimum fifteen (15) gallon) of a species satisfactory to the planning director shall be planted for every ten (10) single row parking stalls or every twenty (20) double row parking stalls within the parking lot in all zones.
 - (2) An average of at least one (1) tree (minimum fifteen (15) gallon) of a species satisfactory to the planning division shall be planted for every five (5) single row parking stalls.
- (d) Landscaping shall consist of combinations of trees, shrubs, and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, drought tolerance and adaptability to existing soil and climatic conditions. A majority of plant material used through a development must be specimen-size material a combination of twenty-four (24) inch boxed, thirty-six (36) inch boxed, and fifteen (15) gallon trees and minimum five (5) gallon for shrubs.
- (e) Unused space resulting from the design or layout of parking spaces or accessory structures which is over twenty-four (24) square feet shall be landscaped.
- (f) All planted areas shall be surrounded by a concrete curb six (6) inches above final grade or above asphalt level of the parking lot. However, when such planted areas lie adjacent to a concrete sidewalk, masonry wall, or a building, a raised concrete curb need not be provided in the adjacent area.
- (g) A minimum of six (6) feet of either the rear or side yard adjacent to residential zoning or development shall be landscaped with specimen plant materials and trees appropriate in size and type to create a solid plant screen, subject to the approval of the planning director, and as represented on the approved landscaping plan.
- (h) Undeveloped areas proposed for future expansion shall be maintained in a weed free and dust free condition.
- (i) All landscaping referred to in this section shall be maintained in a neat orderly fashion and free of debris.

- (j) The landscaping and irrigation plan shall be approved by the planning director in compliance with the provisions of this division. Landscape and irrigation plans or projects with required landscaping consisting of two thousand five hundred (2,500) square feet or more, shall be prepared by a licensed landscape architect. The planning director has the right to disapprove a landscaping plan if the quantity, size, type, placement and use of plant material do not meet the minimum requirements of this division, Planning Commission Guidelines for Water Efficient Landscaping and Article XIV, Division 1.
- (k) All landscape areas and irrigations systems shall be subject to the water efficiency provisions contained in Division 1, of Article XIV of Chapter 26 of this Code, and the Planning Commission Guidelines for Water Efficient Landscaping, unless specifically exempted by those water efficiency provisions.

SECTION 2: Subsection (a) of Section 26-575 of Chapter 26, Article X, Division 3 of the West Covina Municipal Code is hereby amended to read as follows:

Section. 26-575. – Walls **and Screening**

- (a) **All parking areas shall be screened from public rights-of-way with various means of screening such as land contouring, low-profile walls, shrub plantings and similar screens or a combination thereof.** ~~A thirty six (36) inch high concrete, masonry, or decorative block wall shall be provided and maintained on the outside perimeter of all off-street parking areas abutting or visible from a public street except at those points of ingress and egress for either vehicular or pedestrian traffic. The wall shall be set back a minimum of five (5) feet from the property line and this setback area shall be landscaped. Other materials may be used if approved by the planning commission. In lieu of the thirty six (36) inch high screen wall, land contouring and landscaping equivalent to thirty six (36) inches in height, or a combination of wall and land contouring, may be provided if approved by the planning commission.~~
- (b) A six (6) foot high concrete, masonry or decorative block wall shall be provided and maintained on the boundary of any nonresidential zone which abuts or lies across a public street or alley from a residential zone except in the front setback area where said wall shall be thirty-six (36) inches high.
- (c) The height of all walls shall be measured from the highest finished grade within the required adjacent setback.
- (d) All walls shall be architecturally compatible with main buildings. Type, texture, and color shall be approved by the planning commission. Barbed wire shall not be permitted.

SECTION 3: Section 26-597 of Chapter 26, Article XI of the West Covina Municipal Code is hereby amended to read as follows:

ATTACHMENT NO. 1

The following revisions to the Land Uses shall be inserted alphabetically into the list of use.

		M	M	M	M												
	R	R	F	F	F	F	O	N	R	S	C	C	M	I		P	O
	A	1	8	15	20	45	P	C	C	C	2	3	1	P		B	S
Barber and beauty shops							<u>x</u>	x	x	x	x	x	x		—		
<u>Catering service</u>							<u>x</u>	x	x	x	x	x	x		—		
<u>Coffee/snack shop</u>							<u>x</u>									<u>x</u>	
Delicatessens							<u>x</u>	x	x	x	x	x	x		—		
Ice Cream Stores							<u>x</u>	x	x	x	x	x	x		—		
Indoor recreation facilities								<u>c</u>	c	c	<u>c</u>	c					
<u>Pharmacies</u>							<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>				<u>x</u>	
Postal services							<u>x</u>	<u>ax</u>	x	x	x	x	x				
Tutoring facility							<u>c</u>	c	c	c	c	c	c				
Veterinary Hospital							<u>c</u>	c	c	c	c	c	x	c			

SECTION 4: Section 26-598.5 of Chapter 26, Article XI 3 of the West Covina Municipal Code is hereby deleted:

~~Sec. 26-598.5. -- Incidental retail uses allowed in non-retail uses.~~

~~The following retail uses are permitted in the following zones, provided the use is designed as an integral and incidental part of the building, no exterior advertising for the retail use is provided, and the total combined square footage of such uses does not exceed fifteen (15) percent of the gross floor area of the building:~~

	O	N	R	S	C	C	M	I	P	O
--	---	---	---	---	---	---	---	---	---	---

Incidental Retail Use	P	C	C	C	2	3	4	P	B	S
Coffee/snack shop	*							*	*	
Pharmacies, including the sale of related patent medicines and notions	*						*	*	*	
Barber and beauty shops	*							*		

~~(Ord. No. 1976, § 2, 8-20-96; Ord. No. 2030, § 4, 4-20-99; Ord. No. 2204, § 3(Exh. A), 2-16-10)~~

SECTION 5: Section 26-685.7200 of Chapter 26, Article XII, Division 24 of the West Covina Municipal Code is hereby amended to read as follows:

The practice of tattooing shall be subject to and comply with the following standards and regulations:

- (1) Tattooing uses may only be established in the "R-C" and "M-1" Zones.
- (2) A conditional use permit shall be obtained prior to establishing a tattooing use (as specified in section 26-246).
- (3) Tattooing uses may only be established in a tenant space with a minimum of one thousand (1,000) square feet of gross floor area.
- (4) Tattooing uses shall be located a minimum of three hundred (300) feet from a residential ~~zone~~ or use, religious facility, public parks, or educational institution which is utilized by minors.
- (5) Tattooing uses shall be located more than one thousand five hundred (1,500) feet from the perimeter of the tenant space of any other tattooing use.
- (6) Tattooing uses shall not operate between the hours of 10:00 p.m. and 10:00 a.m.
- (7) Temporary or mobile tattooing uses or events are not allowed by this section.
- (8) The parking requirement for a tattooing use shall be consistent with standards for personal service business. Accessory use tattooing shall comply with the parking requirements for the primary use.
- (9) The tattooing use shall comply with the Los Angeles County Code Title 11, Chapter 11.36, Body Art Establishments.
- (10) A business license as required by Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(11) The planning commission may impose other conditions deemed necessary to reasonably relate to the purpose of this division.

SECTION 6: The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

SECTION 7: This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED this 19th day of May, 2020.

Tony Wu
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

ATTACHMENT NO. 1

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

I, Lisa Sherrick, Assistant City Clerk of the City of West Covina, do hereby certify the foregoing Ordinance, being Ordinance No. 2472, was introduced at the May 5, 2020 regular Council meeting and adopted at a regular meeting of the City Council on May 19, 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Lisa Sherrick
Assistant City Clerk



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: May 19, 2020

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF SECOND READING AND ADOPTION OF ORDINANCE NO. 2470 -
CODE AMENDMENT 16-03 REGARDING WIRELESS TELECOMMUNICATION
FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

RECOMMENDATION:

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

ORDINANCE NO. 2470 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT NO. 16-03, RELATED TO WIRELESS TELECOMMUNICATION FACILITIES IN THE PUBLIC RIGHT OF WAY

BACKGROUND:

The City Council initiated the code amendment on February 16, 2016, to consider regulating wireless telecommunication facilities in the public right of way. The Planning Commission held study sessions on May 14 and July 23, 2019. On November 26, 2019 and January 28, 2020, the Planning Commission held public hearings and ultimately recommended that the City Council approve the code amendment. The Planning Commission recommendation outlines a two tier approval process whereby applications that comply with the design guidelines are approved by staff and projects outside the scope of the guidelines require Planning Commission approval.

Based upon the actions and recommendations of the Planning Commission, the City Council held a public hearing and introduced Ordinance No. 2470 at the May 5, 2020 City Council meeting. During the public hearing, the City Council voted to make the following revisions to the draft Ordinance:

- Increase the Major Wireless Telecommunications Permit (Conditional Use Permit process) threshold for distance in between facilities from 250 feet to 500 feet.
- Revise the review process for Major Wireless Telecommunications Permits (Conditional Use Permit) to allow the Planning Commission to review projects and make a recommendation to the City Council. The City Council will have the final authority on allowing wireless facilities located in the public right-of-way, which are outside the scope of the Design Guidelines. The Planning Commission typically has the authority to review and make decisions pertaining to projects located on private property. The Ordinance will not change the review process for projects located on private property.

DISCUSSION:

The purpose of the Ordinance is to amend the Municipal Code to clarify the review process, application submittal requirements, and standards for wireless facilities located in the public right-of-way.

The Ordinance has been revised to reflect the City Council's direction at the May 5, 2020 public hearing. It is requested that the City Council conduct the second reading and adopt Ordinance No. 2472.

The ordinance will take effect once 30 days have passed after adoption, which is on or about June 19, 2020.

Prepared by: Jo-Anne Burns, Planning Manager

Fiscal Impact**FISCAL IMPACT:**

The proposed code amendment will have no direct fiscal impact to the General Fund.

Attachments

Attachment No. 1 - Ordinance No. 2470

CITY COUNCIL GOALS & OBJECTIVES: Enhance the City Image and Effectiveness

ORDINANCE NO. 2470

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT
NO. 16-03, RELATED TO WIRELESS TELECOMMUNICATION
FACILITIES IN THE PUBLIC RIGHT OF WAY**

WHEREAS, the City's provisions for wireless telecommunication facilities were last updated in 2011.; and

WHEREAS, the City's Municipal Code currently does not have explicit regulations pertaining specifically to wireless telecommunication facilities in the public right-of-way; and

WHEREAS, on the 16th day of February 2016, the City Council initiated a code amendment related to wireless telecommunication facilities in the public right-of-way; and

WHEREAS, the Planning Commission, did on May 14, 2019 and July 23, 2019, conduct study sessions to consider the initiated code amendment; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 26th day of November 2019 and 28th day of January 2020, conduct a duly advertised public hearing as prescribed by law to make recommendations to the City Council to approve Code Amendment No. 16-03; and

WHEREAS, the City Council, upon giving the required notice, did on the 5th day of May 2020, conduct a duly advertised public hearing as prescribed by law on the proposed ordinance; and

WHEREAS, based on review of the State CEQA Guidelines, the City Council finds and determines that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and

WHEREAS, the City Council has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

**WHEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF
WEST COVINA HEREBY ORDAINS AS FOLLOWS:**

SECTION NO. 1: Section 26-246 of the West Covina Municipal Code is hereby amended to read as follows:

Sec. 26-246. - Planning commission may grant conditional use permits for projects located within all land-use zones.

- (a) Because there are uses that possess unique characteristics and which are impractical to include in a specific zone as a matter of right, a conditional use permit may be granted for such uses.
- (b) Notwithstanding any other provisions of this chapter, the planning commission, after application therefor and hearing, after notice in the manner provided in division 1 of this article, may authorize the conditional uses included herein if it finds the proposed location of any such uses will not be detrimental to adjacent property or to the public welfare; and that the uses are essential or desirable to the public convenience and welfare.

SECTION NO. 2: Section 26-246.5 is hereby added to Chapter 26, Article VI, Division 3 of the West Covina Municipal Code to read as follows:

Sec. 26-246.5 - Planning commission and city council review for projects located within the public right-of-way

- (a) Because there are public right-of-way uses that possess unique characteristics and which are impractical to allow as a matter of right, a conditional use permit may be granted for such uses.
- (b) Notwithstanding any other provisions of this chapter, the planning commission, after application therefor and hearing, after notice in the manner provided in division 1 of this article, may render a recommendation for city council consideration.
- (c) The city council, after notice in the manner provided in division 1 of this article, may consider the planning commission's recommendation and may authorize the public right-of-way conditional uses upon determining that the findings required by Sec. 26-685-11500 have been met.

SECTION NO. 3: Section 26-247 (Required findings for conditional use permit) of the West Covina Municipal Code is hereby amended to read as follows:

(a) Prior to the granting of a conditional use permit for projects located within all land-use zones it shall be found:

- (1)(a) That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.

- ~~(2)(b)~~ That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.
 - ~~(3)(c)~~ That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.
 - ~~(4)(d)~~ That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.
 - ~~(5)(e)~~ That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.
- (b) Prior to the granting of a conditional use permit for projects located within the public right-of-way it shall be found that the findings required by Sec. 26-685-11500 have been met.

SECTION NO. 4: The Chapter 26, Article XII, Division 16 title of the West Covina Municipal Code is hereby amended to read as follows:

DIVISION 16 – WIRELESS TELECOMMUNICATION FACILITIES WITHIN ALL LAND-USE ZONES

SECTION NO. 5: Section 26-685.983 (Exemptions.) of the West Covina Municipal Code is hereby amended to read as follows:

The regulations of this division do not apply to the following:

- (1) Single ground-mounted, building-mounted, or roof-mounted receive-only AM/FM radio or television antennas, DBS dish antennas, amateur and/or citizens band radio antennas, for the sole use of the occupant of the parcel on which the antenna is located.
- (2) Wireless telecommunications facilities owned and operated by the city or other public agency when used for emergency response services, public utilities, operations, and maintenance.
- (3) This exemption does not apply to free-standing or roof-mounted satellite dish antennas greater than twenty-one (21) inches in diameter.
- (4) Wireless telecommunication facilities located in the public right-of-way, which are regulated under Article XII (Special Regulations for Unique Uses), Division 29 (Wireless Telecommunication Facilities in the Public Right-of-Way) of this chapter.

SECTION NO. 6: Section 26-685.984(a) through (b) of the West Covina Municipal Code is hereby amended to read as follows:

- (a) No wireless telecommunication facilities are permitted in residential zones except for the following:
 - (1) Wireless telecommunication facilities listed under section 26-685.983(1) and (2).
 - (2) Wireless telecommunication facilities located in the public right-of-way, which are regulated under Article XII (Special Regulations for Unique Uses), Division 29 (Wireless Telecommunication Facilities in the Public Right-of-Way) of this chapter.
 - (3) Wireless telecommunication facilities located in residential zones that are developed with permitted nonresidential uses.
 - (4) Wireless telecommunication facilities consisting of roof-mounted antennas located on multiple-family residential buildings.
- (b) Antennas with a solid or wire-mesh surface with a diameter or maximum width greater than twelve (12) feet are prohibited in residential zones.

SECTION NO. 7: Division 29 is hereby added to Chapter 26, Article XII of the West Covina Municipal Code to read as follows:

DIVISION 29 – WIRELESS TELECOMMUNICATION FACILITIES IN THE PUBLIC RIGHT-OF-WAY

Sec. 26-685.11000. – Purpose

This division sets forth a uniform and comprehensive set of development standards for the permitting, development, placement, design, installation, operation, and maintenance of wireless telecommunication facilities within the city's public right-of-way. The purpose of these regulations is to provide clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This division provides standards necessary (1) for the preservation of the public right-of-way ("PROW") in the city for the maximum benefit and use of the public, (2) to promote and protect public health and safety, community welfare, and the aesthetic quality of the city consistent with the goals, objectives and policies of the general plan, and (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules and regulations, including those regulations of the Federal Communications Commission ("FCC") and California Public Utilities Commission ("CPUC"), and (4) to ensure that the use and enjoyment of the PROW is not inconvenienced by the use of the PROW for the placement of wireless facilities.

Sec. 26-685.11100. - Applicability

- (1) This division applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to be located in the public right-of-way.
- (2) Pre-Existing Facilities in the PROW. Nothing in this division shall validate any existing illegal or unpermitted wireless facilities. All existing wireless facilities shall comply with

and receive an encroachment permit, when applicable, in order to be considered legal and conforming.

(3) This division does not apply to the following:

(a) Amateur radio facilities;

(b) OTARD antennas;

(c) Facilities owned and operated by the city for its use or for public safety purposes;

(d) Any entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement, excepting that to the extent such the terms of state or federal law, or franchise agreement, are preemptive of the terms of this division, then the terms of this division shall be severable to the extent of such preemption and all remaining regulations shall remain in full force and effect. Nothing in the exemption shall apply so as to preempt the city's valid exercise of police powers that do not substantially impair franchise contract rights;

(e) Installation of a COW or a similar structure for a temporary period in connection with an emergency or event at the discretion of the city engineer, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.

(4) Public Use. Except as otherwise provided by state or federal law, any use of the PROW authorized pursuant to this division will be subordinate to the city's use and use by the public.

Sec. 26-685.11200. - Definition

(1) "Accessory equipment" means any and all on-site equipment, including, without limitation, back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, equipment buildings, shelters, vaults, radio transceivers, transmitters, pedestals, splice boxes, fencing and shielding, surface location markers, meters, regular power supply units, fans, air conditioning units, cables and wiring, to which an antenna is attached in order to facilitate the provision of wireless telecommunication services.

(2) "Antenna" means any system of wires, poles, rods, reflecting discs, or similar devices of various sizes, materials and shapes including but not limited to solid or wire-mesh dish, horn, spherical, or bar configured arrangements, used for the transmission or reception of electromagnetic signals.

(3) "Antenna array" shall mean two or more antennas having active elements extending in one or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

(4) "Approval authority" means the city official responsible for reviewing applications for small cell permits and vested with the authority to approve, conditionally approve or deny such applications.

(5) "Base station" shall have the meaning as set forth in Title 47 Code of Federal Regulations (C.F.R.) Section 1.40001(b)(1), or any successor provision. This means a structure or

equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network (regardless of the technological configuration, and encompassing DAS and small cells). "Base station" does not encompass a tower or any equipment associated with a tower. Base station includes, without limitation:

- (a) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (b) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cells).
- (c) Any structure other than a tower that, at the time the relevant application is filed with the city under this division, supports or houses equipment described in paragraphs 1. and 2. of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
- (d) "Base station" does not include any structure that, at the time the relevant application is filed under this division, does not support or house equipment described in paragraphs 1. and 2. of this definition. Other structures that do not host wireless telecommunications facilities are not "base stations."

As an illustration and not a limitation, the FCC's definition of "base station" refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on buildings, utility poles, light standards or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

- (5) "Cellular" means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.
- (6) "City" means the City of West Covina.
- (7) "Code" means the West Covina Municipal Code.
- (8) "Collocation" means the placement of antennas, dishes, or similar devices owned or used by two (2) or more telecommunication providers on one (1) antenna support structure, building, pole, or structure.
- (9) "Concealed" or "concealment" means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique.
- (10) "COW" means a "cell on wheels," which is a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless telecommunication services, which facility is temporarily rolled in, or temporarily installed,

at a location. Under this division, the maximum time a facility can be installed to be considered a COW is five days. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

- (11) "Decorative pole" means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.
- (12) "Distributed antenna system" or "DAS" means a network of spatially separated antennas (nodes) connected to a common source (a hub) via a transport medium (often fiber optics) that provide wireless telecommunications service within a specific geographic area or building. DAS includes the transport medium, the hub, and any other equipment to which the DAS network or its antennas or nodes are connected to provide wireless telecommunication services.
- (13) "Eligible facilities request" means any request for modification to an existing eligible support structure that does not substantially change the physical dimensions of such structure, involving:
 - (a) Collocation of new transmission equipment;
 - (b) Removal of transmission equipment;
 - (c) Replacement of transmission equipment (replacement does not include completely replacing the underlying support structure); or
 - (d) Hardening through structural enhancement where such hardening is necessary to accomplish the eligible facilities request, but does not include replacement of the underlying support structure.

"Eligible facilities request" does not include modifications or replacements when an eligible support structure was constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. "Eligible facilities request" does include collocation facilities satisfying all the requirements for a non-discretionary collocation facility pursuant to Government Code Section 65850.6.

- (14) "Eligible support structure" means any support structure located in the PROW that is existing at the time the relevant application is filed with the city under this division.
- (15) "Existing" means a support structure, wireless telecommunications facility, or accessory equipment that has been reviewed and approved under the city's applicable zoning or permitting process, or under another applicable state or local regulatory review process, and lawfully constructed prior to the time the relevant application is filed under this division. However, a support structure, wireless telecommunications facility, or accessory equipment that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is "existing" for purposes of this division. "Existing" does not apply to any structure that (1) was illegally constructed without all proper local agency approvals, or (2) was constructed in noncompliance with such approvals. "Existing" does not apply where an existing support structure is proposed to be replaced in furtherance of the proposed wireless telecommunications facility.

- (16) "Facility(ies)" means wireless telecommunications facility(ies).
- (17) "FCC" means the Federal Communications Commission.
- (18) "FCC shot clock" means the presumptively reasonable time frame within which the city generally must act on a given wireless application, as defined by the FCC and as may be amended from time to time. The shot clock shall commence on "day zero," which is the day the WTFP application is submitted.
- (19) "Ground-mounted" means mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting an antenna or wireless telecommunications facility and placed directly on the ground at grade level.
- (20) "Lattice tower" means an open framework structure used to support one or more antennas, typically with three or four support legs.
- (21) "Located within (or in) the public right-of-way" includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over or under the PROW.
- (22) "Ministerial permit" means any city-issued non-discretionary permit required to commence or complete any construction or other activity subject to the city's jurisdiction. Ministerial permits may include, without limitation, a building permit, construction permit, electrical permit, encroachment permit, excavation permit and/or traffic control permit.
- (23) "Modification" means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. "Modification" does not include repair, replacement or maintenance if those actions do not involve whatsoever any expansion, alteration, enlargement, intensification, reduction, or augmentation of an existing wireless telecommunications facility.
- (24) "Monopole" means a structure composed of a pole or tower used to support antennas or related equipment. A monopole includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g. water tower).
- (25) "Mounted" means attached or supported.
- (26) "OTARD antennas" means antennas covered by the "over-the-air reception devices" rule in 47 C.F.R. sections 1.4000 et seq. as may be amended or replaced from time to time.
- (27) "Permittee" means any person or entity granted a wireless telecommunication facilities permit (WTFP) pursuant to this division.
- (28) "Personal wireless services" shall have the same meaning as set forth in 47 United States Code Section 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

- (29) "Planning director" means the director of community development, or his or her designee.
- (30) "Pole" means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.
- (31) "Public right-of-way" or "PROW" means a strip of land acquired by reservation, dedication, prescription, condemnation, or easement that allows for the passage of people and goods. The PROW includes, but is not necessarily limited to, streets, curbs, gutters, sidewalks, roadway medians, parkways, and parking strips. The PROW does not include land owned, controlled or operated by the city for uses unrelated to streets or the passage of people and goods, such as, without limitation, parks, city hall and community center lands, city yards, and lands supporting reservoirs, water towers, police or fire facilities and non-publicly accessible utilities.
- (32) "City Engineer" means the City Engineer, or his or her designee.
- (33) "Replacement" refers only to replacement of transmission equipment, wireless telecommunications facilities or eligible support structures where the replacement structure will be of like-for-like kind to resemble the appearance and dimensions of the structure or equipment replaced, including size, height, color, landscaping, materials and style.
 - (a) In the context of determining whether an application qualifies as an eligible facilities request, the term "replacement" relates only to the replacement of transmission equipment and does not include replacing the support structure on which the equipment is located.
 - (b) In the context of determining whether a SWF application qualifies as being placed upon a new eligible support structure or qualifies as a collocation, an application proposing the "replacement" of the underlying support structure qualifies as a new pole proposal.
- (34) "Radiofrequency emissions" (RF) means the electromagnetic signals transmitted and received using wireless telecommunication antennas.
- (35) "Section 6409" means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended. The Middle Class Tax Relief and Job Creation Act of 2012 is also referenced herein occasionally as the "Spectrum Act".
- (36) "Small cell" means a low-powered antenna (node) that has a range of ten meters to two kilometers. The nodes of a "small cell" may or may not be connected by fiber. "Small," for purposes of "small cell," refers to the area covered, not the size of the facility. "Small cell" includes, but is not limited to, devices generally known as microcells, picocells and femtocells.
- (37) "Small cell network" means a network of small cells.
- (38) "Substantial change" has the same meaning as "substantial change" as defined by the FCC at 47 C.F.R. 1.40001(b)(7). Notwithstanding the definition above, if an existing

pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the planning director and based upon his/her reasonable consideration of the cabinet's proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible such that it is materially inhibitive to the project, the planning director may allow for a ground mounted cabinet. A modification or collocation results in a "substantial change" to the physical dimensions of an eligible support structure if it does any of the following:

- (a) It increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
- (b) It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (c) It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets. However, for towers and base stations located in the public rights-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
- (d) It entails any excavation or deployment outside the current site. For purposes of this subsection, excavation outside the current site occurs where excavation more than 12 feet from the eligible support structure is proposed;
- (e) It defeats the concealment or stealthing elements of the eligible support structure;
or
- (f) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs 1. through 4. of this definition.
- (g) For all proposed collocations and modifications, a substantial change occurs when:
 - (i) The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four equipment cabinets;
 - (ii) The proposed collocation or modification would defeat the concealment elements of the support structure; or
 - (iii) The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this section.

The thresholds and conditions for a "substantial change" described in this section are disjunctive such that the violation of any individual threshold or condition results in a substantial change. The height and width thresholds for a substantial change described in this section are cumulative for each individual support structure. The cumulative limit is measured from the physical dimensions of the original structure for base stations, and for all other facilities sites in the PROW from the smallest physical dimensions that existed on or after February 22, 2012, inclusive of originally approved-appurtenances and any modifications that were approved prior to that date.

(39) "Support structure" means a tower, pole, base station or other structure used to support a wireless telecommunications facility.

(40) "SWF" means a "small wireless facility" as defined by the FCC in 47 C.F.R. 1.6002(l) as may be amended, which are personal wireless services facilities that meet all the following conditions that, solely for convenience, have been set forth below:

(a) The facility:

(i) Is mounted on an existing or proposed structure 50 feet or less in height, including antennas, as defined in Title 47 C.F.R. Section 1.1320(d); or

(ii) Is mounted on an existing or proposed structure no more than ten percent taller than other adjacent structures; or

(iii) Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than ten percent, whichever is greater;

(b) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;

(c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(d) The facility does not require antenna structure registration under 47 C.F.R. Part 17;

(e) The facility is not located on Tribal lands, as defined under Title 36 C.F.R. Section 800.16(x); and

(f) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Title 47 C.F.R. Section 1.1307(b).

(41) "Telecommunications tower" or "tower" bears the meaning ascribed to wireless towers by the FCC in 47 C.F.R. § 1.40001(b)(9), including without limitation a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed

wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

(42) "Transmission equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(43) "Utility pole" means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission. A telecommunications tower is not a utility pole.

(44) "Wireless telecommunications facility" means a mechanical device, land, and/or structure that is used to transmit and/or receive electromagnetic signals, including but not limited to antennas, microwave dishes, horn, and other types of equipment for the transmission or receipt of such signals, free-standing wireless facilities, equipment buildings or cabinets, parking areas, and other accessory development. Exceptions: The term "wireless telecommunications facility" does not apply to the following:

(a) Government-owned and operated telecommunications facilities.

(b) Emergency medical care provider-owned and operated telecommunications facilities.

(c) Mobile services providing public information coverage of news events of a temporary nature.

(d) Any wireless telecommunications facilities exempted from this code by federal law or state law.

(45) "Wireless telecommunications services" means the provision of services using a wireless telecommunications facility or a collocation facility, and shall include, but not be limited to, the following services: personal wireless services as defined in the Federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

(46) "WTFP" means a "wireless telecommunications facility permit" required by this division, which may be categorized as either a major WTFP or a minor WTFP.

Sec. 26-685.11300. - Wireless telecommunications facility permit (WTFP) review authority.

(1) Administration. The planning director is responsible for administering this division. As part of the administration of this division, the director may:

(a) Interpret the provisions of this division;

- (b) Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this division;
 - (c) Collect, as a condition of the completeness of any application, any fee established by this division;
 - (d) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;
 - (e) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
 - (f) Require, as part of, and as a condition of completeness of any application, that an applicant for a wireless telecommunication facilities permit send notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
 - (g) Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
 - (h) Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.
- (2) Administrative review ("Minor WTFP") required.
- (a) Certain wireless telecommunication facilities, collocations, modifications, or replacements to an eligible support structure is subject to the planning director's review of an Administrative Review application, if the following criteria are met:
 - (i) The proposal is determined to be for a SWF, or an eligible facilities request; and
 - (ii) The proposal complies with the adopted Design Guidelines for Wireless Telecommunication Facilities in the PROW; and
 - (iii) The location of the proposed wireless telecommunication facility is no less than 500 feet from an existing or approved wireless telecommunication facility location; and
 - (iv) The location of any proposed SWF is no less than 500 feet from the location of a proposed SWF within the same application bundle.
 - (b) In the event that the planning director determines that any minor WTFP application submitted does not meet the application criteria of this division, the director shall convert the application to a major WTFP and refer it to the planning commission for consideration at a public hearing.

- (3) Major Wireless Telecommunications Facilities Permit ("Major WTFP") required. All new wireless telecommunications facilities or replacements, collocations, or modifications to a wireless telecommunications facility that are not qualified for an Administrative Review shall require a Major WTFP subject to planning commission hearing and approval unless otherwise provided for in this division.
- (4) Other Permits Required. In addition to any permit that may be required under this division, the applicant must obtain all other required prior permits or other approvals from other city departments/divisions, or state or federal agencies. Any permit granted under this division is subject to the conditions and/or requirements of other required prior permits or other approvals from other city departments/division, state or federal agencies. Building and encroachment permits, and all city standards and requirements therefor, are applicable. The Planning Director and/or Planning Commission approval of any permits pursuant to this division does not constitute an encroachment permit, and/or other permits issued by other city departments/division to allow the physical installation of the wireless telecommunications facility.

Sec. 26-685.11400. - Wireless telecommunications facility permit application submittal requirements.

- (1) General. The applicant shall submit a paper copy and an electronic copy of any application, amendments, modifications, or supplements to a WTFP application, or responses to requests for information regarding a WTFP, including all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy wireless facilities within the city's jurisdictional and territorial boundaries within the PROWs, in accordance with the provisions of this section.
 - (a) The city requires a pre-application submittal meeting for a major WTFP. The city does not require a pre-application submittal meeting for a minor WTFP; however, the city strongly encourages applicants to schedule and attend a pre-application submittal conference with the approval authority for all proposed minor WTFP projects, and particularly those that involve more than five minor WTFPs.
 - (i) Pre-submittal conferences do not cause the FCC shot clock to begin and are intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other city departments/divisions responsible for application review; and application completeness issues.
 - (ii) To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that city staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The approval authority shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the city for its reasonable costs to provide the services rendered in the pre-submittal conference.

- (iii) Any request for a pre-submittal conference shall be in writing and shall confirm that any drafts to be provided to the city at the pre-submittal conference will not be deemed as "submissions" triggering the start of any FCC shot clock.
 - (b) All applications for WTFPs shall be initially submitted to the planning division. Each applicant shall fully and completely submit to the city a written application on a form prepared by the Planning division.
 - (c) Major WTFP applications must be submitted to the planning division at a scheduled application submission appointment. City staff will endeavor to provide applicants with an appointment within five business days after receipt of a written request therefor. A WTFP application will only be reviewed upon submission of a complete application therefor. A pre-submission appointment is not required for minor WTFPs.
 - (d) For SWF, applicants may submit up to five individual applications for a WTFP in a batch; provided, however, that SWF in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each site in the batch. If any application in a batch is incomplete, the entire batch shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch as described in this division, the entire batch shall be deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied.
 - (e) If the wireless telecommunications facility will also require the installation of fiber, cable, or coaxial cable, such cable installations shall be included within the application form and processed in conjunction with the proposal for vertical support structure(s). Applicants shall simultaneously request fiber installation or other cable installation when seeking to install antennas in the PROW. Standalone applications for the installation of fiber, cable, or coaxial cable, or accessory equipment designed to serve an antenna must include all features of the wireless telecommunications facility proposed.
- (2) Application Contents—Minor WTFPs. The content of the application form for facilities subject to a minor WTFP shall be determined by the planning director in addition to all other information reasonably deemed necessary, but at a minimum shall include the following:
 - (a) The name of the applicant, its telephone number, mailing address, electronic mail address, and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless facility.
 - (b) The name of the owner of the structure, if different from the applicant, and a signed and notarized owner's authorization for use of the structure.
 - (c) A complete description of the proposed wireless telecommunications facility and any and all work that will be required to install or modify it, including, but not limited to, details regarding proposed excavation, if any; detailed site plans showing the location of the wireless telecommunications facility, and dimensioned drawings with specifications for each element of the wireless facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and a dimensioned map

identifying and describing the distance to the nearest residential dwelling unit and any historical structure within 250 feet of the facility. Before and after 360 degree photo simulations shall be provided.

- (d) Documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the municipal code and the FCC's radio frequency emissions standards.
- (f) A copy of the lease or other agreement, if any, between the applicant and the owner of the property to which the proposed facility will be attached.
- (g) If the application is for a SWF, the application shall state as such and shall explain why the proposed facility meets the definition of a SWF.
- (h) If the application is for an eligible facilities request, the application shall state as such and must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must demonstrate that the eligible support structure was not constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. This shall include copies of all applicable local permits in-effect and as-built drawings of the current site. Before and after 360 degree photo simulations shall be provided, as well as documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the municipal code and the FCC's radio frequency emissions standards.
- (i) For SWFs, the application shall also contain:

 - (i) Application Fee. The applicant shall submit the applicable SWF WTFP application fee established by city council resolution. Batched applications for Major WTFP projects must include the applicable application fee for each SWF in the batch.
 - (ii) Construction Drawings. The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings shall: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number, and physical dimensions; (ii) identify all structures within 500 feet from the proposed project site and indicate such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.

- (iii) Site Survey. For any SWF proposed to be located within the PROW, the applicant shall submit a survey prepared, signed, and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 500 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features.
- (iv) Photo Simulations. The applicant shall submit site photographs and 360 degree photo simulations that show the existing location and proposed SWF in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point.
- (v) Project Narrative and Justification. The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a SWF as defined by the FCC in 47 C.F.R. 1.6002(l). A complete written narrative analysis will state the applicable standard and all the facts that allow the city to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a structure as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required finding for a SWF permit as provided in Section 12.18.060 (Review Procedure).
- (vi) RF Compliance Report. The applicant shall submit an RF exposure compliance report that certifies that the proposed SWF, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the city. The RF report must include the actual frequency and power levels (in watts ERP) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- (vii) Regulatory Authorization. The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the SWF proposed in the application.
- (viii) Site Agreement. For any SWF proposed to be installed on any structure owned or controlled by the city and located within the public rights-of-way, the applicant must

enter into a site agreement prepared on a form prepared by the city and approved by the city attorney that states the terms and conditions for such non-exclusive use by the applicant. No changes shall be permitted to the city's form site agreement except as may be indicated on the form itself. Any unpermitted changes to the city's form site agreement shall be deemed a basis to deem the application incomplete.

(ix) Acoustic Analysis. The applicant shall submit an acoustic analysis prepared and certified by an acoustic engineer for the proposed SWF and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the following noise regulations:

1. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.;
2. At no time shall equipment noise from any facility exceed an exterior noise level of 55 dBA three feet from the source of the noise if the facility is located in the public right-of-way adjacent to a business, commercial, manufacturing, utility or school zone; provided, however, that for any such facility located within 500 feet of any property zoned residential or improved with a residential use, such equipment noise shall not exceed 45 dBA three feet from the sources of the noise.
3. The acoustic analysis shall also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.

(x) Wind Load Analysis. The applicant shall submit a wind load analysis with an evaluation of high wind load capacity and shall include the impact of modification of an existing facility.

(xi) Environmental Data. A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000—21189, the National Environmental Policy Act, 42 U.S.C. §4321 et seq., or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to exercise its rights as a responsible agency to review de novo the environmental impacts of any WTFP application.

(xii) Traffic Control Plan. A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).

(xiii) Landscape Plan. A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed

irrigation with a discussion of how the chosen material at maturity will screen the SWF and its accessory equipment.

(xiv) CPCN. Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the PROW. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.

(xvi) Master Deployment Plan. A master deployment plan showing the locations of existing and proposed small wireless facilities over the next two years.

(j) If the applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the city from complying with any deadline for action on an application or FCC shot clock.

(3) Application Contents—Major WTFPs. The application form for a major WTFP shall require the following information, in addition to all other information determined necessary by the planning director:

(a) The name, address, and telephone number of the applicant, owner, and the operator of the proposed wireless telecommunication facility.

(b) If the applicant does not, or will not, own the support structure, the applicant shall provide a duly-executed letter of authorization from the owner of the structure. If the owner of the support structure is the applicant, but such owner/applicant will not directly provide wireless telecommunications services, the owner/applicant shall provide a duly-executed letter of authorization from the person(s) or entity(ies) that will provide those services.

(c) A full written description of the proposed wireless telecommunications facility and its purpose.

(d) Detailed engineering plans of the proposed wireless telecommunications facility and related report prepared by a professional engineer registered in the state documenting the following:

(i) Height/elevation, diameter, layout and design of the facility, including technical engineering specifications, economic and other pertinent factors governing selection of the proposed design, together with evidence that demonstrates that the proposed facility has been designed to be the least intrusive equipment within the particular technology available to the carrier for deployment.

(ii) A photograph and model name and number of each piece of the facility or proposed antenna array and accessory equipment included.

(iii) Power output and operating frequency for the proposed antenna array (including any antennas existing as of the date of the application serving the carrier identified in the application).

- (iv) Total anticipated capacity of the wireless telecommunications facility for the subject carrier, indicating the number and types of antennas and power and frequency ranges, which can be accommodated.
- (v) Sufficient evidence of the structural integrity of the support structure as required by the city.
- (e) A written description identifying the geographic service area to be served by the proposed WTFP, plus geographic or propagation maps showing applicant's service area objectives.
- (f) A justification study which includes the rationale for selecting the proposed wireless telecommunication facility design, support structure and location. A detailed explanation of the applicant's coverage objectives that the proposal would serve, and how the proposed use is the least intrusive means for the applicant to cover such objectives. This shall include:
 - (i) A meaningful comparative analysis that includes all factual reasons why the proposed location and design deviates from, or is the least compliant means of, or not the least intrusive location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 - (ii) The study shall include all eligible support structures and/or alternative sites evaluated for the proposed major WTFP, and why the alternatives are not reasonably available, technically feasible options that most closely conform to the local values. The alternative site analysis must include the consideration of at least two eligible support structures; or, if no eligible support facilities are analyzed as alternatives, why no eligible support facilities are reasonably available or technically feasible.
 - (iii) If a portion of the proposed facility lies within a jurisdiction other than the city's jurisdiction, the applicant must demonstrate that alternative options for locating the project fully within one jurisdiction or the other is not a viable option. Applicant must demonstrate that it has obtained all approvals from the adjacent jurisdiction for the installation of the extra-jurisdictional portion of the project.
- (g) Site plan(s) to scale, specifying and depicting the exact location of the proposed wireless telecommunications facility, location of accessory equipment in relation to the support structure, access or utility easements, existing utilities, adjacent land uses, and showing compliance with all design and safety requirements set forth in this division.
- (h) A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000-21189, the National Environmental Policy Act, 42 U.S.C. § 4321 et seq., or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to exercise its rights as a responsible agency to review de novo the environmental impacts of any WTFP application.
- (i) An accurate visual impact analysis showing the maximum silhouette, view-shed analysis, color and finish palette and proposed screening for the wireless telecommunications facility, including scaled photo simulations from at least three different angles.

- (j) Completion of the RF emissions exposure guidelines checklist contained in Appendix A to the FCC's "Local Government Official's Guide to Transmitting Antenna RF Emission Safety" to determine whether the facility will be "categorically excluded" as that term is used by the FCC.
- (k) For a facility that is not categorically excluded under the FCC regulations for RF emissions, the applicant shall submit an RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any facilities that contribute to the cumulative exposure in the subject area, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power "ERP") for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- (l) Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the proposed wireless telecommunications facility.
- (m) A noise study prepared by a qualified acoustic engineer documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this code, including Chapter 15, Article IV (Noise Regulations) of this code.
- (n) A traffic control plan. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g., crane).
- (o) A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the wireless telecommunication facility.
- (p) Certification that applicant is a telephone corporation, or a statement providing the basis for its claimed right to enter the right-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
- (q) Evidence that the proposed wireless facility qualifies as a personal wireless services facility.
- (r) Address labels for use by the city in noticing all property owners and occupants of properties within 300 feet of the proposed wireless telecommunication facility and, if applicable, all public hearing information required by the municipal code for public noticing requirements.
- (s) Any other information and/or studies reasonably determined to be necessary by the planning director(s) may be required.
- (4) Application Fees and Deposits. For all WTFPs, application fee(s) and the establishment of deposits to cover outside consultant costs shall be required to be submitted with any

application, as established by city council resolution and in accordance with California Government Code Section 50030.

- (a) Reasonable costs of city staff, consultant and attorney time (including that of the city attorney) pertaining to the review, processing, noticing and hearing procedures directly attributable to a WTFP shall be reimbursable to the city. To this end, the planning director, as applicable, may require applicants to enter a deposit reimbursement agreement, in a form approved by the city attorney, or other established deposit accounting mechanism for purposes of obtaining an applicant deposit from which the direct costs of city processing of an application may be drawn-down.
- (5) Effect of State or Federal Law on Application Process. In the event a state or federal law prohibits the collection of any information or application conditions required by this section, the planning director is authorized to omit, modify, or add to that request from the city's application form in consultation with the city attorney. Requests for waivers from any application requirement of this section shall be made in writing to the planning director. The planning director may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the city will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the WTFP sought. All waivers approved pursuant to this subsection shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the municipal code.
- (6) Applications Deemed Withdrawn. To promote efficient review and timely decisions, any application governed by this division will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the city on any application within 30 calendar days after the application is deemed incomplete in a written notice to the applicant. The planning director (as applicable) may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the application deemed automatically withdrawn that shows good cause to grant the extension.
- (7) Waiver of Applications Superseded by Submission of New Project. If an applicant submits a WTFP application, but substantially revises the proposed facility during the application process prior to any city hearing or decision on such application, the substantially revised application shall be deemed a new application for all processing purposes, including FCC shot clocks, and the prior submittals deemed waived and superseded by the substantially revised application. For purposes of this subparagraph, "substantially revised" means that the project as initially-proposed has been alternately proposed for a location 300 feet or more from the original proposal or constitutes a substantial change in the dimensions or equipment that was proposed in the original WTFP application.
- (8) Rejection for Incompleteness. WTFPs will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, it may be rejected by the planning director by notifying the applicant in writing and specifying the material omitted from the application.

Sec. 26-685.11500. - Review procedure.

- (1) General. Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risk to public safety and utilizes installation of new support structures or

equipment cabinets in the PROW only after all existing and replacement structure options have been exhausted, and where feasible, places equipment underground, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the PROW; and ensures that the city bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the PROW, or hinder the ability of the city or other government agencies to improve, modify, relocate, abandon, or vacate the PROW or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the PROW.

(2) Collocation Encouraged. Where the facility site is capable of accommodating a collocated facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow collocation of third-party facilities, provided the parties can mutually agree upon reasonable terms and conditions therefor.

(3) Findings Required for Approval of a WTFP.

(a) Minor WTFP for SWF. For minor WTFP applications proposing a SWF, the planning director or planning commission shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:

(i) The facility qualifies as a SWF;

(ii) The facility is not detrimental to the public health, safety, and welfare;

(iii) The SWF meets applicable requirements and standards of state and federal law;

(vi) The facility meets applicable requirements under this division and complies with the adopted Design Guidelines.

(b) Minor WTFP for EFR. For minor WTFP applications proposing an eligible facilities request, the planning director shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:

(i) That the application qualifies as an eligible facilities request; and

(ii) That the proposed facility will comply with all generally-applicable laws.

(c) Major WTFP. No major WTFP shall be granted unless all of the following findings are made by the applicable decision-maker:

(i) The proposed wireless telecommunications facility has been designed and located in compliance with all applicable provisions of this division;

(ii) If applicable, the applicant has demonstrated its inability to locate on an eligible support structure;

(iii) The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the

applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way;

(iv) If applicable, the applicant has provided sufficient evidence supporting the applicant's claim that compliance with the adopted Design Guidelines would be technically infeasible;

(v) The applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible, supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not reasonably available.

(4) Noticing. The provisions in this section describe the procedures for the approval process, any required notice and public hearings for a WTFP application.

(a) Major WTFP Applications. Any major WTFP application shall require notice and a public hearing. The public hearing notices shall be provided as set forth in Section 26-206 of the West Covina Municipal Code.

(5) Notice of Decision. Within five days after any decision to grant, approve, deny, or conditionally grant any WTFP application, the planning director, as applicable, shall provide written notice based on substantial evidence in the written administrative record including the following:

(a) A general explanation of the decision, including the findings required for the decision, if any, and how those findings were supported or not supported by substantial evidence;

(b) A general description of the property involved;

(c) Information about applicable rights to appeal the decision, costs to appeal, and explanation of how that right may be exercised; and

(d) To be given by first class mail to the project applicant and property owner;

(e) Once a WTFP is approved, no changes shall be made to the approved plans without review and approval in accordance with this division.

(f) Because Section 332(c)(7) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, no decision upon a WTFP shall be premised upon the environmental or health effects of RF emissions, nor shall public comments be considered to the extent they are premised upon the environmental or health effects of RF emissions.

(6) Appeals.

(a) An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless facility. Because Section 332(c)(7) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, appeals of WTFP decision premised on the environmental effects of radio frequency emissions will not be considered.

- (b) WTFP Appeals. Any person claiming to be adversely affected by a decision of a major WTFP pursuant to this division may appeal such decision as provided in accordance with the appeal provisions in Section 26-212 of the West Covina Municipal Code.

Sec. 26-685.11600 - Design and development standards.

- (1) Wireless Telecommunication Facility Design and Development Standards. Wireless telecommunication facilities in the PROW are subject to the design and development standards and conditions of approval set forth herein. All wireless telecommunication facilities shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the following standards:

- (a) Concealment. All Wireless telecommunication facilities shall employ concealment, screening, undergrounding, and camouflage methods and techniques in order to ensure that the facility is visually screened and blends into the environment to prevent the facility from dominating the surrounding area, as well as to be compatible with the architectural character of the surrounding buildings or structures per the adopted Design Guidelines.

(b) Location.

- (i) Wireless telecommunication facilities shall not be located within the center median of any street.
- (ii) SWFs shall not be located within 15 feet from any structure used for residential purposes in the PCD-1 zone.
- (iii) SWFs shall not be located within 30 feet from any structure used for residential purposes in all other land-use zones outside of the PCD-1 zone.
- (vi) SWFs may not encroach onto or over any private or other property outside the PROW unless on a recorded utility easement.
- (v) Wireless telecommunication facilities shall not be located within the drip-line of any tree located on private property as set forth in Section 26-294 (Protection of trees during development activity) of this code.
- (vi) All wireless telecommunications facilities subject to a major WTFP shall not be located in the PROW adjacent to properties used for residential purposes.
- (vii) All wireless telecommunications facilities subject to a major WTFP shall not be located in the PROW within 100 feet of designated historic buildings.

- (c) Noise. All wireless telecommunication facilities and accessory equipment shall comply with all applicable noise control standards and regulations stated in this division, including the following:

- (i) Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.;
- (ii) At no time shall equipment noise from any facility exceed an exterior noise level of 55 dBA three feet from the source of the noise if the facility is located in the

public right-of-way adjacent to a business, commercial, manufacturing, utility or school zone; provided, however, that for any such facility located within 500 feet of any property zoned residential or improved with a residential use, such equipment noise shall not exceed 45 dBA three feet from the sources of the noise.

- (d) Landscaping. Wireless telecommunication facilities shall not displace any existing landscape features in the PROW unless: (1) such displaced landscaping is replaced with plants, trees or other landscape features approved by the public services director or his or her designee and (2) the applicant submits and adheres to a landscape maintenance plan. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance shall be performed in accordance to the public services director, or his or her designee. To preserve existing landscaping in the PROW, all work performed in connection with wireless telecommunication facilities shall not cause any street trees to be trimmed, damaged or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees at the site for the duration of the permit term.
- (e) No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.
- (f) Accessory Equipment. Not including the electric meter, all accessory equipment shall be located underground unless city staff determines that there is no room in the PROW for undergrounding or that undergrounding is not feasible. Such accessory equipment shall be enclosed with a structure and shall be fully screened and camouflaged, including the use of landscaping, architectural treatment or other acceptable alternate screening method. Required electrical meters or cabinets shall be screened and/or camouflaged per the adopted Design Guidelines.
- (g) Support Structures. Only pole-mounted antennas shall be permitted in the PROW. Mounting to all other forms of support structure in the PROW are prohibited.

 - (i) Utility Poles. Wireless telecommunication facilities proposed to be installed on an existing utility pole must install all antennas above the pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. The maximum height of any antenna or equipment above the pole shall not exceed five (5) feet. Antennas must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm of a wood pole and within the inside of any other pole. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations.
 - (ii) Streetlight Poles. The maximum height of any antenna and equipment shall not exceed five (5) feet above the existing height of other streetlight pole(s) installed along the same street.
 - (iii) Replacement Poles. If an applicant proposes to replace a pole that is an eligible support structure to accommodate the proposed facility, the replacement pole shall be designed to resemble the appearance and dimensions of existing poles near the

proposed location, including size, height, color, materials and style to the maximum extent feasible.

(iv) New, Non-Replacement Poles. Wireless telecommunication facilities on a new, non-replacement pole must install a new streetlight pole substantially similar to the city's and/or electric utility provider's standards and specifications but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed 12 inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome, and shall comply with the following:

1. The new pole must function for a purpose other than placement of a wireless facility (e.g., street light, street sign poles, etc.).
2. The design must match the dimensions and design of existing and similar types of poles and antennas in the surrounding areas.

(h) Obstructions; Public Safety. SWF and any associated equipment or improvements shall not physically interfere with or impede access to any:

- (i) Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public's use of the right-of-way, or cause safety hazards to pedestrians and motorists.
- (ii) A facility shall not be located within any portion of the public right of-way interfering with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.
- (iii) Doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way;

(2) Eligible Facilities Request Design and Development Standards. Approved eligible facilities requests for which the findings set forth in Section 26-685.11500 have been made are subject to the following, unless modified by the approving authority:

(a) WTFP Subject to Conditions of Underlying Permit. Any WTFP granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit and all such conditions that were applicable to the facility prior to approval of the subject eligible facility request.

(b) No Permit Term Extension. The city granting, or granting by operation of law, of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the city's granting, or granting by operation of law, of an eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall

have the same term as the underlying permit or other regulatory approval for the subject tower or base station.

(c) No Waiver of Standing. The city's granting, or granting by operation of law, of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.

(3) Conditions of Approval. All wireless telecommunication facilities shall be subject to conditions of approval as reasonably imposed by the planning director or the approving city body, as applicable, as well as any modification of the conditions of approval deemed necessary by the planning director or approving city body.

Sec. 26-685.11700 Operation and maintenance standards.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards:

(1) The permittee shall at all times maintain compliance with all applicable federal, state, and local laws, regulations and other rules, including, without limitation, those applying to use of the PROW. The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved WTFP are maintained in a manner that is not detrimental or injurious to the public health, safety, and general welfare and that the aesthetic appearance is continuously preserved, and substantially the same as shown in the approved plans at all times relevant to the WTFP.

(2) Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent at its sole cost within 48 hours:

(a) After discovery of the need by the permittee, owner, operator, or any designated maintenance agent; or

(b) After permittee, owner, operator, or any designated maintenance agent receives notification from the city.

(3) Insurance. The permittee shall obtain and maintain throughout the term of the permit a type and amount of insurance as specified by city's risk management. The relevant policy(ies) shall name the city, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insured. The permittee shall use its best efforts to provide 30 days prior notice to the city engineer of the cancellation or material modification of any applicable insurance policy.

(4) Indemnities. The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the city, its agents, officers, officials, and employees (a) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the city or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of

the permit, and (b) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and, if applicable, the private property owner and shall reasonably cooperate in the defense. The city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or permittee (as applicable) shall reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course.

- (5) Performance Bond. Prior to issuance of a wireless encroachment permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 100 percent of the cost of removal of the facility as specified in the application for the WTFP or as that amount may be modified by the city engineer in the permit based on the characteristics of the installation. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the city council. Reimbursement shall be paid when the security is posted and during each administrative review.
- (6) Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility. All facilities, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the PROW, impede the flow of vehicular or pedestrian traffic, impair the primary use and purpose of poles/signs/traffic signals or other infrastructure, interfere with outdoor dining areas or emergency facilities, or otherwise obstruct the accessibility of the PROW.
- (7) Contact Information. Each permittee of a wireless telecommunications facility shall provide the city engineer with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility ("contact information"). Contact information shall be updated within seven days of any change.
- (8) All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:

 - (a) Subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems (water, sewer, storm drains, gas, oil, electrical, etc.) that result from any

activities performed in connection with the installation and/or maintenance of a wireless facility in the PROW;

- (b) General dirt and grease;
 - (c) Chipped, faded, peeling, and cracked paint;
 - (d) Rust and corrosion;
 - (e) Cracks, dents, and discoloration;
 - (f) Missing, discolored or damaged artificial foliage or other camouflage;
 - (g) Graffiti, bills, stickers, advertisements, litter and debris. All graffiti on facilities must be removed at the sole expense of the permittee within 48 hours after notification from the city;
 - (h) Broken and misshapen structural parts; and
 - (i) Any damage from any cause.
- (9) All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in neat, safe and good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the planning director and public services director.
- (10) The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.
- (11) Each facility shall be operated and maintained to comply with all conditions of approval. The permittee, when directed by the city, must perform an inspection of the facility and submit a report to the planning director and city engineer on the condition of the facility to include any identified concerns and corrective action taken. Additionally, as the city performs maintenance on city-owned infrastructure, additional maintenance concerns may be identified. These will be reported to the permittee. The city shall give the permittee 30 days to correct the identified maintenance concerns after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit. The burden is on the permittee to demonstrate that it complies with the requirements herein. Prior to issuance of a permit under this division, the owner of the facility shall sign an affidavit attesting to understanding the city's requirement for performance of annual inspections and reporting.
- (12) All facilities permitted pursuant to this division shall comply with the Americans with Disabilities Act.
- (13) The permittee shall be responsible for obtaining power to the facility and for the cost of electrical usage.
- (14) Interference.
- (a) The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of

that structure, improvement, or property. No structure, improvement, or property owned by the city shall be moved to accommodate a permitted activity or encroachment, unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless encroachment permit, the permittee shall provide the city with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property within the PROW or city utility easement to be affected by permittee's facilities.

- (b) The facility shall not damage or interfere in any way with city property, the city's operations or the operations of prior-existing, third party installations. The city will reasonably cooperate with the permittee and/or carrier to carry out such activities as are necessary to correct the interference.

 - (i) Signal Interference. The permittee shall correct any such interference within 24 hours of written notification of the interference. Upon the expiration of the 24-hour cure period and until the cause of the interference is eliminated, the permittee shall cease operation of any facility causing such interference until such interference is cured.
 - (ii) Physical Interference. The city shall give the permittee 30 days to correct the interference after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit.
- (c) The city at all times reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter, or improve the sites. Such actions may temporarily interfere with the operation of the facility. The city will in all cases, other than emergencies, give the applicant 30 days written notification of such planned, non-emergency actions.
- (14) RF Exposure Compliance. All facilities shall comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, the permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC Office of Engineering and Technology Bulletin 65 RF Emissions Safety Rules for General Population/Uncontrolled RF Exposure in All Sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.

 - (a) Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m. Testing is prohibited on holidays and weekends.
- (15) Records. The permittee shall maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the city, any ambiguities or uncertainties that

would be resolved through an inspection of the missing records will be construed against the permittee.

- (16) Attorney's Fees. In the event the city determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with permittee to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

Sec. 26-685.11800 No dangerous condition or obstructions allowed.

No person shall install, use or maintain any wireless telecommunications facility that in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.

Sec. 26-685.11900 Nonexclusive grant; no possessory interests.

- (1) No permit or approval granted under this division shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as a warranty of title.
- (2) No possessory interest is created by a WTFP. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, the permittee acknowledges that the city has given to the applicant notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a WTFP may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Wireless telecommunications facility operators shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interest taxes or other taxes, fees, and assessments levied against their right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by the WTFP.
- (3) The permission granted by a WTFP shall not in any event constitute an easement on or an encumbrance against the PROW. No right, title, or interest (including franchise interest) in the PROW, or any part thereof, shall vest or accrue in permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby.

Sec. 26-685.12000 Permit expiration; abandonment of applications.

- (1) Permit Term. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this code it lapses sooner or is revoked. At the end of ten (10) years from the date of issuance, such permit shall automatically expire.
- (2) A permittee may apply for a new permit within 180 days prior to expiration. Said application and proposal shall comply with the city's current code requirements for wireless telecommunications facilities.
- (3) Timing of Installation. The installation and construction authorized by a WTFP shall begin within one year after its approval, or it will expire without further action by the city. The installation and construction authorized by a WTFP shall conclude, including any necessary post-installation repairs and/or restoration to the PROW, within 30 days following the day construction commenced.
- (4) Commencement of Operations. The operation of the approved facility shall commence no later than 90 days after the completion of installation, or the WTFP will expire without further action by the city. The permittee shall provide the planning director and city engineer notice that operations have commenced by the same date.

Sec. 26-685.12100 Cessation of use or abandonment.

- (1) A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for 90 or more consecutive days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.
- (2) The operator of a facility shall notify the planning director and city engineer in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the planning director and city engineer of any discontinuation of operations of 30 days or more.
- (3) Failure to inform the planning director and city engineer of cessation or discontinuation of operations of any existing facility as required by this section shall constitute a violation of any approvals and be grounds for:
 - (a) Litigation;
 - (b) Revocation or modification of the permit;
 - (c) Acting on any bond or other assurance required by this article or conditions of approval of the permit;
 - (d) Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 - (e) Any other remedies permitted under this code or by law.

Sec. 26-685.12200 Removal and restoration—Permit expiration, revocation or abandonment.

- (1) Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the WTFP or abandonment of the facility, the permittee, owner or operator shall remove its wireless telecommunications facility and restore the site to the condition it was in prior to the granting of the WTFP, except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. Expired, terminated or revoked wireless telecommunications facility equipment shall be removed from the site at no cost or expense to the city.
- (2) Failure of the permittee, owner or operator to promptly remove its facility and restore the property within ninety (90) days after expiration, earlier termination or revocation of the WTFP, or abandonment of the facility, shall be a violation of this code. Upon a showing of good cause, an extension may be granted by the city engineer where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this section shall be grounds for:

 - (a) Prosecution;
 - (b) Acting on any security instrument required by this division or conditions of approval of permit;
 - (c) Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 - (d) Any other remedies permitted under this code or by law.
- (3) Summary Removal. In the event any city director or city engineer determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes an immediate dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), such director or city engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within 60 days, the facility shall be treated as abandoned property.
- (4) Removal of Facilities by City. In the event the city removes a wireless telecommunications facility in accordance with nuisance abatement procedures stated in Chapter 15, Article IX (Administrative Nuisance Abatement) of this code or pursuant to the summary removal procedures of subsection (3), above, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by

the permittee, owner or operator after notice, or removal by the city due to exigent circumstances.

Sec. 26-685.12300 Effect on other ordinances.

Compliance with the provisions of this division shall not relieve a person from complying with any other applicable provision of this code. In the event of a conflict between any provision of this division and other sections of this code, this division shall control.

Sec. 26-685.12400 State or federal law.

The implementation of this chapter and decisions on applications for placement of wireless telecommunications facilities in the PROW shall, at a minimum, ensure that the requirements of this division are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this division may be waived, but only to the minimum extent required to avoid the prohibition or violation.

Sec. 26-685.12500 Legal nonconforming wireless telecommunications facilities in the right-of-way.

- (1) Legal nonconforming wireless telecommunications facilities are those facilities that existed but did not conform to this division on the date this division became effective.
- (2) Legal nonconforming wireless telecommunications facilities shall, within ten (10) years from the date this division became effective, be brought into conformity with all requirements of this article; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this code at such time, to the extent the city can require such compliance under federal and state law.
- (3) An aggrieved person may file an appeal to the city council of any decision the planning director, city engineer, or other deciding body made pursuant to this section. In the event of an appeal alleging that the ten-year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.

SECTION NO. 8: That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

SECTION NO. 9: This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED this 19th day of May 2020.

Tony Wu
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, custodian of the original records, which are public records which I maintain custody and control for the City of West Covina do hereby certify the foregoing Ordinance, being Ordinance No. 2470 as passed by the City Council of the City of West Covina, signed by the Mayor of said Council, and attested by the Assistant City Clerk, at a regular meeting of the City Council held on the 5th day of May 2020, and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Lisa Sherrick
Assistant City Clerk



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: May 19, 2020

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF ESTABLISHMENT OF A WEST COVINA COVID-19 SMALL BUSINESS LOAN PROGRAM

RECOMMENDATION:

It is recommended the City Council approve the proposed guidelines for the West Covina COVID-19 Small Business Loan Program and authorize the City Manager to prepare the necessary loan documents and reporting requirements consistent with Department of Housing and Urban Development requirements.

BACKGROUND:

In response to the Coronavirus Disease (COVID-19) global pandemic, California State Governor Gavin Newsom and County of Los Angeles Public Health Department (LA County) has issued health orders to address the issue.

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all State residents to Stay at Home and ordered the closure of all bars, nightclubs, wineries and breweries with restaurants restricted to takeout/drive-thru/delivery. Subsequently, LA County has issued several health orders regarding the closure of businesses.

LA County's first "Safer at Home" health order was issued March 19, 2020, requiring the closure of all theaters, entertainment centers, fitness centers, wineries, breweries, tap rooms, bars and nightclubs (that do not serve food), and restaurants were restricted to drive-thru, take-out, or delivery. LA County then revised the order on March 21, 2020, requiring the closure of all non-essential businesses until April 19, 2020. The health order was then revised on April 10, 2020, extending the "Safer at Home" and closures of non-essential business until May 15, 2020.

On May 4, 2020, Governor Newsom issued California's Reopening Resilience Roadmap sharing the five stages to reopen the economy. On May 8, 2020 LA County allowed the reopening of several non-essential businesses in Stage 2 of their Roadmap to Recovery (including; clothing retailers, florist, music stores, book stores, dealership showrooms).

As of May 13, 2020, Los Angeles County has become the state's epicenter of the COVID-19 with approximately half of the cases statewide, as such, LA County intends to extend the Safer at Home order with modifications. The exact extent of the modifications is not known as of the drafting of the staff report.

The impact of the global pandemic on the local business economy has led to record level unemployment, loss of revenues, and business closures. While the State and County orders will be phased out, slowly allowing for certain

businesses to open, the future of West Covina businesses are uncertain.

In a response to this local emergency, City Staff have worked to connect businesses to federal and state sources of funding such as the Small Business Administration (SBA) loans made available through the Coronavirus Aid, Relief and Economic Security (CARES Act) and business assistance and counseling through authorized SBA resource partners (Small Business Development Centers). While these resources have been critical in helping local businesses navigate the pandemic, more help is needed to help prevent further job losses for Low-and-Moderate Income people and the closure of small firms.

To assist local businesses, the City of West Covina has developed the West Covina COVID-19 Small Business Loan Program (WCSBL-COVID19). The Program provides a one-time forgivable loan (after 1 year) of \$10,000 to eligible West Covina businesses which were negatively impacted by the economic shutdown resulting from the COVID-19 pandemic either through loss of sales, lost or reduced workforce or temporary closure.

A resource that many cities are using throughout California to fund job retention/creation programs is the Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development (HUD). CDBG allows the use of funds for economic development programs that are in compliance with one of their national objectives to benefit to low- and moderate-income individuals, or aid in the prevention or elimination of slums or blight.

On July 18, 2017, the City Council adopted the CDBG 2017-2018 Action Plan, which allocated \$325,000 for the Business Assistance Loan Program. The program was implemented but no loans were awarded. As such the \$325,000 funds are available as intended for the Business Assistance Loan Program.

DISCUSSION:

In response to the economic impact the COVID-19 pandemic staff is recommending that the original \$325,000 be targeted towards small businesses that have been impacted by the pandemic.

The following are the proposed framework for the WCSBL-COVID19 program:

• Funding:

The program will utilize the already allocated \$325,000 CDBG funds for economic development efforts for the program.

• Program Requirements:

The following are the proposed requirements for applicants and use of funds:

- o \$10,000 Loan
- o Loan is forgiven after 1 year (If in compliance)
- o Must Retain 1 full-time employee (FTE) equivalent
 - Employee must be of low- or moderate-income
- o Eligible Business:
 - For-profit, independently owned local business
 - Must be a small business
 - Have a physical establishment within the City of West Covina (in commercial area)
 - Have current West Covina business license
 - Business has been operation at least one prior to March 19,2020
 - Meet the national objective to creating/retaining jobs benefitting persons of low to moderate-income in the City.
 - Be in good standing with the City (no liens or judges or outstanding code enforcement violations).
 - Have or register for a DUNS number
- o Eligible Use of Funds:
 - Labor Expenses (excluding owner)
 - Rent & Utilities
 - Overhear Expenses (insurance, maintenance, etc.)

- Business Services (website development) to increase capacity to carryout business activities
- Business Inventory & Supplies
- Capital or Equipment purchases necessary for business operation (excluding vehicles)
- Business are required to identity their intended use of funds using the application process.
- Businesses that have received/pending receipt of other federal funding will have to disclose to the City during application process and will be subject to additional loan requirements.

● **Application Process:**

Applications can be submitted online or via email at www.westcovina.org/Smallbusinessloan.

Loan applications will be reviewed by City staff on an ongoing basis until all funds are disbursed on a first come, first served bases. If the City determines that additional information or supporting documents are needed to review an application, then the application is not considered complete. Funding may be released within two weeks of approval. The City reserves the right to deny an application for funding.

Additional restrictions apply and all funds are subject to CDBG and Coronavirus Aid, Relief, and Economic Security (CARES) Act guidelines.

The WCSBL-COVID19 shall cease providing small business grants when any of the following criteria are met: 1) when the Governor lifts the Stay at Home order and all restrictions on local businesses, including on-site dining, 2) when the City's local emergency order issued on March 16 is no longer in effect or 3) program funds are exhausted.

● **Required Documents:**

Furthermore, consistent with CDBG requirements, a loan agreement must be executed between the City and the business recipient. If a forgivable loan is awarded, the business will need to agree to participate in ongoing Federally required monitoring. The City may ask businesses to periodically submit documents that support the use of funds and reports on the impact grant funds have had on their businesses.

At the time this report was completed, HUD does not have guidelines/requirements published regarding the use of CDBG funds for business loans during the COVID-19 pandemic. Staff has developed the proposed guidelines using HUD requirements for financing economic development projects and will make any necessary adjustments/changes to the proposed guidelines should HUD release requirements.

OPTIONS:

The City Council may consider the following alternatives:

1. Approve the West Covina COVID-19 Small Business Loan Program and authorize City Staff to development the guidelines and issue small business loans in the amount of \$10,000 to West Covina based businesses.
2. Provide changes to the proposed guidelines to the West Covina COVID-19 Small Business Loan Program and authorize City Staff to finalize the guidelines and issue small business loans in the amount of \$10,000 to West Covina based businesses.
3. Provide alternative direction regarding aspects of the Program.

Prepared by: Paulina Morales, Economic Development and Housing Manager

Fiscal Impact

FISCAL IMPACT:

CDBG Funds will be utilized for the West Covina Small Business Loan Program (COVID-19). Impact to the CDBG funds will be based on the approved projects, however, will not impact funding for other CDBG programs/services. There will be no impact to the City's General Fund.

Attachments

Attachment No. 1 - Draft Application

CITY COUNCIL GOALS & OBJECTIVES: Achieve Fiscal Sustainability and Financial Stability
Engage in Proactive Economic Development



WEST COVINA
CV-SBL
WEST COVINA COVID-19
SMALL BUSINESS LOAN

City of West Covina

1444 W. Garvey Avenue, South | (626) 939-8417

WEST COVINA COVID-19 BUSINESS LOAN PROGRAM APPLICATION

Owner Information

Applicant Name: _____

Business Owner First and Last Name(s): _____

Email: _____ Phone Number: _____

Home Address: _____

City: _____ State/Province: _____ Postal Code: _____

Are you a citizen or permanent resident of the United States? Yes [☐] No [☐]

Business Information

Business Name: _____

DBA or Tradename (If Applicable): _____

Business Address: _____

Tax ID Number or SSN: _____

DUNS Number: _____

**If your business does not have a DUNS number, you can register for it at <https://fedgov.dnb.com/webform/>*

Business Date Incorporated (MM/DD/YYYY): _____

Is the United States the principal place for residents for all employees of the Applicant?

Yes [☐] No [☐]

Program Requirements Checklist:

Number of full-time equivalent (FTE) employees (including owners and independent contractors): _____

Existing Jobs: _____ Full-Time: _____ Part-Time: _____

Will you be retaining at least one FTE employee for the next year? Yes [☐] No [☐]



WEST COVINA
CV-SBL
WEST COVINA COVID-19
SMALL BUSINESS LOAN

City of West Covina

1444 W. Garvey Avenue, South | (626) 939-8417

Does your business have a commercial storefront? Yes ☐ No ☐

Does your business have an active City of West Covina Business License? Yes ☐ No ☐

If yes, provide Business License number: _____

Does your business have any unresolved municipal code violations and/or delinquent penalties? Yes ☐ No ☐

Does your business have any existing loan/grant with the City? Yes ☐ No ☐

Loan Criteria:

1. Business Type: Indicate which category of business your business fall into:
☐ Independently owned retail, restaurant, café, or gastropub
☐ Single locally-owned franchise of retail, restaurant, café, or gastropub
☐ Other eligible business type

2. Length of time your business has been in continuous operation in the City:
☐ More than 3 years
☐ 1-3years
☐ Less than 1 year

3. COVID-19 Financial need and Community Development Block Grant (CDBG) Objectives – Note: At time of loan issuance business may be asked to provide city with requested support documents for the responses provided below as needed to verify
 - a. Have you experienced reduced revenue/cash flow of at least 20% since the COVID-19 outbreak in March 2020 compared to this same time-period 12 months prior, or compared to January and February of the 2020 calendar year?

Yes ☐ No ☐

 - b. Is your business experiencing significant financial solvency issues as a result of COVID-19 pandemic?

Yes ☐ No ☐

 - c. Will the current finances of your business in combination with a \$10,000 loan allow your business to remain open (or re-open following easing of restrictions) for a minimum period of at least 90 days following awarding of the loan?

Yes ☐ No ☐



WEST COVINA
CV-SBL
WEST COVINA COVID-19
SMALL BUSINESS LOAN

City of West Covina

1444 W. Garvey Avenue, South | (626) 939-8417

- d. As a result of the COVID-19 pandemic, have you had to layoff, furlough, or reduce the number of weekly working hours of one or more employees considered low-moderate income as defined in Attachment A of this application?

Yes ☐ No ☐

- e. Will the loan be used all or in part to pay wages of an employee that is considered low-moderate income as defined in Attachment A of this application, or otherwise used to meet the CDBG requirement of hiring or maintaining at least one low-moderate income job?

Yes ☐ No ☐

Use of Funds:

1. Purpose of Assistance

- ☐ Payroll
☐ Lease/Mortgage Interest
☐ Utilities
☐ Business Inventory and Supplies
☐ Capital or equipment purchases necessary for the business operation, excluding vehicles
☐ Other: _____

Additional Financing Sources:

Have you applied and received federal assistance funding (e.g. Payment Protection Program, Economic Injury Disaster Loan)

Yes ☐ No ☐ If yes, when? _____ Amount: _____

Have you applied and are awaiting federal assistance funding (e.g. Payment Protection Program, Economic Injury Disaster Loan)

Yes ☐ No ☐ If yes, when? _____
Requested Amount: _____

Please note that if your business has or does receive any federal financial assistance, you will need to provide documentation of the amount received and it will impact the loan amount your business can qualify for.



WEST COVINA
CV-SBL
WEST COVINA COVID-19
SMALL BUSINESS LOAN

City of West Covina

1444 W. Garvey Avenue, South | (626) 939-8417

Miscellaneous:

1. Has your business ever filed bankruptcy or defaulted on any debts?

Yes [] No []

If yes, when? _____

2. Does your business use or store any hazardous materials, or produce toxic waste?

Yes [] No []

3. Is your business a party to any claim of lawsuit?

Yes [] No []

4. Does your business owe any taxes for years prior to the current year?

Yes [] No []

This City of West Covina reserves the right to change the program guidelines based on any requirements imposed by the U.S. Department of Housing and Urban Development (HUD).

I/We HEREBY CERTIFY that the aforementioned facts are true and correct. Furthermore, if approved, I/We will provide additional documentation and certification of the information provided on the application form prior to loan issuance. I/We will be liable for all costs incurred through the program if any information provided is determined to be false and/or incorrect which may have initially qualified me/us for the West Covina Small Business Forgivable Loan Program.

Signature

Title

Date

Signature

Title

Date

Please contact Paulina Morales in the Community and Economic Development Division at 626-939-8417 or pmorales@westcovina.org for further information on Economic Development projects.



WEST COVINA
CV-SBL
WEST COVINA COVID-19
SMALL BUSINESS LOAN

City of West Covina

1444 W. Garvey Avenue, South | (626) 939-8417

ATTACHMENT A: LOW-MODERATE INCOME GUIDELINES

For purposes of this application, “low-moderate income” persons and jobs are those whose household income is at or less than 80% of the Median Household Income for Los Angeles County, as defined under the CDBG 2020 Program Income Guidelines listed below:

Number of Persons in Household	Maximum Combined Household Income
1	\$63,100
2	\$72,100
3	\$81,100
4	\$90,100
5	\$97,350
6	\$104,550
7	\$111,750
8	\$118,950



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: May 19, 2020

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF RESOLUTION DELEGATING TORT LIABILITY CLAIMS
HANDLING TO THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY AS
AUTHORIZED BY GOVERNMENT CODE SECTION 910 ET SEQ**

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Adopt the following resolution:

RESOLUTION NO. 2020-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, IMPLEMENTING A POLICY DELEGATING TORT LIABILITY CLAIMS HANDLING RESPONSIBILITIES TO THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY AS AUTHORIZED BY GOVERNMENT CODE SECTION 910, ET SEQ.

BACKGROUND:

Risk management is the identification, evaluation, and prioritization of risks followed by coordinated and economical application of resources to minimize, monitor, and control the probability or impact of unfortunate events or to maximize the realization of opportunities. The overall goal is to keep employees prepared and the city safe so the focus remains on fire protection/EMS, policing, recreation and all the things that matter to ensuring quality of life for residents.

Strategies to manage threats (uncertainties with negative consequences) typically include avoiding the threat, reducing the negative effect or probability of the threat, transferring all or part of the threat to another party, and even retaining some or all of the potential or actual consequences of a particular threat. The opposite of these strategies can be used to respond to opportunities.

For the most part, these methods consist of several elements, performed, more or less, in the following order: 1) Identify the threats, 2) Assess the vulnerability of critical assets to specific threats, 3) Determine the risk (i.e. the expected likelihood and consequences of specific types of attacks on specific assets, 4) Identify ways to reduce those risks and 5) Prioritize risk reduction measures

DISCUSSION:

On May 5, 2020, the City Council approved the City's membership in the California Joint Powers Insurance Authority (CJPIA) and the pooling of the City's self-insurance general liability and workers' compensation insurance through CJPIA programs.

Although the City is making significant improvements in stabilizing its workforce and incorporating risk management practices mitigating its exposures, the CJPIA placed four membership conditions in order to protect the pool and the members; 1) for claims categorized as employment practices liability, the city will have a separate Member Retained Limit of \$1,000,000 per occurrence, 2) delegation of settlement authority in the amount of \$750,000 to the CJPIA (\$1,000,000 for employment practices claims), 3) delegation of claims handling authority allow the CJPIA to send notice of the rejection and shortening the timeframe in which to file a lawsuit to six months (Attachment No. 1, Resolution No. 2020-42), and 4) the city will be required to complete the action items noted in the Initial Risk Management Evaluation report within 18 months (Attachment No. 2).

Resolution 2020-42 implements City Council direction.

Prepared by: Helen Tran, Director Human Resources/Risk Management

Attachments

Attachment No. 1 - Resolution 2020-42 (CJPIA)

Attachment No. 2 - Risk Management Plan

CITY COUNCIL GOALS & OBJECTIVES: Achieve Fiscal Sustainability and Financial Stability
Enhance the City Image and Effectiveness
Enhance Public Safety
Enhance City Programs and Activities

RESOLUTION NO. 2020-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, IMPLEMENTING A POLICY DELEGATING TORT LIABILITY CLAIMS HANDLING RESPONSIBILITIES TO THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY AS AUTHORIZED BY GOVERNMENT CODE SECTION 910, ET SEQ.

WHEREAS, the City of West Covina is a member of the California Joint Powers Insurance Authority (California JPIA) effective July 1, 2020, and pursuant to Government Code sections 990.4, et seq. and 6500 et seq. pools its self-insured liability claims and losses with other California JPIA members under a Memorandum of Coverage; and

WHEREAS, the Joint Powers Agreement creating the California JPIA authorizes it to exercise powers common to members and appropriate to defend and indemnify members from liability claims under the Memorandum of Coverage.

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

SECTION 1. the City of West Covina delegates to California JPIA authority to act on its behalf pursuant to Government Code sections 910, et seq. to accept, reject, return as insufficient, or return as untimely any claims against it, and to provide any notices authorized under those statutes on behalf of the City of West Covina.

SECTION 2. This resolution shall become effective July 1, 2020.

SECTION 3. The City of West Covina's Clerk shall certify to the adoption of this Resolution.

SECTION 4. 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.

SECTION 5. The City Clerk is directed to forward a certified copy of this resolution to the California JPIA, 8081 Moody Street, La Palma, CA 90623

APPROVED AND ADOPTED this 19th day of May, 2020.

Tony Wu
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. 2020-42 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 19th day of May, 2020, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk



ATTACHMENT NO. 2

LossCAP Program

Initial Risk Management Evaluation

City of West Covina

July 15 - 16, 2019



CALIFORNIA
J · P · A

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Executive Summary

This report contains the findings of an Initial Risk Management Evaluation (IRME) of the City of West Covina. The evaluation was conducted by the California Joint Powers Insurance Authority (California JPIA) on July 16, 2019.

The California JPIA extends its thanks to staff for their support and assistance in completing this evaluation.

This report is designed to assist your agency in addressing areas in which risk exposure or loss data support the need for change in operations or activity. This report is arranged to outline the various areas of concern identified during the evaluation. Specifically, the IRME, although not exhaustive in scope, does this by examining key areas of your operations.

Action items made are drawn from information provided by agency staff and conditions observed at the time of the evaluation and are measured against various applicable statutes, regulatory codes, and Best Risk Management Practices. Best Risk Management Practices (BRMP) are accepted in the professional community as those measures best able to control risk exposure. BRMP do not have an associated regulatory requirement, but are considered sound measures to reduce losses. Each action item may be supported by a standard (statute, regulatory code, or publication) and/or resource, and will be noted accordingly; otherwise, it is considered a BRMP. Your agency is encouraged to act upon the findings contained herein, in a manner that is consistent with their importance to your agency.

Risk management, loss control, and safety are daily responsibilities of your agency. Visits and related efforts made by the California JPIA are not considered or intended to supplant your agency's comprehensive risk management and safety programs. Successfully managing risk ensures that your agency is able to reduce impact on key areas of your operations, including services, personnel, and property.

Finally, we have included an Agency Exemplar at the end of the report to serve as a guide to help our members better understand the elements of good risk management.

New Action Items

Records & Contract Management

Action Item: 2019-001

Observations:

The following contract agreements were reviewed during the evaluation:

- The Los Angeles County Metropolitan Transportation Authority (LACMTA): The agreement did not include the Evidence of Coverage and Additional Insured Endorsements.
- San Gabriel Mountains Regional Conservancy - Operation and Maintenance of the Galster Park Nature Program: The agreement does not require sexual/physical abuse insurance. The contract should include sexual molestation coverage as the contractor will be working with minor children. The agreement did not include the Evidence of Coverage and Additional Insured Endorsements.
- Busy Bee Home Day Care – Facilities Use Agreement: The agreement did not require an Additional Insured Endorsement. The agreement did not include the Evidence of Coverage.
- Merchants Landscape Services, Inc. – Landscape Maintenance: The Certificate of Insurance provided was expired and it did not provide the policy limits as required per the Agreement. The Agreement does not include language pertaining to the inspection and maintenance of the playgrounds. Include language in the Agreement outlining the Agency's playground maintenance and inspection requirements.
- West Coast Arborists, Inc. – Tree Trimming: The agreement did not include the Evidence of Coverage and Additional Insured Endorsements.
- Willdan Engineering – Professional Services Agreement: The agreement did not include the Evidence of Coverage and Additional Insured Endorsements.
- Santa Barbara Transportation Corp. dba Student Transportation of America: The contract expired 9/30/2018. If the agency is currently using the services of this provider, a current agreement should be executed. The contract should include sexual molestation coverage as the contractor will be working with minor children. The agreement did not include the Evidence of Coverage and Additional Insured Endorsements.
- Big League Dreams West Covina, LLC (BLDWC) – Maintenance and Operations Agreement: The agreement did not include the Evidence of Coverage and Additional Insured Endorsements.
- The Humane Society of Pomona Valley, Inc. dba Inland Valley Humane Society & S.P.C.A. -The Animal Shelter & Animal Control Services Agreement: The Agreement does not include an expiration date. The agreement did not include the Evidence of Coverage and Additional Insured Endorsements.



- City of West Covina and LA County Sheriff's Dept - MOU Agreement: The agreement was signed by West Covina's former Chief of Police on 06/28/16. The Memorandum is to be reviewed at a minimum of once every two (2) years.

Staff members indicated that insurance types and limits are not determined by contract exposure.

Action Required:

Based on the observations made when reviewing the above contracts, the following recommendations are made to enhance your agency's contract management efforts:

- Obtain certificates of insurance and endorsements from contractors. Contractors should provide certificates of insurance and policy endorsements before they can begin work. Contractors should be notified immediately in writing when insurance documentation is deficient or is not received as required.
- Review existing specifications for the most frequently used types of contracts and ensure that required levels of insurance are adequate to the scope of services provided by contractors. Increase limits when necessary, using the minimum suggested insurance limits outlined in the California JPIA's Contractual Risk Transfer for California Public Agencies manual.
- Renegotiate contracts as needed at renewal times, and clearly delineate insurance requirements based on the exposure of the contract.
- The agency clerk or designee should maintain the filing system for all service and construction contracts and agreements. Certificates of insurance, indemnification agreements, endorsements, and bonding documents required by contract provisions should be kept together with the original contract agreements. Complete documentation should be maintained within fire safe containers and protected by a fire detection and suppression system.
- Develop contract documentation tracking procedures to monitor contractor compliance with contract provisions and to ensure that insurance documents required in contracts are received in a timely fashion.

By properly managing its contracts, the agency can reduce its loss exposures and likewise reduce disputes with contractors and their insurers when a loss occurs.

Standards:

Best Risk Management Practices

Resources:

Contractual Risk Transfer for California Public Agencies manual. California JPIA, Seventh Edition, 2018



Action Item: 2019-002

Observations:

Contracts are not developed and implemented for all service providers.

Action Required:

Develop and execute service contracts which include appropriate risk transfer language when outsourcing agency activities to service companies.

By properly managing its contracts, the agency can reduce its loss exposures and likewise reduce disputes with contractors and their insurers when a loss occurs.

Standards:

Best Risk Management Practices

Resources:

Contractual Risk Transfer for California Public Agencies manual. California JPIA, Seventh Edition, 2018

Action Item: 2019-003

Observations:

The agency does not require insurance as part of the encroachment permit application and its indemnity language is broad.

Action Required:

Revise encroachment permit to include insurance requirements and appropriate indemnity language.

Resources:

A sample template is located on the California JPIA's website.



Occupational Safety & Health Programs

Action Item: 2019-004

Observations:

The agency has not implemented a Facilities Inspection Program.

Action Required:

Develop and implement a program to regularly inspect agency facilities to identify hazardous conditions and practices that require corrective or preventive measures, consistent with the requirements of Cal/OSHA. This program should be coordinated with the inspection program required by the Injury and Illness Prevention Program and should include documentation of identified deficiencies and corrective actions that are completed or planned.

Standards:

California Code of Regulations, Title 8, Section 3203 (a) (4); 29 CFR 1910.157, Fire Protection

Resources:

Sample checklists have been developed and are located on the California JPIA's website.

Action Item: 2019-005

Observations:

A centralized Safety Manual has not been developed.

Action Required:

Develop a centralized Safety Manual to encourage employee awareness of and compliance with each of the agency's specific safety policies. The manual should include all department-specific safety policies and be formally adopted by the agency governing body.

The Injury and Illness Prevention Program Administrator will be better prepared to respond to questions posed by a Cal/OSHA inspector if a centralized Safety Manual is maintained, and it will also enable the agency to maintain greater control over the Cal/OSHA inspection process.

Standards:

California Code of Regulations, Title 8, Section 3203

Resources:

A link to additional website Resources and a sample program has been provided and is located on the California JPIA's website.



Action Item: 2019-006**Observations:**

The agency does not have a Bloodborne Pathogens Exposure Control Program.

Action Required:

Assess employee exposure to blood or other potentially infectious materials, document the findings, and include this in the centralized Safety Manual. The California Code of Regulations provides that all employers who may reasonably be anticipated to have this occupational exposure develop a Bloodborne Pathogens Exposure Control Plan consistent with the requirements of Cal/OSHA.

Standards:

California Code of Regulations, Title 8, Section 5193; 29 CFR 1910.1030, Bloodborne Pathogens

Resources:

A link to additional website resources has been provided and is located on the California JPIA's website.

Action Item: 2019-007**Observations:**

The agency does not have a Confined Space Entry Control Program.

Action Required:

Determine whether confined spaces exist at agency facilities. If confined spaces exist, a written Confined Space Entry Control Program, consistent with the applicable Sections of Cal/OSHA, should be developed. The program must include procedures for testing the atmosphere in confined spaces; assignment of supervisors, attendants, and rescue personnel; and employee training. A permit system may be required.

Standards:

California Code of Regulations, Title 8, Sections 5156, 5157, and 5158, Confined Spaces; 29 CFR 1910.146

Resources:

A sample policy has been developed and is located on the California JPIA's website.



Action Item: 2019-008**Observations:**

The agency does not have an Emergency Action Plan.

Action Required:

Develop and implement an Emergency Action Plan consistent with the requirements of Cal/OSHA. This plan shall be in writing and shall cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.

Elements of the plan include (at a minimum):

- Emergency escape procedures and emergency escape route assignments;
- Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
- Procedures to account for all employees after emergency evacuation has been completed;
- Rescue and medical duties for those employees who are to perform them;
- The preferred means of reporting fires and other emergencies;
- Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan;
- An employee alarm system that complies with Article 165;
- The types of evacuation to be used in emergency circumstances: and
- Training.

Standards:

California Code of Regulations, Title 8, Section 3220; 29 CFR 1910.38

Resources:

A link to additional website resources has been provided and is located on the California JPIA's website.

Action Item: 2019-009**Observations:**

The agency does not have a Fire Prevention Plan.

Action Required:

Develop and implement a Fire Prevention Plan consistent with the requirements of Cal/OSHA. This plan should include an inventory of fuels and sources of ignition, fire protection systems, housekeeping policies, employee training, and the names or job titles of responsible personnel.

Standards:

California Code of Regulations, Title 8, Section 3221; 29 CFR 1910.39

Resources:

A link to additional website resources has been provided and is located on the California JPIA's website.



Action Item: 2019-010**Observations:**

The agency does not have a Hazard Communication Program.

Action Required:

Develop and implement a Hazard Communication Program, consistent with the requirements of Cal/OSHA. This program should include product labeling, Safety Data Sheets (SDS) availability, and employee training.

Standards:

California Code of Regulations, Title 8, Section 5194; OSHA Publication 3695

Resources:

A link to additional website resources has been provided and is located on the California JPIA's website.

Action Item: 2019-011**Observations:**

The agency does not have a Hearing Conservation Program.

Action Required:

Assess employee exposure to hazardous noise levels, document the findings, and include this in the centralized Safety Manual. This program should contain provisions for pre-employment assessment, appropriate hearing protection, annual audiometric tests, annual employee training, and periodic environmental assessments.

Determine if existing machinery emits noise greater than 85 dB and how long employees are exposed to the machinery. If the research indicates that employees are exposed to noise levels in excess of 85 dB for an eight-hour time-weighted average, a Hearing Conservation Program, consistent with the requirements of Cal/OSHA, should be implemented.

Standards:

California Code of Regulations, Title 8, Article 105, Section 5097; 29 CFR 1910.95, Occupational Noise Exposure

Resources:

A link to additional website resources has been provided and is located on the California JPIA's website.



Action Item: 2019-012**Observations:**

The agency does not have a Heat Illness Prevention Program.

Action Required:

A Heat Illness Prevention Program should be developed and implemented. The program should include provision of shade, breaks, drinking water, and employee/supervisor training in recognizing the symptoms of heat illness.

Standards:

California Code of Regulations, Title 8, Section 3395; OSHA General Duty Clause, Section 5(a)(1)

Resources:

A link to additional website resources has been provided and is located on the California JPIA's website.

Action Item: 2019-013**Observations:**

The agency's Injury and Illness Prevention Program is outdated. It was last updated in 1994.

Action Required:

Revise the agency's Injury and Illness Prevention Program to comply with the requirements of Cal/OSHA. The following required provisions should be reviewed and revised as necessary:

- Identification of the person or persons responsible for implementing the program;
- The agency's name and address;
- The employer's system for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices; Investigations of all occupational injuries and illnesses;
- The employer's methods and procedures for correcting unsafe or unhealthy conditions and work practices in a timely manner;
- An occupational health and safety training program designed to instruct employees in general safe and healthy work practices and to provide specific instructions with respect to hazards specific to each employee's job assignment;
- The employer's system for communicating with employees on occupational health and safety matters, including provisions designed to encourage employees to inform the employer of hazards at the work site without fear of reprisal (anonymous reporting system); and
- The employer's system for ensuring that employees comply with safe and healthy work practices, which must include recognition, training, re-training, and disciplinary action.

The agency's Injury and illness Prevention Program should be reviewed and revised as necessary annually.



Standards:

California Code of Regulations, Title 8, Section 3203

Resources:

A sample policy has been developed and is located on the California JPIA's website.

Action Item: 2019-014

Observations:

The agency does not have a Lockout/Tagout Program.

Action Required:

Develop a written Lockout/Tagout Program, consistent with the requirements of Cal/OSHA. The agency's Lockout/Tagout procedures must be followed whenever outside servicing personnel are engaged in this work.

Standards:

California Code of Regulations, Title 8, Sections 3314 and 2320; Appendix A to 29 CFR 1910.147

Resources:

A link to additional website resources has been provided and is located on the California JPIA's website.

Action Item: 2019-015

Observations:

Agency forklift operators have not been trained as required.

Action Required:

Provide training to operators of powered industrial trucks in accordance with the California Code of Regulations, Title 8. Refresher training should be provided every three years or as required by the California Code of Regulations, Title 8.

Standards:

California Code of Regulations, Title 8, Section 3668; OSHA General Duty Clause, Section 5(a)(1)

Action Item: 2019-016**Observations:**

The agency does not have a Repetitive Motion Injury Control (Ergonomics) Program.

Action Required:

Consider developing and implementing a Repetitive Motion Injury Control (Ergonomic) Program consistent with the requirements of Cal/OSHA. This is required where a repetitive motion injury (RMI) has occurred to more than one employee under the following conditions:

- The employees incurring the RMIs were performing a job process, or operation of identical work activity;
- The RMIs were musculoskeletal injuries that a licensed physician objectively identified and diagnosed; and
- The RMIs were reported by the employees to the employer in the last twelve months.

This program should include a worksite evaluation, control of exposures that have caused repetitive motion injuries, and training of employees.

Standards:

California Code of Regulations, Title 8, Sections 3203 and 5110; 29 CFR 1910.900

Resources:

A sample policy has been developed and is located on the California JPIA's website.

Action Item: 2019-017**Observations:**

The agency does not have a Respiratory Protection Program, nor has an Airborne Health Hazards Assessment been completed.

Action Required:

Document the agency's assessment regarding employee exposure to airborne health hazards in the workplace and include this in the centralized Safety Manual. Reassess employee exposure periodically. If identified hazards cannot be eliminated, develop and implement a Respiratory Protection Program, consistent with the requirements of Cal/OSHA.

Standards:

California Code of Regulations, Title 8, Section 5144; 29 CFR 1910.134, Respiratory Protection

Resources:

A sample policy has been developed and is located on the California JPIA's website.



Action Item: 2019-018**Observations:**

The agency does not have a formal Trenching and Excavation Safety Program in place.

Action Required:

A Trenching and Excavation Safety Program, consistent with the requirements of Cal/OSHA, should be developed. Training should be conducted as needed and as required.

Standards:

California Code of Regulations, Title 8, Section 1541; 29 CFR 1910.652 Excavations, Requirements for Protective Systems

Resources:

A link to additional website Resources and a sample program has been provided and is located on the California JPIA's website.

Action Item: 2019-019**Observations:**

The agency does have a Safety Committee, though it is not currently active.

The agency's Injury and Illness Prevention Program (IIPP) needs revisions.

Action Required:

Determine if the Safety Committee will resume or formally disband the Safety Committee and reassign its defined responsibilities to other agency staff.

Should the agency decide to resume the Safety Committee's efforts, it should consider broadening the scope of issues covered during Safety Committee meetings and keep a file of meeting agendas and minutes of items discussed and actions taken. The issues should include:

- Overseeing a hazard identification program for all departments;
- Reviewing accidents involving agency employees to make certain the actions taken to prevent recurrence are adequate;
- Monitoring accident statistics to determine trends and problem areas;
- Reviewing safety training needs and current training programs for adequacy and recommending changes or additional programs as necessary;
- Initiating programs to stimulate and maintain employee interest in safety; and
- Reviewing and evaluating safety and health recommendations from all sources, including employee suggestions and complaints.

If the Safety Committee will resume, develop a formal written policy with regular meetings at the specified frequency. The policy should be included in the agency's Injury and Illness Prevention Program.

Standards:

Best Risk Management Practices



Action Item: 2019-020**Observations:**

It is unknown whether training is provided to employees who may be exposed to hazards associated with working around asbestos or lead-based paint.

There is not a written Operations and Maintenance Program in place for agency facilities which contain asbestos or lead-based paint building materials.

Action Required:

Personnel activities should be reviewed to determine whether there is a potential for employee exposures to asbestos or lead.

When employees are exposed to asbestos or lead, an Exposure Control Plan should be developed.

Personal protective equipment (PPE) and employee training should be provided as needed and required.

Develop and implement an Operations and Maintenance Program to manage exposures to asbestos-containing materials and lead-based paint, consistent with the requirements of the California Code of Regulations, Title 8. The program should include employee awareness training. It should also contain a provision advising all employees, service vendors, contractors, and tenants of the known presence of asbestos-containing materials (ACM) and lead-based paint (LBP) in agency facilities, as well as any pre-1978 facilities that have not been sampled. Awareness training reduces the potential for any accidental disturbance of ACM and LBP, and it ensures that proper response procedures are initiated in the event of an incident.

Standards:

California Code of Regulations, Title 8, Section 1529, 1532.1, 5208 and 5216
40 CFR, Part 763 – Asbestos; California Code of Regulations, Title 8, Section 5208, Asbestos; 29 CFR 1910.1200 Hazard Communication

Resources:

A sample program has been developed and is located in the Resource Center on the California JPIA's website.



Action Item: 2019-021**Observations:**

Automated External Defibrillators (AEDs) and other medical emergency equipment were provided for emergency use.

It was not determined whether the AEDs are inspected, tested, and maintained on a regular basis.

It was not determined whether staff members are properly trained on the use of AEDs and maintain current CPR certification.

It was not determined whether a written program outlining the operation, inspection, maintenance, and training requirements for AEDs has been developed.

Action Required:

AEDs should be inspected monthly to ensure that they are in good condition and functional.

AEDs should be tested and maintained in accordance with the recommendations of the manufacturer. All inspections, testing, and maintenance should be documented.

An adequate number of staff should be properly trained to respond to emergency situations requiring the use of the AED. This training should include, at a minimum, training on proper use of the AED as well as maintaining current CPR certification.

All staff at locations with AEDs should annually receive a brochure that describes the proper use of the AED. This information should also be posted next to each AED.

All staff should be informed annually as to the location of each AED.

If one does not exist, a written program that complies with the requirements of the California Health and Safety Code should be developed.

Standards:

California Health and Safety Code, Section 1797.196; California Civil Code, Section 1714.21

Resources:

A sample policy has been developed and is located on the California JPPIA's website.



Human Resources

Action Item: 2019-022**Observations:**

The organization's Personnel Manual and personnel policies are not reviewed regularly with employees.

Action Required:

Employees should be periodically required to sign an acknowledgement of these policies. To ensure regular acknowledgement of the policies, this can be incorporated into annual performance evaluations.

Standards:

Best Risk Management Practices

Action Item: 2019-023**Observations:**

Pre-employment screening for alcohol and/or controlled substances is conducted for all prospective employees.

The agency has not created a list of safety-sensitive positions.

Action Required:

Agency policy should be updated to reflect case law which prohibits blanket drug screening of employment applicants. The agency should develop a list of safety-sensitive positions for which employment is contingent upon screening for illegal or controlled substances. Accordingly, only those applying for positions identified as safety-sensitive should be screened for illegal or controlled substances.

Standards:

Best Risk Management Practices

Action Item: 2019-024**Observations:**

Annual performance evaluations do not consider safety compliance.

Action Required:

Include safety compliance as part of the evaluation. Quantifiable performance measures should be utilized when evaluating safety compliance.

Standards:

Best Risk Management Practices



Action Item: 2019-025**Observations:**

Volunteers are utilized; however, a Volunteer Handbook has not been developed.

Action Required:

Develop and distribute a Volunteer Handbook to volunteers defining volunteer roles and responsibilities. Provide initial and refresher training to all volunteers at least annually.

Standards:

Best Risk Management Practices

Resources:

A sample policy has been developed and is located on the California JPIA's website.

Action Item: 2019-026**Observations:**

The organization does not have a Volunteer Orientation and Training Program in place.

Action Required:

Develop a Volunteer Orientation Program that includes an introduction to agency policies as well as safety training consistent with the requirements of Cal/OSHA. Field services personnel should have "tailgate" safety meetings on a bi-weekly basis with training sessions lasting a minimum of 15 minutes. For administrative and clerical staff, quarterly safety meetings are adequate. Training should include hazards specific to employee job assignments as well as hazards common to all workplaces and situations. Documentation of these meetings should be maintained for at least three years and be readily available for review by Cal/OSHA or other enforcement agencies.

Standards:

California Code of Regulations, Title 8, Section 3203 (a) (7)

Resources:

Register for workshops online on the California JPIA's website.

Action Item: 2019-027**Observations:**

The agency does not evaluate the driving record of volunteers when driving is a job function.

Action Required:

Require prospective volunteers to provide a current Motor Vehicle Report. This will allow the agency to determine whether prospective volunteers have acceptable driving histories before extending an offer to those where driving is a job function.

Standards:

Best Risk Management Practices



Action Item: 2019-028**Observations:**

The agency does not conduct background checks on all volunteers.

Action Required:

Perform background checks on all volunteers, including those who work with or around minors.

Standards:

Public Resources Code, Section 5164, and Penal Code, Section 11105.3

Resources:

A link to additional website resources on Criminal Background Check requirements is located on the California JPIA's website or the National Recreation and Park Association – Operation TLC2 "Making Communities Safe."

Action Item: 2019-029**Observations:**

The agency does not have a formal policy and procedure for notifying Cal/OSHA in the event an employee is involved in a serious injury or illness.

Action Required:

A formal policy and procedure should be developed to meet the requirement that Cal/OSHA be notified of serious injury or illness, or death of an employee. Develop a chain of command and designate a key person to notify Cal/OSHA when required.

Standards:

California Code of Regulations, Title 8, Section 342, and Section 330(h)

Resources:

A link to additional website resources has been provided and is located on the California JPIA's website.



Action Item: 2019-030**Observations:**

The agency has not developed a Transitional Return to Work Program.

Action Required:

Establish a written Transitional Return to Work Policy for injured or ill employees and volunteers and include this policy in both the Employee and Volunteer Handbooks and respective orientation programs. Individuals who cannot return to their previous work or volunteer functions, either temporarily or permanently, should be medically examined to determine their work capacity, and every effort should be made to accommodate transitional light duty requirements.

Transitional light duty assignments should be identified and developed before injuries occur to best ensure the effectiveness and success of the program. The agency should consider including individuals on light duty assignments in some of the various inspection programs recommended in other formal recommendations contained within this report.

Standards:

Best Risk Management Practices

Resources:

A sample policy has been developed and is located on the California JPIA's website.

Fleet and Driver Management

Action Item: 2019-031

Observations:

Supervisors of commercial vehicle operators have not received the required drug and alcohol awareness training.

The agency's commercial drivers have not received training in alcohol and substance abuse awareness.

Action Required:

Provide required drug/alcohol awareness training to all supervisors overseeing drivers of commercial vehicles. Continue monitoring employees who operate vehicles for improper consumption of alcoholic beverages and use of controlled substances and enroll all commercially licensed drivers in a random drug and alcohol testing program.

Standards:

49 Code of Federal Regulation Part 40; 49 Code of Federal Regulations, Section 382.603

Resources:

Register for workshops online in the Resource Center on the California JPIA's website.

Action Item: 2019-032

Observations:

The agency does not have a formal Commercial Vehicle Inspection Program.

Action Required:

Develop and implement a program to regularly inspect agency commercial vehicles to identify hazardous conditions that require repairs or preventive maintenance. A minimum inspection frequency of monthly is recommended.

Standards:

Best Risk Management Practices



Infrastructure Management

Action Item: 2019-033

Observations:

The agency has conducted an ADA Self-Evaluation of agency facilities; however, it is not in writing.

Action Required:

Perform a written ADA Self-Evaluation of all public facilities. By January 26, 1993, each public entity was to have evaluated its services, policies and practices to determine their effect on accessibility of public facilities and modify them as necessary.

Standards:

Americans with Disabilities Act, Title II, Section 35.149-151; 28 C.F.R. § 35.104

Resources:

Assistance can be obtained from the following website links:
<http://www.ada.gov/websites2.htm>; <http://www.section508.gov>.

Action Item: 2019-034

Observations:

The agency has not developed an ADA Transition Plan outlining the steps necessary to achieve barrier-free access.

Action Required:

Develop a formal ADA Transition Plan outlining the steps necessary to complete structural changes to facilities to achieve required accessibility.

Existing buildings were to have been retrofitted to eliminate barriers to program accessibility no later than January 26, 1995. Public entities with 50 or more employees were to have developed a Transition Plan by July 26, 1992. The Transition Plan must identify physical obstacles, describe how the agency will make facilities accessible, outline the schedule for each year's modification efforts, and indicate the official with responsibility for implementation of the Transition Plan as required.

Standards:

Americans with Disabilities Act, Title II, Section 35.149-151; 28 C.F.R. § 35.104

Resources:

Assistance can be obtained from the following website links:
<http://www.ada.gov/websites2.htm>; <http://www.section508.gov>.



Action Item: 2019-035**Observations:**

The agency does not have a formal ADA Grievance Policy or ADA Grievance Coordinator.

Action Required:

Develop a formal ADA Grievance Policy.

Agencies with 50 or more employees must designate a responsible person to coordinate efforts to comply with ADA, carry out responsibilities, and establish grievance procedures that provide for prompt and equitable resolution of complaints alleging prohibited actions.

Standards:

Americans with Disabilities Act, Title II, Section 35.107; 28 CFR Part 35 §35.107, Designation of Responsible Employee and Adoption of Grievance Procedures

Resources:

A sample policy has been developed and is located on the California JPIA's website.

Action Item: 2019-036**Observations:**

The agency has not developed an Asbestos and Lead-Based Paint Awareness Program.

The agency has not formally inspected its facilities for the presence of asbestos and lead-based paint.

Action Required:

Develop and implement an Operations and Maintenance Program to manage exposures to asbestos-containing materials and lead-based paint, consistent with the requirements of the California Code of Regulations, Title 8. The program should include employee awareness training. It should also contain a provision advising all employees, service vendors, contractors, and tenants of the known presence of asbestos-containing materials (ACM) and lead-based paint (LBP) in agency facilities, as well as any pre-1978 facilities that have not been sampled. Awareness training reduces the potential for any accidental disturbance of ACM and LBP, and it ensures that proper response procedures are initiated in the event of an incident.

Standards:

California Code of Regulations, Title 8, Sections 1529, 1532.1, 5198, and 5208
29 CFR 1910.1001, Toxic and Hazardous Substances; Asbestos

Resources:

A sample program is located in the Resource Center on the California JPIA website.



Action Item: 2019-037**Observations:**

The agency website does not include Terms and Conditions.

Action Required:

Develop website Terms and Conditions and post them to the agency's website.

Standards:

Best Risk Management Practices

Resources:

A sample policy has been developed and is located on the California JPIA's website.

Action Item: 2019-038**Observations:**

A Tree Inspection and Maintenance Program has not been developed or implemented.

Action Required:

Develop and implement a Tree Inspection and Maintenance Program.

Standards:

Best Risk Management Practices

Resources:

A sample policy has been developed and is located in the Resource Center on the California JPIA's website.

Action Item: 2019-039**Observations:**

The agency has not established formal sidewalk maintenance and repair standards.

Action Required:

Develop and implement formal inspection and repair standards to guide the inspection and maintenance of sidewalks and related infrastructure features.

Standards:

Best Risk Management Practices

Resources:

A sample policy has been developed and is located on the California JPIA's website.

Action Item: 2019-040**Observations:**

While some of the storm drain covers have been retrofitted to ensure that bicycle tires cannot get trapped in grid patterns that run parallel to the direction of traffic, many have not.

Action Required:

Retrofit remaining storm drain covers for bicycle safety.

Standards:

Best Risk Management Practices



Action Item: 2019-041**Observations:**

The Agency does not have design plans for all major roadways and related infrastructure.

Action Required:

To preserve design immunity, a comprehensive index should be developed and matched to all major roadways. Identify missing roadway design plans and develop a program to recreate any missing plans through a review of those specific roadways and approval by Council or through those granted discretionary authority.

Standards:

Best Risk Management Practices

Resources:

California JPIA White Paper Series: The Design Immunity

Action Item: 2019-042**Observations:**

The following observations were made at the Wescove Day Care:

- Some of the doormats were torn, curled, and/or damaged. This condition poses trip/fall hazards.
- One or more of the illuminated exit signs observed were only partially lit.

Action Required:

Repair or replace doormats at front entrance of the day care.

Exit signs should be equipped with light bulbs for all sockets so that the signs are still illuminated even if one bulb fails.

Standards:

California Code of Regulations, Title 8, Section 3273, Working Area; 29 CFR 1910.22 General Requirements - Walking-Working Surfaces; California Fire Code, Section 1011, Exit Signs; California Fire Code, Section 1011.2, Illumination; California Code of Regulations, Title 24, Section 1006, Means of Egress Illumination; NFPA 101, Chapter 5 - Means of Egress



Action Item: 2019-043**Observations:**

The following observations were made at the Public Works Department - Maintenance Division:

- At least one of the ladders observed was unsecured and leaning against the wall. These ladder storage practices pose falling object hazards.
- Cross bars were missing from storage racks.
- Compressed gas cylinders were not properly secured.

Action Required:

Ladders should be stored on wall hooks or secured with ropes, straps, or chains to prevent them from falling if struck or during seismic activity.

Determine if current storage racks can safely support the intended load.

Secure compressed gas cylinders with one or more restraints to prevent falling caused by contact, vibration or seismic activity.

Standards:

California Code of Regulations, Title 8, Section 3241, Live Loads; 29 CFR 1910, Subpart D - Walking-Working Surfaces; California Government Code, Section 835 California Fire Code, Section 3003.5.3; 29 CFR 1910.101, Compressed Gases (General Requirements)



Action Item: 2019-044**Observations:**

The fire extinguishers are not inspected on a monthly basis.

Action Required:

Ensure that fire extinguishers are visually inspected monthly, consistent with the requirements of Cal/OSHA and California Fire Code.

Standards:

California Fire Code, Section 906, Portable Fire Extinguishers; California Code of Regulations, Title 8, Section 6151, Portable Fire Extinguishers

**Action Item: 2019-045****Observations:**

It was not determined whether emergency eyewash stations are inspected and tested on a regular basis.

Action Required:

All emergency eyewash stations should be tested and flushed weekly to verify proper operation. Plumbed units should be flushed for a minimum of three minutes.



All inspection information should be documented and maintained for a minimum of one year.

Standards:

California Code of Regulations, Title 8, Section 5162, Emergency Eyewash and Shower Equipment; 29 CFR 1910, Subpart K - Medical and First Aid



Parks and Playground Management

Action Item: 2019-046**Observations:**

Detailed installation, maintenance, inspection, and repair records were not available for each piece of playground equipment.

Action Required:

Detailed installation, maintenance, inspection, and repair records for each piece of playground equipment should be established, maintained, and documented.

Standards:

California Health and Safety Code, Sections 115725-115735; CPSC, Publication 325, Public Playground Safety Handbook

Action Item: 2019-047**Observations:**

Not all agency-owned playgrounds have been audited by a Certified Playground Safety Inspector (CPSI).

Action Required:

All playgrounds must have an initial inspection completed by a Certified Playground Safety Inspector (CPSI) prior to their use.

Standards:

U.S. Consumer Product Safety Commission's Public Playground Safety Handbook; California Health and Safety Code Sections 115725 – 115750



Action Item: 2019-048**Observations:**

The agency does not have a comprehensive Playground Inspection and Maintenance Program.

Playground inspection and maintenance is contracted through a third party.

Action Required:

A formal, written Playground Safety and Risk Management Program should be developed to include the following:

- A formal policy specifying playground inspection, maintenance, and repair standards;
- An initial audit of playground facilities by a Certified Playground Safety Inspector (CPSI);
- Provision of required signage/labels;
- Ongoing inspection, repair, and maintenance standards;
- Phasing out and/or replacement of hazardous and/or noncompliant equipment;
- Ongoing renovation as needed to comply with ADA accessibility standards; and
- Recordkeeping/documentation standards.

The policy requirements should be outlined in the third-party agreement.

Standards:

ASTM 1487, Standard Consumer Performance Specifications for Playground Equipment for Public Use; U.S. Consumer Product Safety Commission's Public Playground Safety Handbook; California Health and Safety Code Sections 115725 – 115750

Resources:

A sample checklist has been developed to augment parks and playground inspection programs, which are located on the California JPIA's website.

Action Item: 2019-049**Observations:**

The playground equipment coating was peeling or otherwise deteriorated at CA Parquette.

Action Required:

The equipment should be repaired or replaced in accordance with the manufacturer's recommendations.

Standards:

U.S. Consumer Product Safety Commission's Public Playground Safety Handbook; California Health and Safety Code Sections 115725 – 115750



Action Item: 2019-050**Observations:**

The playgrounds at the following parks require preventative maintenance:

- Orangewood Park - peeling signage and graffiti present
- CA Parquette - signage missing or peeling and litter observed
- Cortez Park - signage missing or peeling
- Big League Dreams - signage missing

Action Required:

Focus maintenance on playground equipment, repairing or replacing damaged or worn parts, and fastening devices.

Required signage and/or labels should be repaired or replaced when they become faded, deteriorated, or illegible.

All informational signs should be periodically reviewed for clarity and legibility.

Signs and labels should comply with the description found in Section 14 of ASTM F1487.

Improve housekeeping at CA Parquette.

Graffiti that is allowed to remain visible invites additional graffiti. Prompt response to graffiti is a proven deterrent to future graffiti.

Standards:

U.S. Consumer Product Safety Commission's Public Playground Safety Handbook;
California Health and Safety Code Sections 115725 – 115750

Resources:

Sample checklists have been developed and are located on the California JPIA's website.



Action Item: 2019-051**Observations:**

The surfacing beneath the playgrounds at CA Parquette and Cortez Park are not properly maintained.

The transition from the concrete to the playground areas was uneven.

These conditions pose trip/fall hazards.

Action Required:

Depending on the playground location, weather conditions, watering patterns, and frequency of use, weekly maintenance may be necessary to ensure adequate depth and to loosen surfacing material that may have become compressed.

Improve maintenance of playground protective surfaces. Add more surfacing to fall zones and the most frequently used play areas. Make sure that the surfacing under and around playground equipment is uncompressed and of an appropriate depth.

Standards:

U.S. Consumer Product Safety Commission's Public Playground Safety Handbook; California Health and Safety Code Sections 115725 – 115750



Action Item: 2019-052**Observations:**

Park inspection and maintenance is contracted through a third party.

The Agency should develop a formal inspection policy and include in the third-party agreement.

Action Required:

Perform regular, formal inspections of parks and fields to identify hard ground; damaged, depressed, or protruding irrigation components; excessive wet areas; missing delineations; holes or divots in the play surface; foreign objects; and fields in need of reseeding. Inspections should also include a review of park lighting, walking surfaces, benches/bleachers, fences, parking areas, and other site-specific features. Identified deficiencies should be corrected in accordance with agency policy.

Resources:

A sample checklist has been developed to augment parks and playground inspection programs, which are located on the California JPIA's website.

Action Item: 2019-053**Observations:**

The Skate Park's rules sign is small and deteriorating. Some rules, like when the park allows mixed use, were not readily apparent.

Graffiti was present in some areas. The presence of graffiti invites additional graffiti. Prompt response to graffiti is a proven deterrent to future graffiti.

The agency does not formally inspect the Skate Park.

Participants at the Skate Park were not using helmets and mixed use was observed when it is not allowed.

Action Required:

The skate park rules should be re-printed in a large, clear format that can be easily read from ten feet away. The signs should reference the information noted in Section III (10) of the California JPIA's Recommended Risk Management Guidelines for skate parks.

Graffiti should be removed.

Formal inspections should be conducted at the Skate Park. Documentation should take form of checklists or other similar documentation. Records of corrective actions should be retained.

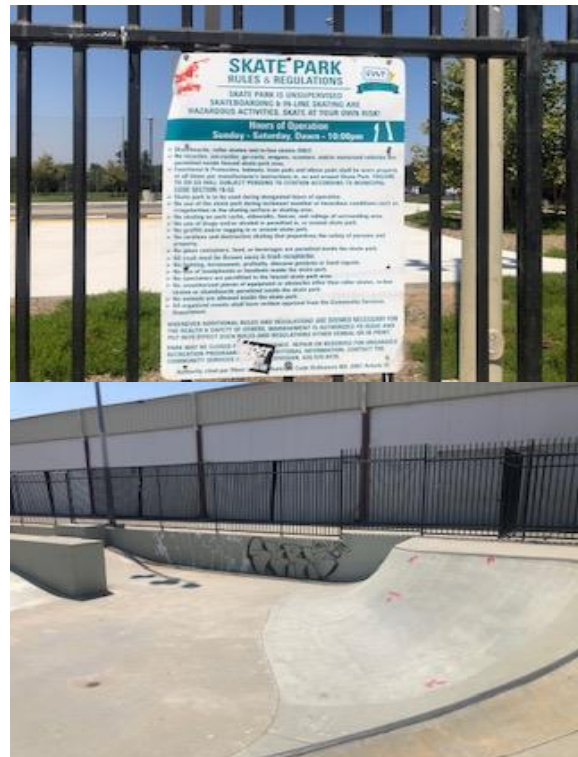
Ensure the agency's existing skate park ordinances are followed and enforced.

Standards:

Best Risk Management Practices

Resources:

AB1296 Section III (10) of the California JPIA's Recommended Risk Management Guidelines for Skate Parks.



Action Item: 2019-054**Observations:**

A temporary makeshift ramp was observed at the entrance to the Skate Park.

The damaged ramp is a trip and fall hazard.

Action Required:

Repair, replace, or remove the ramp.

Standards:

California Code of Regulations, Title 8, Section 3203

**Action Item: 2019-055****Observations:**

It was not determined whether the bleachers/grandstands are inspected and serviced on a regular basis.

Bleacher structures and grandstands present a loss exposure due to falls and/or structure failure.

Action Required:

Retrofit or replace bleachers that do not meet the current guidelines for bleachers.

The grandstands and bleachers should be inspected annually and required maintenance performed to ensure safe conditions. At least biennially, the inspection should be performed by a professional engineer or registered architect. If required by the authority having jurisdiction, the agency should provide certification that both inspections have been performed.

Standards:

U.S. Consumer Product Safety Commission's Publication Number 330-000011, Guidelines for Retrofitting Bleachers; National Fire Protection Association (NFPA) 102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures; Publication 330, Guidelines for Retrofitting Bleachers, United States Consumer Product Safety Commission; California Code of Regulations, Title 24, Section 1028.1.1, Bleachers

Resources:

A link to the Guidelines for Retrofitting Bleachers is located on the California JPIA's website.



Recreation and Community Services

Action Item: 2019-056

Observations:

The agency's waiver requires the participant or participant's parent/guardian to hold the agency harmless from any liability. Participant waivers should not release any party from any act or omission of gross negligence, as the term is used in applicable case law and/or statutory provision.

Action Required:

Revise the participant waiver to conform to accepted best practices, using the suggested language outlined in the Contractual Risk Transfer for California Public Agencies Manual.

Resources:

Contractual Risk Transfer for California Public Agencies manual. California JPPIA, Seventh Edition, 2018

Action Item: 2019-057

Observations:

Waivers for minors are retained for only one year.

Action Required:

Waivers involving minors should be retained for at least three years after the participant has reached 18 years old. The agency's Records Retention Policy should be revised as needed to reflect this policy. Waivers should be retained in accordance with the agency's Records Retention Policy.

Standards:

Best Risk Management Practices

Action Item: 2019-058

Observations:

Contracted instructor agreements are not required to provide insurance; however, they are still required to sign agreements with indemnity language.

Action Required:

Include appropriate indemnity language in agreements with contractor instructors and require sufficient insurance to support the indemnity provisions.

Standards:

Best Risk Management Practices

Resources:

Contractual Risk Transfer for California Public Agencies manual. California JPPIA, Seventh Edition, 2018



Action Item: 2019-059**Observations:**

Certain contractors, including Independent Contractors for recreation classes, are not providing certificates of insurance.

By properly managing its contracts, the agency can reduce its loss exposures and likewise reduce disputes with contractors and their insurers when a loss occurs.

Action Required:

Develop contract documentation tracking procedures to monitor contractor compliance with contract provisions and to ensure that insurance documents required in contracts are received in a timely fashion. Develop a system to ensure that contractors provide certificates of insurance and policy endorsements before they are allowed to begin work. Contractors should be notified immediately in writing when insurance documentation is deficient or is not received as required.

Resources:

Contractual Risk Transfer for California Public Agencies manual. California JPIA, Seventh Edition, 2018

Action Item: 2019-060**Observations:**

The agency does not have written agreements for all individuals or groups who use the agency's recreational facilities.

Action Required:

Utilize rental agreements with all agency facility renters. The rental agreement should include indemnification and hold harmless language, and it should contain insurance requirements as recommended by the California JPIA. Require facility renters to provide evidence of sufficient insurance to support the indemnity agreements in the facility rental agreements.

Compliance with insurance requirements should be monitored and consistently enforced.

When third-party users do not have, or are unable to obtain general liability insurance, consider using the California JPIA Special Event Coverage when possible.

Standards:

Best Risk Management Practices

Resources:

A sample facility rental agreement has been developed and is located on the California JPIA's website.



Action Item: 2019-061

Observations:

The agency does not have a policy addressing at what age staff or volunteers are permitted to work around minors.

It is important to note that juvenile criminal records may not be accessible and/or disclosed to the agency.

Action Required:

Develop and implement a policy specifying what age an employee or volunteer is permitted to work around youth unsupervised. Provide training to staff and volunteers on all provisions of the policy.

Standards:

Best Risk Management Practices

Law Enforcement Services

Action Item: 2019-062

Observations:

The following was observed at the Police Department:

- Evidence of leaks and/or other water intrusion were present in the server room and the female jail cell. Some of the damage appears to be potentially substantial. Water intrusion and the presence of moisture in building materials can foster the growth of mold and mildew.
- Regulated hazardous waste was idly stored. It was not determined whether plans were in place to remove this waste.
- Computer room server data cables are unorganized and could present a trip and fall hazard.
- Electric panelboards and switchboards were obstructed with stored materials and/or furnishings. Obscuring and obstructing electric panelboard cabinets and/or switchboards delays or prevents access in an emergency.

Action Required:

The source of the water intrusion should be determined and corrective action taken to prevent recurrence.

Wall coverings, ceiling tiles, floor coverings, and wall and ceiling insulation should be inspected to identify the presence of damage or mold growth. Both exposed and concealed surfaces should be inspected.

Damaged and contaminated materials should be removed and disposed of in a way that prevents their continued use.

The entire damaged or contaminated area should be cleaned and disinfected with an effective fungicide prior to installing new materials.



Regulated waste should be stored and removed in accordance with Agency policy and other applicable regulations.

Practice cable management in server room to avoid potential trip & fall injuries.

Ensure that all electric panels in agency facilities have clear and unobstructed access (minimum 30-inch clearance) and are properly labeled, closed, and latched, consistent with the requirements of California Fire Code.

Standards:

California Code of Regulations, Title 8, Section 3362, Sanitation, General Requirements; California Code of Regulations, Title 8, Section 3203 (a) (4); California Code of Regulations, Title 8, Section 2340.16, Work Space About Electric Equipment; California Code of Regulations, Title 19, Section 3.01, Basic Electrical Regulations; California Code of Regulations, Title 24, Part 9, California Fire Code, Section 605.3, Working Space and Clearance; 29 CFR 1910, Subpart S - Electrical

Fire Department Operations

Action Item: 2019-063

Observations:

Evidence of leaks and/or other water intrusion was present at Fire Station 1.

Water intrusion and the presence of moisture in building materials can foster the growth of mold and mildew.

Action Required:

The source of the water intrusion should be determined and corrective action taken to prevent recurrence.



Wall coverings, ceiling tiles, floor coverings, and wall and ceiling insulation should be inspected to identify the presence of damage or mold growth. Both exposed and concealed surfaces should be inspected.

Damaged and contaminated materials should be removed and disposed of in a way that prevents their continued use.

The entire damaged or contaminated area should be cleaned and disinfected with an effective fungicide prior to installing new materials.

Standards:

California Code of Regulations, Title 8, Section 3362, Sanitation, General Requirements; California Code of Regulations, Title 24, Section 3401.2, Maintenance



Report Summary

The information noted in this report is based upon an assessment of your agency's overall operations. Because the evaluation is only a snapshot in time, your agency should continue evaluating its risk management practices, and take action as necessary when conditions change. Your agency need not wait on a formal process to identify its risk exposures.

Each observation was carefully documented, and attention was given to ensure its accuracy. The observations identify risk exposures that, if not addressed, have the potential to adversely impact your agency's operations. Thank you again for your partnership in completing this undertaking.

Agency Exemplar

An Agency Exemplar has a structure in place to effectively lead agency-wide risk management policies and practices. These policies and practices are part of the organizational culture. Such policies and practices include the adoption and implementation of the following:

1. Injury and Illness Prevention Program
2. Citizen complaint logging system
3. Americans with Disabilities Act Compliance Program
4. Safety/risk management committee
5. Records retention policy
6. Employee training programs
7. Environmental protection programs
8. Contracts administration
9. Evaluation of general liability claims for frequency and severity trends
10. Evaluation of workers' compensation claims frequency and severity trends

As the agency's leadership embraces risk management through agency-wide policies and practices, each department and division will have their own areas of responsibilities including:

1. Human Resources

- Personnel manual
- Employee handbook
- Standard hiring practices
- Safety manual
- Cal/OSHA compliance training
- Discrimination and harassment training
- Discrimination and harassment complaint processing
- Management, direction, and control of volunteers
- Violence in the work place policy
- OSHA 300 log and summary
- DMV pull notice
- Proper driver licenses
- Supervisor training for reasonable suspicion testing for drug/alcohol abuse
- Transitional return to work policy
- Interactive/reasonable accommodation process (ADA/FEHA)
- Job descriptions include job function analysis elements
- Social media policy
- Mandated reporter program and training



2. Public Works/Public Service

- Supervisor Training
- Safety training for field personnel based on job duties
- Water treatment
- Water distribution
- Wastewater treatment
- Sanitary sewer operations
- Confined space
- Trench spaces
- Facilities maintenance
- Fleet maintenance
- Vehicle inspection and maintenance programs
- Traffic control
- Lockout/Blockout program
- Sidewalk inspection and maintenance program
- Tree inspection and maintenance program
- Defensible space/vegetation management program
- Proper driver licenses

3. Facilities and Infrastructure

- Asbestos and lead based paint operations and maintenance programs and awareness training
- Facility inspection and maintenance program
- Pavement management inspection and maintenance program
- Parks and playground inspection and maintenance program
- Streetlight inspection program
- Power generation facilities protocols
- Evaluation of property claims for frequency and severity trends

4. Recreation and Community Services

- Participant waivers and application program
- Facility use procedure and agreements
- Proper indemnification and hold-harmless clauses in contracts
- Compliant day care programs
- Mandated reporter program and training

5. Animal Control (not applicable to agency)

- Employee training
- Policies and procedures for handling of animals
- Waivers and indemnity agreements for animal release or adoption

6. Police Services (not applicable to agency)

- Lexipol policy manual and daily training bulletin service
- POST training requirements



7. Fire Services (not applicable to agency)

Policy manual in place and current
Hearing protection
Special operational programs and training
Hazardous material
Trench rescue
Swift water rescue
Confined space entry
Advanced Life Support

Managed risks are of great importance. The consequences of ignoring their importance include lost employee time, increased operational costs and payment of claims. Furthermore, an agency's fiduciary responsibility means that it owes a high standard of care to protect public funds. More importantly, the obligation to safeguard workers, the public, and assets should compel every organization to manage risk effectively. An Agency Exemplar must manage risk exposures by:

1. Examining feasible alternative for addressing exposures
2. Selecting and implementing best risk management techniques
3. Monitoring results of the chosen techniques to ensure effectiveness, and modify if necessary

An Agency Exemplar must also view risk management holistically by recognizing its scope:

1. Casualty and/or hazard risk (accidents – including property, liability, personnel)
2. Cash flow risks (insufficient cash or assets to function normally in the event of a major loss)
3. Operational risk (not being able to fulfill the organization's mission, exposing the stakeholders, lack of succession planning)
4. Political risk (adverse action of governments that might expropriate or excessively restrict or tax an organization's assets and activities)
5. Technological risk (failure to keep pace with changes in operating techniques, and security protection)
6. Reputational risk (risk of loss resulting from not being able to maintain a good name or standing)

In conclusion, an Agency Exemplar begins and ends with the belief that an individual who is charged with managing the organization overall, then creates a culture in which all others similarly are committed to risk management.

It is the Authority's desire to support each member in becoming an Agency Exemplar. The Authority is committed to assisting each member in working toward this goal.





AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: May 19, 2020

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: PUBLIC HEARING REGARDING ISSUANCE OF TAX-EXEMPT BONDS FOR EMANATE HEALTH QUEEN OF THE VALLEY HOSPITAL

RECOMMENDATION:

1. Conduct a Tax Equity and Fiscal Responsibility Act hearing in consideration of the issuance of tax-exempt bond financing by the California Statewide Communities Development Authority for the benefit of Emanate Health.
2. Adopt the following Resolution:

RESOLUTION NO. 2020-26 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ISSUANCE OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY REVENUE BONDS (EMANATE HEALTH), SERIES 2020 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$260,000,000 FOR THE PURPOSE OF FINANCING AND/OR REFINANCING THE ACQUISITION, CONSTRUCTION, EQUIPPING, IMPROVEMENT, RENOVATION, REHABILITATION AND/OR REMODELING OF HOSPITAL, HEALTH CARE AND RELATED FACILITIES AND CERTAIN OTHER MATTERS RELATING THERETO

BACKGROUND:

The California Statewide Communities Development Authority (CSCDA) was created in 1988, under California's Joint Exercise of Powers Act, to provide California's local governments with an effective tool for the timely financing of community-based public benefit projects. More than 500 cities, counties and special districts, including the City of West Covina, have become Program Participants to CSCDA – which serves as a conduit issuer and provides access to an efficient mechanism to finance locally-approved projects. CSCDA helps local governments build community infrastructure, provide affordable housing, create jobs, make access available to quality healthcare and education, and more. CSCDA provides an important resource to local government members. CSCDA has requested that the City conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing for the issuance of up to \$260 million in tax-exempt bonds for the financing of Emanate Health (Emanate) facilities in West Covina, Covina and Glendora. The West Covina facility is Emanate Health Queen of the Valley Hospital Campus (Queen of the Valley) located at 1115 S. Sunset Avenue.

In order for all or a portion of the bonds to qualify as tax-exempt bonds, the City of West Covina, as the governmental unit having jurisdiction over the area in which the facility is located, must conduct a TEFRA hearing. The TEFRA hearing is intended to provide members of the community an opportunity to speak on behalf

of or against the proposed project. Prior to the TEFRA hearing, reasonable public notice must be provided to the members of the community. Notice of the TEFRA hearing was published on May 11, 2020 in the San Gabriel Valley Tribune (Attachment 2).

Once the TEFRA hearing has been conducted, an "applicable elected representative" of the governmental unit hosting the proposed project must provide its approval of the issuance of the bonds for the financing of the project. The City Council, as the elected legislative body of the City, is an applicable elected representative.

DISCUSSION:

Emanate is seeking tax-exempt bonds in a principal amount not to exceed \$260 million for three facilities in West Covina, Covina, and Glendora. Since one of the facilities to be financed is located within the jurisdiction of the City of West Covina, the City has been asked to conduct a TEFRA hearing and adopt a resolution that approves the issuance of the bonds for the benefit of Emanate (Attachment 1).

Emanate will utilize a portion of the bonds for the expansion of Queen of the Valley Hospital. The City approved the Specific Plan on November 5, 2019. Proceeds of the financing will be used for the Queen of the Valley Hospital Medical Arts Building, Parking Structure and a new Emergency Department and Intensive Care Unit Addition (the "Project"). A summary of each facility is outlined below:

Medical Arts Building

A new building, to be known as the "Medical Arts Building," is expected to be constructed on the Queen of the Valley Hospital campus and will include the following:

- The Medical Arts Building currently is designed as a two-story, 60,000 square foot building.
- The Medical Arts Building is expected to include: space to provide radiation treatment, medical and surgical oncology services (which will include a linear accelerator); an ambulatory surgery center with four operating rooms as well as pre- and post-operative areas and sterile processing; an infusion center with a satellite laboratory for point-of-care testing and blood draws; and space for specialty clinics.
- In addition to the linear accelerator that will be installed in the Medical Arts Building, shell space that could accommodate a second linear accelerator also will be constructed.

Parking Structure

A multi-story parking structure and a surface parking lot are expected to be constructed adjacent to the Medical Arts Building. The parking structure is designed to include 411 spaces, and the surface parking is expected to include 350 additional parking spaces.

Emergency Department and Intensive Care Unit Addition

A new building is expected to be constructed adjacent to the existing Queen of the Valley Hospital facility. The building currently is designed as a two-story, 60,000 square foot building. The building is expected to include: a 60-bed emergency department; CAT scan and MRI suites; and a 24-bed intensive care unit and related support space.

LEGAL REVIEW:

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

Prepared by: Paulina Morales, Economic Development and Housing Manager

Fiscal Impact

FISCAL IMPACT:

There is no fiscal impact to the City. The Bonds will be issued as limited obligations of CSCDA, payable solely from revenues and receipts derived from a loan to be made by CSCDA to the Borrower with the Bond proceeds. The City bears no liability with respect to the issuance of the Bonds. Further, the City is not a party to any of the financing documents related to the Bond issuance and is not named in any of the disclosure documents describing the Bonds or the proposed financing. The City is not committed in any manner if the bonds are issued.

Attachments

Attachment No. 1 - Resolution No. 2020-26

Attachment No. 2 - Notice of Public Hearing

CITY COUNCIL GOALS & OBJECTIVES: Enhance the City Image and Effectiveness
Enhance Public Safety

RESOLUTION NO. 2020-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ISSUANCE OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY REVENUE BONDS (EMANATE HEALTH), SERIES 2020 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$260,000,000 FOR THE PURPOSE OF FINANCING AND/OR REFINANCING THE ACQUISITION, CONSTRUCTION, EQUIPPING, IMPROVEMENT, RENOVATION, REHABILITATION AND/OR REMODELING OF HOSPITAL, HEALTH CARE AND RELATED FACILITIES AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, Emanate Health, a California nonprofit public benefit corporation (the “Corporation”), has requested that the California Statewide Communities Development Authority (the “Authority”) participate in the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$260,000,000 (the “Bonds”) for the acquisition, construction, equipping, improvement, renovation, rehabilitation and/or remodeling of hospital, health care and related facilities (the “Facilities”) to be owned and operated by the Corporation or one of its affiliates (the “Project”) and located within the City of West Covina (the “City”); and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code (the “Code”), the issuance of the Bonds by the Authority must be approved by the City because the Facilities are located or to be located within the territorial limits of the City; and

WHEREAS, the City Council of the City (the “City Council”) is the elected legislative body of the City and is one of the applicable elected representatives required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority for the purposes of financing and/or refinancing the Project in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 9 of the Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the “Agreement”), among certain local agencies, including the City;

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds which financed the Facilities (the “Refunding Bonds”), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority.

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

SECTION 1. The City Council hereby approves the issuance of the Bonds and Refunding Bonds by the Authority for the purposes of financing and/or refinancing the Project. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds and Refunding Bonds by the Authority and of the financing and/or refinancing of the Project, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the issuer of the Bonds and the governmental unit having jurisdiction over the area in which the Facilities are located or are to be located, in accordance with said Section 147(f) and (b) Section 9 of the Agreement.

SECTION 2. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

SECTION 3. 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 19th day of May, 2020.

Tony Wu
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. 2020-26 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 19th day of May, 2020, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

San Gabriel Valley Tribune

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5266447

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PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA County of Los Angeles

I am a citizen of the United States, and a resident of the county aforesaid. I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of SAN GABRIEL VALLEY TRIBUNE, a newspaper of general circulation for the City of West Covina, by the Superior Court of the County of Los Angeles, State of California, on the date of September 10, 1957, Case Number 684891. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

05/11/2020

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Monrovia, LA Co. California
On this 11th day of May, 2020.

Signature

(Space below for use of County Clerk Only)

Legal No. **0011383557**

TEFRA NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on May 19, 2020, a public hearing as required by Section 147(f) of the Internal Revenue Code (the "Code") will be held by the City of West Covina with respect to the proposed issuance by the California Statewide Communities Development Authority of qualified 501(c)(3) bonds, as defined in Section 145 of the Code, for hospital or other healthcare and related facilities in one or more series in an amount not to exceed \$260,000,000 (the "Bonds"). Proceeds of the Bonds in an amount (1) not to exceed \$153,000,000 is expected to be used to finance the acquisition, construction, equipping, improvement, renovation, rehabilitation and/or remodeling of hospital, health care and related facilities at the campus of Queen of the Valley Hospital located generally at 1115 South Sunset Avenue in West Covina, California 91790, (2) not to exceed \$40,000,000 is expected to refinance taxable loans previously incurred to finance the acquisition, implementation and installation of equipment and the portion of an electronic medical records system located and/or accessible at 1115 South Sunset Avenue, 1135 South Sunset Avenue, Suite 200 and Suite 401, and 820 North Phillips Avenue, each in West Covina, California, and (3) not to exceed \$45,000,000 is expected to be used to refinance certificates of participation previously delivered for the benefit of Emanate Health and/or its affiliates to finance and/or refinance the acquisition, construction, equipping, improvement, renovation, rehabilitation and/or remodeling of hospital, health care and related facilities located generally at 1115 South Sunset Avenue and 820 North Phillips Avenue, each in West Covina, California. The facilities are to be owned and operated by Emanate Health or one of its affiliates, each a nonprofit public benefit corporation and an organization described in Section 501(c)(3) of the Code.

The remainder of the proceeds of the Bonds will be used by Emanate Health or one of its affiliates to finance or refinance projects located in the City of Covina and the City of Glendora.

The hearing will commence at 7:00 p.m. or as soon thereafter as the matter can be heard.

In light of the COVID-19 pandemic, Governor Newsom issued Executive Orders (N-25-20 and N-29-20), which temporarily suspend certain requirements of the Brown Act during the period in which state or local public health officials have imposed or recommended social distancing measures. Pursuant to the Executive Orders, the City Council is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to allow the public to observe and address the City Council. Consistent with the Governor's Executive Orders, the City Council Chambers are closed to the public and the May 19, 2020 City Council meeting will be conducted via teleconference. The public may view the meeting live through the West Covina City YouTube channel at www.westcovina.org/live.

Due to the City Council Chambers being closed to the public and consistent with Revenue Procedure 2020-21 issued by the Internal Revenue Service on May 4, 2020, the hearing on the issuance of the Bonds will be conducted via teleconference. Interested persons wishing to express their views on the issuance of the Bonds or on the nature and location of the facilities proposed to be financed and/or refinanced may attend the public hearing by telephone, or, prior to the time of the hearing, submit written comments via email.

To access the hearing telephonically, members of the public may call in to the hearing by utilizing the following call-in information:

Telephone Number: (800) 719-7514

Participant Code: 133500

If you intend to address the City Council during public comment, please contact the City Clerk by email at City_Clerk@westcovina.org or by telephone at (626) 939-8433 by 6:30 P.M. on May 19, 2020 to advise the City Clerk that you would like to address the City Council during public comment. When it is time for public comments, the City Clerk will call your name when it is your turn to speak.

Please be aware that all rules of procedure and decorum will apply when participating in the hearing and addressing the City Council by teleconference. If attending the hearing by teleconference, please set your phone to "mute" to eliminate background noise or other interference from telephonic participation.

Public comments will also be accepted via email to the City Clerk at City_Clerk@westcovina.org. The subject line should specify "Public Hearing on Issuance of Tax Exempt Bonds-5/19/2020." Please include your full name and address in your e-mail. The City Clerk will read emails received by 6:30 P.M. on May 19, 2020 out loud into the public record.

Please visit www.westcovina.org for information about the procedure

for accommodation for individuals with disabilities.

For additional information concerning the above matter, please contact the West Covina City Clerk, at 1444 West Garvey Avenue South, West Covina, California, 91790 or by email at City_Clerk@westcovina.org.

Dated: May 11, 2020
San Gabriel Valley Tribune

Ad#11383557