



# PALMDALE

*a place to call home*

**CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
38300 SIERRA HIGHWAY  
SUITE B  
PALMDALE, CA 93550  
WEDNESDAY, JANUARY 19, 2022  
5:00 PM  
7:00 PM  
[www.cityofpalmdale.org](http://www.cityofpalmdale.org)**

## **WELCOME**

**As a result of the dramatic increase in COVID-19 cases, and our desire to keep both the public and City staff safe, the public will be permitted to physically attend the City Council meeting scheduled for January 19, 2022, including public seating available at limited capacity. Masks are required to be worn by all persons in attendance. It is recommended that all citizens practice social distancing to the extent possible while in attendance. Councilmembers may choose to participate in person or via conference call.**

How to observe the meeting virtually:

1. Spectrum local access Channel 27
2. Online live webcast at [www.cityofpalmdale.org](http://www.cityofpalmdale.org).

How to Submit Public Comments:

VERBAL PUBLIC COMMENT DURING THE MEETING – ZOOM Number: US: +1 346  
248 7799 Webinar ID: 823 3259 7104 Passcode: 886372

Webinar attendee link [https://us06web.zoom.us/j/82332597104?  
pwd=UmxTMIEwYjJwVUFRSmprR051NmpxUT09](https://us06web.zoom.us/j/82332597104?pwd=UmxTMIEwYjJwVUFRSmprR051NmpxUT09).

Verbal comments must be limited to three (3) minutes. Public comments submitted will become part of the official meeting record.

The safety and well-being of employees and the public remains the City's top priority. The City of Palmdale appreciates your patience and understanding during these challenging times.

The City Council is making every effort to follow the spirit and intent of the Brown Act and other applicable laws regulating the conduct of public meetings in order to maximize transparency and public access.

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (661) 267-5151 at least 72 hours prior to the meeting.

If you require oral Spanish translation, please contact the City Clerk's Office at (661) 267-5151 at least 72 hours prior to the meeting.

Your courtesy is requested to help our meetings run smoothly. If you'll be kind enough to follow these simple rules, we can make the best possible use of your time and ours:

- Please refrain from public displays or outbursts, such as unsolicited applause, comments, cheering, foul language or obscenities.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be asked to leave the meeting.
- Please turn off/mute your cell phones and mobile devices.

**5:00 P.M.**

**1. MAYOR TO CALL MEETINGS TO ORDER**

**2. ROLL CALL**

MAYOR HOFBAUER, MAYOR PRO TEM LOA,  
COUNCILMEMBERS CARRILLO, BISHOP, BETTENCOURT

**3. PUBLIC COMMENTS**

Now is the time for public participation for any person wishing to speak to the City Council on matters listed or not listed on the agenda, within the jurisdiction of the City Council. If you are attending the meeting by phone, please press \*9 to "raise your hand." If attending by personal computer, please click the "raise your hand" button. Press \*6 to un-mute yourself, state your name and begin speaking. PLEASE NOTE: A three-minute limit is imposed on each speaker.

#### **4. PRESENTATION BY CITY ATTORNEY**

##### **4.1 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Gerald and Roberta Dolen v. Builders Fence Company, et al  
Los Angeles County Superior Court  
Case No. 21AVC00377

##### **4.2 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Raul Herrera v. City of Palmdale, et al.  
Los Angeles County Superior Court  
Case No. 21AVC00044

##### **4.3 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Donald D'Angelo v. County of Los Angeles, et al  
Los Angeles County Superior Court  
Case No. 21AVC00441

##### **4.4 The reason for holding a closed session is for the purpose of obtaining authorization and direction from the City Council regarding the possible acquisition of property interests in the following property, generally located near State Route 14 and Avenue Q:**

Property Owner: Jim Goltche; Royal Investors Group, LLC; K Land Associates, LLC; Jaz Investment Corp; Royal & Aframian LLC; 26 Maple LLC.  
Property: APNs 3008-041-002~007  
City Negotiator: Steve Hofbauer

This closed session is being held pursuant to the authority of California Government Code Section 54956.8. Closed session is recommended because the City Council will be instructing the negotiator regarding terms and conditions, including price, for the possible purchase of the real property identified above.

#### **5. ANNOUNCEMENT BY CITY ATTORNEY**

#### **6. ADJOURN CLOSED SESSION MEETING**

**7:00 P.M.**

#### **7. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE IN HONOR OF OUR TROOPS**

## 8. **PUBLIC COMMENTS**

Now is the time for public participation for any person wishing to speak to the City Council on matters listed or not listed on the agenda, within the jurisdiction of the City Council. If you are attending the meeting by phone, please press \*9 to "raise your hand." If attending by personal computer, please click the "raise your hand" button. Press \*6 to un-mute yourself, state your name and begin speaking. PLEASE NOTE: A three-minute limit is imposed on each speaker.

## 9. **WORKSHOP PRESENTATION**

- 9.1 New State Waste Diversion Rules. (Staff Reference: Director of Public Works Heffernan - Presented by Deputy Director of Public Works Glidden)  
[SR - New State Waste Diversion Rules Final.docx](#)

## 10. **APPOINTMENTS**

- 10.1 Approve nominations for appointment to the board of directors for Visit Palmdale. (Staff Reference: Director of Economic and Community Development Garibay - Presented by Economic Development Coordinator Gonzalez)  
[City\\_Staff\\_Report-Visit Palmdale BOD\\_at-large\\_FINAL.pdf](#)
- 10.2 Approve alternate member nomination for appointment to the Measure AV Oversight Committee. (Staff Reference: City Clerk Smith)  
[1\\_19\\_22\\_MAV\\_Regular\\_Member\\_Appointment\\_sss.docx](#)  
[1549.pdf](#)  
[MAV\\_Bylaws.docx](#)

## 11. **ADJOURNMENT**



# City Council Staff Report

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**DATE:** JANUARY 19, 2022  
**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** PUBLIC WORKS  
**DISTRICT:** ALL  
**SUBJECT:** NEW STATE WASTE DIVERSION RULES

## **ISSUE**

New State Waste Diversion Rules.

## **RECOMMENDATION**

The intent of this workshop is to provide the Council with detailed information on new State mandated solid waste, traditional recycling and organics recycling requirements and the efforts being made to address these mandates and their affect upon the public.

## **BACKGROUND**

The State has committed to reducing greenhouse gas emissions under California's Short-Lived Climate Pollutant Reduction Strategy also known as Senate Bill (SB) 1383. To reduce the emissions, one of the State's targets is to reduce organic waste disposal by 50 percent by 2020 and 75 percent by 2025. Also, by 2025, 20 percent of what currently is disposed of as edible food must be recovered for consumption by those in need.

To comply with State Law and these goals the City must enforce several types of programs. These programs include, but are not limited to:

- Providing mandatory organic waste curbside collection services to all residents and businesses;
- Establishing an edible food recovery program that recovers edible food from the waste stream;
- Conducting outreach and education to all affected parties, including generators, haulers, facilities, edible food recovery organizations, and City departments;
- Conducting capacity planning for organic waste and edible food recovery;
- Procuring recycled organic waste products like compost, mulch, and renewable gas, and recycled content paper and paper products; and
- Inspecting and enforcing compliance as well as maintaining extensive records and documentation.

SB 1383 was adopted in 2016 and regulations were approved November 2020. Regulations took effect January 1, 2022. However, due to the challenges many local governments faced during the COVID-19 pandemic; Governor Newsom signed SB 619. The law authorizes CalRecycle to waive penalties if a jurisdiction submits a Notification of Intent to Comply and is approved for some or all of the regulatory requirements. Jurisdictions must successfully implement the plan to correct their shortfalls for compliance with the requirements that take effect during the 2022 calendar year, continuing the compliance deadline to the 2023 calendar year. to avoid penalties, The jurisdiction must also adopt a resolution to certify the contents and timeline of the Notification of Intent to Comply. The application along with Notification to Comply and resolution must be submitted to CalRecycle by March 1, 2022. SB 619 does not provide an exemption from compliance; it only allows a deference of compliance for a year. CalRecycle has indicated that if a jurisdiction does not follow-through with its' approved proposed actions and schedule outlined in the notification, then they may rescind approval and impose penalties for violations occurring during the 2022 calendar year retroactively to the date of violation.

## **DISCUSSION**

No decisions are intended to be made during the workshop. Staff from Public Works and Waste Management will be present to outline the information and to answer questions.

## **FISCAL IMPACT**

There is no fiscal impact associated with this action.

## **STRATEGIC PLAN**

Goal I: Maintain effective public safety and protection for life, property and the environment.

C. Use a variety of methods to communicate timely, useful, and trusted information about city programs, services and policies.

Goal III: Invest in infrastructure to improve community livability.

B. Implement and administer environmentally sustainable programs.

Prepared by:	Chuck Heffernan, P.E., Director of Public Works
Certified as to availability of Funds:	Keith Kang, Finance Manager
Approved by:	J.J. Murphy, ICMA-CM, City Manager
Approved as to form:	Christopher Beck, City Attorney

## **ATTACHMENTS**

PowerPoint – New State Waste Diversion Rules



# City Council Staff Report

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**DATE:** January 19, 2022  
**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT  
ECONOMIC DEVELOPMENT DIVISION  
**DISTRICT:** ALL  
**SUBJECT:** APPROVE NOMINATION FOR APPOINTMENT TO THE BOARD OF  
DIRECTORS OF VISIT PALMDALE

## **ISSUE**

Approve nominations for appointment to the Board of Directors of Visit Palmdale.

## **RECOMMENDATION**

Staff recommends that the City Council approve three (3) nominees for the Visit Palmdale Board of Directors.

## **BACKGROUND**

On October 5, 2021, the Palmdale City Council authorized the creation of the Palmdale Tourism Improvement District (PTID) with the adoption of Resolution No. CC 2021-096. A PTID is a partnership between the City and hotels in Palmdale to create additional tourism and visitor opportunities that both visitors and residents can enjoy. The benefits an improvement district provides can come in a variety of forms such as signature events, enhancing current tourism attractions, development of additional destinations and infrastructure improvements. An increase in tourism and business travel positively impacts hotels, restaurants, and local small businesses.

Visit Palmdale is the governing board of the PTID. The board will have the responsibility of managing the services and programs provided by the PTID in Palmdale.

The Board of Directors for Visit Palmdale is made up of seven (7) directors; four (4) from Palmdale businesses who represent the PTID, one (1) City Councilmember, one (1) City staff person, and one (1) person who represents tourism and the non-lodging hospitality sector in Palmdale. This mirrors the formation of Destination Lancaster's Board of Directors when the board was first established. Each member is appointed for a three (3) year term.

## **DISCUSSION**

The City Council is responsible for the appointment of the three individuals to the Visit Palmdale Board of Directors. Per the Visit Palmdale Bylaws, the Directors shall be appointed by the Mayor, subject to the approval of a majority of the City Council. The City Council shall approve its representative from the City Council to serve on the Board of Directors.

1. Laura Bettencourt
2. Austin Bishop
3. Juan Carrillo
4. Steven D. Hofbauer
5. Richard J. Loa

The City Council shall also approve a City staff member representative to the Board of Directors, staff is recommending:

1. Luis Garibay
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On December 23, 2021, the City posted the vacancy for an at-large board member on the Visit Palmdale Board of Directors on the City Webpage and through a public notice in the AV Press. The posting and noticing closed on January 10, 2022.

The following public members applied and met the minimum requirements for the public member position on the Visit Palmdale Board of Directors:

1. Dorothy Bowling
2. Falakika Moore
3. Samantha Schmitz
4. Seidy Sepulveda

Appointment of the nominees would allow Visit Palmdale to complete essential tasks that require approval of a full board.

## **FISCAL IMPACT**

There is no fiscal impact associated with this item.

**STRATEGIC PLAN**

Goal IV: Maintain a desirable community where everyone wants to live, work and play.

D. Develop and maintain diverse programs and events that inspire growth, pride and lifelong learning.

Prepared by:	Luis Gonzalez, Economic Development Coordinator
Certified as to availability of Funds:	Keith Kang, Finance Manager
Approved by:	Ronda Perez, Acting City Manager
Approved as to form:	Christopher Beck, City Attorney



# City Council Staff Report

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**DATE:** JANUARY 19, 2022  
**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** CITY MANAGER DEPARTMENT  
CITY CLERK DIVISION  
**DISTRICT:** ALL  
**SUBJECT:** APPROVE ALTERNATE MEMBER NOMINATION FOR  
APPOINTMENT TO THE MEASURE AV OVERSIGHT COMMITTEE

## **ISSUE**

Approve Alternate Member nomination for appointment to the Measure AV Oversight Committee.

## **RECOMMENDATION**

Staff recommends that the City Council approve nomination of one of the following applicants for appointment to the Measure AV Oversight Committee for the remaining balance of a two-year term set to expire in April 2023:

1. Glenn Anthony Flood	2. Engel Thedford
3. Aaron M. Stickel	4. Marmissi Masters
5. Alenna Schofield	

## **BACKGROUND**

At the General Municipal Election held on November 3, 2020, voters approved the enactment of a local  $\frac{3}{4}$  cent transaction and use tax in the City of Palmdale. The measure allows for local control of sales tax dollars, ensures long-term fiscal sustainability, and allows the City to continue to fund reliable essential services for the community. The revenues and expenditures from the tax are to be regularly reviewed by a citizens advisory committee to ensure the funds collected are expended for the purposes specified in the Measure AV Ballot language and to provide enhanced transparency and public participation. The City Council shall appoint a seven-member committee and by resolution, adopt guidelines for the duties of a citizens oversight committee, later named Measure AV Oversight Committee (Committee”).

## **DISCUSSION**

On April 6, 2021, seven (7) Committee members and seven (7) alternate members were appointed to the Committee. The Committee has an opportunity to review, comment and make recommendations on proposed expenditures which may include, but not be limited to, receiving semi-annual reports from City staff each fiscal year on revenues and expenditures from the tax imposed by Ordinance No. 1549.

On December 15, 2021, Eric Ohlsen was appointed as the Regular Member to District 4, replacing Maribel Briseno, who had accepted full-time employment with the City. The Office of the City Clerk received subsequent notice from District 4 Alternate Member Roger Villasenor, indicating his resignation from the alternate position due to personal reasons.

A Notice of Vacancy was advertised in the Antelope Valley Press for interested citizens to apply. The Communications division also provided a press release to the public, including the application submittal deadline. The Classified Ad and the application were made available on the City's website as well as in the Office of the City Clerk. Staff received five (5) applications by the December 22, 2021, 1:00 p.m. application submittal deadline.

## **FISCAL IMPACT**

There is no fiscal impact associated with this item, as alternate member positions do not receive compensation for service.

## **STRATEGIC PLAN**

Goal II: Ensure long-term fiscal health of the City and maintain funding for services.

C. Involve and expand engagement to enhance public oversight and transparency.

Prepared by:

Certified as to availability of Funds:

Approved by:

Approved as to form:

Shanae Smith, City Clerk

Keith Kang, Finance Manager

Ronda Perez, Assistant City Manager

Christopher Beck, City Attorney

## **ATTACHMENTS**

1. Ordinance No. 1549
2. Measure AV By-laws

CITY OF PALMDALE  
COUNTY OF LOS ANGELES, CALIFORNIA  
ORDINANCE NO. 1549

AN ORDINANCE OF THE CITY OF PALMDALE ESTABLISHING A  $\frac{3}{4}$   
CENT TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE  
CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

Transactions and Use Tax

**3.21.010 Title.**

This Ordinance shall be known as the Palmdale Transactions and Use Tax Ordinance. The city of Palmdale hereinafter shall be called "City." This Ordinance shall be applicable in the incorporated territory of the City.

**3.21.020 Purpose.**

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden

of record keeping upon persons subject to taxation under the provisions of this ordinance.

E. To provide transactions and use tax revenue for unrestricted general revenue purposes, and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the city's general fund and be available for any legal municipal purpose.

**3.21.030 Contract with State.**

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

**3.21.040 Transactions Tax Rate.**

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of  $\frac{3}{4}$  of a cent per dollar (0.75%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

**3.21.050 Place of Sale.**

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

**3.21.060 Use Tax Rate.**

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of  $\frac{3}{4}$  of a cent per dollar (0.75%) of the sales price of the property. The sales price

shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**3.21.070 Adoption of the Provisions of State Law.**

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

**3.21.080 Limitations on Adoption of State Law and Collection of Use Taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

**3.21.90 Permit Not Required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

**3.21.100 Exemptions and Exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has

the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **3.21.110 Amendments to State Law.**

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance. The city council may amend this ordinance to comply with applicable law or as may be otherwise necessary in order to further the ordinance' stated purposes.

### **3.21.120 Enjoining Collection Forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

### **3.21.130 Severability.**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**3.21.140 Effective Date.**

This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect April 1, 2020.

**3.21.150 Termination Date.** The authority to levy the tax imposed by this ordinance shall not expire unless terminated by lawful vote of the electorate or as required or authorized by law.

**SECTION 3.** The people of the city of Palmdale desire enhanced transparency and public participation regarding the tax imposed by this Ordinance, and expect the revenues and expenditures from the tax to be regularly reviewed by a Citizen's Advisory Committee. Therefore, the Palmdale Municipal Code is further amended by adding Section 3.11.170 to read as follows:

**3.21.160 Oversight.** Following adoption of this Ordinance by the voters, the City Council shall appoint, pursuant to Palmdale Municipal Code Section 2.08.030, a seven-member Citizen's Advisory Committee. The City Council shall, by resolution, adopt guidelines for the duties of the Citizen's Advisory Committee which shall include, but not be limited to, receiving semi-annual reports from City staff each fiscal year on revenues and expenditures from the tax imposed by this Ordinance and review of proposed spending plans. The revenue from the sales tax shall not be spent by the City until after the Citizen's Advisory Committee has had an opportunity to review and comment on proposed expenditures.

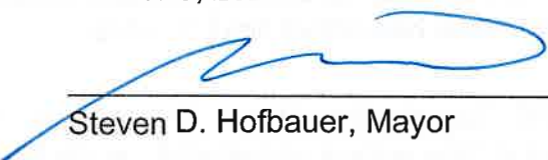
**SECTION 4.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The people of the city of Palmdale hereby declares that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases are declared unconstitutional, invalid or ineffective.

**SECTION 5.** Election Required. This ordinance shall not become effective unless and until a majority of City voters voting on this measure vote to approve the imposition of a City transactions and use tax (more commonly known as a "sales tax" at the General Municipal Election to be held November 3, 2020.

**SECTION 6.** Upon approval by the voters, the City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance to be published or posted as required by law.

**PASSED, APPROVED and ADOPTED** by the voters of the city of Palmdale, State of California, at a municipal election held on November 3, 2020.

Approved as to form:

  
\_\_\_\_\_  
Steven D. Hofbauer, Mayor  
\_\_\_\_\_  
Christopher Beck  
City Attorney

ATTEST:

  
\_\_\_\_\_  
Shanae Smith, City Clerk

**CITY OF PALMDALE  
MEASURE AV OVERSIGHT COMMITTEE  
BYLAWS**

**ARTICLE I – ESTABLISHMENT AND PURPOSE**

- A. Name.** Official name of the committee shall be Measure AV Oversight Committee (the “Committee”)
- B. Compensation.** No compensation shall be provided for attendance to Committee meetings. Reimbursement shall only be given for expenses actually incurred in connection to serving on the Committee.
- C. Establishment.** Measure AV, approved in November 2020, calls for the establishment of a committee to ensure that all funds from the measure are appropriately used.
- D. Purpose.** The purpose of this Committee is set forth in Measure AV. (Protecting Palmdale's long-term financial stability; maintaining essential city services; repairing streets/potholes; addressing homelessness; maintaining 911 emergency response; keeping public areas safe/clean for all; retaining local businesses; protecting local water sources; maintaining veterans, senior, mental health, community programs; by establishing a ¾-cent sales tax; requiring citizen oversight, public spending disclosures; all funds used locally in Palmdale). These Bylaws are specifically made subject to the applicable provisions of Measure AV as to the duties and rights of the Committee. The Committee is subject to the Ralph M. Brown Public Meetings Act of the State of California and shall conduct its meetings in accordance with the provisions thereof.

**E. Administrative Support.** The City shall give all necessary administrative support to the Committee, as is consistent with the Committee's purpose.

**F. Duties.** The duties of this Committee are:

- a.** To ensure that all funds from the three-quarters cent sales tax are spent in accordance with Measure AV.
- b.** To prepare an annual written report setting forth the purposes for which Measure AV funds were expended in the preceding year and the amount spent in each category.

## **ARTICLE II – POSITIONS AND TERMS**

**A. Committee Members.** Committee Members shall consist of seven (7) members and (7) alternatives.

**B. Committee Additions and Subtractions.** The City Council may, by unanimous decision, vote to add or subtract the number of members on the Committee, but shall not go lower than five (5) total members. The Committee shall always remain at an odd number.

**C. Term Length.** Each member of the Committee shall be appointed for a two (2) year term.

**D. Term Limit.** Committee members are limited to a three (3) term limit for serving on the Committee.

**E. Committee Vacancy.** Should a vacancy arise from a member resigning or other matters the following shall happen:

- a.** Replacement will be filled by a Committee alternate member.

- b.** A Replacement for that alternate shall be picked by the City Council and voted in by majority vote.
- c.** If a vacancy is filled and there is greater than a year left on the term, it shall count as a full term for the appointed Committee Member's term limit. If less than a year remains on the term, it shall not count towards the Committee Member's term limit.

**F. Forfeiture.** Should any Committee member miss three (3) consecutive Committee meetings without any prior consent or notice to the Committee, they shall forfeit their membership on the Committee. All forfeited Committee positions shall be subject to Article II, Section E, for the purpose of their vacancy.

**G. Chair.** The Committee shall appoint one member to serve as the Chair of the Committee by a simple majority vote. The Chair shall preside at all meetings of the Committee. The Chair is responsible for keeping order and decorum during the Committee's meetings.

**H. Vice-Chair.** The Committee shall appoint one member to serve as the Vice-Chair of the Committee by simple majority vote. The Vice-Chair shall perform the duties of the chair in the absence or incapacity of the Chair, until such time as a new Chair is selected or appointed. Should both the Chair and Vice-Chair be absence or incapacitated, the Committee shall vote by simple majority to appoint an interim Chair and Vice-Chair for the purpose of that current meeting and any subsequent meetings until either the Chair or Vice-Chair are able to return to their duties.

- I. **Staff Secretary.** City staff shall appoint one member to serve as the Staff Secretary of the Committee. The Staff Secretary shall keep the minutes of all official meetings of the Committee, which shall be open for inspection by any member of the public. The Staff Secretary shall sign reports and correspondence for the Committee, along with setting meeting dates; providing agendas to each Committee member prior to each official meeting. The Staff Secretary shall inform Committee members of all available data gathered by City staff pertinent to each item on said agenda. The Staff Secretary shall inform Committee members of the time and place of any special meeting. The Staff Secretary shall make available to the Committee all correspondence addressed to the Committee.

### **ARTICLE III – MEETINGS**

- A. **Rules.** All meetings will fall under rules set by the Ralph M. Brown Act (Cal. Gov't Code §54950 et seq.) ("Brown Act").
- B. **Meeting Dates.** Use of set dates and locations shall be established to meet no less than four (4) times a year. These set dates can be changed by resolution as needed.
- C. **Specials Meetings and Emergency.** Special Meetings can be called by the Chair or Vice Chair with five days prior notice. Emergency meetings can be called as needed.
- D. **Open and Public Meetings.** All meetings concerning all Committee actions and deliberations shall be open and allow for anyone in the public to attend.

**E. Closed Sessions.** Closed sessions are allowed during regular or special meeting as is needed by circumstance and permitted by law.

**F. Public Hearings.** Public hearings are to be conducted during regular or special meetings of the Committee.

**G. Agenda.** An agenda shall be published to the public and sent out to each Committee member no less than seventy-two (72) hours before the meeting takes place. All agendas should include time, date, and location that the meetings take place along with the type of meeting (Regular, Special, or Emergency). Any items not on the agenda will be placed in the non-agenda items portion of the meeting.

**H. Minutes.** Minutes of the proceedings of the Committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet website maintained by the Committee.

#### **ARTICLE IV. – CONDUCT OF MEETINGS**

**A. Order of Business.** The regular order of business shall be:

1. Call to Order
2. Approval of Prior Meetings Minutes
3. Consideration and Action of Agenda Items
4. Non-Agenda Items
5. Public Comment
6. Adjournment

The order of business can be modified as needed.

**B. Parliamentary Procedure.** All proceedings before the Committee may be guided by the rules of parliamentary procedure set forth in Robert's Rules of Order, but failure to follow Robert's Rules of Order shall not affect the validity of any action or motion duly taken or adopted by the Committee at any lawfully held meeting.

**C. Presentations to the Committee.** Any person desiring to address the Committee shall be requested, when recognized by the Chair, to give his or her name and address for the record. The Chair may, in the interest of facilitating the business of Committee, set in advance of the presentation of testimony reasonable time limits for oral presentations. Persons may be required to submit written testimony in lieu of oral testimony if the Chair determines that a reasonable opportunity for oral presentations has been provided, and in such a case, the matter may be continued to a later date to allow a reasonable time for such submittals to occur.

**D. Attendance.** Members shall be considered present at the Committee meeting if they are there physically, on the phone, or using a video conferencing application.

## **ARTICLE V. – VOTING AND QUORUM**

**A. Roll Call Vote.** A roll call vote may be required in voting upon any motion of the Committee in the discretion of the Chair.

**B. Quorum.** A majority of the currently appointed members of the Committee shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other official purposes, except that less than a quorum may adjourn from time to time until a quorum is obtained.

**C. Number of Votes Required for Action.** All actions require a motion and a second. No action or recommendation of the Committee shall be valid and binding unless a quorum is present and the motion is approved a simple majority of the members present. Each member shall have one vote. No votes may be cast by proxy. Tie votes shall be considered as denial of the motion.

**D. Conflicts of Interest.** The Committee shall be subject to conflict of interest in accordance with the Fair Political Practices Act. City Councilpersons shall not vote for any person who presents a conflict of interest with them.

**E. Motion to Reconsider.** The Committee may reconsider a matter during the meeting at which the vote was taken, provided all members who were present when the matter was discussed and voted upon are still present, all persons who addressed the Committee regarding the matter are still present, and the motion to reconsider is made by a member who voted with the prevailing side. A motion for reconsideration shall have precedence over every motion except a motion to adjourn. A final vote on any matter may also be placed on any future agenda for reconsideration by the Committee or any member of the Committee at the meeting at which the actions was taken or at any later time. Any interested person may request that an action be reconsidered, provided that such a request must be in writing and filed with the Palmdale City Clerk within ten calendar days of the action of the Committee.

## **ARTICLE VI. - AMENDMENTS.**

Any amendment to these Bylaws shall be approved by a simple majority vote of the Committee of the entire Committee.