City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

AGENDA | **CITY COUNCIL** | **CITY OF ROLLING HILLS**
Regular Council Meeting | **Monday, September 14, 2020** | **7:00 PM**

This meeting is held pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020. All Councilmembers will participate by teleconference.

Public Participation: The meeting agenda is available on the City's website. A live audio of the City Council meeting will be available on the City's website. Both the agenda and the live audio can be found here:**https://www.rolling-hills.org/government/agenda/index.php**

Members of the public may observe and orally participate in the meeting via Zoom and or submit written comments in real-time by emailing the City Clerk's office at **cityclerk@cityofrh.net**. Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information that you do not want to be published.

Zoom access:
https://us02web.zoom.us/j/87227175757?pwd=VzNES3Q2NFprRk5BRmdUSktWb0hmUT09 Or dial (669) 900-9128, meeting ID: 872 2717 5757, passcode: 780609

Audio recordings to all the City Council meetings can be found here:**https://cms5.revize.com/revize/rollinghillsca/government/agenda/index.php**.

While on this page, locate the meeting date of interest then click on AUDIO. Another window will appear. In the new window, you can select the agenda item of interest and listen to the audio by hitting the play button. Written Action Minutes to the City Council meetings can be found in the AGENDA, typically under Item 4A Minutes. Please contact the City Clerk at 310 377-1521 or email at **cityclerk@cityofrh.net** for assistance.

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Next Resolution No. 1263 *Next Ordinance No. 365*

1. CALL TO ORDER

2. ROLL CALL

PLEDGE OF ALLEGIANCE

SUPPLEMENTAL POSTING ITEM 9A (DISCUSS ACTION MINUTES AS THE OFFICIAL

CITY COUNCIL MEETING MINUTES)

Posted September 14, 2020 around 5:30 p.m.

Any agenda related information received and distributed to the City Council after the Agenda Packet is printed is included in Supplemental Packets. Supplemental Packets are produced as needed. The Monday Supplemental Packet is available for public review in the City Clerk Department, 2 Portuguese Bend Road, during normal business hours [main posting location pursuant to the Brown Act, G.C. 54957.5(b)(2)]. Supplemental Packets are available for public review at City Hall, 2 Portuguese Bend Road and on our City's website: www.rolling-hills.org.

Please be advised that communications directed to the City Council are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions; will be printed/posted as submitted.

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

*This is the appropriate time for members of the public to make comments regarding the items on the consent calendar or items **not** listed on this agenda. Pursuant to the Brown Act, no action will take place on any items not on the agenda.*

4. CONSENT CALENDAR

Matters which may be acted upon by the City Council in a single motion. Any Councilmember may request removal of any item from the Consent Calendar causing it to be considered under Council Actions.

4.A. MINUTES: 1) REGULAR MEETING OF JULY 13, 2020; 2) REGULAR MEETING OF JULY 27, 2020; 3) REGULAR MEETING OF AUGUST 10, 2020; AND 4) REGULAR MEETING OF AUGUST 24, 2020.

RECOMMENDATION: RECOMMENDATION: APPROVE AS PRESENTED.

07-13-20-CCMinutes.v6.docx
07-27-20-CCMinutes_v5.docx
08-10-20-CCMinutes_v5.docx
08-24-20-CCMinutes v4.docx

4.B. PAYMENT OF BILLS.

RECOMMENDATION: APPROVE AT PRESENTED.

Payment of Bills.pdf
Payment of Bills2.pdf

5. COMMISSION ITEMS

NONE.

6. PUBLIC HEARINGS

NONE.

7. OLD BUSINESS

7.A. CONSIDER AND APPROVE RESOLUTION NO. 1262 EXPRESSING OPPOSITION TO PROPOSED PLANNING AND ZONING LEGISLATION THAT USURPS LOCAL CONTROL AND IMPOSES UNFUNDED MANDATES, AND EXPRESSING SUPPORT FOR ACTION TO FURTHER STRENGTH LOCAL DEMOCRACY, AUTHORITY AND CONTROL.

RECOMMENDATION: Approve as presented.

ResolutionNo1262-Planning_and_Zoning_Legislation_20200911.docx

7.B. RECEIVE AND FILE ALTERNATIVE MS4 COMPLIANCE STRATEGY FOR MACHADO LAKE NUTRIENT TMDL AND APPROVE A PROFESSIONAL SERVICE AGREEMENT WITH NV5 TO PROVIDE OUTFALL MONITORING AT A NEW LOCATION IN THE SEPULVEDA CANYON FOR ONE SEASON.

RECOMMENDATION: Staff recommends that the City Council consider an alternative compliance strategy and approve engage the services of NV5 to monitor at new outfall location in the Sepulveda Canyon for one season.

08-24-2020_StaffReport_MS4_Alt_Compliance_Machado_Lake.pdf
RegionalDrainage_RH_DrainageAnalysis_09Aug2013.pdf
RegionalDrainage_RH_DrainageAnalysis_Aerial_09Aug2013.pdf
RH_SCW_Annual_Plan_FY2021_FinalDraft_2020.08.20.pdf
RH_SCW_Expenditure_Budget_FY2021__2020.08.20_.pdf
CORH-20-9641-MS4 Outfall Monitoring 2020-2021_REV _1.pdf
Alta (NV5) Monitoring Agreement.pdf

7.C. CONSIDER AND APPROVE AN ON-CALL INDUSTRIAL HYGIENIST, ELLIS ENVIRONMENTAL, IN THE EVENT OF A POSITIVE COVID-19 CASE AT CITY HALL, TO VALIDATE THAT CLEANING PROTOCOLS WERE IMPLEMENTED PROPERLY.

RECOMMENDATION: Staff recommends the City Council approve an on-call industrial hygienist to validate, in the event of a positive COVID-19 case that cleaning and sanitizing of City Hall were implemented accordingly to the standards specified by relevant agencies.

07-13-2020_Staff_Rpt_Ellis_Envir.pdf
3-Cover_Letter_0322_General_Disinfection.pdf
3-COVID-19_disinfection_summary.pdf
3-General_Work_Plan_-_Reducing_Surface_Bacteria.pdf
3-Ellis_Proposal_3995_City_RHE_2_Portuguese_Bend_Rd_-_surface_bacteria_mon.pdf

8. NEW BUSINESS

8.A. DISCUSS 2020 ANNUAL HOLIDAY OPEN HOUSE.

RECOMMENDATION: Staff recommends that the City Council consider the current environment, cancel the 2020 Holiday Open House and discuss alternatives to celebrate the holidays with the community.

8.B. DESIGNATE VOTING DELEGATE AND ALTERNATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE OCTOBER 7-8, 2020 TO BE HELD VIRTUALLY; AND PROVIDE DIRECTION TO DESIGNATED VOTING DELEGATE ON LEAGUE'S 2020 ANNUAL CONFERENCE RESOLUTION PACKET.

RECOMMENDATION: Staff recommends that the City Council: (1) designate one

Councilmember as the voting delegate; (2) designate another Councilmember as the alternate voting delegate; (3) provide direction to the designated and alternate voting delegate on the annual conference resolution packet; (4) and direct staff to complete the Voting Delegate form and submit the form to the California League of Cities.
Voting-Delegate-Packet.pdf
2020-Resolution-Packet.pdf

8.C. CONSIDER AND APPROVE AN AMENDED PROFESSIONAL SERVICE AGREEMENT WITH ALAN PALERMO FOR PROJECT MANAGEMENT SERVICES FOR FISCAL YEAR 2020-2021.
RECOMMENDATION: Staff recommends the City Council approve an amendment to the professional services agreement with Alan Palermo Consulting for project management services for Fiscal Year 2020-2021.
Alan Palermo Agreement - Signed_July_2019.pdf
CIP_3Years_2020-May-08.pdf
Amendment to Professional Services Agreement - Project Manager Alan Palermo-c1.doc
Exhibit A - Professional Services Agreement for Project Manager Alan Palermo-c1.PDF
Exhibit B - Professional Services Agreement for Project Manager Alan Palermo-c1.PDF

8.D. RECEIVE AND FILE A CALENDAR OF EVENTS FOR RESUBMITTING THE 5TH CYCLE HOUSING ELEMENT TO CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION.
RECOMMENDATION: Receive and file calendar of events.

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

9.A. DISCUSS ACTION MINUTES AS THE OFFICIAL CITY COUNCIL MEETING MINUTES. (PIEPER)
RECOMMENDATION: NONE.
2015_ccac_guidelines_for_preparing_minutes_final_submission__2_-c1.pdf
2015_ccac_guidelines_for_preparing_minutes_sample_staff_report_final_submission-c1.pdf
9A Supplemental.pdf

9.B. DISCUSS IGNITABLE DEVICES. (BLACK)
RECOMMENDATION: NONE.

10. MATTERS FROM STAFF

10.A. LOCAL EARLY ACTION PLANNING GRANT (LEAP) GRANT UPDATE.
RECOMMENDATION: Receive and file.
Rolling Hills LEAP Award Letter.pdf

11. CLOSED SESSION

12. ADJOURNMENT
Next regular meeting: Monday, September 28, 2020 at 7:00 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Notice:

Public Comment is welcome on any item prior to City Council action on the item.

Documents pertaining to an agenda item received after the posting of the agenda are available for review in the City Clerk's office or at the meeting at which the item will be considered.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 4.A
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **CONNIE VIRAMONTES , ADMINISTRATIVE ASSISTANT**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **MINUTES: 1) REGULAR MEETING OF JULY 13, 2020; 2) REGULAR MEETING OF JULY 27, 2020; 3) REGULAR MEETING OF AUGUST 10, 2020; AND 4) REGULAR MEETING OF AUGUST 24, 2020.**

DATE: **September 14, 2020**

BACKGROUND:
NONE.

DISCUSSION:
NONE.

FISCAL IMPACT:
NONE.

RECOMMENDATION:
APPROVE AS PRESENTED.

ATTACHMENTS:
07-13-20-CCMinutes.v6.docx
07-27-20-CCMinutes_v5.docx
08-10-20-CCMinutes_v5.docx
08-24-20-CCMinutes v4.docx

MINUTES OF A
REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, JULY 13, 2020

This meeting is held pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020. All Councilmembers will participate by teleconference.

Public Participation: City Hall will be closed to the public until further notice. A live audio of the City Council meeting will available on the City's website (http://www.rolling-hills.org/). The meeting agenda is on the City's website (https://www.rolling-hills.org/government/agenda/index.php).

Members of the public may observe and orally participate in the meeting via Zoom and or submit written comments in real time by emailing the City Clerk's office at cityclerk@cityofrh.net. Access to the Zoom meeting room: https://us02web.zoom.us/j/83320318128?pwd=K01LTWJaU0hpTE03a0JsMkFoWENjdz09. Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information (i.e., phone numbers, addresses, etc.) that you do not want to be published.

1. CALL TO ORDER

The City Council of the City of Rolling Hills met in a regular meeting via Zoom Teleconference on the above date at 7:01 p.m. via teleconference.

Mayor Pieper presiding.

2. ROLL CALL

Present: Council Members Mirsch, Wilson, Black, Dieringer and Mayor Pieper
Absent: None.

Staff Present: Elaine Jeng, City Manager
Michael Jenkins, City Attorney
Meredith Elguira, Planning & Community Services Director
Connie Viramontes, Administrative Assistant
Delia Aranda, Code Enforcement
Maria Quinonez, Interim City Clerk

3. OPEN AGENDA – PUBLIC COMMENT WELCOME

(The complete audio of the City Council and written communications is available in The City Clerk's office and the City's website: https://www.rolling-hills.org/government/agenda/index.php **)**

City Council Members heard public comment from Clint Patterson, Palos Verdes Peninsula Unified School District Superintendent Dr. Alex Cherniss and Board Member Matthew Brach.

4. CONSENT CALENDAR

Matters which may be acted upon by the City Council in a single motion. Any Councilmember may request removal of any item from the Consent Calendar causing it to be considered under Council Actions.

MOTION: It was moved by Council Member Wilson and seconded by Council Member Black to approve items 4B, 4C, and 4D from the consent calendar.

AYES: COUNCILMEMBERS: Mayor Pieper, Black, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

4.A. APPROVAL OF MINUTES

03-09-20 City Council Draft Minutes FINALv9
03-23-20 City Council Draft Minutes FINAL v6
03-30-20 City Council Draft Minutes FINAL v6
04-13-20 City Council Draft MinutesFINALv11
04-13-20 City Council Draft Minutes Joint CC and PC FINALv10
04-27-20 City Council Draft Minutes CC FINALv10
06-04-20 City Draft Minutes Special v5
06-08-20 City Council Draft Minutes v6
06-22-20 City Council Draft Minutes v2

MOTION: It was moved by Mayor Pieper and seconded by Mayor Pro Tem Dieringer to approve all the minutes with the exception of minutes for June 22, 2020.

AYES: COUNCILMEMBERS: Mayor Pieper, Black, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

4.B. PAYMENT OF BILLS.

ITEM 4B. APPROVED BY CONSENT CALENDAR VOTE.

4.C. CONSIDER AND APPROVE RECOMMENDATION TO AMEND ROLLING HILLS MUNICIPAL CODE SECTIONS 9.44 AND 10.12 ON GATE GUARDS.

ITEM 4C. APPROVED BY CONSENT CALENDAR VOTE.

4.D. APPROVE ECS IMAGING, INC. AND FILE KEEPERS, LLC FOR AS NEEDED ON-CALL SERVICES FOR SCANNING DOCUMENTS AND BUILDING PLANS.

ITEM 4D. APPROVED BY CONSENT CALENDAR VOTE.

5. COMMISSION ITEMS

NONE.

6. PUBLIC HEARINGS

NONE.

7. OLD BUSINESS

7.A. ACCEPT THE ROLLING HILLS COMMUNITY WILDFIRE PROTECTION PLAN (CWPP) AS COMPLETE, ACCEPT THE A HAZARD MITIGATION GRANT TO PREPARE A CWPP, AND DIRECT STAFF TO SUBMIT THE CWPP TO THE CALIFORNIA OFFICE OF EMERGENCY SERVICES AND FEMA FOR REVIEW AND APPROVAL.

The following individuals provided written and or email comments regarding the Rolling Hills Community Wildfire Protection Plan (CWPP) and were either in support of approving or postponing the City Council action.

Approve	Postpone	Other Comment
Rae Walker	Cathy Nichols	Arun Bhumitra
Dorothy Vinter	John Nunn	Alfred Visco
Don Crocker	Richard Meyer	Diane Montalto
Clint Patterson	William Hassoldt	
Ross Smith	Donovan Black	
Arlene Honbo	Anne Schneider	
Abas Goodarzi	Carole La Caze	
Susan Collida	Geraldean Belleville	
Debra Schraeder	Roger Hawkins	
Judith Haenel	Carmen Schaye	
Kay Lupo	Margaret Bemis	
	Marcia Schoettle	
	Jim Aichele	
	Verna Balch	

Members of the City Council heard public comments in support of approving or postponing City Council action regarding this item and discussed concerns at length.

MOTION: It was moved by Mayor Pro Tem Dieringer and seconded by Council Member Black to postpone the decision about the acceptance of the plan until the next meeting, accept the grant and to submit to CalOES. Additionally, recommends that the city publicize the plan so that the community members are aware of the plan scheduled to be discussed at the next meeting.

AYES: COUNCILMEMBERS: Mayor Pieper, Black, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

7.B. CONSIDER AND APPROVE AN AMENDMENT TO THE LEASE AGREEMENT WITH THE ROLLING HILLS COMMUNITY ASSOCIATION.

Members of the City Council reviewed and discussed the request to approve an amendment to the lease agreement with the Rolling Hills Community Association.

MOTION: It was moved by Council Member Black and seconded by Council Member Mirsch to approve an amendment to the lease agreement with the Rolling Hills Community Association to reduce the rent amount for the period between July 1, 2020 and June 30, 2023.

AYES: COUNCILMEMBERS: Mayor Pieper, Black, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

7.C. CONSIDER ROLLING HILLS COMMUNITY ASSOCIATION'S REQUEST TO REPLACE, IN THE EVENT OF FAILURE, THE EXISTING SEPTIC TANK SERVING THE MAIN GATEHOUSE.

Members of the City Council reviewed and discussed the request to consider Rolling Hills Community Association request to replace in the event of failure, the existing septic tank serving the main gatehouse.

MOTION: It was moved by Mayor Pro Tem Dieringer and seconded by Mayor Pieper to amend staff's recommendation to deny the Rolling Hills Community Association's request to replace the existing septic tank and include increasing maintenance frequency of the septic tank to prolong its use and to expedite if there is a problem.

AYES: COUNCILMEMBERS: Mayor Pieper, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: Black.
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

7.D. CONSIDER AND APPROVE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE PENINSULA CITIES AND THE PALOS VERDES PENINSULA SCHOOL DISTRICT TO CONTINUE TO COST SHARE TWO SCHOOL RESOURCE OFFICERS FOR THREE YEARS COMMENCING ON AUGUST 1, 2020.

Members of the City Council reviewed and discussed the consideration to approve an amendment to the Memorandum of Understanding with the Peninsula Cities and the Palos Verdes Peninsula School District to continue to cost share two school resource officers for the three years commencing on August 1, 2020.

MOTION: It was moved by Council Member Black and seconded by Council Member Wilson to approve the amended Memorandum of Understanding.

AYES: COUNCILMEMBERS: Mayor Pieper, Black, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

7.E. CONSIDER AND APPROVE THE TRANSFER AGREEMENT WITH THE LOS ANGELES COUNTY TO RECEIVE SAFE CLEAN WATER PROGRAM MEASURE W LOCAL RETURNS.

After review and discussion, Members of the City Council considered approving the transfer agreement with the Los Angeles County to receive Safe Clean Water Program Measure W local returns.

MOTION: It was moved by Mayor Pro Tem Dieringer and seconded by Council Member Mirsch to approve the transfer agreement with the Los Angeles County to receive Measure W funds and authorize the City Manager to execute the agreement.

AYES: COUNCILMEMBERS: Mayor Pieper, Black, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

7.F. CONSIDER LAYOUT OPTIONS TO BRING EXISTING RESTROOMS AT CITY HALL TO COMPLY WITH ADA CODES, AND SELECT A DESIGN OPTIONS TO CONTINUE THE DEVELOPMENT OF CONSTRUCTION PLANS.

Members of the City Council reviewed and discussed the layout options to bring existing restrooms at City Hall to comply with ADA codes, and selected a design from options provided.

MOTION: It was moved by Council Member Black and seconded by Mayor Pro Tem Dieringer to approve option 2 and have restrooms reconfigured to have one ADA compliant all gender restroom and two additional all gender restrooms where the current restrooms are located. The electrical room, coffee area and water heater are to be relocated.

AYES: COUNCILMEMBERS: Black, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: Mayor Pieper.
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

8. NEW BUSINESS

8.A. RECEIVE AND FILE CERTIFICATION FOR FUNDING SUBMITTED TO THE DEPARTMENT OF FINANCE FOR ALLOCATION OF FEDERAL CARES ACT FUNDING THROUGH THE STATE FOR COVID-19 RELATED EXPENSES.

Members of the City Council were provided with information on certification for funding submitted to the Department of Finance for allocation of Federal Cares Act funds through the State for Covid-19 related expenses.

MOTION: It was moved by Council Member Mirsch and seconded by Mayor Pro Tem Dieringer to receive and file the certification for funding submitted to the Department of Finance for CARES Act funds to offset COVID-19 related expenses.

AYES: COUNCILMEMBERS: Mayor Pieper, Black, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

8.B. RECEIVE AND FILE COVID-19 RELATED ADMINISTRATIVE REGULATIONS; CONSIDER AND APPROVE CONTRACT AMENDMENT WITH EXECUTIVE-SUITES FOR JANITORIAL SERVICES TO INCLUDE CLEANING PROTOCOLS AS REQUIRED BY LA COUNTY HEALTH DEPARTMENT TO PREVENT THE SPREAD OF COVID-19; AND CONSIDER AND APPROVE AN ON-CALL INDUSTRIAL HYGIENIST TO VALIDATE CLEANING PROTOCOLS WERE IMPLEMENTED PROPERLY.

City Council Members were provided with information and discussed janitorial services to include cleaning protocols as required by LA County Health Department to prevent the spread of Covid-19.

MOTION: It was moved by Council Member Wilson and seconded by Mayor Pieper to approve items 1 and 2 to receive and file Administrative Regulations dated July 7, 2020 and approve an amendment with Executive-suites to continue to provide janitorial services for City Hall with cleaning protocols required by the LA County Health Department to prevent the spread of COVID-19.

Item number 3 was postponed to the next agenda to allow Council Member Black to speak with the industrial hygienist to adjust the scope of service.

AYES: COUNCILMEMBERS: Mayor Pieper, Black, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

Mayor Pro Tem Dieringer provided information regarding SB 99.
Council Member Mirsch provided information regarding fire insurance and assembly bill.

10. MATTERS FROM STAFF

10.A. FIRE FUEL ABATEMENT ENFORCEMENT CASES QUARTERLY REPORT FOR THE SECOND QUARTER OF 2020 (APRIL 1 THROUGH JUNE 30).

Members of the City Council were provided with a report on fire fuel abatement cases quarterly report. It was noted that the biggest problem in getting vegetation items closed are due to residents not living on the properties. Additionally, the next quarterly report will be generated from the iWorQ program and may be able to provide more nformation on actions taken and outstanding items.

MOTION: It was moved by Council Member Mirsch and seconded by Mayor Pieper to receive and file report.

AYES: COUNCILMEMBERS: Mayor Pieper, Black, Dieringer, Mirsch, and Wilson.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

11. ADJOURNMENT

Hearing no further business before the City Council, Mayor Pieper adjourned the meeting at 10:24 pm in memory of Pat and Don Mehlig. The next regular meeting of the City Council is scheduled for Monday, July 27, 2020 at 7:00 pm.

Respectfully submitted,

_____
Elaine Jeng, P.E.
Acting City Clerk

Approved,

_____
Jeff Pieper
Mayor

MINUTES OF A
REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, JULY 27, 2020

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1. CALL TO ORDER

The City Council of the City of Rolling Hills met in a regular meeting via Zoom Teleconference on the above date at 7:10 p.m. via teleconference.

Mayor Pieper presiding.

2. ROLL CALL

Present: Council Members Mirsch, Black, Wilson, Dieringer and Mayor Pieper
Absent: None.

Staff Present:
Elaine Jeng, City Manager
Michael Jenkins, City Attorney
Meredith Elguira, Planning & Community Services Director
Connie Viramontes, Administrative Assistant
Maria Quinonez, Interim City Clerk

SUPPLEMENTAL INFORMATION

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Please be advised that communications directed to the City Council are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions; will be printed/posted as submitted.

3. OPEN AGENDA – PUBLIC COMMENT WELCOME

(The complete audio of the City Council and written communications is available in the City Clerk's office and the City's website: https://www.rollinghills.org/government/agenda/index.php)

None.

4. CONSENT CALENDAR

Matters which may be acted upon by the City Council in a single motion. Any Councilmember may request removal of any item from the Consent Calendar causing it to be considered under Council Actions.

MOTION: It was moved by Council Member Wilson and seconded by Council Member Mirsch to approve items 4B, 4C, and 4D from the consent calendar.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson Dieringer, and Mayor Pieper.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

4.A. APPROVAL OF MINUTES.

05-11-20CCMinutesv4.docx
05-26-20CCMinutesv5.docx
06-22-20CCDraftMinutesv4.docx
07-13-2020CCMinutes.v2.docx

The meeting minutes were pulled for separate discussion.

MOTION: It was moved by Mayor Pro Tem Dieringer and seconded by Council Member Black to approve item 4A Approval of Minutes with the exception of minutes for May 26, 2020 and July 13, 2020. The motion included to agendize a discussion on action minutes for the next meeting.

AYES: COUNCILMEMBERS: Black, Dieringer, and Mayor Pieper.
NOES: COUNCILMEMBERS: Mirsch and Wilson
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

4.B. PAYMENT OF BILLS.

ITEM 4.B. APPROVED BY CONSENT CALENDAR VOTE.

4.C. REPUBLIC SERVICES RECYCLING TONNAGE REPORT FOR JUNE 2020.
ITEM 4.C. APPROVED BY CONSENT CALENDAR VOTE.

4.D. FINANCIAL STATEMENTS FOR THE QUARTER ENDING JUNE 30, 2020
ITEM 4.D. APPROVED BY CONSENT CALENDAR VOTE.

5. COMMISSION ITEMS

5.A. VARIANCE REQUEST TO CONSTRUCT A 162 SQUARE FOOT ADDITION IN THE FRONT YARD SETBACK LOCATED AT 3 POPPY TRAIL ROAD (JONAS).

Staff made a presentation to the City Council.

MOTION: It was moved by Council Member Wilson and seconded by Council Member Mirsch to receive and file report.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer, and Mayor Pieper.
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

6. PUBLIC HEARINGS

6.A. A PUBLIC HEARING TO CONSIDER AND APPROVE A RESOLUTION AUTHORIZING PLACEMENT OF SOLID WASTE SERVICE CHARGES OWED TO REPUBLIC SERVICES PURSUANT TO ITS SOLID WASTE FRANCHISE WITH THE CITY OF ROLLING HILLS ON THE FY 2020-2021 LOS ANGELES COUNTY AUDITOR-CONTROLLER'S OFFICE ANNUAL TAX ROLL.

Staff made a presentation to the City Council. Mayor Pieper opened up the public hearing. City Council Members heard public comments from Alfred Visco. Mayor Pieper closed the public hearing.

MOTION: It was moved by Council Member Wilson and seconded by Mayor Pro Tem Dieringer to approve the Resolution detailing the sums to be levied upon individual real property parcels that receive trash services and direct the same to be submitted to the Los Angeles County Auditor-Controller for placement on the FY 2020-2021 property tax roll.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer, and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

7. OLD BUSINESS

7.A. RECEIVE AND FILE AN UPDATE TO THE HAZARD MITIGATION GRANT TO PREPARE A COMMUNITY WILDFIRE PROTECTION PLAN (CWPP).

Staff made a presentation to the City Council.

MOTION: It was moved by Council Member Wilson and seconded by Council Member Mirsch to receive and file staff's report on the Hazard Mitigation Grant to prepare a CWPP.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer, and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

7.B. CONSIDER AND ADOPT THE ROLLING HILLS COMMUNITY WILDFIRE PROTECTION PLAN (CWPP).

Staff made a presentation to the City Council. City Council Members heard public comments from Chief Hale, Captain Powers, James Aichele, Ronald Sommer, and Roger Hawkins.

MOTION: It was moved by Mayor Pro Tem Dieringer to adopt the changes she drafted to provide definitions and place responsibility where responsibility is due. Motion failed.

MOTION: It was moved by Council Member Wilson and seconded by Council Member Black to adopt the Rolling Hills CWPP and direct staff to update the plan annually.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer, and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

8. NEW BUSINESS

8.A. CONSIDER AND APPROVE AN AMENDED AGREEMENT WITH JIMENEZ CONSULTING TO PROVIDE TECHNOLOGY SUPPORT, INCLUDING ENHANCEMENTS TO CITY'S WEBSITE.

Staff made a presentation to the City Council.

MOTION: It was moved by Mayor Pieper and seconded by Council Member Wilson to approve an amended agreement with Jimenez Consulting for a total of $10,000 for two months and providing the City Council with monthly reports.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer, and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

8.B. CONSIDER AND APPROVE RESOLUTION NO. 1259 TO ESTABLISH A FORMAL POLICY TO CONTRIBUTE CITY FUNDS TOWARDS THE COST OF UTILITY POLE REMOVAL AND RESOLUTION NO. 1260 ESTABLISHING AN APPLICATION AND APPEAL FEE RELATING TO UTILITY POLE REMOVAL REIMBURSEMENT APPLICATIONS; AND REPEALING RESOLUTION NO. 1241.

Staff made a presentation to the City Council. Council Members heard public comment from Abas Goodarzi.

MOTION: It was moved by Council Member Black and seconded by Council Member Mirsch to approve as amended Resolutions 1259 with three changes on section 2 paragraph D reimbursement application: (1) for poles removed from January 1, 2020 (2) net removal with the word "net" added (3) not to exceed $3500 cap and adopt Resolution 1260.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer, and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

MOTION: It was moved by Mayor Pieper and seconded by Council Member Mirsch to dissolve the ad-hoc committee created to draft a policy for city contribution towards the undergrounding of overhead utility poles that are not a part of assessment districts.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer, and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

9. SUPPLEMENTAL AGENDA PACKET RELATING TO ITEM 9A POSTED JULY 27, 2020 MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

9.A. DISCUSS LOS ANGELES COUNTY BOARD OF SUPERVISORS AGENDA ITEM ON A BALLOT MEASURE FOR THE NOVEMBER 2020 ELECTION THAT MAY RESULT IN BUDGET CUTS TO SHERIFF'S DEPARTMENT, DISTRICT ATTORNEY'S OFFICE AND COUNTY PROBATION OFFICE (MIRSCH AND DIERINGER).

Mayor Pro Tem Dieringer made a presentation to the City Council.

MOTION: It was moved by Council Member Black and seconded by Council Member Mirsch to oppose the proposed action and to send a written letter to Board of Supervisors.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer, and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

10. MATTERS FROM STAFF

SB2 GRANT UPDATE AND LEAP GRANT UPDATE (ORAL).

Staff made a presentation to City Council on SB2 grant and LEAP update.

11. CLOSED SESSION

None.

12. ADJOURNMENT

Hearing no further business before the City Council, Mayor Pieper adjourned the meeting at 10:01 p.m. The next regular meeting of the City Council is scheduled for Monday, August 10, 2020 at 7:00 pm.

Respectfully submitted,

Elaine Jeng, P.E.
Acting City Clerk

Approved,

Jeff Pieper
Mayor

MINUTES OF A
REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, AUGUST 10, 2020

This meeting is held pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020. All Councilmembers will participate by teleconference.

Public Participation: City Hall will be closed to the public until further notice. A live audio of the City Council meeting will be available on the City's website (https://www.rollinghills.org/government/agenda/index.php). The meeting agenda is also available on the City's website (https://www.rolling-hills.org/government/agenda/index.php).

Members of the public may submit comments in real time by emailing the City Clerk's office at cityclerk@cityofrh.net. Your comments will become a part of the official meeting record. You must provide your full name but do not provide any other personal information (i.e., phone numbers, addresses, etc) that you do not want to be published.

1. CALL TO ORDER

The City Council of the City of Rolling Hills met in a regular meeting via Zoom Teleconference on the above date at 7:04 p.m. via teleconference.

Mayor Pro Tem Dieringer presiding.

2. ROLL CALL

Present: Council Members Mirsch, Black, Wilson, Mayor Pro Tem Dieringer
Absent: Mayor Pieper.

Staff Present: Elaine Jeng, City Manager
Jane Abzug, Deputy City Attorney
Meredith Elguira, Planning & Community Services Director
Maria Quinonez, Interim City Clerk

PLEDGE OF ALLEGIANCE

3. OPEN AGENDA – PUBLIC COMMENT WELCOME

(The complete audio of the City Council and written communications is available in the City Clerk's office and the City's website: https://www.rolling-hills.org/government/agenda/index.php **)**

NONE.

4. CONSENT CALENDAR

Matters which may be acted upon by the City Council in a single motion. Any Councilmember may request removal of any item from the Consent Calendar causing it to be considered under Council Actions.

MOTION: It was moved by Council Member Mirsch and seconded by Council Member Wilson to approve items 4.A. Minutes of 5-26-2020, and 4.B. Payment of Bills from the consent calendar with the exception of revisiting the meeting minutes; pulled after discussion of item 9.A.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson and Mayor Pro Tem Dieringer
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Mayor Pieper
ABSTAIN: COUNCILMEMBERS: None

4.A. MINUTES: 1) REGULAR MEETING OF MAY 26, 2020; 2) REGULAR MEETING OF JULY 13, 2020; AND 3) REGULAR MEETING OF JULY 27, 2020.

ITEM 4.A. Minutes of 5-26-2020 APPROVED BY CONSENT CALENDAR VOTE

After discussion of Item 9.A. Discuss Action Minutes as the Official City Council Meeting Minutes (Dieringer)

4.A. MINUTES: 2) REGULAR MEETING OF JULY 13, 2020; AND 3) REGULAR MEETING OF JULY 27, 2020.

Mayor Pro Tem Dieringer pulled the meeting minutes of 7-13-2020 and 7-27-2020 for separate discussion and correction on minutes of 7-13-2020.

Mayor Pro Tem Dieringer provided a correction to the meeting minutes of 07-13-2020 on page 3 near the bottom motion should reflect the following:

…recommend that the city publicize the plan so that the community members are aware of the plan scheduled to be discussed at the next meeting.

The meeting minutes of July 13, 2020 and July 27, 2020 will be presented at the next meeting for approval.

4.B. PAYMENT OF BILLS.

ITEM 4.B. APPROVED BY CONSENT CALENDAR VOTE.

5. COMMISSION ITEMS

NONE.

6. PUBLIC HEARINGS

NONE.

7. OLD BUSINESS

NONE.

8. NEW BUSINESS

8.A. RECEIVE AND FILE AN UPDATE ON THE BLOCK CAPTAINS PROGRAM.

Staff made a presentation and comments were received from some Block Captain members.

MOTION: It was moved by Councilmember Wilson and seconded by Councilmember Black to receive and file the update on the Block Captains Program.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson and Mayor Pro Tem Dieringer
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Mayor Pieper
ABSTAIN: COUNCILMEMBERS: None

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

SUPPLEMENTAL POSTING ITEM 9A (DISCUSS ACTION MINUTES AS THE OFFICIAL CITY COUNCIL MEETING MINUTES) Posted August 10, 2020 around 5:00 p.m.

9.A. DISCUSS ACTION MINUTES AS THE OFFICIAL CITY COUNCIL MEETING MINUTES. (DIERINGER)

Councilmembers reviewed and discussed item 9.A. along with the supplemental information provided regarding the guidelines for preparing minutes for governmental agencies by City Clerks Association of California.

No public comments were received.

MOTION: It was moved by Mayor Pro Tem Dieringer and seconded by Council Member Black to have brief summary meeting minutes prepared.

AYES: COUNCILMEMBERS: Black and Mayor Pro Tem Dieringer
NOES: COUNCILMEMBERS: Mirsch and Wilson
ABSENT: COUNCILMEMBERS: Mayor Pieper
ABSTAIN: COUNCILMEMBERS: None

Motion failed.

MOTION: It was moved by Councilmember Black and seconded by Mayor Pro Tem Dieringer to have the meeting minutes of 07-13-2020 and 07-27-2020 prepared in brief summary format and brought back for approval. The motion was further amended by Mayor Pro Tem Dieringer and accepted by Councilmember Black to clarify brief summary minutes would mean more detail in the minutes to provide more of the body's thought process and comments received that guided Council's decision.

AYES: COUNCILMEMBERS: Black and Mayor Pro Tem Dieringer
NOES: COUNCILMEMBERS: Mirsch and Wilson
ABSENT: COUNCILMEMBERS: Mayor Pieper.
ABSTAIN: COUNCILMEMBERS: None

Motion failed.

MOTION: It was moved by Councilmember Wilson and seconded by Councilmember Mirsch to approve the meeting minutes as presented with the correction made by Mayor Pro Tem Dieringer.

AYES: COUNCILMEMBERS: Mirsch and Wilson
NOES: COUNCILMEMBERS: Black and Mayor Pro Tem Dieringer
ABSENT: COUNCILMEMBERS: Mayor Pieper.
ABSTAIN: COUNCILMEMBERS: None

Motion failed.

The meeting minutes of July 13, 2020 and July 27, 2020 will be presented at the next meeting for approval.

10. MATTERS FROM STAFF

Staff informed Councilmembers that the Federal Emergency Management Agency (FEMA) approved Hazard Mitigation Grant Program (HMGP) fund for the Fire Prevention Power Line Undergrounding project. The project will underground existing overhead utilities lines and remove associated wooden utility poles along Crest Road East within the southeastern portion of the City of Rolling Hills. The grant fund is $1,145,457 and the non-Federal share (local match) is $381,819.

11. CLOSED SESSION

NONE.

12. ADJOURNMENT

Hearing no further business before the City Council, Mayor Pro Tem Dieringer adjourned the meeting at 8:41 p.m. The next regular meeting of the City Council is scheduled for Monday, August 24, 2020 at 7:00 pm.

Respectfully submitted,

Elaine Jeng, P.E.
Acting City Clerk

Approved,

Beatriz Dieringer
Mayor Pro Tem

MINUTES OF A
REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, AUGUST 24, 2020

This meeting is held pursuant to Executive Order N-29 -20 issued by Governor Gavin Newsom on March 17, 2020. All Councilmembers will participate by teleconference.

Public Participation: The meeting agenda is available on the City's website. A live audio of the City Council meeting will be available on the City's website. Both the agenda and the live audio can be found here:**https://www.rolling-hills.org/government/agenda/index.php**

Members of the public may observe and orally participate in the meeting via Zoom and or submit written comments in real-time by emailing the City Clerk's office at **cityclerk@cityofrh.net**. Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information that you do not want to be published.

1. CALL TO ORDER

The City Council of the City of Rolling Hills met in a regular meeting via Zoom Teleconference on the above date at 7:00 p.m. via teleconference.

Mayor Pieper presiding.

2. ROLL CALL

Present: Council Members Mirsch, Black, Wilson, Dieringer and Mayor Pieper
Absent: None

Staff Present: Elaine Jeng, City Manager
Michael Jenkins, City Attorney
Meredith Elguira, Planning & Community Services Director
Maria Quinonez, Interim City Clerk

PLEDGE OF ALLEGIANCE

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

*This is the appropriate time for members of the public to make comments regarding the items on the consent calendar or items **not** listed on this agenda. Pursuant to the Brown Act, no action will take place on any items not on the agenda.*

Public comments were received from Arun Bhumitra and Alfred Visco.

4. CONSENT CALENDAR

Matters which may be acted upon by the City Council in a single motion. Any Councilmember may request removal of any item from the Consent Calendar causing it to be considered under Council Actions.

MOTION: It was moved by Mayor Pro Tem Dieringer and seconded by Council Member Mirsch to approve items 4.B and 4.C. of the consent calendar with the exception of revisiting item 4.A., meeting minutes after discussion of item 9.A Action Minutes as the official City Council Meeting Minutes.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

4.A. MINUTES: 1) REGULAR MEETING OF JULY 13, 2020; 2) REGULAR MEETING OF JULY 27, 2020; 3) REGULAR MEETING OF AUGUST 10, 2020

ITEM 4.A. WAS NOT DISCUSSED AND ITEM 9.A. ACTION MINUTES AS THE OFFICIAL CITY COUNCIL MEETING MINUTES WAS TABLED TO NEXT MEETING.

4.B. PAYMENT OF BILLS.

ITEM 4.B. APPROVED BY CONSENT CALENDAR VOTE

4.C. REPUBLIC SERVICES RECYCLING TONNAGE REPORT FOR JULY 2020.

ITEM 4.C. APPROVED BY CONSENT CALENDAR VOTE

5. COMMISSION ITEMS

NONE.

6. PUBLIC HEARINGS

NONE.

7. OLD BUSINESS

7.A. RECEIVE AND FILE ALTERNATIVE MS4 COMPLIANCE STRATEGY FOR MACHADO LAKE NUTRIENT TMDL AND APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH NV5 TO PROVIDE

OUTFALL MONITORING AT A NEW LOCATION IN THE SEPULVEDA CANYON FOR ONE SEASON.

MOTION: It was moved by Mayor Pro Tem Dienringer and seconded by Council Member Wilson to table this item. This item was tabled without any objection.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

7.B. CITY COUNCIL TO CONSIDER APPROVAL OF ORDINANCE NO. 365 REPEALINGSECTIONS 10.12.050, 10.12.060, AND 9.44.020 OF THE ROLLING HILLS MUNICIPAL CODE.

MOTION: It was moved by Council Member Black and seconded by Mayor Pro Tem Dieringer to table this item. This item was tabled without any objection.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

8. NEW BUSINESS

8.A. APPROVE RESOLUTION NO. 1261 TO ACCEPT FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) HAZARD MITIGATION GRANT FUNDS HMGP 4344-526-112R FIRE PREVENTION POWER LINE UNDERGROUNDING ALONG CREST ROAD EAST, PROVIDE LOCAL MATCH, AND AUTHORIZE THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT; AND ALLOCATE THE REQUIRED FUNDS FROM THE UTILITY FUND.

MOTION: It was moved by Mayor Pro Tem Dieringer and seconded by Council Member Wilson to approve this item. This item was approved without any objection.

AYES: COUNCILMEMBERS: Mirsch, Black, Wilson, Dieringer and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

8.B. CONSIDER AND APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH NV5 TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF THE 8 INCH SEWER MAIN ALONG PORTUGUESE BEND ROAD AND ROLLING HILLS ROAD.

MOTION: It was moved by Council Member Wilson and seconded by Council Member Mirsch to approve this item as presented.

AYES: COUNCILMEMBERS: Mirsch, Wilson, Dieringer and Mayor Pieper
NOES: COUNCILMEMBERS: Black
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

8.C. CONSIDER AND APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BARRY MILLER CONSULTING TO PROVIDE CONSULTANT SERVICES TO REVISE THE CITY'S 5TH CYCLE HOUSING ELEMENT TO COMPLY WITH THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S (HCD) REQUIREMENTS.

MOTION: It was moved by Council Member Wilson and seconded by Mayor Pro Tem Dieringer to approve a professional services agreement with Barry Miller Consulting.

AYES: COUNCILMEMBERS: Mirsch, Wilson, Dieringer and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Black
ABSTAIN: COUNCILMEMBERS: None

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

9.A. DISCUSS ACTION MINUTES AS THE OFFICIAL CITY COUNCIL MEETING MINUTES. (PIEPER)

Councilmember Black was not present to discuss this item. This item will be discussed at the next meeting.

9.B. DISCUSS SUPPORT FOR LOCAL CONTROL AND OPPOSITION TO RECENT PLANNING AND ZONING LEGISLATION. (MIRSCH)

MOTION: It was moved by Council Member Mirsch and seconded by Council Member Wilson to approve and adopt a resolution similar to the one adopted by RPV.

AYES: COUNCILMEMBERS: Mirsch, Wilson, Dieringer and Mayor Pieper
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Black
ABSTAIN: COUNCILMEMBERS: None

9.C. DISCUSS IGNITABLE DEVICES. (BLACK)

Councilmember Black was not present to discuss this item. This item will be discussed at the next meeting.

10. MATTERS FROM STAFF

NONE.

11. CLOSED SESSION

NONE.

12. ADJOURNMENT

Hearing no further business before the City Council, Mayor Pieper adjourned the meeting at 8:41 p.m. Next regular meeting: Monday, September 14, 2020 at 7:00 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Respectfully submitted,

_____

Elaine Jeng, P.E.
Acting City Clerk

Approved,

_____

Jeff Pieper
Mayor

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 4.B
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **CONNIE VIRAMONTES , ADMINISTRATIVE ASSISTANT**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **PAYMENT OF BILLS.**

DATE: **September 14, 2020**

BACKGROUND:
NONE.

DISCUSSION:
NONE.

FISCAL IMPACT:
NONE.

RECOMMENDATION:
APPROVE AS PRESENTED.

ATTACHMENTS:
Payment of Bills.pdf
Payment of Bills2.pdf

CITY OF ROLLING HILLS

8/26/20 Check Run C

	Check No.	Check Date	PAYEE	DESCRIPTION	AMOUNT
	26588	8/26/2020	First Call Staffing Inc.	Week Ending 8/16/20 - City Clerk	1,854.40
	26589	8/26/2020	FORUM INFO-TECH. INC./LEVELLOUD	August 2020 Monthly Hosting Services	3,185.21
	26590	8/26/2020	Jimenez Consulting Solutions, LLC	Retainer Agreement through 8/15/20	2,500.00
	26591	8/26/2020	LA County Sheriff's Department	LMT-Traffic Enforcement RH	1,107.03
	26592	8/26/2020	Rogers, Anderson, Malody & Scott, LLP	July 2020 - Monthly Accounting Services	7,558.00
	26593	8/26/2020	Southern California Edison	Electricity Usage 6/23/20 to 8/24/20	1,939.54
	26594	8/26/2020	USCM	Deferred Compensation 8/28/20	50.00
	26595	8/26/2020	Vantagepoint Transfer Agents - 306580	Deferred Compensation 8/28/20	776.13
	26596	8/26/2020	Willdan Inc.	TE Services 7/23/20	155.00
*	PR LINK	08/26/20	PR LINK - PAYROLL PROCESSING	Processing Fee	61.00
*	PR LINK	08/26/20	PR LINK - PAYROLL & PR TAXES	Pay Period - August 11, 2020 to August 25, 2020	16,685.03
					35,871.34
					19,125.31

I, Elaine Jeng, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of $35,871.34 or the payment of above items.

8/26/2020

Elaine Jeng, P.E., City Manager

CITY OF ROLLING HILLS

9/14/20 Check Run A&B

Check No.	Check Date	PAYEE	DESCRIPTION	AMOUNT
26597	9/2/2020	ALAN PALERMO CONSULTING	August 2020 - CIP Project Management Services	1,440.00
26598	9/2/2020	Ed Feuer	Recycle Refund - 7 Flying Maine	750.00
26599	9/2/2020	Executive Suite Services Inc.	August 2020 - Janitorial Services	1,360.00
26600	9/2/2020	First Call Staffing Inc.	Week Ending 8/23/20 - City Clerk	1,778.40
26601	9/2/2020	County of Los Angeles	July 2020 - Coyote Control	1,114.10
26602	9/2/2020	Pitney Bowes	August 2020 Postage	1,510.00
26603	9/2/2020	City of Rancho Palos Verdes	7% Camera Connectivity Costs	66.52
26604	9/2/2020	Susan Sleep	Pole Removal Reimbursement- 5 Ringbit Road West	2,000.00
26605	9/2/2020	Willdan Inc.	VOID	
26606	9/14/2020	Best Best & Krieger LLP	August 2020 Services - General RH Services	13,843.00
26606	9/14/2020	Best Best & Krieger LLP	Check Run Council Date 9/14/20 — Land use	1,292.00
26607	9/14/2020	California Water Service Co.	Water Usage 7/28/20 to 8/26/20	980.65
26608	9/14/2020	Cox Communications	August 2020 Internet and Telephone Services	559.05
26609	9/14/2020	First Call Staffing Inc.	Week Ending 8/30/20 City Clerk	1,884.80
26610	9/14/2020	McGowan Consulting	August 2020 - Stormwater Consulting Services	10,945.40
26611	9/14/2020	PITNEY BOWES GLOBAL FINANCIAL	August 2020- Postage Machine Lease Agreement	712.56
26612	9/14/2020	USCM	Deferred Compensation 9/11/20	50.00
26613	9/14/2020	Willdan Inc.	August 2020 - B& S Plan Ck Services	1,180.00
26614	9/14/2020	Republic Services	Residential Services January 2020 to June 2020	412,544.70
26615	9/14/2020	Willdan Inc.	RH Sewer Lilne Study P2- April 2020	2,999.50
26616	9/14/2020	Best Best & Krieger LLP	August 2020 Services - View Presentation	152.00
26617	9/14/2020	File Keepers LLC	August 2020 Services	548.46
26617	9/14/2020	File Keepers LLC	Document Scanning - Planning Files	2,813.40
26618	9/14/2020	Vantagepoint Transfer Agents - 306580	Deferred Compensation - 9/11/20	776.13
EFT	09/01/20	CALPERS	August 2020 Retirement	5,550.76
EFT	09/11/20	CALPERS	June 30, 2018 Unfunded for Plan - 26539 September 2020 Installment	76.97
EFT	09/11/20	CALPERS	June 30, 2018 Unfunded for Plan - 1065 September 2020 Installment	4,014.29
EFT	09/11/20	CALPERS	GASB 68 Reporting Services Fee	700.00
				471,642.69
				471,642.69

I, Elaine Jeng, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of $471,642.69 or the payment of above items.

09/09/2020

Elaine Jeng, P.E., City Manager

Agenda Item No.: 7.A
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **MEREDITH ELGUIRA, PLANNING DIRECTOR**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **CONSIDER AND APPROVE RESOLUTION NO. 1262 EXPRESSING OPPOSITION TO PROPOSED PLANNING AND ZONING LEGISLATION THAT USURPS LOCAL CONTROL AND IMPOSES UNFUNDED MANDATES, AND EXPRESSING SUPPORT FOR ACTION TO FURTHER STRENGTH LOCAL DEMOCRACY, AUTHORITY AND CONTROL.**

DATE: **September 14, 2020**

BACKGROUND:
On August 24, 2020, the City Council directed staff to draft a resolution opposing proposed planning and zoning legislation that undermines local control.

DISCUSSION:

As the State of California continues to address the housing shortage, various legislation have been proposed, some of which have passed and others have failed. With the hopes of expediting housing production, many of the proposed legislation strip local jurisdictions of their rights to review projects, apply local regulations that protect quality of life and neighborhood character, apply exactions and the ability to shape and guide their communities' growth.

The City Council of the City of Rolling Hills feels strongly that our local government is best able to assess the needs of the community and objects to the proliferation of State legislation that deprives the City of that ability and opposes State legislation that undermine local control as it relates to planning and zoning, and impose unfunded mandates. The attached resolution expresses the City's opposition to growth inducing legislation that could potentially destroy the fabric of our community.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
ResolutionNo1262-Planning_and_Zoning_Legislation_20200911.docx

RESOLUTION NO. 1262

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA, EXPRESSING OPPOSITION TO PROPOSED PLANNING AND ZONING LEGISLATION THAT USURPS LOCAL CONTROL AND IMPOSES UNFUNDED MANDATES, AND EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL DEMOCRACY, AUTHORITY AND CONTROL.

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Recitals.

A. The Legislature of the State of California, has proposed a number of bills addressing a range of planning and zoning issues that are typically addressed by local jurisdictions through its general plan and zoning code; and

B. The majority of these planning and zoning bills usurp the authority of local jurisdictions to determine for themselves the land use policies and practices that best suit their cities and residents and instead impose mandates that do not take into account the needs and differences of jurisdictions throughout the State, as well as imposing unfunded mandates on jurisdictions for actions that are not in their best interests; and

C. For example, the ability of jurisdictions to determine for themselves which projects require review beyond a ministerial approval, what parking requirements are appropriate for various locales within their jurisdiction, what plans and programs are suitable and practical for each community rather than having these decisions imposed upon cities without regard to the circumstances of each individual city is a matter of great importance to the City of Rolling Hills, and

D. The City Council of the City of Rolling Hills feels strongly that our local government is best able to assess the needs of our community and objects to the proliferation of State legislation that deprives us of that ability.

Section 2. Registers its equally strong opposition to the current practice of the State legislature of proposing and passing multitudes of bills that directly impact and interfere with the ability of cities to control their own destiny through use of the zoning authority that has been granted to them.

Section 3. Declares that, should the State continue to pass legislation that attacks local municipal authority, control and revenue, the City of Rolling Hills will support actions such as a ballot measure that would limit the State ability to control local activities and strengthen local democracy and authority.

PASSED, APPROVED, and ADOPTED this 14th day of September, 2020.

JEFF PIEPER
MAYOR

ATTEST:

ELAINE JENG, P.E.
ACTING CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 1262 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA, EXPRESSING OPPOSITION TO PROPOSED PLANNING AND ZONING LEGISLATION THAT USURPS LOCAL CONTROL AND IMPOSES UNFUNDED MANDATES, AND EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL DEMOCRACY, AUTHORITY AND CONTROL.

was approved and adopted at a regular meeting of the City Council on 14th, of September 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

_____
ELAINE JENG, P.E.
ACTING CITY CLERK

Agenda Item No.: 7.B
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **ELAINE JENG, CITY MANAGER**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **RECEIVE AND FILE ALTERNATIVE MS4 COMPLIANCE STRATEGY FOR MACHADO LAKE NUTRIENT TMDL AND APPROVE A PROFESSIONAL SERVICE AGREEMENT WITH NV5 TO PROVIDE OUTFALL MONITORING AT A NEW LOCATION IN THE SEPULVEDA CANYON FOR ONE SEASON.**

DATE: **September 14, 2020**

BACKGROUND:
Staff presented this item to the City Council at the August 24, 2020 meeting. The staff report from August 24, 2020 meeting is attached to this report.

The City Council expressed support for the alternative MS4 compliance strategy presented by staff but questioned the proposed cost for the monitoring and sampling of wet weather events. NV5 estimated that 100 hours would be needed to satisfy the monitoring and sampling of wet weather events per the MS4 requirements. Based on the experience of Councilmember Pat Wilson from activities relating to an industrial general permit, 100 hours estimated for monitoring and sampling wet weather events appear to be excessive. The Council directed staff to arrange a meeting between the Councilmember Wilson and NV5.

DISCUSSION:
On August 27, 2020, a virtual meeting was held between Councilmember Wilson and NV5. McGowan Consulting and City staff also participated in the meeting. At the meeting, NV5 made a presentation outlining the process to sample wet weather events. The work requires a team of two staff members going out to the site prior to the rain event to set up a transducer in confined space and prep equipment for monitoring. NV5 showed photographs of a staff member in gear, and provided a visual of the amount of sampling containers needed for collection. NV5 also showed the confined space that best represented the sampling location selected in Rolling Hills. NV5 also noted that on page 3 of the proposal, the team will collect manual grab samples once every 20 minutes over a 3-hour period to create composites sample representative of the hydrograph. NV5's presentation was followed by Q/A. There were also discussions on the differences between the monitoring and sampling requirements of an

industrial general permit and the MS4 permit.

On September 2, 2020, NV5 resubmitted the proposal, striking the names of the laboratories (Eurofins and AMS) from the proposal. This was recommended by McGowan Consulting based on City Council's feedback at the August 24, 2020 City Council meeting. Eliminating the name of the laboratory would give NV5 the flexibility to coordinate with the Peninsula Watershed Group, should that group decide to change laboratories to analyze samples from the joint Machado Lake Nutrient TMDL monitoring location. There are no other changes made to the proposal. The revised proposal is attached to this report.

FISCAL IMPACT:
At the July 13, 2020, the City Council approved a Transfer Agreement with Los Angeles County to receive the Safe, Clean Water Program Measure W annual allocation of $110,000. The Transfer Agreement requires the City to submit an expenditure plan. Thirty percent of the allocation can be used for existing programs prior to the passage of Measure W in November 2018. Seventy percent of the allocation can be used for new programs after the passage of Measure W. In the expenditure plan approved by the City Council, staff proposed to allocate a portion of the 70% category to pay for the monitoring of the new outfall location. Included with this report is the expenditure plan approved by the City Council on July 13, 2020 and the City's formalized annual plan for Measure W prepared by McGowan Consultants subsequent to the City Council's approval on July 13, 2020. Both documents refer to Sepulveda Canyon Monitoring Study, pending City Council approval. If the City Council approves staff's recommended actions, there will be no fiscal impact to the FY 2020-2021 approved budget. The proposed expense would be funded by Measure W.

RECOMMENDATION:
Staff recommends that the City Council consider an alternative compliance strategy and approve engage the services of NV5 to monitor at new outfall location in the Sepulveda Canyon for one season.

ATTACHMENTS:
08-24-2020_StaffReport_MS4_Alt_Compliance_Machado_Lake.pdf
RegionalDrainage_RH_DrainageAnalysis_09Aug2013.pdf
RegionalDrainage_RH_DrainageAnalysis_Aerial_09Aug2013.pdf
RH_SCW_Annual_Plan_FY2021_FinalDraft_2020.08.20.pdf
RH_SCW_Expenditure_Budget_FY2021__2020.08.20_.pdf
CORH-20-9641-MS4 Outfall Monitoring 2020-2021_REV _1.pdf
Alta (NV5) Monitoring Agreement.pdf

Agenda Item No.: 7.A
Mtg. Date: 08/24/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **ELAINE JENG, CITY MANAGER**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **RECEIVE AND FILE ALTERNATIVE MS4 COMPLIANCE STRATEGY FOR MACHADO LAKE NUTRIENT TMDL AND APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH NV5 TO PROVIDE OUTFALL MONITORING AT A NEW LOCATION IN THE SEPULVEDA CANYON FOR ONE SEASON.**

DATE: **August 24, 2020**

BACKGROUND:
The City of Rolling Hills is required to comply with the Los Angeles County Municipal Separate Storm Sewer System (MS4) permit. A component of the MS4 subjects the City to meet the Total Maximum Daily Load (TMDL) in the Machado Lake for Nutrient.

Stormwater runoff from the City discharges to three bodies of water: Santa Monica Bay, the Harbor and Machado Lake. See the attached Regional Drainage Map. The MS4 requires municipalities to conduct outfall monitoring to characterize the water quality as the runoff leaves the City to each of the three bodies of water. Outfalls must meet certain criteria per the MS4 permit to be accepted by the Los Angeles Regional Water Quality Control Board (Regional Board).

The City of Rolling Hills joined the Peninsula Watershed Group and prepared a Coordinated Integrated Monitoring Plan (CIMP). The plan was approved by the Regional Board. The plan called for a joint outfall, located near Rolling Hills Estates City Hall to characterize the discharge from the Peninsula to the Machado Lake. This location was selected because it captured runoff from all the cities within the group. Monitoring data for Nutrients showed that the water quality is exceeding the thresholds for Nutrient acceptable to the Regional Board. To come into compliance with the water quality objectives, the Peninsula Watershed Management Group contributed funds to study an infiltration project at the Torrance Airport. The infiltration project would eliminate a specified volume to demonstrate that the runoff from the Peninsula is not impairing the waters of the Machado Lake.

DISCUSSION:
In April 2020, staff presented an alternative compliance strategy that would require the City to look at

all the outfalls to the Machado Lake and retain the specified volume to demonstrate to the Regional Board that the City is not discharging to Machado Lake. Staff worked with a registered Civil Engineer to estimate the project cost to eliminate discharge at one of seven outfall locations to Machado Lake and the cost proved too costly. (It was later found that the discharge from the Bent Spring Canyon was already captured by the Chandler Ranch/Rolling Hills Estates County Club Regional stormwater capture project sized to retain and infiltrate well beyond the specified volume from 707 acre tributary area which includes the tributary area to the Bent Spring Canyon in Rolling Hills.) Additionally, the amount of time to construct infiltration projects at each of the seven outfalls would be lengthy and not timely to address the non-compliance status for the Nutrient TMDL.

Staff worked with McGowan Consultant on alternatives to eliminating discharge at each of the seven discharge points from the City. McGowan Consultant recalled the water sampling data collected during the initial stages in drafting the Coordinated Integrated Monitoring Plan (CIMP) and recommended collecting water samples from a new outfall location that would only characterize the water quality of the City of Rolling Hills. The City of Rolling Hills is unique in that the runoff from the City is not conveyed through a network of pipes but rather from natural streams. Water Sampling during the early stages in drafting the CIMP did not include an entire year capturing dry weather and wet weather events required by the MS4 permit but the small sampling was encouraging to demonstrate that the water quality for the City of Rolling Hills may be able to meet the water quality objectives established by the Regional Board. If the theory is proven, the City would not need to participate in a regional project such as the Torrance Airport Infiltration project, or construct infiltration projects at each of the City's outfall to the Machado Lake to achieve compliance with the MS4 permit.

In early May 2020, McGowan Consultants contacted the company that performs water sampling for the Peninsula Watershed Group. It was recommended to the City to engage the same sampling company, NV5 for cost savings. NV5 can conduct sampling at the new outfall location on the same days as the sampling of other locations for the Peninsula Watershed Group. In mid-May 2020, NV5 conducted site investigation and based on the guidance of McGown Consultants, NV5 provided their findings and a proposal for a new outfall sampling location in the Sepulveda Canyon. Per McGowan Consultants' assessment, Sepulveda Canyon is the only canyon that meets the criteria of having potential dry weather and wet weather flow to Machado Lake. McGowan and Consultants evaluated NV5's proposal and questioned testing method, the required volume of samples, identified additional areas for cost savings pointing out duplicated efforts in relation to sampling and analysis for the Peninsula Watershed Group. NV5's proposal is included with this staff report. NV5's proposed fee for monitoring the new location for one complete season is $44,560.

McGowan Consultants will assist in evaluating the motioning data for one season and should the monitoring results demonstrate compliance with the water quality objectives for Nutrient in Machado Lake, staff will request a revision to the Coordinated Integrated Monitoring Plan (CIMP) to change Rolling Hills' outfall location for Machado Lake to the outfall location in Sepulveda Canyon.

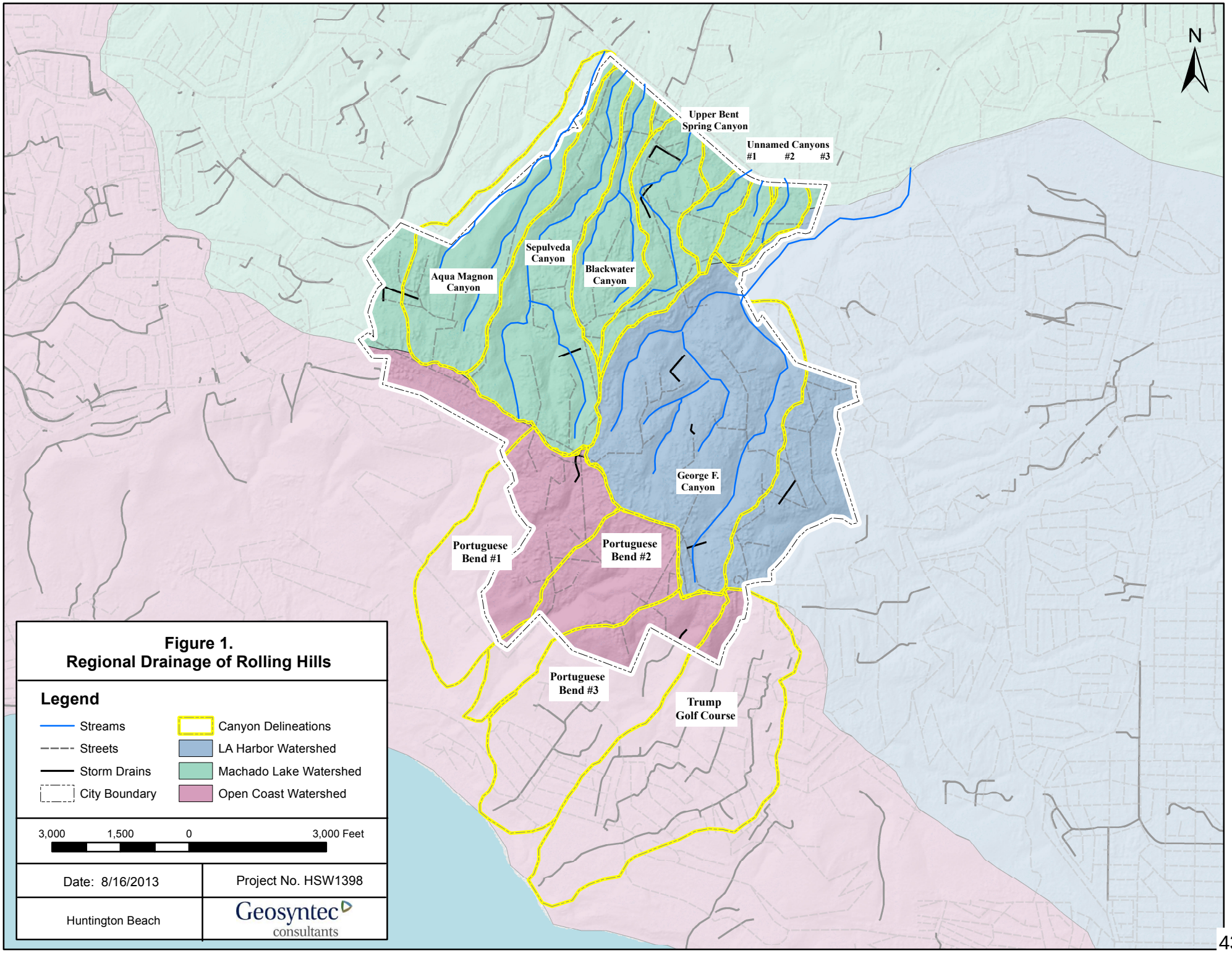
If the City Council approves staff's recommended actions, staff will notify the Peninsula Watershed Group.

FISCAL IMPACT:
At the July 13, 2020, the City Council approved a Transfer Agreement with Los Angeles County to receive the Safe, Clean Water Program Measure W annual allocation of $110,000. The Transfer Agreement requires the City to submit an expenditure plan. Thirty percent of the allocation can be used for existing programs prior to the passage of Measure W in November 2018. Seventy percent of the allocation can be used for new programs after the passage of Measure W. In the expenditure plan

approved by the City Council, staff proposed to allocate a portion of the 70% category to pay for the monitoring of the new outfall location. Included with this report is the expenditure plan approved by the City Council on July 13, 2020 and the City's formalized annual plan for Measure W prepared by McGowan Consultants subsequent to the City Council's approval on July 13, 2020. Both documents refer to Sepulveda Canyon Monitoring Study, pending City Council approval. If the City Council approves staff's recommended actions, there will be no fiscal impact to the FY 2020-2021 approved budget. The proposed expense would be funded by Measure W.

RECOMMENDATION:
Staff recommends that the City Council consider an alternative compliance strategy and approve engage the services of NV5 to monitor at new outfall location in the Sepulveda Canyon.

ATTACHMENTS:
RegionalDrainage_RH_DrainageAnalysis_09Aug2013.pdf
RegionalDrainage_RH_DrainageAnalysis_Aerial_09Aug2013.pdf
CORH-20-9641-MS4 Outfall Monitoring 2020-2021_REV.pdf
RH_SCW_Annual Plan_FY2021(FinalDraft)2020.08.20.pdf
RH_SCW_Expenditure_Budget_FY2021_(2020.08.20).xlsx


N
Upper Bent Spring Canyon
Unnamed Canyons #1 #2 #3
Sepulveda Canyon
Blackwater Canyon
Aqua Magnon Canyon
George F. Canyon
Portuguese Bend #1
Portuguese Bend #2
Portuguese Bend #3
Trump Golf Course
Figure 1.
Regional Drainage of Rolling Hills
Legend
Streams
Streets
Storm Drains
City Boundary
Canyon Delineations
LA Harbor Watershed
Machado Lake Watershed
Open Coast Watershed
3,000 1,500 0 3,000 Feet
Date: 8/16/2013
Project No. HSW1398
Huntington Beach
Geosyntec consultants

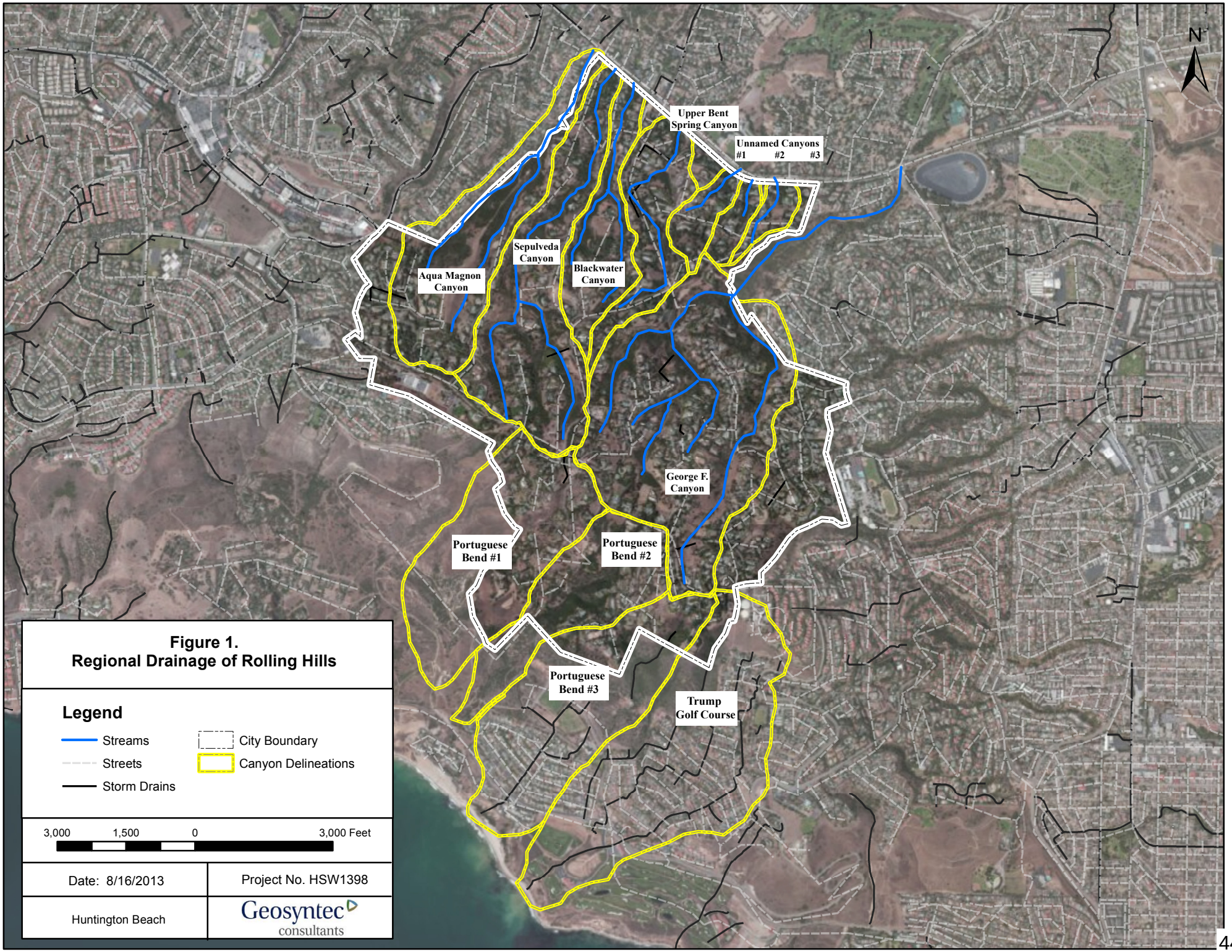


Figure 1.
Regional Drainage of Rolling Hills

City of Rolling Hills
Safe Clean Water Municipal Program
Annual Plan - Expenditures in Fiscal Year 2020-2021

Introduction

The Safe Clean Water (SCW) Program provides dedicated funding to increase local water supply, improve water quality and protect public health with a key goal of supporting municipalities in meeting water quality objectives for local surface waters. The SCW Program was approved by Los Angeles County voters as Measure W in November 2018 and is expected to generate up to $285 million per year from a special parcel tax of 2.5 cents per square foot of impermeable surfaces on private properties within the County, e.g., roofs, parking lots, driveways, etc. Half of the funds will be expended on regional-scale projects and programs that will yield multiple public benefits, such as increasing water supply, improving water quality and other community and environmental benefits through a deliberative planning process managed by regional steering committees. The Municipal Program (40% of the funds) is designed to maximize the ability of local governments to address stormwater and urban runoff water quality challenges and opportunities. The remaining 10% of the funds are to be expended by the Los Angeles County Flood Control District (District) which is charged with administering the SCW Program and providing technical resources as well as capacity building for the program. Public transparency and fiscal accountability are integral and essential aspects of the program. This Expenditure Plan describes how the **City of Rolling Hills** (City) intends to use its Municipal Program Funds during FY2021 to improve the quality of local water resources for the public benefit.

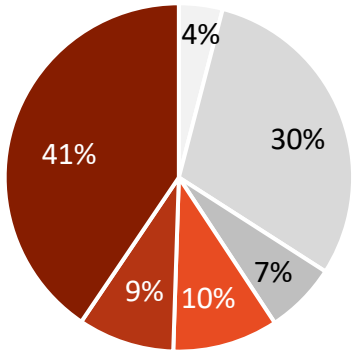
*A key goal of the **Safe Clean Water Program** is to support municipalities in meeting water quality objectives for local surface waters. The Municipal Program is designed to maximize the ability of local governments to address stormwater and urban water quality challenges and opportunities.*

FY2021 Municipal Program Revenue and Budget

It is projected that the City will receive approximately $110,000 annually in Municipal Program Funds. The City must spend at least 70% of its Municipal Program Funds on eligible expenses related to new projects or programs implemented on or after November 6, 2018. Up to 30% of a City's Municipal Program Funds may be used to pay for eligible costs and expenses related to the continuation of programs initiated prior to November 6, 2018. The City may utilize the funds received in this first program year for reimbursement of eligible expenditures incurred during fiscal year 2019-2020 (FY1920) or for fiscal year 2020-21 (FY2021), or both.

The charts and narrative sections below summarize how the City intends to spend its FY2021 Municipal Program Funds.

Municipal SCW Program Planning & Outreach	$ 4,460
Water Quality Monitoring	$ 33,000
Rainwater Harvesting Outreach	$ 7,320
Hydromodification Control Provisions	$ 10,790
Enhanced Sediment Source Control	$ 9,830
Sepulveda Canyon Monitoring Study	$ 44,600
Total FY2021 Planned Expenditures	$110,000



Municipal SCW Program Planning and Outreach

Description

Municipalities must undertake a significant planning effort to prioritize projects and programs to assist in achieving compliance with the The Los Angeles Municipal Stormwater Permit (MS4 Permit)[1], consider municipal-level requests for infrastructure projects from eligible project applicants, and annually prepare and provide informational materials to the public on actual and budgeted use of revenues from the SCW Municipal Program. The SCW Program Implementation Ordinance, Section 18.09.B.5., requires municipalities to develop and submit to the District an Annual Plan detailing how Municipal Program funds will be used during the ensuing year. The Annual Plan must include anticipated projects and programs, stakeholder engagement activities, an initial programmatic budget, and the SCW Program Goals that are supported by the planned expenditures. To ensure public transparency and stakeholder engagement, the City has allocated $4,460 or 4% of its SCW Municipal Program funds for program planning undertaken during FY1920 and planning and outreach during FY2021.

The City plans to spend 4%, or $4,460, of its Municipal Program funds on **SCW Program Planning and Outreach** to ensure public transparency and stakeholder engagement.

Stakeholder and Community Outreach and Engagement

The City actively engages its City Council and residents on matters of significance through duly noticed agendas and public meetings. The SCW Municipal Program Transfer Agreement was noticed, discussed and approved for execution by the City Council at its meeting on July 13, 2020 along with a tentative budget plan for expenditures during FY2021. In addition to the annual planning effort discussed in the previous section, the SCW Implementation Ordinance, Section 18.06.D., requires municipalities to prepare and submit an Annual Progress/Expenditure Report to the District summarizing expenditures during the previous fiscal year using SCW Municipal Program funds, describing the work accomplished and milestones or deliverables, discussing stakeholder engagement actiivites undertaken, and forecasting work anticipated during the next reporting period. The Annual Plans and Annual Progress/Expenditure Reports will be placed on future City Council agendas for consideration, discussion and approval prior to submission to the District and are anticipated to be publicly posted on the Safe, Clean Water Program website by District staff.

Safe Clean Water Program Goals	
Contribute to Attainment of Water Quality Requirements	X
Implement an Iterative Planning and Evaluation Process	X

Safe Clean Water Goals

The City's SCW Municipal Program Planning and Outreach supports Safe Clean Water Program Goals defined by Los Angeles County Flood Control District Code Section 18.04. The planning effort to identify and prioritize projects and programs that will help meet MS4 Permit objectives will **contribute to the attainment of water quality requirements**. This planning effort, along with the Annual Progress/Expenditure Report, comprise an **iterative planning and evaluation process** as they provide opportunities for the City to assess its SCW Municipal Program expenditures and to modify its priority projects and programs to better meet water quality requirements using SCW funds, if needed.

Post-Construction Monitoring, Operation and Maintenance Activities & Institute for Sustainable Infrastructure (ISI) Verification

Since this expenditure is not a physical infrastructure project, post construction monitoring, operation and maintenance activities, and ISI Envision Verification do not apply.

[1] Order No. R4-2012-0175 as amended by State Water Board Order WQ 2015-0075 and Regional Board Order R4-2012-0175-A01 (Order No. R4-2012-0175 as amended), also known as NPDES No. CAS004001.

Water Quality Monitoring

Description

The MS4 Permit issued under the authority of the Federal Clean Water Act and California's Porter Cologne Act regulates municipal stormwater and dry weather runoff discharges into the municipal storm drain system to protect the water quality of our local coastal streams, beaches, tidepools, harbors and fresh water bodies such as Machado Lake. The MS4 Permit requires a Monitoring and Reporting Program to assess the chemical, physical, and biological impacts of municipal stormwater discharges on local surface water quality, assess compliance with water quality objectives, characterize pollutant loads in municipal discharges, identify the source of pollutants in discharges, and measure the effectiveness of control measures in reducing pollutant loading. Following adoption of the MS4 Permit in December 2012, the City, along with the cities of Palos Verdes Estates, Rancho Palos Verdes, Rolling Hills Estates, the County of Los Angeles and the Los Angeles County Flood Control District (Palos Verdes Peninsula CIMP group), agreed to collaborate on the development of the Coordinated Integrated Monitoring Program (CIMP) to meet MS4 Permit requirements. The City is party to the Memorandum of Understanding regarding Administration and Cost Sharing for Implementing the Coordinated Integrated Monitoring Program for the Peninsula Agencies and contributes proportionate funds based on its 12% area share of the CIMP area on an annual basis to cooperatively fund and coordinate the payment and performance of monitoring and reporting services.

*The City plans to spend 30%, or $33,000, of its Municipal Program funds on the ongoing **Coordinated Integrated Monitoring Program** that is used to assess discharge and receiving water quality.*

The City plans to spend $33,000 or 30% of its Municipal Program funds to address a portion of the City's share of CIMP implementation costs during FY2021 for continuation of this monitoring program initiated prior to November 6, 2018. This scope of work includes but is not limited to:

- Receiving Water Monitoring: sampling and analysis of a required suite of analytical parameters at two (2) new near-shore monitoring locations in the Santa Monica Bay (approximately 1000 feet offshore) during three (3) wet weather events and two (2) dry weather events per year and weekly indicator bacteria monitoring at five (5) Santa Monica Bay shoreline locations, conducted in accordance with the Santa Monica Bay Beaches Bacteria TMDL.

- Outfall Monitoring: stormwater outfall water quality and flow monitoring at three (3) locations during three (3) wet weather events per year. Two (2) of these outfall monitoring locations are used to evaluate stormwater discharges from the Palos Verdes Peninsula to the Santa Monica Bay and one (1) outfall monitoring location is used to evaluate stormwater discharges from the Palos Verdes Peninsula to the Dominguez Channel Watershed, which includes the Wilmington Drain, Machado Lake and the Greater Los Angeles Harbor surface waterbodies. The CIMP also includes monthly monitoring of nitrogen and phosphorus in discharges from four storm drain locations to quantify discharges of these pollutant from the Peninsula to Machado Lake.

Stakeholder and Community Outreach and Engagement

A public workshop was held at the South Bay Botanic Garden on May 8, 2014 to present the CIMP to the community and key stakeholders, including multiple non-governmental and community-based organizations. Attendees were encouraged to provide feedback via email or a comment card. On July 3, 2014, the Regional Board provided public notice and a 46-day period to allow for public review and comment on the PV Peninsula Group's draft CIMP. A separate notice of availability regarding all of the Los Angeles region's draft CIMPs, including the Peninsula group's CIMP, was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. The Peninsula CIMP group revised the draft

CIMP to incorporate comments from the public and the Regional Board and resubmitted the CIMP on May 21, 2015, which was subsequently approved by the Regional Board.

Data collected under the CIMP are also made available to the public in a number of ways:

- The Los Angeles County Department of Public Health posts results of the weekly shoreline bacteria data;
- Weekly shoreline bacteria monitoring results are also reviewed and interpreted by the environmental organization Heal the Bay, which posts its interpretation in the form of beach water quality grades and an annual compilation in its Annual Heal the Bay Beach Report Card;
- All data collected under the CIMP are also sent to the Regional Board and posted here;
- A comprehensive analysis and assessment of water quality based on the CIMP data is prepared by and reported in the Peninsula CIMP group's Annual Watershed Reports which are posted on the Regional Board's website here.

Safe Clean Water Goals

Implementation of the CIMP supports multiple Safe Clean Water Program Goals as defined by Los Angeles County Flood Control District Code Section 18.04. The CIMP provides valuable data on the quality of municipal discharges and their impacts on receiving water quality. These data are evaluated on an annual basis thus supporting **improved water quality** and **protection of public health**. The CIMP further provides the opportunity to coordinate monitoring efforts on a watershed scale which allows for the **leveraging of multiple funding sources**, including the City's general fund which contributes the balance of the City's share of this program cost, thus increasing the cost-efficiency and effectiveness of water quality monitoring programs.

Safe Clean Water Program Goals	
Improve Water Quality	X
Protect Public Health	X
Leverage Multiple Funding Sources	X

Post-Construction Monitoring and Operation and Maintenance Activities

Since the CIMP is not a physical infrastructure project, post-construction monitoring and typical operation and maintenance activities do not apply. The CIMP does include requirements for routine maintenance and calibration of monitoring equipment.

Institute for Sustainable Infrastructure (ISI) Verification

The CIMP is not eligible for ISI Envision verification since only physical infrastructure projects are eligible.

Rainwater Harvesting Outreach

Description

The MS4 Permit requires a program of public information and participation to involve and engage diverse communities in mitigating the impacts of storm water pollution, and encourages watershed-level implementation of the program. The watershed groups of the Palos Verdes Peninsula and the Beach Cities have been working for a number of years with the staff of the South Bay Cities Council of Government's (SBCCOG) Environmental Services Center (SBESC) to host Sustainable Gardening and Landscaping and Integrated Pest Management (IPM) webpages developed jointly for South Santa Monica Bay communities. These webpages disseminate information on CA friendly landscaping, responsible irrigation, integrated pest management and the proper use and disposal of pesticides and fertilizers. During FY1920, the two watershed groups worked cooperatively to develop *A Homeowner's Guide to Rainwater Harvesting in the South Bay* (Guide) to engage homeowners in implementing simple rainwater harvesting projects on their properties. During FY2021 these joint efforts will be further leveraged by developing additional webpage content on residential rainwater harvesting to add to the Sustainable Gardening and Landscaping and IPM webpages hosted by SBCCOG. The City has allocated $7,320 of its SCW Municipal Program funds towards the joint development of this new outreach content and community engagement in rainwater harvesting activities.

The City plans to spend 7%, or $7,320, of its Municipal Program funds on joint development of new outreach content and community engagement in Rainwater Harvesting activities.

Stakeholder and Community Outreach and Engagement

The central purpose of this program is community outreach and engagement in rainwater harvesting at the individual property level. The Guide and associated webpage content will be distributed to South Santa Monica Bay residents through the SBCCOG website as well as promoted by the participating cities on their individual City websites. In addition, multiple stakeholders were engaged in the development of this rainwater harvesting program with multiple City staff members, particularly building officials, as well as Los Angeles County Building & Safety staff involved in reviewing and commenting on the Guide to ensure that it would be consistent with local ordinances and policies. Several opportunitites for input were provided and this constructive stakeholder feedback has improved the utility of the Guide.

Safe Clean Water Goals

Active engagement in rainwater harvesting is central to multiple SCW Program goals. Rainwater that is retained on properties and filtered through rain gardens will **improve the quality of stormwater runoff** through **nature-based solutions** and **increase drought preparedness** of residential landscapes by reducing use of potable water for landscaping. The program encourages **innovation and adoption of rainwater harvesting practices** at the parcel level. It leverages funding by encouraging individual homeowner investment in meeting these SCW program goals.

Safe Clean Water Program Goals Achieved	
Improve Water Quality	X
Prioritize Nature-Based Solutions	X
Provide a Spectrum of Project Sizes	X
Increase Drought Preparedness	X
Leverage Multiple Funding Sources	X
Increase Drought Preparedness	X
Encourage innovation and Adoption of New Technologies and Practices	X

Post-Construction Monitoring and Operation and Maintenance Activities

The Guide includes a section on Rainwater Harvesting System Maintenance and incorporates advice on periodic inspection of rainwater harvesting system post-construction and measures or adjustments to take to correct observed problems.

Institute for Sustainable Infrastructure (ISI) Verification - This expenditure is not eligible for ISI Envision verification.

Hydromodification Control Provisions

Description

It has been brought to City staff and Council attention that adverse hydromodification impacts have accrued at certain locations within natural drainage courses in the City. Given that natural drainage courses are the predominant means for conveying stormwater and single-family residential properties are the predominant form of development within the City, a process has been initiated to consider options for strengthening the hydromodification control provisions in its municipal code to prevent future hydromodification impacts. Many residential properties within the City are located on hillside properties so prevention of adverse hydromodification impacts will increase flood protection and reduce the likelihood of erosion damage to properties during severe storms. The City has allocated $10,790 of its Municipal Program funds to consider options beyond the existing requirements in the MS4 Permit for increasing the stringency of hydromodification control provisions for single family residential new and redevelopment projects.

The City plans to spend 10%, or $10,790, of its SCW Municipal Program funds to strengthen hydromodification controls to protect habitat and increase flood and erosion protection for residential properties within natural drainage courses.

Stakeholder and Community Outreach and Engagement

The City actively engages its City Council and its residents on matters of significance through duly noticed agendas and public meetings. This process for considering additional hydromodification controls is being undertaken at the request of City Council. During FY1920 initial work included development and presentation to City Council of various options for increasing the stringency of hydromodification provisions. The next steps to be undertaken during FY2021 are envisioned to include a public workshop to build City Council and community consensus for a preferred approach. Based on the outcome of the public workshop and direction from City Council the consensus approach will be translated into a set of redline changes to the relevant section of municipal code for consideration by the City Council.

Safe Clean Water Goals

This program incorporates an **iterative adaptive management** approach consistent with SCW Program Goals. This work will provide updated development/redevelopment guidelines for protecting and **improving water quality** by reducing erosion in natural canyons to reduce sediment loading in stormwater discharges from the City and protect natural habitat from erosion thereby **prioritizing nature-based solutions**. Certain of these natural drainage courses are designated as Significant Ecological Areas so prevention of adverse hydromodification impacts will help to protect this sensitive habitat. Increasing hydromodification control provisions will also increase the community's resilience to more severe storms that may result from **climate change**.

Safe Clean Water Program Goals Achieved	
Implement iterative Adaptive Management	X
Improve Water Quality	X
Adapt to Climate Change	X
Prioritize Nature-Based Solutions	X

Post-Construction Monitoring and Operation and Maintenance Activities

Consistent with MS4 Permit requirements, owners of new and redevelopment projects that become subject to the strengthened hydromodification requirements will be required to operate and maintain any structural hydromodification control systems on their property in perpetuity. These requirements will include periodic inspection by the owner or designee to ensure they continute to function properly and to identify need for maintenance.

Institute for Sustainable Infrastructure (ISI) Verification - This expenditure is not eligible for ISI Envision verification.

Enhanced Sediment Source Control

Description

The City plans to spend 9%, or $9,830 of its SCW Municipal Program funds to increase enforcement of source control measures to protect stormwater quality.

The need for increased control of suspended sediment in stormwater discharges has been identified through analysis of data collected under the outfall water quality monitoring program described previously. Consequently and as required by the MS4 Permit, the City conducted an assessment of potential sources of sediment in stormwater discharges and prepared a plan for enahanced sediment control. Sources of sediment in stormwater from the City are erosion in natural canyons and poorly managed construction sites. The City's natural canyons are subject to erosion during intense storms and the foregoing hydromodification control provisions are anticipated to help mitigate this in the long term. To address construction sites, the City's sediment control plan identified enhancements to the MS4 Permit-required minimum control measures for sediment and erosion control on construction sites. For small construction sites disturbing less than one acre, these enhancements include additional education and outreach to project owners and contractors, including distribution of a brochure in English and Spanish illustrating and describing the required best management practices to control sediment and erosion. For large construction sites subject to the Statewide Construction General Permit, the City's sediment control plan increases the frequency of inspections of sites with Risk Levels 2 or 3 to once every two weeks, and before and after rain events with forecast of rainfall greater than 0.5 inches. During FY2018-19 the City created a new code enforcement officer position and one of the key duties of this position is to conduct outreach and provide additional oversight of construction sites beyond that being provided by contract building & safety inspectors. The City has allocated 10% of the code enforcement officers time in FY1920 and FY2021 ($4,868 and $4,962, respectively) for a total of $9,830 or 9% of the City's FY2021 SCW Municipal Program funds for enhanced outreach and oversight of construction sites.

Stakeholder and Community Outreach and Engagement

Stakeholder outreach and engagement is integral to an effective source control program and is incorporated into the sediment control plan through direct outreach to construction site owners and contractors using educational materials.

Safe Clean Water Goals

This program is being implemented as a result of an **iterative adaptive management** process consistent with SCW Program Goals. This program will help to protect and **improve water quality** by controlling erosion on construction sites which will reduce sediment and associated pollutant loading in stormwater discharges. The majority of the code enforcement officer's position is funded by through the City's general fund which provides significant **leverage of the SCW Municipal funds.**

Safe Clean Water Program Goals Achieved	
Iterative Adaptive Management	X
Improve Water Quality	X
Leverage Multiple Funding Sources	X

Post-Construction Monitoring and Operation and Maintenance Activities

Since this expenditure is not a physical infrastructure project, post construction monitoring and operation and maintenance activities do not apply.

Institute for Sustainable Infrastructure (ISI) Verification

This expenditure is not eligible for ISI Envision verification since only physical infrastructure projects are eligible.

Sepulveda Canyon Monitoring Study

Description

The City plans to conduct a monitoring study within the largest canyon catchment in the City tributary to Machado Lake. The purpose of this monitoring study is to develop baseline water quality and flow data in support of a future feasibility study for a potential stormwater capture project to address Machado Lake TMDLs. Sepulveda Canyon is an unimproved natural drainage course with a tributary area of 280 acres comprised of single-family residential properties and open space. The monitoring site for this study is to be located in the lower section of the canyon at a road crossing and prior to the point where the flow exits the City and enters a storm drain tributary to Machado Lake.

The City plans to spend 41%, or $44,600, of its SCW Municipal Program funds to conduct a monitoring study of the Sepulveda Canyon catchment to establish baseline flow and water quality data to support a future feasibility study of a potential stormwater capture project.

The operating procedures for this monitoring study are consistent with and will be synchronized with the current MS4 outfall monitoring program being conducted under the Palos Verdes Peninsula CIMP and will include the collection of monthly dry weather nutrient and flow monitoring data along with field measurements and observations. Wet weather monitoring will be conducted for three wet weather events during the FY2021 wet weather season, including the first significant rain event that occurs after October 1 at the beginning of the wet season. Wet weather monitoring will include flow monitoring and manual grab samples at 20-minute intervals over a 3-hour duration for water chemistry analysis as well as sediment matrix samples to be composited and analyzed for sediment-borne pollutants. The data collected will be used to assess the potential feasibility and effectiveness of a stormwater capture project at the base of Sepulveda Canyon. The City has allocated $44,600 or 41% of its SCW Municipal Program revenues to conduct this monitoring study of the Sepulveda Canyon catchment.

Stakeholder and Community Outreach and Engagement

The City actively engages its City Council and residents on matters of significance through duly noticed agendas and public meetings. The concept for this study arose from City Council discussions and it is being undertaken with the authorization of City Council. Direct outreach prior to initiating the monitoring study will be provided to residents living in the vicinity of the monitoring site. Results of the monitoring study will be shared with the community and City Council.

Safe Clean Water Goals

This study marks the initiation of an **iterative planning process** for a potential stormwater capture project to support multiple Safe Clean Water Program Goals including **improving water quality** and protecting aquatic and riparian habitats and recreational uses of local waterbodies thereby **protecting public health**. If pursued, the feasibility study would prioritize **nature-based solutions** and **new technologies and practices** to improve water quality.

Safe Clean Water Program Goals Achieved	
Implement iterative Planning and Evaluation Process	X
Improve Water Quality	X
Protect Public Health	X
Prioritize Nature-Based Solutions	X
Encourage innovation and Adoption of New Technologies and Practices	X

Operation and Maintenance Activities

Since monitoring is not a physical infrastructure project, typical operation and maintenance activities do not apply, however routine maintenance and calibration of monitoring equipment will be conducted as part of this program.

Post-Construction Monitoring

The baseline monitoring data collected by this program will provide the reference against which post-construction monitoring can be conducted to verify performance and track effectiveness following completion of a potential future stormwater capture project in this catchment.

Institute for Sustainable Infrastructure (ISI) Envision Verification

Pre-project monitoring is a planning tool and as such is not eligible for ISI Envision verification on its own since only physical infrastructure projects are eligible. However, should a future infrastructure project be pursued in this catchment, the City could strive for ISI verification and this baseline monitoring would support the achievement of several of the Envision credits for such a project.

ELIGIBLE STORMWATER EXPENDITURES PROPOSED FOR RECOVERY of CITY'S FY2021 RETURN UNDER SCW MUNICIPAL PROGRAM - $110,000

Item	**Description** (note: during this first year costs can be recovered back to FY1920)	Actual cost for Line Item	Cost to be Recovered under Ongoing Programs - up to 30% of municipal return or $33,000	Cost to be Recovered under New Projects or Programs - at least 70% of municipal return or $77,000	Source	Notes/Basis for categorization
1	Peninsula MS4 Permit and TMDL Monitoring Program including bacteria shoreline monitoring assumed from LACSD	$ 48,719.00	$ 33,000.00		CIMP MOU Cost share amount.	CIMP monitoring is an ongoing effort that consumes the full 30% allowed for ongoing efforts cost
2	Sepulveda Canyon baseline stormwater monitoring for future stormwater capture project	$ 44,556.40		$ 44,556.40	NV5 Revised Proposal maximum amount	Pending Council consideration.
3A	SCW Municipal Program Planning (FY1920)	$ 1,358.60	$ -	$ 1,358.60	McGowan Task 1.4 SCW Municipal Program planning (FY1920)	Actual expenditure during FY1920
3B	SCW Municipal Program Planning (FY2021)	$ 3,100.00		$ 3,100.00	McGowan Task 2.2 SCW Program (FY2021)	Estimated based on proposal for FY2021
			Total for Items 3A+3B	$ 4,458.60		
4A	Joint Development of South Bay Rainwater Harvesting Guide (FY1920)	$ 2,062.70		$ 2,062.70	McGowan Task 2.2 New Outreach Content/Materials (FY1920) plus subcontracted work by graphic designer	Actual expenditure for City share of work during FY1920
4B	Joint Development of New Rainwater Harvesting Webpages, Updated Sustainable Landscaping Webpages (FY2021)	$ 5,250.00		$ 5,250.00	McGowan Task 2.3 Develop and Update Joint Outreach Content (FY2021)	Estimated cost for City share of work based on proposal for FY2021, including subcontracted costs.
			Total for Items 4A+4B	$ 7,312.70		
5A	Development of Strengthened Hydromodification Control Provisions (FY1920)	$ 2,090.60		$ 2,090.60	McGowan Task 4.1 Hydromodification Control Effort for FY1920 - effort under Task 4.1 from Feb 2020-March 2020 to address Hydromodification Control issue	Actual expenditure during FY1920. [9.1 hrs Principal time, 4.6 hrs Sr. Scientist time]
5B	Development of Strengthened Hydromodification Control Provisions (FY2021)	$ 8,680.00		$ 8,680.00	McGowan Task 4.2 Hydromodification Control Revision (FY2021)	Estimated based on proposal for FY2021.
			Total for Items 5A+5B	$ 10,770.60		
6A	Code Enforcement of Stormwater Quality Protection (FY1920)	$ 4,868.21		$ 4,868.21		
6B	Code Enforcement of Stormwater Quality Protection (FY2021)	$ 4,962.50		$ 4,962.50		
			Total for Items 6A+6B	$ 9,830.71		
	Totals		$ 33,000.00	$ 76,929.01	$ 109,929.01	
	Remainder to be carried forward		$ -	$ 70.99		

June 23, 2020

City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, CA 90274

Attn: Elaine Jeng, City Manager
Meredith Elguira, Director, Planning and Community Services

RE: Scope of Work and Budget for Canyon Monitoring 2020-2021

Dear Ms. Jeng and Ms. Elguira,

Alta Environmental, an NV5 Company (Alta|NV5) is pleased to present the City of Rolling Hills (City) with this scope of work and cost estimate to conduct Canyon Monitoring for the 2020-2021 monitoring year. Alta|NV5, as a key subcontractor to Anchor QEA, has been implementing Municipal Separate Storm Sewer System (MS4) Outfall Monitoring the Palos Verdes Peninsula Coordinated Integrated Monitoring Program (CIMP) since 2016.

Alta|NV5 is 100% committed to providing the City with exceptional, high quality monitoring and data processing support. We are eager to support the City with sound technical experience, dedicated customer service, and strategic recommendations that protect your operational interests, your stakeholder's concerns, and the environment. Please do not hesitate to call me with any questions.

For and on behalf of Alta|NV5,

Garth Engelhorn, CPSWQ, QISP/ToR
Water Resources Senior Project Manager
1155 Sportfisher Dr., Suite 202
Oceanside, CA 92054
Phone Number:760-237-2703
Email: Garth.Engelhorn@nv5.com

1 EXHIBIT A: SCOPE OF WORK

Alta|NV5 will conduct the following tasks to implement the Canyon Monitoring during the 2020-2021 monitoring year. The objective of this Canyon Monitoring is to implement a program consistent with the current MS4 outfall monitoring being conducted as part of the Palos Verdes Peninsula CIMP. The objective of the Palos Verdes Peninsula CIMP outfall monitoring program is to determine the quality of a permittee's discharge relative to municipal action levels, to determine whether a permittee's discharge is in compliance with stormwater water-quality-based effluent limitations (WQBELs) derived from the Total Maximum Daily Load (TMDL) waste load allocations and to determine whether a permittee's discharge causes or contributes to an exceedance of receiving water limitations. The 2016 Palos Verdes Peninsula CIMP Outfall Sampling and Analysis Plan (SAP), documents the procedures and methods currently used for outfall monitoring in accordance with the CIMP. All of the field sampling methods, laboratory analytical methods, Quality Assurance and Quality Control (QA/QC), data management, and reporting described below will be conducted according the 2016 Palos Verdes Peninsula CIMP Outfall SAP.

Task 1: Project Management and Coordination

Alta|NV5 will routinely coordinate with the City to provide updates and discuss any potential modifications necessary for the water quality monitoring and reporting activities. This task includes planning and implementation of the project, coordination with the subcontracting laboratories, relevant meeting attendance, coordination with the City, budget management, and monthly invoicing/reporting.

Task 2: Dry Weather Monthly TMDL Monitoring

Alta|NV5 will conduct monthly dry weather Machado Lake Nutrients TMDL monitoring at the proposed monitoring site located at the crossing of Sepulveda Canyon at the south side (upstream) of Middleridge Road, in coordination with the existing Palos Verdes Peninsula CIMP outfall monitoring program. Based on an initial field reconnaissance conducted during May 2020, the proposed monitoring location was observed to be dry and without dry weather flows. This task includes twelve monthly site visits to confirm presence or absence of flow (July 2020 through June 2021) and document site conditions. If flow is observed during a monthly site visit, samples will be collected. For budgeting purposes, it was assumed that up to four monthly sample events will be conducted between July 2020 and June 2021. The sampling events will likely occur during the winter months when dry weather base flows are elevated. Dry weather sampling may be conducted any time but only after an antecedent dry period of at least three days has passed since the last rainfall event (less than 0.1 inch of rainfall each day).

The dry weather samples will be collected and submitted to an Environmental Laboratory Accreditation Program (ELAP) certified laboratory for the following constituents:

- Total kjeldahl nitrogen by United States Environmental Protection Agency (USEPA) method 351.2
- Total phosphorous by USEPA method 365.1
- Nitrate/nitrite by Standard Method (SM) 4500 NO3 E

Flow rates will be measured or estimated in accordance with the USEPA NPDES Storm Water Sampling Guidance Document (USEPA 833-B-92-001). Field measurements taken with an YSI water quality data sonde or similar device will be calibrated against standards and will follow guidelines from the State of California's Surface Water Ambient Monitoring Program (SWAMP) (MPSL-DFG 2014). The water quality field measurements will be documented on the field observation form and include the following parameters:

- pH
- Temperature
- Specific conductance
- Dissolved Oxygen

Task 3: Wet Weather Monitoring

Alta|NV5 will conduct three wet weather sampling events at the proposed monitoring site located at the crossing of Sepulveda Canyon at the south side (upstream) of Middleridge Road. Wet weather sampling will occur three times a year within the wet season (October 1, 2020 through April 30, 2021). The first significant rain event after October 1, 2020 of will be targeted for wet weather sampling, along with two subsequent events, in coordination with the existing Palos Verdes Peninsula CIMP outfall monitoring program. Wet weather events are defined as having a predicted rainfall of at least 0.25 inch with a 70% probability of rainfall at least 24 hours prior to the event start time. Wet weather sampling events will be separated by an antecedent dry period (less than 0.1 inch of rain per day) of at least three days.

For each of the three wet weather monitoring events per monitoring year, Alta|NV5 will deploy one team of two scientists at each of the to ensure the health and safety of field personnel and implementation of clean sampling techniques. Teams will collect manual grab samples with a swing sampler pole once every 20 minutes over a 3-hour period (or at a frequency equivalent to 10 aliquots over the expected duration of stormwater discharge) to create composites sample representative of the hydrograph (e.g., rising, peak, or rise and fall depending on duration of storm). One composite sample comprised of ten individual 1-liter aliquots will be collected for the water matrix constituents (10-liters total) and one composite sample comprised of ten individual 10-liter aliquots will be collected for the sediment matrix constituents (100-liters total). Collection of in situ water quality measurements and fecal indicator bacteria grab samples will be take near the peak of the hydrograph.

The sediment matrix constituents will be analysed by the laboratory once per monitoring year. It is estimated that approximately 300-liters of stormwater will need to be filtered to obtain a minimum of 80 grams which is required for the sediment analysis. Following each wet weather monitoring event, Alta|NV5 will submit five 20-liter carboys (100-liters per event) to the laboratory, which will be individually filtered, preserved, and composited to create a single sediment sample for analysis after the completion of the third and final monitoring event.

The wet weather samples will be collected and submitted to an ELAP certified laboratory for the following constituents:

Water Matrix (composite samples) will be analyzed each storm

- Total Kjeldahl nitrogen by USEPA method 351.2
- Total phosphorous by USEPA method 365.1
- Total hardness by SM 2340C
- Total suspended solids by SM 2540D
- Nitrate/nitrite by SM 4500 NO3 E
- Total and dissolved metals by USEPA method 1640 and 7470A (copper, lead, mercury, zinc)
- Organochlorine pesticides by USEPA method 8270C with selective ion monitoring
- Polycyclic aromatic hydrocarbons by USEPA method 625 SIM

Water Matrix (grab samples) will be analysed each storm

- Total coliforms, fecal coliforms, Enterococci, and E. Coli by SM 9221B

Sediment Matrix (filtered from water composite samples) will be analysed once per year as a composite of three wet weather samples.

- Total solids by SM 2540B
- Organochlorine pesticides and polychlorinated biphenyl congeners by USEPA method 8270C selected ion monitoring

Continuous flow measurements will be collected with portable flow meters and flow rates will be measured or estimated in accordance with the USEPA NPDES Storm Water Sampling Guidance Document (USEPA 833-B-92-001). Field measurements taken with an YSI water quality data sonde or similar device will be calibrated against standards and will follow guidelines from the State of California's SWAMP (MPSL-DFG 2014). The water quality field measurements will be documented on the field observation form and include the following parameters:

- pH
- Temperature
- Specific conductance
- Dissolved Oxygen

Task 4. Data QA/QC, Formatting, and Technical Memorandum

Within 15 days of each dry or wet weather sampling event, Alta|NV5 will create an event summary report including the following information:

- Completed field data sheet
- Copy of the chain of custody;
- Photos of site and conditions;
- A short summary description of field activities.

Following completion of the sampling activities for the 2020-2021 monitoring year, Alta|NV5 will compile all field observations and analytical chemistry into a format consistent with the California Environmental Data Exchange Network (CEDEN) management system. Alta|NV5 will use the CEDEN templates provided in Microsoft Excel (versions 97-2003) format, each template contains multiple worksheets, sample data submissions, and an associated guidance document. The formatting process includes applying CEDEN valid values and qualifiers; working with the State Board to make CEDEN updates to valid values; and, resolving errors identified by data checkers. After the CEDEN compatible data files have successfully passed the data checkers, Alta|NV5 will provide the City with a summary of exceedance of applicable water quality-based effluent limits, RWLs, and/or action levels will be identified per sampling date.

Alta|NV5 will prepare a technical memorandum identifying recommendations (e.g., sampling location or method revisions, analytical method revisions, and additional constituents for analysis based on water quality priorities) for adaptive management. The technical memorandum will be submitted by September 1, 2021

Quality Assurance and Quality Control– QA/QC for sampling processes will include proper collection of the samples to minimize the possibility of contamination. Samples will be collected in laboratory-supplied, laboratory-certified, contaminant-free sample bottles. Sample processing and handling for water chemistry will be conducted in accordance with guidance developed in the Quality Assurance Program Plan for the State of California's Surface Water Ambient Monitoring Program (SWAMP) (State Water Resources Control Board (SWRCB) 2008). Field staff will ensure sample holding temperatures are maintained from sample collection through delivery to the laboratory.

All instruments will be calibrated in accordance with manufacturer's specifications. Calibration of the flow monitoring and sampling equipment will be conducted immediately prior to deployment or use and will be field verified during each sample event.

Field QA/QC samples include field duplicates and field blanks following SWAMP guidance. Field QA/QC are useful in identifying possible problems resulting from sample collection or sample processing in the field. A field blank will be collected during sample collection and a field duplicate will be collected immediately following the collection of the original sample and analyzed in the same manner as the original sample.

Assumptions

- Alta|NV5 assumed that monthly sampling for Task 2 will only be conducted concurrently with the existing Palos Verdes Peninsula CIMP outfall monitoring program. If for any reason NV5 is no longer conducting existing Palos Verdes Peninsula CIMP outfall monitoring program, the costs for NV5 to conduct the monthly monitoring would need to be revised.
- One field duplicate and one field blank will be analysed for dry weather and wet weather sampling tasks, for a total of four (4) QA/QC samples during the 2020-2021 monitoring year. A field duplicate and field blank will not be collected and analyzed for the sediment matrix constituents. QA/QC results from the existing Palos Verdes Peninsula CIMP outfall monitoring program will be utilized to the extent possible.
- Access agreements may be necessary, but no encroachment permits will be required.
- Traffic control plans will not be necessary. Standard traffic caution procedures will be used as-needed.
- Alta|NV5 assumed the Canyon site may require confined space entry for installation and removal. When confined space entry is required, field teams properly trained and certified in confined space entry will use confined space equipment including use of a tripod, winch, and harness system for fall protection and emergency egress, four gas monitoring, two-way communication, and air ventilation as-needed.
- Alta|NV5 will rely on the best available weather forecasts and coordinate with the City to target storm events meeting the mobilization criteria. Should forecasts change as a storm event is in progress or if a qualifying storm event does not produce sufficient runoff to conduct sampling, Alta|NV5 will cease sampling and try to mitigate any unnecessary efforts. The budget for Task 3 includes two false starts and will be billed on a time and materials basis not to exceed $1,250 per false start and not to exceed a total of $2,500.

References

MPSL-DFW, 2014. SOP for Conducting Field Measurements and Field Collections of Water and Bed Sediment Samples with Associated Field Measurements and Physical Habitat in California. Version 1.1. March 2014.

SWRCB (State Water Resources Control Board), 2008. SWRCB, Surface Water Ambient Monitoring Program Quality Assurance Program Plan (SWAMP). Final Technical Report Version 1. September 2008.

USEPA (U.S Environmental Protection Agency), 1992. NPDES Storm Water Sampling Guidance Document. EPA 833-B-92-001. Office of Water, USEPA, Washington, DC. July 1992.

2 EXHIBIT B - COST ESTIMATE

Alta|NV5 has estimated the total cost to complete all tasks described in the scope of work below. The cost estimate summary for each task and total project cost is provided in Table 1. The budget for Task 3 includes two false starts and will be billed on a time and materials basis not to exceed $1,250 per false start and not to exceed a total of $2,500. The detailed cost estimate worksheets including itemized labor costs and equipment costs for each task are provided in Table 2.

Table 1. Cost Estimate Summary

City of Rolling Hills Canyon Monitoring 2020-2021	Total Staff Hours	Total Labor Costs	Total Reimbursables (Other Direct Costs)	Total Costs
Task 1.Project Management and Coordination	26	$ 4,160.00	$ 96.60	$ 4,256.60
Task 2.Dry Weather Monthly TMDL Monitoring (1 site/12 events per year and 4 sample events)	40	$ 4,800.00	$ 1,770.30	$ 6,570.30
Task 3.Wet Weather Monitoring (1 site/ 3 events per year)	100	$ 11,960.00	$ 13,009.50	$ 24,969.50
Task 3. False Starts				$ 2,500.00
Task 4. Data QA/QC, Formatting, and Technical Memorandum	42	$ 6,260.00	$ -	$ 6,260.00
Total Project Cost		**$ 27,180.00**	**$ 14,876.40**	**$ 44,556.40**

Table 2. Detailed Cost Estimate

City of Rolling Hills Canyon Monitoring 2020-2021			Task 1.Project Management and Coordination		Task 2.Dry Weather Monthly TMDL Monitoring (1 site/12 visits per year and 4 sample events)		Task 3.Wet Weather Monitoring (1 site/ 3 events per year)		Task 4. Data QA/QC, Formatting, and Technical Memorandum		Totals
Alta Title	**Alta Staff**	**Hourly Rate**	**Hours**	**Cost**	**Hours**	**Cost**	**Hours**	**Cost**	**Hours**	**Cost**	
Principal	Dave Renfrew	$ 200.00	4	$ 800.00		$ -		$ -	4	$ 800.00	$ 1,600.00
Senior Project Manager II	Garth Engelhorn	$ 180.00	12	$ 2,160.00	6	$ 1,080.00	12	$ 2,160.00	12	$ 2,160.00	$ 7,560.00
Senior Project Manager I	Jacqueline McMillen	$ 170.00		$ -		$ -		$ -		$ -	$ -
Staff I	Matthew Renaud	$ 160.00		$ -		$ -	12	$ 1,920.00		$ -	$ 1,920.00
Staff I	Michelle Hallack	$ 145.00		$ -		$ -		$ -	12	$ 1,740.00	$ 1,740.00
Associate II	Adrian Lopez	$ 120.00	10	$ 1,200.00	22	$ 2,640.00	36	$ 4,320.00	10	$ 1,200.00	$ 9,360.00
Specialist III	Austin Kay	$ 100.00		$ -		$ -		$ -		$ -	$ -
Specialist II	Mehak Gupta	$ 90.00		$ -	12	$ 1,080.00	32	$ 2,880.00	4	$ 360.00	$ 4,320.00
Specialist I	Bridgette Reddington	$ 85.00		$ -		$ -	8	$ 680.00		$ -	$ 680.00
Financial Analyst II	Victoria Hall	$ 65.00		$ -		$ -		$ -		$ -	$ -
	Labor Fee Costs		**26**	**$ 4,160.00**	**40**	**$ 4,800.00**	**100**	**$ 11,960.00**	**42**	**$ 6,260.00**	**$ 27,180.00**

Other Direct Costs	**Notes**	**Unit Cost**	**units**	**Cost**	**units**	**Cost**	**units**	**Cost**	**units**	**Cost**	**Totals**
Mileage	$0.575mile	$ 0.58	160	$ 92.00	480	$ 276.00	800	$ 460.00		$ -	$ 828.00
YSI 6600 Multiparameter Data Sonde	$175/event	$ 175.00		$ -	4	$ 700.00	3	$ 525.00		$ -	$ 1,225.00
Portable Flowmeter	$325/event	$ 325.00		$ -		$ -	3	$ 975.00		$ -	$ 975.00
10-L Glass Sample Bottles	$10/event	$ 10.00		$ -		$ -	9	$ 90.00		$ -	$ 90.00
Swing Sampler Pole/ Depth Integrated	$35/event	$ 35.00		$ -		$ -	3	$ 105.00		$ -	$ 105.00
Wet Weather Water Chemistry	$880/sample	$ 880.00		$ -		$ -	5	$ 4,400.00		$ -	$ 4,400.00
Wet Weather Sediment Chemistry	$465/sample	$ 465.00		$ -		$ -	1	$ 465.00		$ -	$ 465.00
Sediment Filtering	$155/20 Liters	$ 155.00		$ -		$ -	15	$ 2,325.00		$ -	$ 2,325.00
Wet Weather Microbiology	$384/sample	$ 384.00		$ -		$ -	5	$ 1,920.00		$ -	$ 1,920.00
After hours Microbiology	$350/event	$ 350.00		$ -		$ -	3	$ 1,050.00		$ -	$ 1,050.00
Dry Weather Analytical	$115/sample	$ 115.00		$ -	6	$ 690.00		$ -		$ -	$ 690.00
Ice	$5/bag	$ 5.00		$ -	4	$ 20.00	15	$ 75.00		$ -	$ 95.00
Fee on Subs/ODCs		5%		$ 4.60		$ 84.30		$ 619.50		$ -	$ 708.40
	ODCs Cost			**$ 96.60**		**$ 1,770.30**		**$ 13,009.50**		**$ -**	**$ 14,876.40**

	Task 1.Project Management and Coordination	Task 2.Dry Weather Monthly TMDL Monitoring (1 site/12 visits per year and 4 sample events)	Task 3.Wet Weather Monitoring (1 site/ 3 events per year)	Task 4. Data QA/QC, Formatting, and Technical Memorandum	Total Project Cost	Total Project Cost with False Starts
Total Cost Estimate (Labor and ODCs)	**$ 4,256.60**	**$ 6,570.30**	**$ 24,969.50**	**$ 6,260.00**	**$ 42,056.40**	**$ 44,556.40**

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this 14th day of September, 2020 in City of Rolling Hills, County of Los Angeles, State of California, by and between the CITY OF ROLLING HILLS, a California municipal corporation (hereinafter the "CITY"), and ALTA ENVIRONMENTAL, L.P. DBA NV5 a limited partnership (hereinafter the "CONSULTANT").

RECITALS:

A. The CITY desires to retain CONSULTANT to conduct Canyon Monitoring for the 2020-2021 monitoring year to identify whether the City's stormwater discharge is in compliance with stormwater water-quality based effluent limitations derived from the Total Maximum Daily Load waste load allocations (the "Project").

B. The CONSULTANT is well qualified by reason of education and experience to perform such services.

C. The CONSULTANT is willing to render such professional services.

Now, therefore, for and in consideration of the mutual covenants and conditions herein contained, CITY hereby engages CONSULTANT and CONSULTANT agrees to perform the services set forth in this Agreement.

1. SCOPE OF WORK

CONSULTANT shall perform all work necessary to complete in a manner satisfactory to CITY the services set forth in the scope of work attached hereto as Exhibit A and incorporated herein by reference. CONSULTANT shall provide deliverables pursuant to the schedule outlined in Exhibit A.

2. COST

The CITY agrees to pay CONSULTANT for the services required by this Agreement on a Time and Materials basis as set forth in Exhibit B, subject to a do not exceed amount in the amount of $44,556.40. This fee includes all expenses, consisting of travel, attendance at meetings, and miscellaneous costs. It also includes any escalation or inflation factors anticipated. Any increase in Agreement amount or scope shall be by express written amendment approved by the CITY and CONSULTANT.

3. METHOD OF PAYMENT

CONSULTANT shall submit an invoice in duplicate and addressed to the CITY OF ROLLING HILLS, CITY MANAGER, 2 Portuguese Bend Road, Rolling

Hills, CA 90274 before the end of each month on a monthly basis. CITY shall remit payment for all work performed to CITY's reasonable satisfaction within thirty (30) days of receiving this invoice.

4. SUBCONTRACTING

CONSULTANT shall not be permitted to subcontract any portion of this Agreement without the express, written consent of the CITY.

5. COMMENCEMENT OF WORK

CONSULTANT shall commence work under this Agreement within twenty-four (24) hours upon receipt of a notice to proceed from the CITY.

6. ACCOUNTING RECORDS

CONSULTANT must maintain accounting records and other evidence pertaining to costs incurred. Records and documents shall be kept available at the CONSULTANT's California office, located at 3777 Long Beach Boulevard Annex Building Long Beach CA 90807, during the Agreement period and thereafter for five years from the date of final payment.

7. OWNERSHIP OF DATA

All data, maps, photographs, and other material collected or prepared under the Agreement shall become the property of the CITY. CITY's reuse of such materials for a purpose other than the project which is the subject of this Agreement shall be at CITY's sole risk.

8. TERM OF CONTRACT

This Agreement shall be valid until October 15, 2021.

9. TERMINATION

This Agreement may be terminated by either party at any time for material breach. The CITY may also terminate unilaterally this Agreement without cause upon seven (7) days written notice to the CONSULTANT. All work satisfactorily performed to the reasonable satisfaction of CITY pursuant to the Agreement and prior to the date of termination may be claimed for reimbursement.

10. ASSIGNABILITY

CONSULTANT shall not assign or transfer any interest in this Agreement without the prior written consent of the CITY.

11. AMENDMENT

It is mutually understood and agreed that no alteration or variation of the terms of this Agreement, or any subcontract requiring the written approval of the CITY, shall be valid unless made in writing, signed by the parties hereto, and approved by all necessary parties.

12. NON-SOLICITATION CLAUSE

The CONSULTANT warrants that he or she has not employed or retained any company or persons, other than a bona fide employee working solely for the CONSULTANT, to obtain any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the CITY shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

13. INDEMNITY

Consultant shall indemnify, defend with counsel approved by City, and hold harmless City, its officers, officials, employees and volunteers from and against all liability, loss, damage, expense, cost (including without limitation reasonable attorneys fees, expert fees and all other costs and fees of litigation) of every nature arising out of or in connection with Consultant's performance of work hereunder or its failure to comply with any of its obligations contained in this Agreement, regardless of City's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the City. Should City in its sole discretion find Consultant's legal counsel unacceptable, then Consultant shall reimburse the City its costs of defense, including without limitation reasonable attorneys fees, expert fees and all other costs and fees of litigation. The Consultant shall promptly pay any final judgment rendered against the City (and its officers, officials, employees and volunteers) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this Agreement.

14. INSURANCE

A. Without limiting CONSULTANT'S obligations arising under paragraph 13 - Indemnity, CONSULTANT shall not begin work under this Agreement until it obtains policies of insurance required under this section. The insurance shall cover CONSULTANT, its agents, representatives, and employees in connection with the performance of work under this Agreement,

and shall be maintained throughout the term of this Agreement. Insurance coverage shall be as follows:

i. Automobile Liability Insurance with minimum coverage of $300,000 for property damage, $300,000 for injury to one person/single occurrence, and $300,000 for injury to more than one person/single occurrence. If CONSULTANT or CONSULTANT's employees will use personal automobiles in any way on this project, CONSULTANT shall obtain evidence of personal automobile liability coverage for each such person.

ii. General Liability, insuring CITY its elected and appointed officers, agents, and employees from claims for damages for personal injury, including death, as well as from claims for property damage which may arise from CONSULTANT'S actions under this Agreement, whether or not done by CONSULTANT or anyone directly or indirectly employed by CONSULTANT. Such insurance shall have a combined single limit of not less than $1,000,000.

iii. Worker's Compensation Insurance for all CONSULTANT'S employees to the extent required by the State of California. In addition, if CONSULTANT obtains CITY's written consent to employ a subcontractor, CONSULTANT shall also require any and every subcontractor to similarly maintain Worker's Compensation Insurance in accordance with the laws of the State of California for all of the subcontractor's employees. Any notice of cancellation or non-renewal of all Workers' Compensation policies must be received by the CITY at least thirty (30) days prior to such change. The insurer shall agree to waive all rights of subrogation against the CITY, its officers, agents, employees, and volunteers for losses arising from work performed by the CONSULTANT for CITY.

This provision shall not apply if the CONSULTANT has no employees performing work under this Agreement. If the CONSULTANT has no employees for the purposes of this Agreement, the CONSULTANT shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto and incorporated herein by reference as "Exhibit C."

B. Deductibility Limits for policies referred to in subparagraphs A (i) (ii) and (iii) shall not exceed $25,000 per occurrence.

C. Endorsements. Each general liability and automobile liability insurance policy shall be issued by insurers possessing a Best's rating of no less than A-: VII. Each general liability and automobile liability insurance policy shall be endorsed with the language of Sections (i) – (vi) below. CONSULTANT also agrees to require all contractors and subcontractors to do likewise.

(i) Additional Insured Clause. "The CITY, its elected or appointed officers, officials, employees, agents, and volunteers are to be covered as additional insureds with respect to liability arising out of work performed by or

on behalf of the CONSULTANT, including materials, parts, or equipment furnished in connection with such work or operations."

(ii) Primary Insurance Clause. This policy shall be considered primary insurance as respect to the CITY, its elected or appointed officers, officials, employees, agents, and volunteers. Any insurance maintained by the CITY, including any self-insured retention the CITY may have, shall be considered excess insurance only and shall not contribute with this policy.

(iii) Separation of Insured Clause. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.

(iv) Failure to Report to Insurer. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the CITY, its elected or appointed officers, officials, employees, agents, or volunteers.

(v) Waiver of Right to Subrogation Clause. CONSULTANT, and its insurer through endorsement, waives all rights of subrogation against the CITY, its elected or appointed officers, officials, employees, or agents regardless of the applicability of any insurance proceeds, and agrees to have all subcontractors, and subcontractors' insurers through endorsement, to do likewise.

(vi) Notice of Change in Insurance. The insurance provided by this policy shall not be suspended, voided or reduced in coverage or in limits except after thirty (30) days' written notice has been submitted to the CITY and approved of in writing, except in the case of cancellation, for which ten (10) days' written notice shall be provided.

D. Notice to CITY. CONSULTANT agrees to provide immediate notice to CITY of any claim or loss against CONSULTANT arising out of the work performed under this Agreement. CITY assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve CITY. CONSULTANT also agrees to provide immediate written notice to CITY if any insurance policy listed above is suspended, voided, or reduced in coverage or limits. CONSULTANT agrees to have all subcontractors to do likewise.

E. Claims-made policies. Should any of the required insurance be provided under a claims-made form, CONSULTANT shall maintain such coverage continuously throughout the term of this Agreement and, without lapse, for a period of three years beyond the expiration of this Agreement, to the effect that should occurrences during the Agreement term give rise to claims made after expiration of the Agreement, such claims shall be covered by such claims-made policies.

F. Defense costs. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general annual aggregate limit, such general aggregate limit shall double the occurrence or claims limits specified above.

G. Acknowledgment of the Minimum Amount of Coverage. Notwithstanding the provisions included in any of the ISO Additional Insured Endorsement forms, CONSULTANT acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amounts of coverage required. Any insurance proceeds available to the CITY in excess of the limits and coverage required in this Agreement and which is applicable to a given loss will be available to the CITY.

H. Self Insured Retention/Deductibles. All policies required by this Agreement shall allow CITY, as additional insured, to satisfy the self-insured retention ("SIR") and/or deductible of the policy in lieu of the Owner (as the named insured) should Owner fail to pay the SIR or deductible requirements. The amount of the SIR or deductible shall be subject to the approval of the City Attorney and the Finance Director. Owner understands and agrees that satisfaction of this requirement is an express condition precedent to the effectiveness of this Agreement. Failure by Owner as primary insured to pay its SIR or deductible constitutes a material breach of this Agreement. Should CITY pay the SIR or deductible on Owner's behalf upon the Owner's failure or refusal to do so in order to secure defense and indemnification as an additional insured under the policy, CITY may include such amounts as damages in any action against Owner for breach of this Agreement in addition to any other damages incurred by CITY due to the breach.

I. Certificates of Insurance. The CONSULTANT shall provide certificates of insurance with original endorsements to the CITY as evidence of the insurance coverage required herein. Certificates of such insurance shall be filed with the CITY on or before commencement of performance of this Agreement. Current certification of insurance shall be kept on file with the CITY at all times during the term of this Agreement. The CONSULTANT shall provide written evidence of current automobile coverage to comply with the automobile insurance requirement.

J. Failure to Procure Insurance. Failure on the part of the CONSULTANT to procure or maintain required insurance shall constitute a material breach of this Agreement under which the CITY may terminate this Agreement.

15. NOTICE All Notices permitted or required under this Agreement shall be in writing, and shall be deemed made when delivered to the applicable party's representative as provided in this Agreement. Additionally, such notices may be

given to the respective parties at the following addresses, or at such other addresses as the parties may provide in writing for this purpose.

Such notices shall be deemed made when personally delivered or when mailed forty-eight (48) hours after deposit in the U.S. mail, first-class postage prepaid, and addressed to the party at its applicable address.

CITY:
City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, California 90274.
Attention: City Manager, Elaine Jeng, PE

CONSULTANT:
ALTA ENVIRONMENTAL, L.P. DBA NV5
3777 Long Beach Boulevard, Annex Building
Long Beach, CA 90807
Attention: Garth Engelhorn

16. ENFORCEMENT OF AGREEMENT

In the event that legal action is commenced to enforce or declare the rights created under this Agreement, the prevailing party shall be entitled to an award of costs and reasonable attorney's fees in the amount to be determined by the court.

17. CONFLICTS OF INTEREST

No member of the governing body of the CITY and no other officer, employee, or agent of the CITY who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Agreement; and the CONSULTANT further covenants that in the performance of this Agreement, no person having any such interest shall be employed.

18. INDEPENDENT CONTRACTOR

The CONSULTANT is and shall at all times remain as to the CITY a wholly independent contractor. Neither the CITY nor any of its agents shall have control over the conduct of the CONSULTANT or any of the CONSULTANT's employees, except as herein set forth. The CONSULTANT shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of the CITY.

19. ENTIRE AGREEMENT OF THE PARTIES

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the employment of

CONSULTANT by CITY and contains all the covenants and agreements between the parties with respect such employment in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement or amendment hereto shall be effective unless executed in writing and signed by both CITY and CONSULTANT.

20. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of California, and all applicable federal statutes and regulations as amended.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

CITY OF ROLLING HILLS	**ALTA ENVIRONMENTAL, LP DBA NV5**
CITY MANAGER:	SENIOR PROJECT MANAGER
_____	_____
ELAINE JENG	GARTH ENGELHORN
DATE:_____	DATE:_____

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
MICHAEL JENKINS
CITY ATTORNEY

EXHIBIT A
SCOPE OF WORK

1 EXHIBIT A: SCOPE OF WORK

Alta|NV5 will conduct the following tasks to implement the Canyon Monitoring during the 2020-2021 monitoring year. The objective of this Canyon Monitoring is to implement a program consistent with the current MS4 outfall monitoring being conducted as part of the Palos Verdes Peninsula CIMP. The objective of the Palos Verdes Peninsula CIMP outfall monitoring program is to determine the quality of a permittee's discharge relative to municipal action levels, to determine whether a permittee's discharge is in compliance with stormwater water-quality-based effluent limitations (WQBELs) derived from the Total Maximum Daily Load (TMDL) waste load allocations and to determine whether a permittee's discharge causes or contributes to an exceedance of receiving water limitations. The 2016 Palos Verdes Peninsula CIMP Outfall Sampling and Analysis Plan (SAP), documents the procedures and methods currently used for outfall monitoring in accordance with the CIMP. All of the field sampling methods, laboratory analytical methods, Quality Assurance and Quality Control (QA/QC), data management, and reporting described below will be conducted according the 2016 Palos Verdes Peninsula CIMP Outfall SAP.

Task 1: Project Management and Coordination

Alta|NV5 will routinely coordinate with the City to provide updates and discuss any potential modifications necessary for the water quality monitoring and reporting activities. This task includes planning and implementation of the project, coordination with the subcontracting laboratories, relevant meeting attendance, coordination with the City, budget management, and monthly invoicing/reporting.

Task 2: Dry Weather Monthly TMDL Monitoring

Alta|NV5 will conduct monthly dry weather Machado Lake Nutrients TMDL monitoring at the proposed monitoring site located at the crossing of Sepulveda Canyon at the south side (upstream) of Middleridge Road, in coordination with the existing Palos Verdes Peninsula CIMP outfall monitoring program. Based on an initial field reconnaissance conducted during May 2020, the proposed monitoring location was observed to be dry and without dry weather flows. This task includes twelve monthly site visits to confirm presence or absence of flow (July 2020 through June 2021) and document site conditions. If flow is observed during a monthly site visit, samples will be collected. For budgeting purposes, it was assumed that up to four monthly sample events will be conducted between July 2020 and June 2021. The sampling events will likely occur during the winter months when dry weather base flows are elevated. Dry weather sampling may be conducted any time but only after an antecedent dry period of at least three days has passed since the last rainfall event (less than 0.1 inch of rainfall each day).

The dry weather samples will be collected and submitted to an Environmental Laboratory Accreditation Program (ELAP) certified laboratory for the following constituents:

- Total kjeldahl nitrogen by United States Environmental Protection Agency (USEPA) method 351.2
- Total phosphorous by USEPA method 365.1
- Nitrate/nitrite by Standard Method (SM) 4500 NO3 E

Flow rates will be measured or estimated in accordance with the USEPA NPDES Storm Water Sampling Guidance Document (USEPA 833-B-92-001). Field measurements taken with an YSI water quality data sonde or similar device will be calibrated against standards and will follow guidelines from the State of California's Surface Water Ambient Monitoring Program (SWAMP) (MPSL-DFG 2014). The water quality field measurements will be documented on the field observation form and include the following parameters:

- pH
- Temperature
- Specific conductance
- Dissolved Oxygen

Task 3: Wet Weather Monitoring

Alta|NV5 will conduct three wet weather sampling events at the proposed monitoring site located at the crossing of Sepulveda Canyon at the south side (upstream) of Middleridge Road. Wet weather sampling will occur three times a year within the wet season (October 1, 2020 through April 30, 2021). The first significant rain event after October 1, 2020 of will be targeted for wet weather sampling, along with two subsequent events, in coordination with the existing Palos Verdes Peninsula CIMP outfall monitoring program. Wet weather events are defined as having a predicted rainfall of at least 0.25 inch with a 70% probability of rainfall at least 24 hours prior to the event start time. Wet weather sampling events will be separated by an antecedent dry period (less than 0.1 inch of rain per day) of at least three days.

For each of the three wet weather monitoring events per monitoring year, Alta|NV5 will deploy one team of two scientists at each of the to ensure the health and safety of field personnel and implementation of clean sampling techniques. Teams will collect manual grab samples with a swing sampler pole once every 20 minutes over a 3-hour period (or at a frequency equivalent to 10 aliquots over the expected duration of stormwater discharge) to create composites sample representative of the hydrograph (e.g., rising, peak, or rise and fall depending on duration of storm). One composite sample comprised of ten individual 1-liter aliquots will be collected for the water matrix constituents (10-liters total) and one composite sample comprised of ten individual 10-liter aliquots will be collected for the sediment matrix constituents (100-liters total). Collection of in situ water quality measurements and fecal indicator bacteria grab samples will be take near the peak of the hydrograph.

The sediment matrix constituents will be analysed by the laboratory once per monitoring year. It is estimated that approximately 300-liters of stormwater will need to be filtered to obtain a minimum of 80 grams which is required for the sediment analysis. Following each wet weather monitoring event, Alta|NV5 will submit five 20-liter carboys (100-liters per event) to the laboratory, which will be individually filtered, preserved, and composited to create a single sediment sample for analysis after the completion of the third and final monitoring event.

The wet weather samples will be collected and submitted to an ELAP certified laboratory for the following constituents:

Water Matrix (composite samples) will be analyzed each storm

- Total Kjeldahl nitrogen by USEPA method 351.2
- Total phosphorous by USEPA method 365.1
- Total hardness by SM 2340C
- Total suspended solids by SM 2540D
- Nitrate/nitrite by SM 4500 NO3 E
- Total and dissolved metals by USEPA method 1640 and 7470A (copper, lead, mercury, zinc)
- Organochlorine pesticides by USEPA method 8270C with selective ion monitoring
- Polycyclic aromatic hydrocarbons by USEPA method 625 SIM

Water Matrix (grab samples) will be analysed each storm

- Total coliforms, fecal coliforms, Enterococci, and E. Coli by SM 9221B

Sediment Matrix (filtered from water composite samples) will be analysed once per year as a composite of three wet weather samples.

- Total solids by SM 2540B
- Organochlorine pesticides and polychlorinated biphenyl congeners by USEPA method 8270C selected ion monitoring

Continuous flow measurements will be collected with portable flow meters and flow rates will be measured or estimated in accordance with the USEPA NPDES Storm Water Sampling Guidance Document (USEPA 833-B-92-001). Field measurements taken with an YSI water quality data sonde or similar device will be calibrated against standards and will follow guidelines from the State of California's SWAMP (MPSL-DFG 2014). The water quality field measurements will be documented on the field observation form and include the following parameters:

- pH
- Temperature
- Specific conductance
- Dissolved Oxygen

Task 4. Data QA/QC, Formatting, and Technical Memorandum

Within 15 days of each dry or wet weather sampling event, Alta|NV5 will create an event summary report including the following information:

- Completed field data sheet
- Copy of the chain of custody;
- Photos of site and conditions;
- A short summary description of field activities.

Following completion of the sampling activities for the 2020-2021 monitoring year, Alta|NV5 will compile all field observations and analytical chemistry into a format consistent with the California Environmental Data Exchange Network (CEDEN) management system. Alta|NV5 will use the CEDEN templates provided in Microsoft Excel (versions 97-2003) format, each template contains multiple worksheets, sample data submissions, and an associated guidance document. The formatting process includes applying CEDEN valid values and qualifiers; working with the State Board to make CEDEN updates to valid values; and, resolving errors identified by data checkers. After the CEDEN compatible data files have successfully passed the data checkers, Alta|NV5 will provide the City with a summary of exceedance of applicable water quality-based effluent limits, RWLs, and/or action levels will be identified per sampling date.

Alta|NV5 will prepare a technical memorandum identifying recommendations (e.g., sampling location or method revisions, analytical method revisions, and additional constituents for analysis based on water quality priorities) for adaptive management. The technical memorandum will be submitted by September 1, 2021

Quality Assurance and Quality Control– QA/QC for sampling processes will include proper collection of the samples to minimize the possibility of contamination. Samples will be collected in laboratory-supplied, laboratory-certified, contaminant-free sample bottles. Sample processing and handling for water chemistry will be conducted in accordance with guidance developed in the Quality Assurance Program Plan for the State of California's Surface Water Ambient Monitoring Program (SWAMP) (State Water Resources Control Board (SWRCB) 2008). Field staff will ensure sample holding temperatures are maintained from sample collection through delivery to the laboratory.

All instruments will be calibrated in accordance with manufacturer's specifications. Calibration of the flow monitoring and sampling equipment will be conducted immediately prior to deployment or use and will be field verified during each sample event.

Field QA/QC samples include field duplicates and field blanks following SWAMP guidance. Field QA/QC are useful in identifying possible problems resulting from sample collection or sample processing in the field. A field blank will be collected during sample collection and a field duplicate will be collected immediately following the collection of the original sample and analyzed in the same manner as the original sample.

Assumptions

- Alta|NV5 assumed that monthly sampling for Task 2 will only be conducted concurrently with the existing Palos Verdes Peninsula CIMP outfall monitoring program. If for any reason NV5 is no longer conducting existing Palos Verdes Peninsula CIMP outfall monitoring program, the costs for NV5 to conduct the monthly monitoring would need to be revised.
- One field duplicate and one field blank will be analysed for dry weather and wet weather sampling tasks, for a total of four (4) QA/QC samples during the 2020-2021 monitoring year. A field duplicate and field blank will not be collected and analyzed for the sediment matrix constituents. QA/QC results from the existing Palos Verdes Peninsula CIMP outfall monitoring program will be utilized to the extent possible.
- Access agreements may be necessary, but no encroachment permits will be required.
- Traffic control plans will not be necessary. Standard traffic caution procedures will be used as-needed.
- Alta|NV5 assumed the Canyon site may require confined space entry for installation and removal. When confined space entry is required, field teams properly trained and certified in confined space entry will use confined space equipment including use of a tripod, winch, and harness system for fall protection and emergency egress, four gas monitoring, two-way communication, and air ventilation as-needed.
- Alta|NV5 will rely on the best available weather forecasts and coordinate with the City to target storm events meeting the mobilization criteria. Should forecasts change as a storm event is in progress or if a qualifying storm event does not produce sufficient runoff to conduct sampling, Alta|NV5 will cease sampling and try to mitigate any unnecessary efforts. The budget for Task 3 includes two false starts and will be billed on a time and materials basis not to exceed $1,250 per false start and not to exceed a total of $2,500.

References

MPSL-DFW, 2014. SOP for Conducting Field Measurements and Field Collections of Water and Bed Sediment Samples with Associated Field Measurements and Physical Habitat in California. Version 1.1. March 2014.

SWRCB (State Water Resources Control Board), 2008. SWRCB, Surface Water Ambient Monitoring Program Quality Assurance Program Plan (SWAMP). Final Technical Report Version 1. September 2008.

USEPA (U.S Environmental Protection Agency), 1992. NPDES Storm Water Sampling Guidance Document. EPA 833-B-92-001. Office of Water, USEPA, Washington, DC. July 1992.

Task 1 shall be completed by: August 30, 2021
Task 2 shall be completed by: June 30, 2021
Task 3 shall be completed by: April 30, 2021
Task 4 shall be completed by: July 30, 2021

EXHIBIT B
FEE SCHEDULE

2 EXHIBIT B - COST ESTIMATE

Alta|NV5 has estimated the total cost to complete all tasks described in the scope of work below. The cost estimate summary for each task and total project cost is provided in Table 1. The budget for Task 3 includes two false starts and will be billed on a time and materials basis not to exceed $1,250 per false start and not to exceed a total of $2,500. The detailed cost estimate worksheets including itemized labor costs and equipment costs for each task are provided in Table 2.

Table 1. Cost Estimate Summary

City of Rolling Hills Canyon Monitoring 2020-2021	Total Staff Hours	Total Labor Costs	Total Reimbursables (Other Direct Costs)	Total Costs
Task 1.Project Management and Coordination	26	$ 4,160.00	$ 96.60	$ 4,256.60
Task 2.Dry Weather Monthly TMDL Monitoring (1 site/12 events per year and 4 sample events)	40	$ 4,800.00	$ 1,770.30	$ 6,570.30
Task 3.Wet Weather Monitoring (1 site/ 3 events per year)	100	$ 11,960.00	$ 13,009.50	$ 24,969.50
Task 3. False Starts				$ 2,500.00
Task 4. Data QA/QC, Formatting, and Technical Memorandum	42	$ 6,260.00	$ -	$ 6,260.00
Total Project Cost		**$ 27,180.00**	**$ 14,876.40**	**$ 44,556.40**

Table 2. Detailed Cost Estimate

City of Rolling Hills Canyon Monitoring 2020-2021			Task 1.Project Management and Coordination		Task 2.Dry Weather Monthly TMDL Monitoring (1 site/12 visits per year and 4 sample events)		Task 3.Wet Weather Monitoring (1 site/ 3 events per year)		Task 4. Data QA/QC, Formatting, and Technical Memorandum		Totals
Alta Title	**Alta Staff**	**Hourly Rate**	**Hours**	**Cost**	**Hours**	**Cost**	**Hours**	**Cost**	**Hours**	**Cost**	
Principal	Dave Renfrew	$ 200.00	4	$ 800.00		$ -		$ -	4	$ 800.00	$ 1,600.00
Senior Project Manager II	Garth Engelhorn	$ 180.00	12	$ 2,160.00	6	$ 1,080.00	12	$ 2,160.00	12	$ 2,160.00	$ 7,560.00
Senior Project Manager I	Jacqueline McMillen	$ 170.00		$ -		$ -		$ -		$ -	$ -
Staff I	Matthew Renaud	$ 160.00		$ -		$ -	12	$ 1,920.00		$ -	$ 1,920.00
Staff I	Michelle Hallack	$ 145.00		$ -		$ -		$ -	12	$ 1,740.00	$ 1,740.00
Associate II	Adrian Lopez	$ 120.00	10	$ 1,200.00	22	$ 2,640.00	36	$ 4,320.00	10	$ 1,200.00	$ 9,360.00
Specialist III	Austin Kay	$ 100.00		$ -		$ -		$ -		$ -	$ -
Specialist II	Mehak Gupta	$ 90.00		$ -	12	$ 1,080.00	32	$ 2,880.00	4	$ 360.00	$ 4,320.00
Specialist I	Bridgette Reddington	$ 85.00		$ -		$ -	8	$ 680.00		$ -	$ 680.00
Financial Analyst II	Victoria Hall	$ 65.00		$ -		$ -		$ -		$ -	$ -
	Labor Fee Costs		**26**	**$ 4,160.00**	**40**	**$ 4,800.00**	**100**	**$ 11,960.00**	**42**	**$ 6,260.00**	**$ 27,180.00**
Other Direct Costs	**Notes**	**Unit Cost**	**units**	**Cost**	**units**	**Cost**	**units**	**Cost**	**units**	**Cost**	**Totals**
Mileage	$0.575mile	$ 0.58	160	$ 92.00	480	$ 276.00	800	$ 460.00		$ -	$ 828.00
YSI 6600 Multiparameter Data Sonde	$175/event	$ 175.00		$ -	4	$ 700.00	3	$ 525.00		$ -	$ 1,225.00
Portable Flowmeter	$325/event	$ 325.00		$ -		$ -	3	$ 975.00		$ -	$ 975.00
10-L Glass Sample Bottles	$10/event	$ 10.00		$ -		$ -	9	$ 90.00		$ -	$ 90.00
Swing Sampler Pole/ Depth Integrated	$35/event	$ 35.00		$ -		$ -	3	$ 105.00		$ -	$ 105.00
Wet Weather Water Chemistry	$880/sample	$ 880.00		$ -		$ -	5	$ 4,400.00		$ -	$ 4,400.00
Wet Weather Sediment Chemistry	$465/sample	$ 465.00		$ -		$ -	1	$ 465.00		$ -	$ 465.00
Sediment Filtering	$155/20 Liters	$ 155.00		$ -		$ -	15	$ 2,325.00		$ -	$ 2,325.00
Wet Weather Microbiology	$384/sample	$ 384.00		$ -		$ -	5	$ 1,920.00		$ -	$ 1,920.00
After hours Microbiology	$350/event	$ 350.00		$ -		$ -	3	$ 1,050.00		$ -	$ 1,050.00
Dry Weather Analytical	$115/sample	$ 115.00		$ -	6	$ 690.00		$ -		$ -	$ 690.00
Ice	$5/bag	$ 5.00		$ -	4	$ 20.00	15	$ 75.00		$ -	$ 95.00
Fee on Subs/ODCs		5%		$ 4.60		$ 84.30		$ 619.50		$ -	$ 708.40
	ODCs Cost			**$ 96.60**		**$ 1,770.30**		**$ 13,009.50**		**$ -**	**$ 14,876.40**

	Task 1.Project Management and Coordination	Task 2.Dry Weather Monthly TMDL Monitoring (1 site/12 visits per year and 4 sample events)	Task 3.Wet Weather Monitoring (1 site/ 3 events per year)	Task 4. Data QA/QC, Formatting, and Technical Memorandum	Total Project Cost	Total Project Cost with False Starts
Total Cost Estimate (Labor and ODCs)	**$ 4,256.60**	**$ 6,570.30**	**$ 24,969.50**	**$ 6,260.00**	**$ 42,056.40**	**$ 44,556.40**

EXHIBIT C

Certificate of Exemption from Workers' Compensation Insurance

TO:	City of Rolling Hills
SUBJECT:	Sole Proprietor/Partnership/Closely Held Corporation with No Employees

Please let this memorandum notify the City of Rolling Hills that I am a

☐ sole proprietor
☐ partnership
☐ nonprofit organization
☐ closely held corporation

and **do not have any employees whose employment requires me to carry workers' compensation insurance**. Therefore, I do not carry worker's compensation insurance coverage.

CONSULTANT Signature _____

Printed Name of CONSULTANT _____

Date

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.C
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **ELAINE JENG, CITY MANAGER**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **CONSIDER AND APPROVE AN ON-CALL INDUSTRIAL HYGIENIST, ELLIS ENVIRONMENTAL, IN THE EVENT OF A POSITIVE COVID-19 CASE AT CITY HALL, TO VALIDATE THAT CLEANING PROTOCOLS WERE IMPLEMENTED PROPERLY.**

DATE: **September 14, 2020**

BACKGROUND:
This item was discussed at the July 13, 2020 City Council meeting. The July 13, 2020 staff report is attached to this report.

In general, the City Council recognized that assurance should be provided to the employees, in the event of a positive COVID-19 case at City Hall, that it is safe to return to the workplace. COVID-19 is a virus and based on Councilmember Jim Black's background as a medical doctor, and his review of Ellis Environmental's proposal, he questioned the reference to bacteria when the goal is to eliminate a virus. The City Council directed staff to arrange a phone call between Councilmember Black and Ellis Environmental and then bring the item back to the City Council.

DISCUSSION:
On August 18, 2020, staff provided several dates and time to Councilmember Black to conduct the phone call. On August 24, 2020, staff provided additional dates and time to Councilmember Black.

Staff submitted Councilmember Black's question to Ellis Environmental. In response, Ellis Environmental noted that in the absence of any widely accepted test method of any specific COVID virus, the absence of the contaminants listed in Ellis Environmental's proposal, will provide a reasonable assurance that the area has been properly and thoroughly cleaned. Ellis Environmental's response was provided to Councilmember Black.

FISCAL IMPACT:

Ellis Environmental estimated a cost of $1,835 per incident and an additional $695 if sample results fail requiring another sample. The approved FY 20-21 budget has sufficient funding to engage the services of Ellis Environmental.

RECOMMENDATION:
Staff recommends the City Council approve an on-call industrial hygienist to validate, in the event of a positive COVID-19 case that cleaning and sanitizing of City Hall were implemented accordingly to the standards specified by relevant agencies.

ATTACHMENTS:
07-13-2020_Staff_Rpt_Ellis_Envir.pdf
3-Cover_Letter_0322_General_Disinfection.pdf
3-COVID-19_disinfection_summary.pdf
3-General_Work_Plan_-_Reducing_Surface_Bacteria.pdf
3-Ellis_Proposal_3995_City_RHE_2_Portuguese_Bend_Rd_-_surface_bacteria_mon.pdf

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.B
Mtg. Date: 07/13/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **ELAINE JENG, CITY MANAGER**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **RECEIVE AND FILE COVID-19 RELATED ADMINISTRATIVE REGULATIONS; CONSIDER AND APPROVE CONTRACT AMENDMENT WITH EXECUTIVE-SUITES FOR JANITORIAL SERVICES TO INCLUDE CLEANING PROTOCOLS AS REQUIRED BY LA COUNTY HEALTH DEPARTMENT TO PREVENT THE SPREAD OF COVID-19; AND CONSIDER AND APPROVE AN ON-CALL INDUSTRIAL HYGIENIST TO VALIDATE CLEANING PROTOCOLS WERE IMPLEMENTED PROPERLY.**

DATE: **July 13, 2020**

BACKGROUND:
County of Los Angeles Department of Public Health issued the Reopening Safer At Work and In the Community For Control of COVID-19 and according to the latest revision to the order dated July 4, 2020 (Order), as of July 2, 2020, there have been at least 107,667 cases of COVID-19 and 4,454 deaths reported in Los Angeles County. County of LA DPH said that evidence shows that the virus can, at times, survive for several hours on surfaces and can be indirectly transmitted between individuals. Further, people without symptoms can transmit the virus. County of LA DPH said that evidences show the infection is easily spread, preventing, limiting, and placing conditions on various types of gatherings and other direct and indirect interpersonal interactions have been proven to reduce the risk of transmitting the virus.

Violation of or failure to comply with health orders is a crime punishable by fine, imprisonment, or both.

The Order says all essential businesses may remain open and conduct normal business operations provided that essential businesses maintain physical distancing protocol per Appendix A of the Order. Per the Order, under paragraph 18, City Hall is not listed under Essential Businesses. Lower-Risk Businesses are businesses not defined as an Essential Business in paragraph 18. For any Non-Essential office-based business, the operator must, prior to reopening, prepare and implement and post the required LA County DPH Reopening Protocol Office-Based Worksites, per Appendix D of the Order.

DISCUSSION:

On May 26, 2020, the City Council voted to participate in Support Local Recovery campaign urging the Governor to allocate Federal CARES Act funding to local municipalities for COVID-19 related expenses. The Governor of California responded by allocating Federal CARES Act funding to local municipalities through his budget proposal. The Department of Finance issued an application for cities to receive direct allocation from the approved $500 million of city CARES Act funding. On July 2, 2020, staff submitted the application for funding. Cities must attest their adherence to COVID-19 federal guidelines, stay at home orders, and state Executive Orders to receive certification for funds.

Administrative Regulations

On May 18, 2020, City Hall was reopened to the public. At that time, County of LA DPH was still refining protocols for reopening. To date many City Halls have yet to open to the general public. Prior to re-opening Rolling Hills City Hall, the City Manager worked with the City Attorney to develop Administrative Regulations for City Hall operations. The Administrative Regulations were circulated among the entire staff for review and comment on May 15, 2020. The Administrative Regulations were updated per the requirements of the Order on July 7, 2020. Staff recommends that the City Council receive and file the Administrative Regulations for City Response in the Workplace to COVID-19.

Enhancing Janitorial Services

In 2016, the City engaged Executive Suites for janitorial services at City Hall. The initial engagement was for three years with the agreement expiring on June 10, 2019. The agreement allows for three, one year extensions. In 2019, the agreement was extended for one year and the once per week cleaning rate of $98 was increased to $150. In response to COVID-19, the City Manager increased the frequency of cleaning from one time per week to two times per week for $230 per week. At that time, two teams of employees were alternating days in the office to minimize contact. On June 29, 2020, the alternating schedule was eliminated and staffing level returned to full capacity on a daily basis. To adhere to the County of LA DPH requirements, and because of more contact between employees, the cleaning frequency was increased to three times per week for $340 per week. Staff is recommending the City Council approve the amendment to the agreement with Executive Suites to extend the term of the contract to June 10, 2021 per the frequency and weekly cleaning rates discussed above. Additionally the amendment to the agreement also includes applicable provisions of the Order including Appendix D.

As-needed Third Party Monitoring and Testing Services

On June 8, 2020, staff presented proposals from Ellis Environmental and NV5 to provide as-needed third party monitoring and testing services in the event there is an outbreak or COVID-19 case at City Hall. The item was misunderstood to be vendors for special cleaning services for City Hall. The City Council's direction to staff was to bring back the item with proposals for cleaning services. Janitorial services at City Hall is recommended to be provided by Executive Suites. To receive CARES Act funding, and to adhere to the Order, the third party monitoring and testing services are required to demonstrate cleaning protocols are met especially if there is a positive case of COVID-19 at the workplace. At the June 8, 2020 City Council meeting, feedback also included not using NV5 based on the proposed cost of service. Staff recommends engaging the services of Ellis Environmental for $1,835 - $2,530 per event, to provide third party monitoring and testing services in the event of a positive COVID-19 case at City Hall.

FISCAL IMPACT:

The approved FY 20-21 budget has sufficient funding to support the additional expenditures to implement the administrative regulations, the enhanced cleaning per the amended agreement with Executive Suites, and the services of Ellis Environmental to provide as-needed third party monitoring

and testing services.

RECOMMENDATION:
Staff recommends the City Council take the the following actions:
1. Receive and file Administrative Regulations dated July 7, 2020;
2. Approve an amendment with Executive-suites to continue to provide janitorial services for City Hall with cleaning protocols required by LA County Health Department to prevent the spread of COVID-19; and
3. Approve an on-call industrial hygienist to validate, in the event of an infection or outbreak, that cleaning and sanitizing of City Hall were implemented according to the standards specified by relevant agencies.

ATTACHMENTS:
1-2020.07.01_HO Order_COVID-19_Safer at Work and in the Community_updatedappendices.pdf
1-AppendixA-Reopening_SocialDistancing_06-29-2020.pdf
1-AppendixD-Reopening_OfficeBasedWorksites_07-08-2020.pdf
1-cleaningMatrix-c1.PDF
1-AdminPolicyCityResponseWorkplaceToCOVID-19-c1_2020-07-07.pdf
2-Amendment to Executive Suite Custodial Services Agreement-c1_2020-07_clean.pdf
2-2016.06.15_Executive Suites Services, Inc. Agreement.pdf
3-Cover_Letter_0322_General_Disinfection.pdf
3-COVID-19_disinfection_summary.pdf
3-General_Work_Plan_-_Reducing_Surface_Bacteria.pdf
3-Ellis_Proposal_3995_City_RHE_2_Portuguese_Bend_Rd_-_surface_bacteria_mon.pdf

To our valued clients,

Our current global climate has created an unprecedented atmosphere - one that is full of questions and concerns. Ellis has been approached by numerous clients searching for professional direction on cleaning and disinfecting their facilities. While there is no CDC or CDPH-approved clearance sampling protocol for testing following decontamination of surfaces impacted by the COVID-19 virus, the attached work plan has been effective in reducing overall surface bacteria and biological contaminants. We offer it here for your use without charge or warranty.

This method IS labor intensive and intended for use by an experienced abatement contractor with a trained crew. Its success will depend on constant professional oversight and direction by a 3rd party consultant to ensure the labor is performed thoroughly, carefully, and as designed.

Best regards,

Ellis Professional Staff

Ellis Successfully Administers Disinfecting Efforts for Two Local Credit Union Branches Following a Positive Employee Test for COVID-19

Ellis has just completed successful administration of its *second* decontamination/disinfecting project in an occupied office (bank) environment. In both of these cases, the branches were both temporary closed following an employee testing positive for COVID-19.

In the interest of health and safety, both clients elected to pursue an active branch cleaning effort – one that would provide their occupants with scientific documentation that a facility disinfection was monitored and performed by licensed professionals.

An abatement contractor was retained to do a Level III Covid-19 Cleaning (Confirmed Exposure) which includes:

- Cleaning of "touch points" throughout the designated areas. Touch points are those areas where building occupants commonly place their hands; i.e. door knobs/handles, door push plates, chairs, rails, elevator rails/operating panels, vending machine buttons, telephones, keyboards and mouse, desks, counter tops, trash bins, drawers, pen holders, light switches, printers, computer buttons, kitchen and break room tables, restroom facilities, flush handles, soap dispensers, faucet controls, paper towel dispensers, toilet seats, etc.
- An approved disinfectant, Decon 30, was applied to all "touch points" in the designated cleaning areas. The manufacture recommended "dwell time" of 10 minutes was used prior to wiping of the surfaces. After the appropriate dwell time, disposable cloths were used to wipe the surfaces. Each cloth was used only once and placed in biohazard bags for appropriated disposal.
- Non-porous floors were cleaned using Decon 30 and wiped down with cloths. Carpet was disinfected and HEPA vacuumed.
- Furniture and upholstery was treated with Decon 30 and wiped down with a cloth.
- All paper products (toilet paper, business cards, paper towels, deposit envelopes, ETC) were removed from the designated areas and disposed as biohazard waste.
- A mobile Ultra-violet light (Spectra 1000 UV Disinfection System) was used to treat each location for a period of 10 minutes.
- At the completion of the disinfecting efforts, Ellis collected swab samples from cleaned "touch points" and submitted samples to an AIHA accredited laboratory in Denver, CO. Post-abatement swab samples were collected and analyzed for bacterial/ fungal agents as surrogates to measure the effectiveness of the cleaning and disinfecting protocol.

Ellis monitored and directed each step of the disinfection efforts, and provided surface testing upon project completion. Each client received an Ellis generated monitoring report, which included photo documentation, and tabulated laboratory results from an AIHA accredited laboratory.

General Work Plan
Reducing Non-Specific Biological Surface Contaminants

BACKGROUND

Description of Hazard: Office spaces have the potential to house a large number of *potential* biological surface contaminants. Cluttered desk areas, food, and the hygiene of occupants all contribute to this potential. While general housekeeping operations help to reduce this potential, a more thorough disinfecting process, performed by a licensed cleaning contractor and combined with constant profession guidance and inspections, can further reduce the presence of surface contaminants and biological hazards.

Type of Hazard: Recognized biohazard; possible bacterial or viral infection, particularly in immuno-compromised individuals.

Modes of Transmission: Potential physical contact with contaminated persons and/or surfaces; particularly where persons touch contaminated surfaces and touch their eyes, nose, or mouth.

Routes of Entry: Entry *may* occur with contact with mucous membranes (eyes, nose and mouth).

HAZARD CONTROL - SUMMARY

Workplace activities involving infectious or biological agents require containment so that workers, the immediate work environment, and the community including those outside the immediate workplace are protected or shielded from exposure.

This is achieved through (1) engineering controls, (2) good work practices, (3) appropriate safety equipment, and (4) constant monitoring, guidance and inspection by an independent 3rd-party industrial hygiene firm

ENGINEERING CONTROLS

The following engineering controls, when combined with proper worker training and work methods, will help insure that any potential biological hazards are contained within the work area.

1. Establish regulated area with signs and barrier tape. Signs shall conform to CDC/NIH guidelines (Biosafety Level 2).
2. Seal all penetrations into the work area with two layers of 6-mil poly sheeting and tape (“critical barriers”).
3. Ensure that HVAC system is either (a) shut down or (b) isolated by installing 2 layers of poly sheeting at all supply and return vents.

4. Install sufficient HEPA negative air filtration at one end of the work area to insure a constant and visible flow of air into the work area. Place exhaust points facing upward and 10 feet above the nearest ground surface.
5. Install a 3-stage wash station (Decon Unit) at entrance to work area. Maintain an adequate supply of disinfectant soap and warm water inside decon unit. Insure that all workers completely clean and disinfect hair, face, and other exposed skin prior to exiting the work area.
6. If space is available, install a separate wash station and waste decon unit. This unit will be a single large chamber suitable for cleaning exterior surfaces of packaged waste prior to removal. Maintain a clean wash down area in front of this waste decon unit. Have disposable layers of 6 mil poly, mops, rags and disinfectant solution at hand.
7. Prior to actual work start, request an independent inspection of engineering controls by the IH monitor.

PERSONAL PROTECTION

The following personal protective equipment (PPE), when combined with proper worker training, supervision and 3rd party guidance, will help to maintain a safe working environment for employees performing initial cleaning activities.

1. Respirators. Full-face (recommended) or ½ face APR **with eye protection (mandatory)**. Organic/HEPA filters.
2. Clothing. Tyvek or similar non-permeable, non-breathing protective coveralls. Insure that workers remove all street clothing prior to donning protective suit.
3. Headwear. Cover all hair with disposable, non-vented shower cap or similar. Do not allow exposed hair inside the work area.
4. Eye protection. In lieu of a full faced APR, goggles shall be required inside the work area at all times. Thoroughly clean and disinfect eyewear as part of the decontamination process.
5. Footwear. Calf length, standard black irrigation boots with outer impermeable lining. Thoroughly clean and disinfect eyewear as part of the decontamination process.
6. Hand protection. 4-mil (min.) disposable "gauntlet"-type poly gloves, taped and sealed to Tyvek suit at forearm.
7. All workers shall immediately report any breaches to PPE (or any potential exposures) to their foreman or supervisor/competent person.
8. Workers must be trained on the hazards of the chemical agents used in the cleaning/disinfection process in accordance with OSHA's Hazard Communication standard (29 CFR 1910.1200)
9. All persons performing cleaning activities, and their employers, must comply with OSHA's standards on Bloodborne Pathogens (29 CFR 1910.1030) including disposal of regulated waste, and PPE (29 CFR 1910.132)

TOOLS AND EQUIPMENT

1. Airless mister capable of 2,000 psi at point of release.

2. Sufficient disposable mop heads.
3. Sufficient disposable cloth rags.
4. Cutting tools. Provide initial safety training in the use of sharp equipment. Decontaminate all cutting tools at end of project.
5. Prepare a solution of 1 part 3-5% chlorine bleach and 1 part low suds, anti-bacterial detergent mixed with 4 parts water. Test initial concentration of bleach/detergent as project progresses. Reduce the amount of bleach if complaints of irritated eyes or skin persist. DO NOT mix bleach with ammonia or any other cleanser.
6. If bleach is not appropriate for some surfaces, disinfecting agents with EPA-approved emerging viral pathogen claims may be used with prior approval.
7. 4 mil-poly sheeting and tape for double-wrapping, packaging, and disposal of contaminated items. 6-mil poly bags may be used to contain smaller items.

WORK METHODS

1. Provide an enclosed area adjacent to decontamination unit for workers to remove street clothing and don personal protective equipment.
2. All workers shall enter and exit work area through a single decontamination unit, located as far as possible from public access.
3. For visibly dirty surfaces, perform initial cleaning activities prior to further disinfecting surfaces. Cleaning should be performed using approved detergents and chemical agents listed in the "Tools and Equipment" section of this document.
4. Immediately transfer used cleaning rags/mops/towels to 6-mil poly waste bags. "Goose necking" and sealing bags with standard duct tape prior to moving waste to the wash down location in front of the waste decon unit.
5. Wash down station. Spray wrapped/bagged materials and other items with bleach/disinfectant solution. Prior to removing from the work area, wrap waste again in another new 6-mil poly waste bag. Tape all seams with standard duct tape. Move the wrapped waste into the decon chamber. Immediately mop or wipe down the floor of the wash down station, and/or replace temporary floor sheeting as required. Keep this area clean at all times.
6. Inside the waste decon chamber, 2 workers will wipe down containerized waste with clean rags that have been dampened (but not soaked) in bleach/disinfectant solution. Bag soiled rags as they accumulate. Dispose of these materials along with other rags/mops/towels used in the cleaning and disinfecting process.
7. Move containerized waste out of decon unit and immediately transport the waste to a designated container.
8. If clothing or other similar items are identified in the work area, gently gather and place in 6-mil poly waste bags labeled with a "launder" or similar label. Do not shake these items prior to containerization. Launder according to manufacturer instructions on the warmest appropriate water settings for the items; dry completely.

WORKER DECONTAMINATION. Perform the following under the constant supervision of an independent 3rd party IH

1. Maintain a clean wash down station next to the inner (3rd) chamber of the decon unit. It is here that workers will first clean and remove their protective rubber boots. Step into the 3rd (inner) decon chamber.
2. Remove Tyvek suit, gloves and other PPE inside the 3rd chamber. After removal, roll up each article of clothing so that any soiled surfaces are to the center. Place removed garments in a 6 mil poly waste bag adjacent to the inner chamber. Dispose of soiled PPE along with containerized waste.
3. Still wearing respirator, move to 2nd (middle) chamber. Clean all body surfaces (including hair) and respirator surfaces with antibacterial soap and warm water. Take extra time to clean any skin that may have been accidentally exposed while in the work area.
4. Move to the first (outer) chamber. Remove and re-clean respirator thoroughly. Dry body and hair thoroughly with disposable towels. Place wet towels in 6 mil bag for disposal with containerized waste.
5. Move into outer changing area and don street clothes.

WASTE DISPOSAL

1. Maintain a dumpster adjacent to work area and as close as possible to the waste decon unit.
2. Insure that all waste is completely wrapped and decontaminated prior to transport through the building, as outside workers will not be wearing personal protective equipment.
3. Keep dumpster locked whenever it is not in use.
4. Coordinate transport and disposal to approved landfill (if necessary) with EH&S and Facilities Department. If material will be disposed of as normal construction waste, insure that the landfill is informed of the nature of the waste.

RE-ESTABLISHMENT OF THE WORK AREA

1. Prior to removing engineering controls, wipe down all remaining surfaces (walls, floors and other permanent items) with bleach/disinfectant solution. Dry with clean rags.
2. Call for inspection by the 3rd – party IH.
3. Maintain and operate the negative filtration system for a minimum of 24 hours following completion of cleaning operations but before removing critical barriers and returning the HVAC system to normal service.
4. During this 24 hour period, the Owner's representative will perform surface sampling inside the work area with a swab sampling kit. Samples will be analyzed for *general biological contaminants /* bacteria (present or absent).

5. Disconnect and remove negative filtration units at end of 24 hour settling period. Maintain critical barriers in place until results from clearance sampling have been received, usually 1 to 2 days.
6. Following a final inspection by the 3rd party IH, remove remaining critical barriers and signs. Make a final inspection of the work area for damage and or remaining soiled items.

ENVIRONMENTAL MANAGEMENT INC.

430 Silver Spur Road, Suite 201
Rancho Palos Verdes, CA 90275
Tel: (310) 544 1837
Fax: (310) 544 2167
Fax: (310) 544 2167

Memo

To:	Ms. Meredith Elguira Director, Planning & Community Services City of Rolling Hills Estates	melguira@cityofrh.net
cc:	Elaine Jeng – City Manager	ejeng@cityofrh.net
VIA:	email proposal file (3995)	
From:	Duane Behrens Ellis Environmental Management, Inc.	
Phone:	(310) 544 1837	
Email:	duanebehrens@ellisenvironmental.com	
Date:	April 13, 2020	
RE:	***Monitoring & Clearances – Surface Bacteria Cleanup*** ***City Hall*** ***2 Portuguese Bend Road, Rolling Hills Estates, CA 90274***	

Hi, Meredith. Costs associated with monitoring and clearance sampling during and after surface bacteria cleanup at the subject site are listed below. This is based on contractor performance, but recently ATI was able to clean an approximate 10,000 sq ft office space in a single shift. Costs include travel, administrative, and laboratory analysis.

Base Scope

Site services – site technician: Per shift costs: $680/shift	$	680.00
Chain-of-custody, travel – site technician – 1 hr @ $85/hr	$	85.00
Overnight shipping charges to lab	$	150.00
Analysis – surface bacteria swabs, 48-hr TAT (includes shipping) 16 @ $30/ea	$	480.00
Drawing, Drafter, 2 hrs @ $75/hr	$	150.00
Tables, Project Engineer, 1 hr @ $85/hr	$	85.00
Draft report, IH Tech, 1 hr @ $85/hr	$	85.00
Final report, Project Manager, 1 hr @ $120/hr	$	120.00
Total Estimated	**$**	**1,835.00**

Add Alternate (Monitoring/Clearance if Initial Samples Fail)

Site services – site technician: 1/2 weekday shift @ $680/shift	$	340.00
Chain-of-custody, lab drop, travel – site technician – 1 hr @ $85/hr	$	85.00
Analysis – surface bacteria swabs, 48-hr TAT (includes shipping) 9 @ $30/ea	$	270.00
Total Estimated	**$**	**695.00**

The above is only an estimate. Whether more or less than the total shown, you will be invoiced only for those services actually provided.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.A
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **ELAINE JENG, CITY MANAGER**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **DISCUSS 2020 ANNUAL HOLIDAY OPEN HOUSE.**

DATE: **September 14, 2020**

BACKGROUND:
For the past 23 years, the City Council has hosted a Holiday Open House at City Hall. It is traditionally held on the second Monday in December. This year, the second Monday is December 14. Annually, the Holiday Open House is announced to the community through the Blue Newsletter and formal invitations are mailed in early November to guests including vendors.

DISCUSSION:
Due to the COVID-19 pandemic, in-person meetings routinely held at City Hall have all transitioned to virtual meetings. Preparation for the annual Holiday Open House typically starts in late September. The most recent Health Orders issued by the Los Angeles County Department of Health prohibits gatherings of people who are not part of a single household or living unit. This prohibition can be lifted by the Los Angeles County Department of Health between now and December 2020 making it difficult for event planning.

FISCAL IMPACT:
The approved FY 20-21 budget programmed funds to host the annual Holiday Open House. The programmed funds can be used to support alternatives to celebrate the holidays.

RECOMMENDATION:
Staff recommends that the City Council consider the current environment, cancel the 2020 Holiday Open House and discuss alternatives to celebrate the holidays with the community.

ATTACHMENTS:

Agenda Item No.: 8.B
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **ELAINE JENG, CITY MANAGER**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **DESIGNATE VOTING DELEGATE AND ALTERNATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE OCTOBER 7-8, 2020 TO BE HELD VIRTUALLY; AND PROVIDE DIRECTION TO DESIGNATED VOTING DELEGATE ON LEAGUE'S 2020 ANNUAL CONFERENCE RESOLUTION PACKET.**

DATE: **September 14, 2020**

BACKGROUND:
The California League of Cities holds an annual conference in October. This year's meeting will be held virtually on October 7-8, 2020. At the conference, an annual business meeting is held for the League's membership to consider and take action on resolutions that establish league policy. In order to vote at the annual business meeting, the City Council must designate a voting delegate. Each city may appoint up to two alternate voting delegates. The voting delegate form is due to the League's office no later than Wednesday, September 30, 2020.

DISCUSSION:
In Fiscal Year 2019-2020, the City Council appointed Mayor Pro Tem Bea Dieringer as the designated voting delegate. Mayor Pro Tem Dieringer is currently serving as the City Council liaison to the California League of Cities. The City Council also appointed Councilmember Wilson as the alternate voting delegate.

The 2020 Annual Conference Resolutions Packet is included with this report. This year, one resolution has been introduced for consideration at the annual conference proposed by the City of Cerritos:

A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES.

The League's summary for the resolution is as follows:

"This resolution states that the League of California Cities should urge Congress to amend Section 230

of the Federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity."

FISCAL IMPACT:
There is no fiscal impact to designate voting delegates. There will be a cost associated with attending the League's Annual Conference. The approved budget for Fiscal Year 2020-2021 programmed funds for Councilmembers to attend conferences.

RECOMMENDATION:
Staff recommends that the City Council: (1) designate one Councilmember as the voting delegate; (2) designate another Councilmember as the alternate voting delegate; (3) provide direction to the designated and alternate voting delegate on the annual conference resolution packet; (4) and direct staff to complete the Voting Delegate form and submit the form to the California League of Cities.

ATTACHMENTS:
Voting-Delegate-Packet.pdf
2020-Resolution-Packet.pdf

LEAGUE OF CALIFORNIA CITIES

Council Action Advised by August 31, 2020

June 30, 2020

TO: Mayors, City Managers and City Clerks

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – October 7 – 9, 2020

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at www.cacities.org. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the

special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.

- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 7, 8:00 a.m. – 6:00 p.m.; Thursday, October 8, 7:00 a.m. – 4:00 p.m.; and Friday, October 9, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 30. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:
- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

LEAGUE OF CALIFORNIA CITIES

CITY:_____

2020 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name:_____

Title:_____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ Email _____

Mayor or City Clerk_____ Date_____ Phone_____
(circle one) (signature)

Please complete and return by Wednesday, September 30, 2020

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254

LEAGUE OF CALIFORNIA CITIES

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.

4. **Signing Initiated Resolution Petitions**. Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.

6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.

7. **Resolving Disputes**. In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

Annual Conference Resolutions Packet

2020 Annual Conference Resolutions



October 7 – 9, 2020

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

GENERAL ASSEMBLY: This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.

2. The issue is not of a purely local or regional concern.

3. The recommended policy should not simply restate existing League policy.

4. The resolution should be directed at achieving one of the following objectives:

    (a) Focus public or media attention on an issue of major importance to cities.

    (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.

    (c) Consider important issues not adequately addressed by the policy committees and board of directors.

    (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

PUBLIC SAFETY POLICY COMMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

ACTION FOOTNOTES

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

KEY TO ACTIONS TAKEN

A	Approve
D	Disapprove
N	No Action
R	Refer to appropriate policy committee for study
a	Amend+
Aa	Approve as amended+
Aaa	Approve with additional amendment(s)+
Ra	Refer as amended to appropriate policy committee for study+
Raa	Additional amendments and refer+
Da	Amend (for clarity or brevity) and Disapprove+
Na	Amend (for clarity or brevity) and take No Action+
W	Withdrawn by Sponsor

Procedural Note:
The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: Resolution Process.

1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

Source: City of Cerritos
Concurrence of five or more cities/city officials
Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville
Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

WHEREAS, local law enforcement agencies seek to protect their communities' residents, businesses, and property owners from crime; and

WHEREAS, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

WHEREAS, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

WHEREAS, in the 25 years since Section 230's enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

WHEREAS, the United States Department of Justice, in its June 2020 report, "Section 230 — Nurturing Innovation or Fostering Unaccountability?," concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it "makes little sense" to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

WHEREAS, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

WHEREAS, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and

2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and

3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

Background Information to Resolution

Source: City of Cerritos

Background:

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to "work together to loot Cerritos [M]all" only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names "cerritosmalllooting" and "cantstopusall," among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation's social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230's immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Charles Harvey, Legislative Representative
Bijan Mehryar, Legislative Representative
Caroline Cirrincione, Policy Analyst
Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations
Public Safety

Summary:
This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

Background:
The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

Staff Comments:
Overview:
While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.

While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

Nation's Reaction to the Murder of George Floyd:
Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation's focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators' peaceful protests on these topics as opportunities to loot and/or vandalize businesses, almost exclusively under the guise of the "Black Lives Matter" movement. It has been uncovered that these "flash robs"[1] were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

Section 230 and other Constitutional Concerns
At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

[1] The "flash robs" phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While "illegal" types of speech enjoy limited or no First Amendment protection, the line for delineating between "legal" and "illegal" speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to "identify" protected speech versus unprotected speech, or whether there is a feasible way to define "content which solicits criminal activity." A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their "editorial activity," and therefore, it violates their constitutional rights to require them to monitor (i.e., "identify and take down") content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to "provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity," turns them into government actors that search users' accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, "By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone."

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby "eliminate social media as we know it."

Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

> "The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.
>
> Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see."

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that "would be useful to promote the policy objectives of this order." The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others' content. Many have claimed that Section 230's immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230's broad scope. But simultaneously, a variety of commentators and legislators have questioned whether those immunity provisions should now be narrowed, given that the internet looks much different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230's liability shield would be to create additional exceptions, as it did with FOSTA and SESTA[2]. If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)[3], courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider's decision to restrict access to content was not made in good faith.

Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law

[2] The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms.
[3] Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is "consistent with" Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

Fiscal Impact:
Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

Existing League Policy:
Public Safety:
Law Enforcement
The League supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Violence
The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Governance, Transparency & Labor Relations:
Private Sector Liability
The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

Questions to Consider:
Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks— is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders' respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

1) *What would this resolution's impact be on free speech and government censorship?*
2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
4) *What is the role of the League in engaging in issues relating to someone's privacy?*

Support:
The following letters of concurrence were received:
City of Hawaiian Gardens
City of Lakewood
City of Ontario
City of Rancho Cucamonga
City of Roseville

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Section 230 of the Communications Decency Act of 1996

CITY OF
HAWAIIAN GARDENS

"Our Youth - Our Future"

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts**.

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Ernie Hernandez
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us

Jeff Wood
Vice Mayor

Steve Croft
Council Member

Ariel Pe
Council Member

Diane DuBois
Council Member

Todd Rogers
Mayor

August 5, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us

CITY OF ONTARIO
303 EAST "B" STREET, CIVIC CENTER ONTARIO CALIFORNIA 91764-4105
(909) 395-2000
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PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts**.

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This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner
Council Member
League of California Cities Board Member

c: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us

Mayor L. Dennis Michael | Mayor Pro Tem Lynne B. Kennedy
Council Members Ryan A. Hutchison, Kristine D. Scott, Sam Spagnolo
City Manager John R. Gillison

CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | www.CityofRC.us

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us

CITY OF ROSEVILLE CALIFORNIA

City Council
311 Vernon Street
Roseville, California 95678

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts**.

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social media platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

John B. Allard II,
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us
Jason Gonsalves, Joe A. Gonsalves and Son

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.C
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **ELAINE JENG, CITY MANAGER**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **CONSIDER AND APPROVE AN AMENDED PROFESSIONAL SERVICE AGREEMENT WITH ALAN PALERMO FOR PROJECT MANAGEMENT SERVICES FOR FISCAL YEAR 2020-2021.**

DATE: **September 14, 2020**

BACKGROUND:
Through a competitive solicitation process, on July 8, 2019, the City Council engaged the services of Alan Palermo Consulting (APC) for project management services for fiscal year 2019-2020 for an amount not-to-exceed $53,120. APC's contact is attached to this report. APC's scope of work included the following projects:

1. Tennis courts ADA improvements and coordination with item #2;
2. Tennis courts amenities project;
3. Design of City Hall ADA improvements;
4. Phase II of the Portuguese Bend Road Sewer Main Feasibility Study; and
5. FY 2019-2020 Annual roadway signing and striping.

The FY 2019-2020 roadway signing and striping project commenced in late February 2020 and completed in May 2020. The Phase II Sewer Feasibility Study was completed and approved by the Los Angeles County in May 2020. The approval included two Will Serve Letters securing capacity in downstream discharge pipes for the time being. APC assisted the City in soliciting an engineering team to prepare the construction plans to the proposed 8" sewer main based on the results of the feasibility study. The ADA design for City Hall is on-going after some iterations of layout considerations. After a few months of coordinating with the Rolling Hills Community Association on the tennis courts projects, the RHCA decided to postpone their plan to improve the tennis courts. The City's ADA improvements at the facility was also postponed.

APC estimated that the tennis courts improvement would require 97 hours at a rate of $160 or $15,520 to bring the project to completion. To date, APC spent $30,560 (contract amount $53,120) to assist

City staff in completing the Phase II Sewer Feasibility Study and the FY 2019-2020 Signing and Striping projects within the estimated schedule and budget. Within the amount spent to date, APC used a small portion to assist staff with time sensitive agency work for the Proposition 68 Per Capita Program to secure the City's $177,000 allocation for parks and open space projects. APC has demonstrated the ability to be efficient and effective with a willingness to be flexible to meet client's needs.

With APC assisting staff with capital improvement projects in the last fiscal year, staff was able to focus on other important matters for the City. Staff was able to establish an open line of communication with the California Department of Housing and Community Development (HCD) to discuss compliance measures for the City's 5th Cycle Housing Element. Staff was able to draft a revision to the Housing Element and submit it to HCD for an informal review. Staff was able to apply for SB2 grant and the LEAP grant to offset the cost associated with the Housing Element. Staff was also able to monitor the activities of legislative actions in Sacramento relating to housing and act on support and opposition actions timely.

DISCUSSION:
At the May 11, 2020 City Council meeting, a three-year Capital Improvement Plan (CIP) was adopted. The adopted plan is attached to this staff report. The plan listed four projects (Tennis Court Improvements, 8" sewer main design, City Hall ADA design and City Hall campus parking lot rehabilitation), the estimated project cost by fiscal year and project milestones also by fiscal year. Majority of the projects in the CIP were managed by APC.

At the August 10, 2020 City Council meeting, staff announced that FEMA awarded grant funds for the Crest Road East Undergrounding Project. Shortly after, staff confirmed that the City will be receiving an allocation of approximately $177,000 from the Proposition 68 Per Capita Program for parks and open space projects.

For continuity, it would be efficient to have APC oversee capital improvement projects that commenced in the previous fiscal year and carry on to completion in the next project phases in this fiscal year. Additionally, the Crest Road East Undergounding grant and the Proposition 68 Per Capita Program could pay for the services of APC for work on both projects.

In mid-August 2020, APC was requested to provide a proposal for six projects as follows:

1. Tennis courts ADA improvements;
2. Design and bid phases for City Hall ADA improvements;
3. Design and bid phases for the sewer main project;
4. Block Captains communications project;
5. Proposition 68 Per Capita Program allocation project applications; and
6. Crest Road East Undergrounding project

APC's proposal is attached to this report. Based on last year's hourly rate of $160, APC estimated $74,240 to provide project management services for the above listed projects for fiscal year 2020-2021. Of the $74,240, potentially, $27,520 can be offset by grant funds. There was also a savings of $22,560 from unspent funds from APC's contract from last fiscal year requiring an additional allocation of $24,160 to fund the project management services for Fiscal Year 2020-2021.

FISCAL IMPACT:
The adopted FY 2020-2021 budget has sufficient funds to pay for project management services.

RECOMMENDATION:
Staff recommends the City Council approve an amendment to the professional services agreement with Alan Palermo Consulting for project management services for Fiscal Year 2020-2021 for an amount not-to-exceed $74,240.

ATTACHMENTS:
Alan Palermo Agreement - Signed_July_2019.pdf
CIP_3Years_2020-May-08.pdf
Amendment to Professional Services Agreement - Project Manager Alan Palermo-c1.doc
Exhibit A - Professional Services Agreement for Project Manager Alan Palermo-c1.PDF
Exhibit B - Professional Services Agreement for Project Manager Alan Palermo-c1.PDF

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this 18th day of July 2019 by and between the CITY OF ROLLING HILLS, a California municipal corporation (hereinafter the "CITY"), and Alan Palermo Consulting (hereinafter the "CONSULTANT").

1. RECITALS:

A. The CITY desires to retain CONSULTANT to assist with the following projects: 1) project/construction management of the bid and construction of tennis court improvements (American with Disabilities Act ("ADA") and aesthetic improvements); 2) project management for the design of ADA improvements at the City Hall building; 3) project management for phase II of the sewer feasibility study; and 4) project management for the FY 2019/2020 annual signage and striping program; and

B. The CONSULTANT is well qualified by reason of education and experience to perform such services; and

C. The CONSULTANT is willing to render such professional services as hereinafter defined.

Now, therefore, for and in consideration of the mutual covenants and conditions herein contained, CITY hereby engages CONSULTANT and CONSULTANT agrees to perform the services set forth in this Agreement.

2. SCOPE OF WORK

CONSULTANT shall perform all work necessary to complete in a manner satisfactory to CITY the services set forth in Exhibit A, which is attached to this Agreement and incorporated herein by reference. CONSULTANT shall provide deliverables pursuant to the schedule outlined in Exhibit B, which is attached to this Agreement and incorporated herein by reference.

3. COST

The CITY agrees to pay CONSULTANT for the services required by this Agreement on a Time and Materials basis as set forth in Exhibit B an amount not to exceed $53,120.00. This fee includes all expenses, travel and mileage, and attendance at meetings. CITY shall pay the cost of any applicable reimbursable expenses. It also includes any escalation or inflation factors anticipated. Any increase in Agreement amount or scope shall be by express written amendment executed by the CITY and CONSULTANT.

4. METHOD OF PAYMENT

CONSULTANT shall submit an invoice in duplicate and addressed to the CITY OF ROLLING HILLS, CITY MANAGER, 2 Portuguese Bend Road, Rolling Hills, CA 90274 before

the end of each month on a monthly basis. CITY shall remit payment for all work performed to City's reasonable satisfaction within thirty (30) days of receiving this invoice.

5. SUBCONTRACTING

CONSULTANT shall not be permitted to subcontract any portion of this Agreement without the express, written consent of the CITY.

6. COMMENCEMENT OF WORK

CONSULTANT shall commence work under this Agreement within twenty-four (24) hours upon receipt of a notice to proceed from the CITY.

7. ACCOUNTING RECORDS

CONSULTANT must maintain accounting records and other evidence pertaining to costs incurred. Records and documents shall be kept available at the CONSULTANT's Los Angeles, California office, located at 455 30th Street, Hermosa Beach, California 90254, during the Agreement period and thereafter for five years from the date of final payment.

8. OWNERSHIP OF DATA

All data, maps, photographs, and other material collected or prepared under the Agreement shall become the property of the CITY. CITY's reuse of such materials for a purpose other than the project which is the subject of this Agreement shall be at CITY's sole risk.

9. TERM OF CONTRACT

This Agreement shall be valid until August 1, 2020 unless extended by the parties in writing by written amendment to this Agreement or terminated earlier by the parties pursuant to Section 10 of this Agreement.

10. TERMINATION

This Agreement may be terminated by either party at any time for material breach. The CITY may also terminate unilaterally this Agreement without cause upon seven (7) days written notice to the CONSULTANT. All work satisfactorily performed to the reasonable satisfaction of City pursuant to the Agreement and prior to the date of termination may be claimed for reimbursement.

11. ASSIGNABILITY

CONSULTANT shall not assign or transfer any interest in this Agreement without the prior written consent of the CITY.

12. AMENDMENT

It is mutually understood and agreed that no alteration or variation of the terms of this Agreement, or any subcontract requiring the written approval of the CITY, shall be valid unless made in writing, signed by the parties hereto, and approved by all necessary parties.

13. NON-SOLICITATION CLAUSE

The CONSULTANT warrants that he or she has not employed or retained any company or persons, other than a bona fide employee working solely for the CONSULTANT, to obtain any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the CITY shall have the right to annul this Agreement without liability, or, in its discretion to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

14. INDEMNITY

A. CITY shall indemnify and save harmless CONSULTANT, its officers, employees, and agents from all claims, damages, suits, costs, or actions of every name, kind, or description arising from performance of this Agreement that resulted from the fault or negligence of the CITY, its officers, employees, or agents in connection with this Agreement.

B. CONSULTANT shall indemnify and save harmless CITY, its officers, employees, and agents from all claims, damages, suits, costs, or actions of every name, kind, or description arising from performance of this Agreement that resulted from the fault or negligence of the CONSULTANT, its officers, employees, or agents in connection with this Agreement.

C. Survival. The obligations established by this paragraph will survive termination of this Agreement.

15. INSURANCE

A. Without limiting CONSULTANT'S obligations arising under paragraph 14 - Indemnity, CONSULTANT shall not begin work under this Agreement until it obtains policies of insurance required under this section. The insurance shall cover CONSULTANT, its agents, representatives, and employees in connection with the performance of work under this Agreement, and shall be maintained throughout the term of this Agreement. Insurance coverage shall be as follows:

i. Automobile Liability Insurance with minimum coverage of $300,000 for property damage, $300,000 for injury to one person/single occurrence, and $300,000 for injury to more than one person/single occurrence. If CONSULTANT or CONSULTANT's employees will use personal automobiles in any way on this project, CONSULTANT shall obtain evidence of personal automobile liability coverage for each such person.

ii. General Liability, insuring CITY its elected and appointed officers, agents, and employees from claims for damages for personal injury, including death, as well as from claims for property damage which may arise from CONSULTANT'S actions under this Agreement, whether or not done by CONSULTANT or anyone directly or indirectly employed by CONSULTANT. Such insurance shall have a combined single limit of not less than $1,000,000.

iii. Worker's Compensation Insurance for all CONSULTANT'S employees to the extent required by the State of California. In addition, if CONSULTANT obtains CITY's written consent to employ a subcontractor, CONSULTANT shall also require any and every subcontractor to similarly maintain Worker's Compensation Insurance in accordance with the laws of the State of California for all of the subcontractor's employees. Any notice of cancellation or non-renewal of all Workers' Compensation policies must be received by the CITY at least thirty (30) days prior to such change. The insurer shall agree to waive all rights of subrogation against the CITY, its officers, agents, employees, and volunteers for losses arising from work performed by the CONSULTANT for CITY.

This provision shall not apply if the CONSULTANT has no employees performing work under this Agreement. If the CONSULTANT has no employees for the purposes of this Agreement, the CONSULTANT shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto and incorporated herein by reference as "Exhibit C."

B. Deductibility Limits for policies referred to in subparagraphs A (i) (ii) and (iii) shall not exceed $5,000 per occurrence.

C. Endorsements. Each general liability and automobile liability insurance policy shall be issued by insurers possessing a Best's rating of no less than A-: VII. Each general liability and automobile liability insurance policy shall be endorsed with the language of Sections (i) – (vi) below. CONSULTANT also agrees to require all consultants and subconsultants to do likewise.

(i) Additional Insured Clause. "The CITY, its elected or appointed officers, officials, employees, agents, and volunteers are to be covered as additional insureds with respect to liability arising out of work performed by or on behalf of the CONSULTANT, including materials, parts, or equipment furnished in connection with such work or operations."

(ii) Primary Insurance Clause. This policy shall be considered primary insurance as respect to the CITY, its elected or appointed officers, officials, employees, agents, and volunteers. Any insurance maintained by the CITY, including any self-insured retention the CITY may have, shall be considered excess insurance only and shall not contribute to this policy.

(iii) Separation of Insured Clause. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.

(iv) Failure to Report to Insurer. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the CITY, its elected or appointed officers, officials, employees, agents, or volunteers.

(v) Waiver of Right to Subrogation Clause. CONSULTANT, and its insurer through endorsement, waives all rights of subrogation against the CITY, its elected or appointed officers, officials, employees, or agents regardless of the applicability of any insurance proceeds, and agrees to have all subcontractors and subcontractors' insurers through endorsement, to do likewise.

(vi) Notice of Change in Insurance. The insurance provided by this policy shall not be suspended, voided or reduced in coverage or in limits except after thirty (30) days' written notice has been submitted to the CITY and approved of in writing, except in the case of cancellation, for which ten (10) days' written notice shall be provided.

D. Notice to CITY. CONSULTANT agrees to provide immediate notice to CITY of any claim or loss against CONSULTANT arising out of the work performed under this Agreement. CITY assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve CITY. CONSULTANT also agrees to provide immediate written notice to CITY if any insurance policy listed above is suspended, voided, or reduced in coverage or limits. CONSULTANT agrees to have all subconsultants to do likewise.

E. Claims-made policies. Should any of the required insurance be provided under a claims-made form, CONSULTANT shall maintain such coverage continuously throughout the term of this Agreement and, without lapse, for a period of three years beyond the expiration of this Agreement, to the effect that should occurrences during the Agreement term give rise to claims made after expiration of the Agreement, such claims shall be covered by such claims-made policies.

F. Defense costs. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general annual aggregate limit, such general aggregate limit shall double the occurrence or claims limits specified above.

G. Acknowledgment of the Minimum Amount of Coverage. Notwithstanding the provisions included in any of the ISO Additional Insured Endorsement forms, CONSULTANT acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amounts of coverage required. Any insurance proceeds available to the CITY in excess of the limits and coverage required in this Agreement and which is applicable to a given loss will be available to the CITY.

H. Self Insured Retention/Deductibles. All policies required by this Agreement shall allow CITY, as additional insured, to satisfy the self-insured retention ("SIR") and/or deductible of the policy in lieu of the CONSULTANT (as the named insured) should CONSULTANT fail to pay the SIR or deductible requirements. The amount of the SIR or deductible shall be subject to the approval of the City Attorney and the Finance Director. CONSULTANT understands and

agrees that satisfaction of this requirement is an express condition precedent to the effectiveness of this Agreement. Failure by CONSULTANT as primary insured to pay its SIR or deductible constitutes a material breach of this Agreement. Should CITY pay the SIR or deductible on CONSULTANT's behalf upon the CONSULTANT's failure or refusal to do so in order to secure defense and indemnification as an additional insured under the policy, CITY may include such amounts as damages in any action against CONSULTANT for breach of this Agreement in addition to any other damages incurred by CITY due to the breach.

I. Certificates of Insurance. The CONSULTANT shall provide certificates of insurance with original endorsements to the CITY as evidence of the insurance coverage required herein. Certificates of such insurance shall be filed with the CITY on or before commencement of performance of this Agreement. Current certification of insurance shall be kept on file with the CITY at all times during the term of this Agreement. The CONSULTANT shall provide written evidence of current automobile coverage to comply with the automobile insurance requirement.

J. Failure to Procure Insurance. Failure on the part of the CONSULTANT to procure or maintain required insurance shall constitute a material breach of this Agreement under which the CITY may terminate this Agreement.

16. NOTICE All Notices permitted or required under this Agreement shall be in writing and shall be deemed made when delivered to the applicable party's representative as provided in this Agreement. Additionally, such notices may be given to the respective parties at the following addresses, or at such other addresses as the parties may provide in writing for this purpose.

Such notices shall be deemed made when personally delivered or when mailed forty-eight (48) hours after deposit in the U.S. mail, first-class postage prepaid, and addressed to the party at its applicable address.

CITY:
City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, California 90274.

Attention: City Manager, Elaine Jeng, PE

CONSULTANT:
Alan Palermo Consulting
455 30th Street
Hermosa Beach, California 90254
Attention: Alan Palermo

17. ENFORCEMENT OF AGREEMENT

In the event that legal action is commenced to enforce or declare the rights created under this Agreement, the prevailing party shall be entitled to an award of costs and reasonable attorney's fees in the amount to be determined by the court.

18. CONFLICTS OF INTEREST

No member of the governing body of the CITY and no other officer, employee, or agent of the CITY who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Agreement; and the CONSULTANT further covenants that in the performance of this Agreement, no person having any such interest shall be employed.

19. INDEPENDENT CONSULTANT

The CONSULTANT is and shall at all times remain as to the CITY a wholly independent contractor. Neither the CITY nor any of its agents shall have control over the conduct of the CONSULTANT or any of the CONSULTANT's employees, except as herein set forth. The CONSULTANT shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of the CITY.

20. ENTIRE AGREEMENT OF THE PARTIES

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the employment of CONSULTANT by CITY and contains all the covenants and agreements between the parties with respect such employment in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement or amendment hereto shall be effective unless executed in writing and signed by both CITY and CONSULTANT.

21. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of California and all applicable federal statutes and regulations as amended.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

CITY OF ROLLING HILLS

ELAINE JENG, City Manager

DATE: 7/18/19

ALAN PALERMO CONSULTING

ALAN PALERMO

DATE: 7/18/19

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



MICHAEL JENKINS
CITY ATTORNEY

EXHIBIT A
Scope of Services

1. **Project/Construction Management of the Bid and Construction of Tennis Court Improvements (ADA and Aesthetic):** Coordinate with City and Rolling Hills Community Association (RHCA) to identify the aesthetic improvements to the area outside the tennis courts that will be included with the tennis court design plan improvements in the notice inviting bid to procure a contractor for the proposed improvements. Once the scope of the construction work is confirmed, coordinate with the City and oversee the construction bid advertising for the proposed improvements. Upon selection of the contractor, provide construction management services through completion and acceptance of the tennis court improvements by the City and the RHCA.

2. **Project Management for the Design of City Hall ADA Improvements per the City's Transition Plan:** Upon approval of the City's ADA transition plan (expected July 2019), prepare a phasing plan with estimated costs to implement the recommended ADA improvements over a three-year period. Upon the City's acceptance of this three-year phasing plan, prepare a Request for Proposal (RFP) for the design of the first phase of the City Hall ADA improvements with the objective that the design costs shall remain within the allocated budget of $30,000. After the RFP is released, assist is the evaluation of proposals received and management of the selected design firm to facilitate the construction documents for approval.

3. **Project Management for Sewer Feasibility Study Phase II:** Receive and review the contract and scope of work for Willdan Engineering to become familiar with the contractual requirements and schedule for the Sewer Feasibility Study Phase II. Provide project management services in overseeing and providing direction to Willdan Engineering and coordinating with City staff to obtain the required information necessary for completion of the 30% design for this Sewer Feasibility

Study. Establish and manage milestones for the process to ensure the project remains on schedule and within the allocated budget.

4. Project Management for the Annual signage and Striping: FY 2019/2020:

Obtain all available information from previous field observations, reports from residents, and RHCA's roadway rehab plan and conduct follow up field observations based on the information obtained and reviewed. Upon review of all information and follow up field observations, provide recommendations to the City for roadways that need rehabilitation. Once direction is received from the City on the roadways that will receive rehabilitation, prepare the construction bid documents (assumption, using front end specifications provided by the City) and coordinate with the City and oversee the construction bid advertising for the proposed roadway rehabilitation. Upon selection of the contractor, provide construction management services through completion and acceptance of the roadway rehabilitation improvements by the City.

EXHIBIT B
Deliverables

Project	Tennis Court Improvements	City Hall ADA Improvements	Sewer Feasibility Study Proj. Mg'mt	Annual Signage/Striping FY 2019/2010	Total Hours	Total Fee
Task						
Task 1: Point of Contact with City/Proj. Mg'mt	12	20	32	12	76	$ 12,160
Task 2: RFP Preparation		16			16	$ 2,560
Task 3: Construction Bid Document Preparation / Const. Mg'mt	48			48	96	$ 15,360
Task 4: Coordination with all stakeholders/interested parties	16	12	16	16	60	$ 9,600
Task 5: Project Documentation	8	8	8	8	32	$ 5,120
Task 6: Monthly Status Meetings/Conf. Calls w/ City	13	13	13	13	52	$ 8,320
Total Hours	97	69	69	97	332	
Total Fee	$ 15,520	$ 11,040	$ 11,040	$ 15,520		$ 53,120

SCHEDULE OF BILLING RATES
Effective July 1, 2019

Principal/Owner $160.00/Hour

TENNIS COURTS IMPROVEMENTS

Milestone	Completion Date	Responsible Party
Plans, Specs and Cost Estimate	October 31, 2019	Association/City
Council Approval of PSE and authorize advertisement of construction bid	November 11, 2019	Alan Palermo Consulting (APC)
Open bids	January 6, 2020	APC
Award of bids	January 27, 2020	APC
Begin construction	March 2, 2020	APC oversight
Complete construction	June 30, 2020	APC oversight
Project acceptance	July 27, 2020	APC

TENNIS COURT LIGHTING UPGRADE

Milestone	Completion Date	Responsible Party
Lighting study/bids clarification	July 22 – August 2, 2019	APC
Vendor selection	August 26, 2019	APC

Noticing to tennis clubs, neighbors	September 2 – October 31, 2019	APC
Close tennis courts/begin installation	November 4, 2019	APC oversight
Complete installation	December 2, 2019	APC oversight
"After" lighting study	December 2 – December 12, 2019	APC oversight
Comparison before/after lighting study, report out to Council	January 13, 2020	APC
Project acceptance	January 13, 2020	APC

CITY HALL AMERICAN WITH DISABILITY ACT (ADA) IMPROVEMENTS

Milestone	Completion Date	Responsible Party
Review ADA transition plan relating to City Hall improvements	July 22 – August 30, 2019	APC
Release Request for Proposal for architect/designer	September 23, 2019	APC
Consultant selection, City Council to approve PSA	November 9, 2019	APC
Begin design	December 2, 2019	APC oversight
Complete design	June 1, 2020	APC oversight
City Council approve PS&E and advertise for construction	June 22, 2020	APC

PHASE II OF THE PORTUGUESE BEND ROAD SEWER MAIN FEASIBILITY STUDY

Milestone	Completion Date	Responsible Party
Notice to Proceed to Willdan	July 22, 2019	APC
Willdan complete study	December 16, 2019	APC oversight
Present study results to City Council, discuss next steps	January 13, 2019	Willdan/APC

ANNUAL ROADWAY SIGNING AND STRIPING

Milestone	Completion Date	Responsible Party
Review and gather scope of work	July 22 – September 2, 2019	APC
Complete bid package	October 31, 2019	APC
Traffic Commission	December 5, 2019	APC
City Council to approve scope of work and advertise for construction	January 13, 2020	APC

bids		
Open bids	February 19, 2020	APC
Award of bids	March 9, 2020	APC
Begin Construction	April 6, 2020	APC oversight
Complete Construction	June 1, 2020	APC oversight
Project Acceptance	June 22, 2020	APC

EXHIBIT C

Certificate of Exemption from Workers' Compensation Insurance

TO:	City of Rolling Hills
SUBJECT:	Sole Proprietor/Partnership/Closely Held Corporation with No Employees

Please let this memorandum notify the City of Rolling Hills that I am a

☐ sole proprietor
☐ partnership
☐ nonprofit organization
☐ closely held corporation

and **do not have any employees whose employment requires me to carry workers' compensation insurance.** Therefore, I do not carry worker's compensation insurance coverage.

CONSULTANT Signature _____

Printed Name of CONSULTANT _____

Date

PROPOSED 3-YEAR CAPITAL IMPROVEMENT PLAN
CITY OF ROLLING HILLS
FY2020-2021 TO FY 2022-2023

		Current Year		Year 1		Year 2		Year 3	
	Project Description	FY 2018-2019		FY 2019-2020		FY 2020-2021		FY 2021-2022		FY 2022-2023	
		Phase	Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase	Cost
1	8" Sewer Main along Rolling Hills Road*	Feasibility Study Phase I	$11,391	Feasibility Study Phase II	$30,000	Design/Construction	$400,000	Construction	$700,000		
2	Tennis Courts ADA Improvements**	Design	$8,000			Construction	$50,000	Construction	$250,000		
3	City Hall ADA Improvements**			Design	$30,000	Design	$7,000	Construction	$300,000		
4	City Hall campus parking lot improvements***	Design	$21,000					Design	$50,000	Construction	$500,000
	Total		$40,391		$60,000		$457,000		$1,300,000		$500,000

* Possible offset of General Fund with successful grant pursuits.
** Low interest rate financing available through CJPIA for ADA projects with 5 year repay plan.
*** Eligible to be funded using a combination of accumulated local returns from Measures R and M transportation funds, Measure A County Park fund, and Measure W Clean Water fund.

SCHEDULE

	Project Description	FY 2018-2019		FY 2019-2020		FY 2020-2021		FY 2021-2022		FY 2022-2023	
		Phase	Timeframe	Phase	Timeframe	Phase	Timeframe	Phase	Timeframe	Phase	Timeframe
1	8" Sewer Main along Rolling Hills Road*	Feasibility Study Phase I	Feb 18 - Oct 18	Feasibility Study Phase II	May 19-May 20	Design/Construction	July20-Feb21, May 21 - Sept 21	Construction	May 21 - Sept 21		
2	Tennis Courts ADA Improvements**	Design				Construction	May 21 - Sept 21	Construction	May 21 - Sept 21		
3	City Hall ADA Improvements**			Design	Jan 20 - Sept 20	Design	Jan 20 - Sept 20	Construction	July 21 - Nov 21		
4	City Hall campus parking lot improvements***	Design						Design	Feb 22 - Jun 22	Construction	Aug 22 - Dec 22

FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT ("First Amendment") is made and entered into this 14th day of September 2020 by and between the CITY OF ROLLING HILLS, a California municipal corporation (hereinafter the "CITY"), and Alan Palermo Consulting (hereinafter the "CONSULTANT").

R E C I T A L S

A. On July 18, 2019, the City entered into a Professional Services Agreement with Consultant ("Agreement") for project management services to assist with the following projects: 1) project/construction management of the bid and construction of tennis court improvements (American with Disabilities Act ("ADA") and aesthetic improvements); 2) project management for the design of ADA improvements at the City Hall building; 3) project management for phase II of the sewer feasibility study; and 4) project management for the FY 2019/2020 annual signage and striping program;

B. City and Consultant now desire to amend the Agreement to expand the scope of work, extend the term, and increase the cost so that Consultant may provide services on the following projects: 1) project management for tennis court improvements (American with Disabilities Act ("ADA") and aesthetic improvements); 2) project management for the design of ADA improvements per the City's transition plan; 3) project management for design of 8" sewer main along Portuguese Bend Road/Rolling Hills Road; 4) project management for Block Captain Program communications project; 5) project management for securing per capital program funded through the Parks and Water Bond Act of 2018 (Proposition 68); and 6) project management for implementing the Fire Prevention through Power Line Undergrounding Project 0526 funded by FEMA's Hazard Mitigation Grant Program ("First Amendment");

C. Consultant is well qualified by reason of education, training, and experience; and

D. Consultant is willing to render such services on the terms and conditions as hereinafter defined.

NOW, THEREFORE, in consideration of the foregoing and the covenants and agreements set forth below, City and Consultant agree as follows:

1. CITY and CONSULTANT agree to replace Exhibit A that was attached to the Agreement with Exhibit A that is attached to this First Amendment and incorporated herein by reference.

2. CITY and CONSULTANT agree to replace Exhibit B that was attached to the Agreement with Exhibit B that is attached to this First Amendment and incorporated herein by reference.

3. Paragraph 3 (COST) of the Agreement is amended to read as follows:

3. COST

The CITY agrees to pay CONSULTANT for the services required by this Agreement on a Time and Materials basis as set forth in Exhibit B an amount not to exceed $74,240.00. This fee includes all expenses, travel and mileage, and attendance at meetings. CITY shall pay the cost of any applicable reimbursable expenses. It also includes any escalation or inflation factors anticipated. Any increase in Agreement amount or scope shall be by express written amendment executed by the CITY and CONSULTANT.

4. Paragraph 9 (TERM OF CONTRACT) of the Agreement is amended to read as follows:

9. TERM OF CONTRACT

This Agreement shall be valid until September 1, 2021 unless extended by the parties in writing by written amendment to this Agreement or terminated earlier by the parties pursuant to Section 10 of this Agreement.

5. All terms and conditions of the Agreement not amended by this First Amendment remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment on the date and year first above written, and it is effective as of July 31, 2020.

CITY OF ROLLING HILLS **ALAN PALERMO CONSULTING**

_____ _____

ELAINE JENG, City Manager ALAN PALERMO

DATE:_____ DATE:_____

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM:

_____
MICHAEL JENKINS
CITY ATTORNEY

EXHIBIT A
Scope of Services

EXHIBIT B
Deliverables

Alan Palermo Consulting

August 20, 2020 **2020-RH002_V2**

Ms. Elaine Jeng
City Manager
City of Rolling Hills
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

Re: **Professional Services – Project Management Services/Consulting Agreement for:**
1. **Special Active Land Development Projects**
2. **Special Assignments/Projects**

Dear Mr. Jeng:

Thank you for the opportunity to be of continued service to the City of Rolling Hills. Pursuant to our discussion and information provided by the City, Professional and Project Management services will be provided as directed by the City of Rolling Hills for the following projects:

1) **Project Management for Tennis Court Improvements (ADA and Aesthetics):**

   a) Serve as the liaison and extension of City Staff to the Rolling Hills Community Association to achieve a set of coordinated design plans including phasing plan for construction activities.

   b) Review plans on behalf of City

2) **Project Management for the Design of City Hall ADA Improvements per the City's Transition Plan:** continue work from FY2019-2020:

   a) Oversee and coordinate completion of Construction Documents for the City Hall ADA Improvements with the City's selected Consultant (Pacific Architecture)

   b) Upon completion of ADA Improvement Construction Documents, prepare Bid Documents to solicit construction bids for the ADA Improvements

   c) Upon City's award of construction for the ADA Improvements, provide oversight and coordination for commencement of construction activities

3) **Project Management for the Design of the 8-inch sewer main along Portuguese Bend Road/Rolling Hills Road:**

   a) Evaluate RFP responses for engineering design services

   b) Oversee design consultant, serve was the city's representative with outside agencies relevant to the project, review design plans, conduct outreach meetings with the

community and provide assistance with internal functions relevant to the project including drafting of staff reports.

c) Upon completion of Sewer Improvement Plan Construction Documents, prepare Bid Documents to solicit construction bids for the Sewer Improvements

4) **Project Management for Block Captain Program Communications Project:**

a) Work with the Lead Block Captains to evaluate the best and the most appropriate communication device for Block Captains to communicate during emergencies. Identify device type, research implementation measures, and assist the city in procuring devices for the Block Captain program.

5. Project Management for Securing Per Capital Program funded through the Parks and Water Bond Act of 2018 (Proposition 68)

5) **Project Management for Securing Per Capital Program funded through the Parks and Water Bond Act of 2018 (Proposition 68):**

a) The City of Rolling Hills allocated $177,952 from the Per Capita Program through the California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) to implement an improvement project at the City Hall campus with allocated funds: The City is seeking to secure these funds and to use the funds to improve the City Hall campus, including the tennis courts. The City Hall campus functions as open space for the community. The Project Manager would develop project concepts with City staff, work with OGALS to secure funds, and approvals for the project concept and solicit professional services to meet the needs of the project. The Project Manager will also fulfill reporting requirements with OGALS

6) **Project Management for implementing the Fire Prevention through Power Line Undergrounding Project 0526 funded by FEMA's Hazard Mitigation Grant Program:**

a) The project will underground 2,640 linear feet of power line generally along Crest Road East. Based on the grant award letter, the City will receive $1,145,457 of Federal funds and the non-Federal share of $381,819 will be provided by the City using Rule 20A credit. The Project Manager will serve as the liaison with the utility companies to complete the design and construction of the project. The Project Manager will also provide support with the granting agencies to complete and submit reports as required by the grant. The Project Manager will also solicit professional services to meet the needs of the project.

Alan Palermo Consulting

Services will be provided at the specified hourly rate of One hundred sixty ($160) dollars per hour. Services are estimated at the schedule listed below for the time periods listed.

	Project Description	Time Period	Total Hours	Total Fee
1	**Project Management for Tennis Court Improvements (ADA and Aesthetics)**	8/1/2020 - 7/31/2021	60	**$ 9,600**
2	**Project Management for the Design of City Hall ADA Improvements per the City's Transition Plan**	8/1/2020 - 7/31/2021	40	**$ 6,400**
2A	**Prepare Bid Documents, Bid Phase, Construction Oversight**	8/1/2020 - 7/31/2021	60	**$ 9,600**
3	**Project Management for the Design of the 8 inch sewer main along Portuguese Bend Road/Rolling Hills Road**	8/1/2020 - 7/31/2021	60	**$ 9,600**
3A	**Prepare Bid Documents, Bid Phase**	8/1/2020 - 7/31/2021	32	**$ 5,120**
4	**Project Management for Block Captain Program Communications Project**	8/1/2020 - 7/31/2021	40	**$ 6,400**
5	**Project Management for Securing Per Capital Program funded through the Parks and Water Bond Act of 2018 (Proposition 68)**	8/1/2020 - 7/31/2021	72	**$ 11,520**
6	**Project Management for implementing the Fire Prevention through Power Line Undergrounding Project 0526 funded by FEMA's Hazard Mitigation Grant Program**	8/1/2020 - 7/31/2021	100	**$ 16,000**
	Total Hours		**464**	
	Total Fee	**$ -**		**$ 74,240**

In that regard, please find enclosed our **Standard Provisions of Agreement** for your review. Should you have any questions, please do not hesitate to call me at (310) 717-3244.

Sincerely,

Alan Palermo Consulting

Alan M. Palermo

Alan Palermo, P.E.
Principal/Owner

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.D
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **MEREDITH ELGUIRA, PLANNING DIRECTOR**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **RECEIVE AND FILE A CALENDAR OF EVENTS FOR RESUBMITTING THE 5TH CYCLE HOUSING ELEMENT TO CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION.**

DATE: **September 14, 2020**

BACKGROUND:
Staff is in the process of completing the City's response to the California Department of Housing and Community Development's (HCD) comments to obtain certification on its 5th Cycle Housing Element. In 2013, the City submitted its 5th Cycle Housing Element to HCD but it was not certified due to the lack of programs, policies and different housing types that address affordability in various income categories (very low to above moderate income) and different demographics of the local population. Staff is currently addressing these outstanding requirements and will be resubmitting the Housing Element in the fourth quarter of this year for certification.

The critical element missing from the Housing Element is the allocation of 18 affordable housing units in the City. HCD is requiring the City to identify a parcel suitable to rezone for multiple family units. The City is proposing to meet this requirement through the use of Accessory Dwelling Units. HCD has allowed the use of ADUs when accompanied by programs that incentivize its construction. The City is currently working with HCD to come up with an acceptable policy and/or program that will meet HCD's requirements.

DISCUSSION:

Below is a calendar of events that staff will try to follow to complete the Housing Element update. These are tentative dates and are subject to change based on responses received from HCD regarding the use of ADUs.

TENTATIVE DATES

1. September 15, 2020 Study Session with Planning Commission

2. September 28, 2020 Study Session City Council

3. October 20, 2020 Planning Commission (Public Hearing)

4. November 9, 2020 City Council meeting (Public Hearing)

5. November 10, 2020 staff submit revised Housing Element to HCD for review (30 days)

6. December 15, 2020 Planning Commission recommends adoption

7. December 21, 2020 City Council adopt Housing Element

If ADU is unacceptable, the City will have to rezone a site to have a certified Housing Element. This process will need CEQA clearance and additional public hearings.

1. September 15, 2020 Study Session with Planning Commission

2. September 28, 2020 Study Session City Council

3. October 20, 2020 Planning Commission (Public Hearing)

4. November 9, 2020 City Council meeting (Public Hearing)

5. November 17, 2020 Planning Commission (Public Hearing-CEQA)

6. November 23, 2020 City Council (Public Hearing-CEQA)

7. November 24, 2020 staff submit revised Housing Element to HCD for review (30 days)

6. January 19, 2021 Planning Commission recommends adoption

7. January 25, 2021 City Council adopt Housing Element

FISCAL IMPACT:
None.

RECOMMENDATION:
Receive and file calendar of events.

ATTACHMENTS:

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 9.A
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **CONNIE VIRAMONTES , ADMINISTRATIVE ASSISTANT**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **DISCUSS ACTION MINUTES AS THE OFFICIAL CITY COUNCIL MEETING MINUTES. (PIEPER)**

DATE: **September 14, 2020**

BACKGROUND:
NONE.

DISCUSSION:
NONE.

FISCAL IMPACT:
NONE.

RECOMMENDATION:
NONE.

ATTACHMENTS:
2015_ccac_guidelines_for_preparing_minutes_final_submission__2_-c1.pdf
2015_ccac_guidelines_for_preparing_minutes_sample_staff_report_final_submission-c1.pdf
9A Supplemental.pdf

CITY CLERKS ASSOCIATION OF CALIFORNIA
GUIDELINES FOR
PREPARING MINUTES FOR GOVERNMENTAL AGENCIES

PURPOSE

The City Clerks Association of California issues these guidelines as a tool for government agencies to transition to minutes styles that are efficient, succinct, cost-effective for staff to prepare, and more appropriately aligned with the intent of the Government Code.

FINDINGS

- Legislative bodies must act, and must be *seen* to act, within the laws of the State of California and local charters, if applicable. Being *seen* to act within the law is important, because the legislative body's decisions may be subject to external scrutiny by the public, auditors, or judicial inquiry. Minutes *testify* that the correct procedures for decision-making were followed.
- Legislative body minutes shall be prepared in a manner consistent with the intent of the Government Code. Relevant Government Codes are as follows:
  - Government Code 40801. The city clerk shall keep an accurate record of the proceeding of the legislative body and the board of equalization in books bearing appropriate titles and devoted exclusively to such purposes, respectively. The books shall have a comprehensive general index.
  - Government Code 36814. The council shall cause the clerk to keep a correct record of its proceedings. At the request of a member, the city clerk shall enter the ayes and noes in the journal.
  - Government Code 54953(c)(2). The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.
  - Government Code 53232.3(d). Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.
- All components of minutes shall be for the primary purpose of memorializing decisions made by the *legislative body*. Any minute component that does not serve this primary purpose should be minimized or eliminated; this includes comments made by *individual* body members and members of the *public*.

GUIDELINES

- Minutes should provide a record of a) when and where a meeting took place, and who was present (including member absences, late arrivals, departures, adjournment time); b) type of meeting (Regular/Special/Adjourned Regular); c) what was considered; d) what was decided; and e) agreed upon follow-up action. Pursuant to Government Code 54953(c)(2), minutes shall report any action taken and the vote or abstention on that action of each member present for the action.
- Appropriate styles are *action* minutes or *brief summary* minutes. Verbatim style minutes should not be used, because verbatim or lengthy summary minutes do not serve the intent of the Government Code, which is to record the proceedings of the *legislative body*.
- *Action* minutes merely record final decisions made.

- *Brief summary* minutes, at a minimum, record the final decisions made; and, at a maximum, may record what advice the body was given to enable it to make its decisions, the body's thought process in making the decision, and the final decisions made. Emphasis is given on the body's thought process, not individual members' thought processes. The minutes should summarize only the main points which arose in discussion if and only if they are relevant to the decision.
- Comments made by members such as "for the record" or "for the minutes" have no bearing on the content of minutes and are given no greater and no lesser consideration than other comments made at the public meeting. Members seeking to memorialize comments should incorporate such verbiage into the language of the motion. As an alternative, members may submit written statements to be retained with the agenda item.
- Since the main purpose of minutes is to record the legislative body's decision, summary minutes should be brief. By concentrating on the legislative body's decision, brief summary minutes will provide only a select recording of what was discussed at the meeting. Brief summary minutes should not attempt to reproduce, however summarily, what every speaker said. It should only record the essence of the discussion and include the main threads that lead to the body's conclusion.
- To the fullest extent possible, brief summary minutes should be impersonal and should not attribute views to individual persons. Only the positions and decisions taken by the whole legislative body are relevant, not those of individual members. The passive voice is favored i.e. "It was suggested that…," "It was generally felt that...," "It was questioned whether…," "During discussion, it was clarified…"
- There are reasons for not attributing comments to specific speakers. First, it makes for brevity--a point can be recorded more concisely in impersonal form. Second, a point raised by one speaker will often be further developed by others—in impersonal brief summary minutes, only the fully-developed point is recorded in its final form. Third, points by several speakers can be consolidated into a single paragraph. Fourth, the impersonal style averts future corrections to minutes.
- While the primary purpose of minutes is to memorialize decisions made by the legislative body as a whole, under limited circumstances it is necessary and/or appropriate to attribute comments to individual members including:
    - Individual member's reports pursuant to Government Code 53232.3(d) (enacted by AB 1234, 2005). The minute record shall include the type of meeting attended at the expense of the local agency and the subject matter.
    - Individual member's reports on intergovernmental agencies. Brief summary minutes should include the type of meeting at a minimum, and, at the maximum, include the subject matter.
    - Individuals speaking under public comment. Brief summary minutes shall, at a minimum, list the public member's name (if provided); and, at a maximum, include the overall topic and stance/position. Such as Mr. Jones spoke in opposition to the Project X. Being mindful that the minutes are recordings of the legislative body's proceedings, it is not appropriate to include detail of individual comments. There is an exception for public testimony provided during public hearings, for which the minutes shall include the speaker's name (if provided) and a summary position of the speaker (i.e., supported or opposed).
- For purposes of meeting Government Code 36814 and/or 54953(c)(2), the city clerk should enter the ayes and noes in the minutes. For informal consensus (i.e. providing staff direction), it is appropriate to note the dissention of one or more members by, at a minimum, stating the dissenting member's name and dissention, such as "Mr. Jones dissented," and at a maximum to also include a brief reason, such as "Mr. Jones dissented citing budget concerns."
- While the primary purpose of legislative body meetings is for the legislative body to take legislative action and make decisions to advance agency business, it is acknowledged that agency meetings also

serve as platforms for ceremonial presentations and reports on social and community events. At a minimum, brief summary minutes should identify that presentations were made and event reports were given; and, at a maximum, report only the subject matter of the presentation or event.

- For community workshops and town hall meetings subject to the Brown Act, brief summary minutes, at a maximum, record the overall topic, provided that no legislative actions were taken. It is advisable to note in the minutes that no legislative action was taken.
- The guidelines contained herein are applicable to committees and commissions subject to the Brown Act. It is acknowledged that many boards and commissions take few legislative actions, and the tendency is to include more detail in the minutes on event reports and planning. At a maximum, brief summary minutes may include key points of the final reports or determinations, and all comments shall be attributable to the entire body and not attributable to individual members.
- Brief summary minutes shall serve to clarify decisions taken and who is expected to execute the decisions. It is not necessary to write down all action points or all tasks identified. Minutes shall not serve as a substitute for task lists, and the focus shall remain on the final decisions made by the *legislative body*.
- The language of brief summary minutes should be relatively restrained and neutral, however impassioned the discussion. Brief summary minutes will record the substance of the point in an intemperate way.
- To the fullest extent possible, minutes should be self-contained to be intelligible without reference to other documents.
- As a general rule, individual member comments are not identified in the brief summary minutes of discussions, and minutes should concentrate on the collective body's thought process and the collective decisions made by the majority, not individuals.
- Brief summary minutes should concentrate on central issues germane to the final decision. The record of the discussion should be presented in a logical sequence, rather than reproduced in the actual order they were made in discussion.
- The legislative body may wish to choose more, substantive (summary) minutes if there's no archival audio/video backup recording available of its proceedings. If audio/video recording is available for future reference, minute notations can be more limited (action).

AGENDA REPORT TO CITY COUNCIL

MEETING DATE: January 1, 2016

TO: Mayor and City Council

TITLE: GUIDELINES FOR PREPARING CITY COUNCIL MINUTES

RECOMMENDED ACTION: Approve transitioning to {"action" or "brief"} summary style for the City Council's official minutes as outlined in the City Clerks Association of California Guidelines for Preparing Minutes.

DISCUSSION: The City Clerks Association of California (CCAC) has published its Guidelines for Preparing Minutes and has recommended municipalities consider adopting these guidelines that call for either brief summary or action style minutes. Attached is a chart describing the features and benefits of both brief summary and action style minutes.

Presently, the City uses long-form style minutes, as opposed to brief summary or action minutes. Long-form ("verbatim") minutes provide a very detailed account of the meeting, covering major points, speaker comments (both legislative body and public), and the flow of the discussion. In past years, these types of minutes have served a necessary purpose, since the public had limited access to live streaming, video/audio recordings, and electronic copies of agenda reports and supporting materials. Today the majority of the City's public records requests related to legislative body meetings are for recordings, electronic copies of supporting documents, and occasionally minute excerpts. Few requests are received for the official minutes.

Most California cities have transitioned from long-form minutes to either brief summary or action minutes as the most efficient, succinct, and cost-effective manner for preparing a record of City Council action. Auditors, judicial officers, the public, and other stakeholders rely on minutes to accurately reflect the final decisions of the body. Transitioning to brief summary or action style minutes removes the ambiguity and misdirection that is unintentionally created by long-form minutes when the flow of the conversation is included in the written record. Additionally, streamlining to brief summary or action minutes reduces the amount of staff time spent in minute preparation. Other cities that have made the transition are spending 50 to 75 percent less time in transcribing and preparing minutes. Another cost savings is a reduction in materials (pages, books) used for preserving archival minutes.

In case of someone wishing to review the discussion leading up to the Council's final decision, audio/video recordings of the Council's proceedings, as well as agenda packets are maintained pursuant to the City's records retention policy.

It is recommended that the City Council direct the City Clerk to transition from long-form style minutes to brief summary minutes {or action minutes if that is the preference of the City Clerk}, following the CCAC guidelines. Staff will provide a status report to the City Council in six

months on the amount of staff time saved, the affiliated public records requests, and feedback, if any, received from stakeholders.

Prepared by: Name, Title
Approved by: Name, Title

ATTACHMENTS:
1) Features and Benefits of Action and Summary Minutes
2) CCAC Guidelines for Preparing Minutes

FEATURES AND BENEFITS OF ACTION AND BRIEF SUMMARY STYLE MINUTES

Features of Action Style Minutes

- Records Final Decisions Made
- For Public Hearings – Lists Speaker's Name and Position on Each Issue Raised (i.e. Supported or Opposed)

Features of Brief Summary Style Minutes

- Records Final Decisions Made
- For Public Hearings – Lists Speaker's Name and Position on Each Issue Raised (i.e. Supported or Opposed)
- Summarizes Only Main Points that Lead to a Final Decision
- Records Only Fully Developed Points in Final Form
- Consolidates Points Made by Several Speakers Into One Sentence or Short Paragraph
- Attributes Views and Points to the Collective City Council, Not Individual Persons
- Records the Thought Process of the Entire City Council as a Body, Not Individuals' Thoughts
- May Record Key Advice Given to the Council in Making the Final Decision
- May Note Brief Reason for Dissention of One or More Members
- For Oral Communications/Public Comments – Lists Speaker's Name, Overall Topic, Stance/Position
- For Ceremonial Presentations, Announcements, Non-Business Items – Lists Subject Matter

Benefits of Both Action and Brief Summary Style Minutes

- Provides Brevity and Clarity for Audits & Judicial Review
- Reduces Staff Time
- Removes Staff Interpretation of Statements and Determination of What Comments Should Be Included
- Eliminates Ambiguity by Omitting Discussion Not Relevant to Final Decision
- Eliminates Single-Member Opinions
- Places Emphasis on a Collective City Council, Not Individual Persons

MEETING MINUTES

Required. Boards are obligated to keep minutes of their board and membership meetings. Minutes are the official record of the proceedings of an organization. (Corp. Code §8320.) Minutes are prima facie evidence of the board's actions. (Corp. Code §7215.)

Who Takes Minutes. Taking minutes of board and membership meetings is one of the key duties of the secretary. The secretary can prepare minutes directly or oversee their preparation by others and then sign them once they have been approved by the board. Boards can authorize the manager, assistant manager, a management company employee, a recording secretary or a volunteer homeowner to assist in the taking and preparation of minutes. The appointment of an "assistant secretary" should be recorded in the minutes so as to facilitate insurance coverage. In small committees, the chair usually acts as secretary but in large committees and standing committees a secretary may be chosen to keep minutes. (Robert's Rules, 11th ed., p. 500.)

Recording Open Meetings. With the board's permission, the secretary may record open board meetings to assist in the preparation of minutes. Once the minutes have been approved by the board, the recording should be erased. The recording secretary can, but is not required, to announce that he/she is recording the meeting. Even though the secretary may record meetings for the purpose of preparing minutes, the board can disallow recordings by others, whether it be members or other directors.

Recording Executive Session. Because of the sensitive nature of subjects dealt with in executive session (litigation matters, attorney-client communications, members discipline, personnel matters, etc.) executive session meetings should not be recorded.

What Should Not Be in the Minutes. Minutes should not contain owner comments and never be a transcript of every statement made by directors and attendees. Recording every comment creates potential defamation claims or becomes evidence for

other claims against the board and the association. Minutes should reflect decisions and reasons for those decisions, not conversations. "The minutes should never reflect the secretary's opinion, favorable or otherwise, on anything said or done." (Robert's Rules, 11th ed., p. 468.) See sample minutes.

What to Include. As a rule, minutes should record what was done at a meeting, not what was said. (Robert's Rules, 11th ed., p. 468.) Even so, the motion should include the rationale for the board's action. Following is a list of essential information that should be found in every set of minutes:

1. *Name of the Association*.
2. *Type of Meeting*. Regular, special, emergency, executive session.
3. *Date/Time/Location*. Date, time and location of meeting.
4. *Attendees*. Directors who were present and who was absent, along with their titles (President, Treasurer, etc.). The minutes should also list guests who were invited to speak to the board, such as the association's CPA, contractors bidding on projects, the association's attorney, etc. Persons who attend the meeting need not be listed in the minutes. (If their names are included in the minutes, they could be subpoenaed for a deposition in the event there is litigation surrounding the meeting.) Instead of attendee names, some associations list the total number of attendees at the meeting. This is not required but is optional.
5. *Approval of Minutes*. Prior meeting minutes should be read and approved. (Robert's Rules, 11th ed., p. 473-474.)
6. *Treasurer's Report*. A verbal report is sufficient.
7. *Committee Reports*. The fact that an officer and committee report, if any, was given. When a committee report is of great importance it can be entered in full in the minutes. (Robert's Rules, 11th ed., p. 471.)
8. *Guest Speakers*. "The name and subject of a guest speaker can be given, but no effort should be made to summarize his remarks. (Robert's Rules, 11th ed., p. 471.)
9. *Motions*. Motions and how directors voted.
10. *Executive Session*. General description of matters discussed in executive session.
11. *Next Meeting*. Date of the next meeting.
12. *Adjournment*. Time the meeting was adjourned.

NOTE: Because the Business Judgment Rule requires that boards satisfy their fiduciary duties when making decisions, boards should include in their minutes reasons why they took the actions they did. See sample resolution.

Attachments to Minutes. Contract proposals reviewed by the board are generally not attached to the minutes. The underlying documents that support the board's decision are kept in the board packet which is kept on file in the management office. Documents may be attached to and made part of the minutes but only with board approval. Individual directors do not have the right to attach documents to the minutes without board approval.

Correspondence. Neither members nor directors have a right to include their correspondence in the minutes. The purpose of minutes is to record the official business of the board not act as an outlet for grievances. If letters are included in the minutes, some correspondence my be inflammatory, inaccurate and defamatory, which could lead to litigation.

Draft Minutes. Draft minutes of open board meetings must be made available to the membership within 30 days. Failure to do so can result in penalties against the association. Notice of the membership's right to minutes must be made annually. Minutes should be readily accessible for membership review.

ASSISTANCE: Associations needing legal assistance can contact us. To stay current with issues affecting community associations, subscribe to the Davis-Stirling Newsletter.

ADAMS | STIRLING
PROFESSIONAL LAW CORPORATION

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Abbreviations
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EXECUTIVE SESSION MINUTES

Executive Session Minutes. An executive session meeting is a proceeding of the board of directors. California law requires that boards keep minutes of their executive sessions. "Each corporation shall keep minutes of the proceedings of its . . . board . . ." (Corp. Code §8320(a)(2).) Such minutes are also referenced in various places in the Davis-Stirling Act. (Civ. Code §4950(a), §5200(a)(8), §5215(a)(5)(D).)

No Right to Inspect. These minutes are separate from open meeting minutes since there is no right by members to inspect them because of the confidential information contained in them related to litigation, personnel matters, disciplinary actions against members, and foreclosure actions. Even though members do not have a right to review and copy executive session minutes, boards should be aware that such minutes are discoverable in litigation.

Content of Minutes. Executive session minutes should reflect the deliberation and reasoning behind actions taken by the board in executive session. For example, if the board were to give the manager a warning, executive session minutes should be written to reflect what occurred. The minutes might state that "The Board expressed dissatisfaction with the manager's performance and gave the manager a written warning that failure to resolve tardiness and absenteeism would result in her dismissal. The board voted not to renew the manager's one-year contract and made the manager's employment at-will."

Approval of Minutes. Executive session minutes may be approved at the board's next open meeting or executive session. However, the risk with open-meeting approvals is that the board may need to discuss corrections or revisions to the minutes which could result in the disclosure of confidences and/or waiver of attorney-client privilege. Accordingly, discussion of any changes to executive session minutes should take place in executive sessi[illegible].

No Distribution of Minutes. Minutes of executive sessions

should NOT be distributed to the membership. (Civ. Code §4950 (a).)

Noted in Open Meeting Minutes. Even though members do not have the right to attend executive sessions, boards must keep members informed about the general nature of the business conducted in their executive sessions. The minutes of the next open board meeting must generally reflect the board's executive session:

> Any matter discussed in executive session shall be generally noted in the minutes of the immediately following meeting that is open to the entire membership. (Civ. Code §4935(e).)

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August 1, 2014

VIA ELECTRONIC AND OVERNIGHT MAIL

Mr. Bruce M. Slavin
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Bruce.Slavin@doj.ca.gov

Re: Opinion No. 14-301

Dear Mr. Slavin:

This letter is sent on behalf of the League of California Cities ("League") with respect to your Request for Views dated April 10, 2014, regarding the question of whether an attorney who serves on a city council but who has a client with an interest adverse to the city violates any legal duty, either to the city or to his or her client, by such representation.

The League of California Cities is an association of 473 cities dedicated to protecting and restoring local control to provide for the public health, safety, and welfare of their residents, and to enhance the quality of life for all Californians. The League is advised by its Legal Advocacy Committee, comprised of 24 city attorneys from all regions of the State. The Committee monitors litigation and requests for views of concern to municipalities and identifies those cases or requests that have statewide or nationwide significance. The Committee has identified this Request for Views from the Attorney General as having statewide significance to the League's member cities.

This Request raises at least three different, but overlapping, areas of the law, each of which involve various duties and conflicts of interest. These three areas are: (1) an attorney's duty of fidelity to his or her client and ethical rules regarding adverse representation; (2) a city council member's duty of loyalty and fiduciary duty to the city; and a similar duty to be an unbiased decision-maker; and (3) the statutory requirements that a city council member not participate in decisions in which he or she has a financial conflict of interest.

1. Attorneys' Duties Under the Rules of Professional Conduct

Every licensed attorney in the State of California must act in compliance with the California Rules of Professional Conduct. The rules cover, among other duties and responsibilities, an attorney's duty to maintain a client's confidentiality and the duty to zealously advocate for a client. The State Bar's Committee on Professional Responsibility and Conduct (COPRAC) is a standing committee of the State Bar Board of Trustees. Its primary duty is to issue advisory ethics opinions concerning the California Rules of Professional Conduct. Its rules are not binding but have been cited in judicial opinions.

The question raised here is slightly different from the more typical ethical issues confronted by practicing attorneys as the attorney here would not be representing two clients with adverse, or potentially adverse, interests. Rather, the attorney/council member has a client with interests adverse to the city council, of which the attorney/council member also serves as one of five members. The situation is similar to one where an attorney represents a client with interests that are adverse to a board of directors on which the attorney sits, and the attorney is faced with conflicting duties of loyalty and fiduciary obligations.

Rule 3-310(B) of the California Rules of Professional Conduct provides that a member of the Bar of the State of California has a duty to avoid the representation of adverse interests but may do so following written disclosure to the client. The rule specifically states that written disclosure to the client must be provided before the member accepts or continues representation when the member has a "legal, business, financial, professional, or personal relationship with another person or entity the member knows or reasonably should know would be affected substantially by resolution of the matter." Importantly, the "other person or entity" is not necessarily the attorney's client.

The Bar's COPRAC analyzed an issue similar to the one presented here and issued Formal Opinion No. 1981-63 ("Opinion") (copy enclosed). Cal. Compendium on Prof. Responsibility, pt. II, State Bar Formal Opn. No. 1981-63. In that opinion, COPRAC determined that the law firm of a member of a city council could not represent tort plaintiffs in actions against the city, even with the informed consent of the city council.

The Opinion analyzes former Rule 5-102(B) (the predecessor to Rule 3-310), which stated that a member "shall not represent conflicting interests, except with the written consent of all parties concerned." The COPRAC opines that a conflict of interest may arise "where an attorney's relationship with a person or entity creates an expectation that the attorney owes a duty of fidelity," such as to the city council. *Id.* at 3. The COPRAC also opines that a conflict "may also arise where the attorney has acquired confidential information in the course of such a relationship which will be, or may appear to the person or entity to be, useful in the attorney's

representation in an action on behalf of a client." *Ibid.* The Opinion notes that a city council member would have access to confidential information that may be useful in lawsuits against the city. Thus, the Opinion concludes that a city council member cannot represent a client where there is a conflict of interest with his or her council position.

The Rule (both the former and current rule) permit the client to provide informed written consent in order for the representation to continue. The Opinion, however, states that in the event a lawsuit is brought against the city by a law firm whose member is on the city council, that litigation creates "such an appearance of improper conduct that it cannot ethically be permitted." *Id.* at 4. Thus, even with the informed written consent of the city council, the attorney could not represent the client according to this Opinion and the Rules of Professional Conduct.

Important to the issue presented here, this Opinion also appears to stretch beyond actual litigation as the Opinion states that the attorney/council member may not ethically represent clients in their dealings (and not just litigation) with the city. That opinion is "grounded upon the need to promote public confidence in our legal system and in the legal profession and upon the need to avoid the appearance of professional impropriety." *Id.* at 5.

Here, we are unaware of all of the facts giving rise to this opinion request, but the League recommends review of this COPRAC opinion regarding an attorney's ethics when serving on a city council or other legislative body as it raises similar issues to the one raised in the Request for Views.

2. Council Member's Fiduciary Duty and Duty of Loyalty

As the COPRAC Opinion states, avoiding representation of a client with interests adverse to the city promotes both the public's confidence in, and the integrity of, the legal system. A similar concern, also noted in the Opinion, is maintaining the integrity of the city and the city council. The Opinion notes that, "The public expects its elected representatives to represent them 'with undivided fidelity.'" *Id.* at 4.

This concept of fiduciary duty and loyalty to a city to which a council member serves has also been expressed in case law. As one court notably stated, "A public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal and diligence and primarily for the benefit of the public." *Noble v. City of Palo Alto*, 89 Cal. App. 47, 51 (1928). Stated another way, a public official has a fiduciary duty to exercise the powers of the office for the benefit of the public and may not use those powers for the benefit of private interests. *Nussbaum v. Weeks*, 214 Cal. App. 3d 1389 (1989), *Terry v. Bender*, 143 Cal. App. 2d 198, 206 (1956).

These principles of representation of public interests – rather than private ones – is at the heart of the State's conflict of interest laws and are based on the underlying principle that no person may properly serve two masters. When a person has an interest in a private matter (whether it be a financial interest, strong personal bias, or other) that person is not properly serving the city council (or other legislative body or board of directors) by having conflicting loyalties.

The concept of divided loyalties and unacceptable bias is commonly referred to as having a common law conflict of interest because the officials involved in these situations did not necessarily violate a specific statutory prohibition (discussed further under section 3 below). Common law conflicts of interest typically arise when a legislative body is acting in a quasi-adjudicatory capacity rather than a legislative capacity. That is, they tend to arise when a body is deciding on a specific application or appeal rather than a policy matter. For example, in *Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152 (1996), the court concluded that a city council member had a conflict of interest when his personal interests outweighed his duty to the city council. In that case, the city council member harbored personal animosity towards project applicants whose addition to their home would have impeded the council member's view from the apartment he rented. His animosity went so far that he yelled as he ran by the neighbors' house and purportedly urinated on the house and in the planters. *Id.* at 1167, fn. 12. The court held that the council member had a conflict of interest in voting to deny the project as he would personally benefit from that vote. The court also held that the specific project would have had a direct impact on the quality of the council member's own residence and that his personal animosity contributed to him not being a "disinterested, unbiased decisionmaker." *Id.* at 1172-1173.

Another case involving a planning commissioner who anonymously authored an article in a homeowners' association newsletter is also instructive. *Nasha v. City of Los Angeles*, 125 Cal. App. 4th 470. In the newsletter, the planning commissioner referred to a proposed project as a threat to a wildlife corridor. The commissioner also introduced a project opponent to the homeowners' association at a meeting. The planning commissioner then voted against the project when the commission considered an appeal. The court held that the commissioner's article gave "rise to an unacceptable probability of actual bias." *Id.* at 482-283.

In the subject Request for Views, it is unclear whether the question presented involves pending litigation and a council member's competing loyalties and obligations. We note, however, that in the event a council member is involved in litigation against the city (either personally or on behalf of a client), the council member's duties would be clearly split and in conflict. The council member could not adequately serve both the client and the city and would potentially obtain confidential information advantageous to the client and detrimental to the

city's position. *See Hamilton v. Town of Los Gatos*, 213 Cal. App. 3d 1050 (1989). In *Hamilton*, a council member who was conflicted from participating in closed session discussions about litigation could not thereafter obtain a tape of the closed session discussion. The court stated that allowing the council member access to confidential information that could affect his business interests gives the appearance of impropriety, and he might use the confidential information to his personal advantage or improperly disclose it.

Thus, depending on the situation and the facts involved, the council member here could also have a common law conflict of interest if his/her personal interests and biases are so pervasive as to prevent impartial decision-making. Additionally, being in conflict with the city that the city council member serves raises issues of duty, loyalty, and the possibility of improperly obtaining and/or using confidential information to the city's detriment. In these situations where a council member is either so biased that he or she cannot be an impartial decision-maker or is in actual conflict with a city in litigation, that member cannot participate in the decisions as doing so impermissibly puts the council member in a situation of divided loyalties.

3. Making Decisions Free of Financial Conflicts of Interest

The Political Reform Act and Government Code section 1090 are the state's statutory conflict of interest laws for public officials. The Political Reform Act sets forth conflicts of interest rules for six types of financial interests while section 1090 concerns financial interests in contracts. Each will be discussed in turn. However, we note that conflicts of interest analyses under these sections are very fact specific, and it is difficult to meaningfully analyze their application without a specific set of facts to review.

A. Political Reform Act

The state's primary conflict of interest law, the Political Reform Act (Gov't Code §§ 87100 *et seq.*), is administered and enforced by the Fair Political Practices Commission ("FPPC"). The Political Reform Act concerns conflicts of interest in which a public official has an economic interest (as specifically defined in the law) in a public agency's decision. This law is much broader than section 1090 because it applies to any decision or action of a public agency rather than only to contracts.

The Political Reform Act's six different types of economic interests are:

(1) any business in which a public official has a direct or indirect interest worth $2,000 or more (including holding stock);

(2) any real property in which a public official has a direct or indirect interest worth $2,000 or more;

(3) a source of income aggregating $500 or more in value provided to, received by, or promised to the official within 12 months prior to the time the decision is made;

(4) any business in which a public official is a director, officer, partner, trustee, employee, or in any position of management;

(5) any donor of (or intermediary or agent for a donor of) a gift(s) aggregating $440 or more in value provided to, received by, or promised to a public official within twelve months prior to the time the decision was made; and

(6) personal finances and those of the public official's immediate family. Gov't Code § 87103; 2 Cal. Code Regs., § 18703.5.

A public official may have more than one economic interest in a decision. Because different rules and exceptions apply to each type of economic interest, each must be analyzed separately. Again, this is a highly fact-dependent inquiry, and each situation requires a separate analysis.

If a council member is a solo practitioner, for example, and has a paying client (paying $500 or more) as a source of income, that client would be a source of income to the council member. Any decision that affects the client could create a conflict of interest for the council member. The council member would be required to recuse him or herself from all participation – including negotiations, discussions, and voting – on the matter. He or she would be required to announce the financial interest, leave the council chambers at the beginning of the item, and not return until the item has been voted on or otherwise concluded. 2 Cal. Code Regs., § 18702.5. If the council member is an employee of a law firm (in a salaried position) that client may not necessarily present the same financial conflict of interest because the law firm is the source of income to the city council member rather than the individual client. However, that would not negate the fact that the attorney/council member would still have a conflict of interest under the laws discussed above.

B. Government Code Section 1090

Government Code section 1090 prohibits officers and employees from being financially interested in any contract made by them in their official capacity. It provides, in part, that "members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official

capacity, or by any body or board of which they are members." Unlike the Political Reform Act, section 1090 does not specify financial interests. One way to determine what the disqualifying financial interests are, though, is to examine the exceptions to section 1090. For example, one such exception provides that a public official has a financial interest by serving as an officer or employee of a non-profit corporation that is a contracting party, even if such service is not compensated. *See* § 1091(b)(1) (specifying that a remote interest in a contract includes that of an officer or employee of a nonprofit entity).

The general rule under section 1090 is that members of a board are conclusively presumed to be involved in the making of a contract. *Thomson v. Call*, 38 Cal. 3d 633, 649 (1985). This means that even if a board member disqualifies himself or herself from participating in the making of a contract, there is a conclusive presumption that the board member "made" the contract. Additionally, the term "making" a contract has been construed broadly and includes preliminary discussions, negotiations, compromises, reasoning, planning, drawing plans, and soliciting bids. *Millbrae Assn. for Residential Survival v. City of Millbrae*, 262 Cal. App. 2d 222, 236 (1968).

The courts have established, for the most part, that any contract made in violation of section 1090 is void, and the public agency is entitled to receive all funds expended for the contract. *Thomson v. Call,* 38 Cal. 3d 633, 650 (1985). A contract made in violation of section 1090 is unenforceable, and no recovery shall be afforded the contracting party for services rendered under the contract. *Id.* Violations of section 1090 can be serious, and a willful violation can result in a permanent forfeiture of public office in the state. § 1097.

If, for example, a council member were to vote on a contract approving a grant of funds to a client, that council member could have a conflict of interest under Government Code section 1090. The conflict may not be "cured" by recusal as there is a presumption under section 1090 that the council member "made" the contract even if he or she did not participate in the discussion or vote on the contract.

The council member would have two choices. The council member could resign from office and continue to represent the client. Or, the council member could divest himself or herself of the financial interest. Importantly, however, the council member may not resign from office at the very last minute in order to have used his or her council position first to their advantage. *Stigall v. City of Taft*, 58 Cal. 2d 565 (1965). As the California Supreme Court noted in *Stigall*, permitting a last minute resignation would allow a council member to participate in all contract negotiations and then resign at the last minute in order to be free of the conflict of interest. *Id.* at 570. That, the court said, violates the intent of the conflict of interest laws and is not permitted.

4. Conclusion

In sum, the question presented in this Request for Views raises issues in at least three different subject areas: attorney ethics, duty of loyalty and fiduciary duty/common law conflict of interest, and statutory conflicts of interest under the Political Reform Act and Government Code section 1090. All three areas should be analyzed in the Attorney General's opinion rendered on the question. Please do not hesitate to contact me if we can be of further assistance or if you have any questions about our comments provided in this letter.

Sincerely,

Kara K. Ueda
Partner
of BEST BEST & KRIEGER LLP

KKU:cp
Enclosure
cc: Patrick Whitnell, General Counsel, League of California Cities

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 9.B
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **CONNIE VIRAMONTES , ADMINISTRATIVE ASSISTANT**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **DISCUSS IGNITABLE DEVICES. (BLACK)**

DATE: **September 14, 2020**

BACKGROUND:
NONE.

DISCUSSION:
NONE.

FISCAL IMPACT:
NONE.

RECOMMENDATION:
NONE.

ATTACHMENTS:

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 10.A
Mtg. Date: 09/14/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **MEREDITH ELGUIRA, PLANNING DIRECTOR**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **LOCAL EARLY ACTION PLANNING GRANT (LEAP) GRANT UPDATE.**

DATE: **September 14, 2020**

BACKGROUND:
On September 11, 2020, staff received an announcement from the California Department of Housing and Community Development informing the City of Rolling Hills that it has been approved for funding under the Local Early Action Planning Grants (LEAP Program).

DISCUSSION:
The City received the maximum award of $65,000 to fund services and activities relating to the Housing Element update.

FISCAL IMPACT:
Grant allocation of $65,000.

RECOMMENDATION:
Receive and file.

ATTACHMENTS:
Rolling Hills LEAP Award Letter.pdf

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DIVISION OF HOUSING POLICY DEVELOPMENT
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September 2, 2020

Meredith Elguira
Planning & Community Services Director
City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, CA 90274

RE: 2020 Local Early Action Planning (LEAP) Grants Program Award

Dear Meredith Elguira:

The California Department of Housing and Community Development (Department) is pleased to announce that the City of Rolling Hills has been approved for funding under the Local Early Action Planning Grants Program (LEAP Program). The Department has determined that the application submitted in response to the Notice of Funding Availability released on January 27, 2020, meets LEAP Program requirements. This letter constitutes a conditional commitment of an award in the amount of $65,000.

The LEAP Program reflects the state's commitment to work in partnership with local governments to address California's critical housing needs. Local governments are using the grant awards for the preparation and adoption of planning documents, process improvements that accelerate housing production, and to facilitate compliance in implementing the sixth cycle of the regional housing need assessment (RHNA).

Congratulations on your successful application. Staff will be contacting you shortly to initiate the process of the Standard Agreement for fund distribution. For further information, please contact Fidel Herrera, of our staff, at (916) 263-7441 or at fidel.herrera@hcd.ca.gov.

Sincerely,

Gustavo Velasquez
Director