



# 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**  
**Regular City Council Meeting**

**CITY COUNCIL**  
**Monday, October 11, 2021**

**CITY OF ROLLING HILLS**  
**7:00 PM**

All Councilmembers will participate in-person wearing masks per Los Angeles County Health Department's Health Officer Order effective Saturday, July 17, 2021. The meeting agenda is available on the City's website. The City Council meeting will be live-streamed on the City's website. Both the agenda and the live-streamed video can be found here: <https://www.rollinghills.org/government/agenda/index.php>

Members of the public may submit written comments in real-time by emailing the City Clerk's office at [cityclerk@cityofrh.net](mailto: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.

Recordings to City Council meetings can be found here:  
<https://cms5.revize.com/revize/rollinghillsca/government/agenda/index.php>

*Next Resolution No. 1287*

*Next Ordinance No. 372*

**1. CALL TO ORDER**

**2. ROLL CALL**

**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.*

**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. REGULAR MEETING MINUTES OF SEPTEMBER 27, 2021.**

**RECOMMENDATION: Approve as presented.**

[9.27.2021\\_CCM Minutes.P.docx](#)

4.B. [PAYMENT OF BILLS.](#)

**RECOMMENDATION:** Approve as presented.

[Payment of Bills.pdf](#)

4.C. [REVIEW AND APPROVE PLANNING COMMISSION RECRUITMENT AND APPOINTMENT SCHEDULE FOR TERMS EXPIRING IN NOVEMBER 2021 AND JANUARY 2022.](#)

**RECOMMENDATION:** It is recommended that the City Council approve the proposed schedule for Planning Commissioners appointments.

[Tentative\\_Commissioner\\_Appointment\\_Timeline.docx](#)

[CommissionAppt\\_Posting\\_Attachment\\_2.docx](#)

4.D. [REVIEW AND APPROVE THE 2021 HOLIDAY OPEN HOUSE FINAL GUEST LIST AND DATE.](#)

**RECOMMENDATION:** Approve as presented.

[2021\\_OpenHouseProposedInviteList\\_2021-08-24.xlsx](#)

5. **PRESENTATION**

5.A. [PRESENTATION OF THE HELEN PUTNUM AWARD BY THE LEAGUE OF CALIFORNIA CITIES TO THE CITY'S BLOCK CAPTAIN PROGRAM](#)

**RECOMMENDATION:** Receive a presentation from the League of California Cities.

[Item 5A\\_Helen Putman Award-Related Documents.pdf](#)

6. **COMMISSION ITEMS**

7. **PUBLIC HEARINGS**

8. **OLD BUSINESS**

8.A. [CONSIDER A REVISED FIREWORKS ORDINANCE.](#)

**RECOMMENDATION:** Staff recommends that the City Council have a discussion and provide direction to staff.

8.B. [ADOPT THE UPDATED ROLLING HILLS EMPLOYEE HANDBOOK AND PERSONNEL POLICY MANUAL.](#)

**RECOMMENDATION:** Adopt the updated Employee Handbook and Personnel Policy Manual.

[Rolling Hills Employee Handbook Final 10.5.21.PDF](#)

[Rolling Hills Employee Handbook original-2014.pdf](#)

9. **NEW BUSINESS**

9.A. [CONSIDER AND APPROVE RESPONSES TO THE 2019-2020 CIVIL GRAND JURY REPORT ENTITLED "A DIET FOR LANDFILLS: CUTTING DOWN ON FOOD WASTE"](#)

**RECOMMENDATION:** Approve the responses to the recommendations of the 2019-2020 Civil Grand Jury Report entitled "A Diet For Landfills: Cutting Down on Food Waste" and authorize the Mayor to sign the response letter on behalf of the City.

[Item 9A\\_Civil Grand Jury-Documents\\_Citys Response.pdf](#)

- 9.B. CONSIDER AND APPROVE A PROFESSIONAL SERVICE AGREEMENT WITH MICHAEL BAKER INTERNATIONAL TO PROVIDE PLANNING SERVICES.

**RECOMMENDATION: Approve as presented**

City of Rolling Hills Letter Proposal\_FINAL 2021-09-28.pdf

Draft PSA with MICHAEL BAKER-cl.docx

**10. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS**

- 10.A. RECEIVE AND FILE A REPORT ON THE SEPTEMBER 29, 2021 FIRE FUEL COMMITTEE MEETING (MIRSCH & BLACK); AND CONSIDER THE COMMITTEE'S RECOMMENDATION TO MODIFY THE DEAD VEGETATION ORDINANCE WITH RESPECT TO CANYON SLOPE.

**RECOMMENDATION: Receive and file a report from the Fire Fuel Committee and consider the committee's recommendation to modify the slope of 2:1 to a ratio that is steeper.**

**11. MATTERS FROM STAFF**

- 11.A. FIRE FUEL ABATEMENT ENFORCEMENT CASES QUARTERLY REPORT FOR THE THIRD QUARTER OF 2021. (JULY 1 THROUGH SEPTEMBER 30)

**RECOMMENDATION: Receive and file.**

3rd\_Quarterly\_Report\_All\_Open\_Cases\_from\_July 2021 - Sept 2021.docx

3rd\_Quarter- All\_Open\_Cases\_Comprehensive\_Report\_from\_January\_2018 -  
\_September\_2021\_V3.docx

3rd\_Quarter\_Report\_All\_Closed\_Cases\_from\_July 21- Sept 21.docx

PVPLC RH Fuel Load Reduction- Phase 3.pdf

PVPLC Phase 3 Progress Photo

Photos of the PVUSD School Site.pdf

- 11.B. ANALYSIS OF SENATE BILL (SB) 9, INCREASE DENSITY IN SINGLE FAMILY ZONE

**RECOMMENDATION: Receive and file.**

Senate Bill 9.PDF

**12. CLOSED SESSION**

**13. ADJOURNMENT**

Next regular meeting: Monday, October 25, 2021 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: 10/11/2021**

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

**FROM: CONNIE VIRAMONTES , ADMINISTRATIVE ASSISTANT**

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

**SUBJECT: REGULAR MEETING MINUTES OF SEPTEMBER 27, 2021.**

**DATE: October 11, 2021**

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**BACKGROUND:**

None.

**DISCUSSION:**

None.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Approve as presented.

**ATTACHMENTS:**

[9.27.2021\\_CCMinutes.P.docx](#)

**MINUTES OF A  
REGULAR MEETING OF THE  
CITY COUNCIL OF THE  
CITY OF ROLLING HILLS, CALIFORNIA  
MONDAY, SEPTEMBER 27, 2021**

**1. CALL TO ORDER**

The City Council of the City of Rolling Hills met in person on the above date at 7:02 p.m.

Mayor Bea Dieringer presiding.

**2. ROLL CALL**

Present: Mayor Dieringer, Mayor Pro Tem Black, Pieper, Mirsch, and Wilson

Absent: None.

Staff Present: Elaine Jeng, City Manager

Meredith T. Elguira, Planning and Community Services Director

Ashford Ball, Senior Management Analyst

Jane Abzug, City Attorney

PLEDGE OF ALLEGIANCE BY MAYOR PRO TEM BLACK.

**3. OPEN AGENDA - PUBLIC COMMENT WELCOME**

NONE.

**4. CONSENT CALENDAR**

**A. MINUTES: 1) REGULAR MEETING MINUTES OF SEPTEMBER 27, 2021**

**MOTION:** Mayor Dieringer recommended changes to page 4 and the motion was seconded by Councilmember Pieper as altered.

AYES: COUNCILMEMBERS: Mayor Dieringer, Mirsch, Pieper and Wilson.

NOES: COUNCILMEMBERS: Mayor Pro Tem Black.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

**B. PAYMENT OF BILLS.**

**C. REPUBLIC SERVICES RECYCLING TONNAGE REPORT FOR AUGUST 2021.**

**MOTION:** Mayor Dieringer called for motion to approve consent items 4B and 4C, and the motion was seconded by Mayor Pro Tem Black.

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

**5. COMMISSION ITEMS**

**ZONING CASE NO. 21-03: 8 QUAIL RIDGE ROAD NORTH: REQUEST FOR 1) VARIANCE FOR THE ENCLOSURE OF AN EXISTING FRONT PORCH (30 SQUARE FEET) THAT PARTIALLY ENCROACHES INTO THE FRONT SETBACK; A 2) VARIANCE TO EXCEED THE MAXIMUM 30% BUILDING PAD COVERAGE BY 3.36%; 3) CONDITIONAL USE PERMIT FOR A 2,780 S.F. STABLE; 4) SITE PLAN REVIEW FOR 1,070 C.Y. OF GRADING; AND 4) SITE PLAN REVIEW FOR WALLS TO EXCEED THE 3-FOOT MAXIMUM HEIGHT LOCATED AT 8 QUAIL RIDGE ROAD NORTH, ROLLING HILLS, CA 90274 (LOT 106-A-RH), (MANQUEN).**

Mayor Dieringer and Mayor Pro Tem Black recused themselves from the meeting.

**MOTION:** Councilmember Pieper motioned to receive and file and the motion was seconded by Councilmember Mirsch.

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

Councilmember Wilson announced Mayor Dieringer and Mayor Pro Tem Black rejoined the meeting.

**6. PUBLIC HEARINGS**

NONE.

**7. OLD BUSINESS**

**A. CONSIDER ACCORDION STYLE DOOR AND WINDOWS FOR LAYOUT OPTION 1 FOR THE CITY HALL ADA IMPROVEMENTS PROJECT TO EXPAND THE USABLE FRONT LOBBY SPACE AND PROVIDE DIRECTION TO STAFF.**

City Manager Jeng presented the layout for Option 1 and Option 2.

**MOTION:** Council motioned to include this item at the next meeting agenda for further discussions.

AYES: COUNCILMEMBERS: None.

NOES: COUNCILMEMBERS: None.  
ABSENT: COUNCILMEMBERS: None.  
ABSTAIN: COUNCILMEMBERS: None.

## **8. NEW BUSINESS**

### **A. PRESENTATION FROM SOUTHERN CALIFORNIA EDISON ON INFORMATION IN THE ANNUAL RELIABILITY REPORT AND UPCOMING IMPROVEMENT PROJECTS.**

Connie Turner, Government Affairs with SCE, provided an overview of SCE's infrastructure, safety measures and public outreach process prior to implementing their capital improvement projects. Additional information was provided about surveillance cameras.

Michael Glenn, SCE's Planning Manager, provided information on outages and long term capital improvement plans.

Jae Lee, SCE's Performance and Resource Manager, provided additional information on location and pole types.

Rolling Hills Community Association Manager Kristen Raig provided a brief overview of their public outreach process and permitting process.

Discussion ensued.

Resident Gene Honbo asked how often poles are inspected, by what means are poles inspected and are there access pads to utility poles.

### **B. PRESENTATION FROM KOSMONT TRANSACTION SERVICES ON POTENTIAL FINANCING OPTIONS FOR FUNDING CAPITAL IMPROVEMENT PROJECTS.**

City Manager Jeng introduced Larry Kosmont and Dan Massiello, from Kosmont Transaction Services. She stated that the representatives will provide different financing options to finance the funding gap for potential capital improvements.

Larry Kosmont provided information about interest rates, timing for borrowing money, public and private markets, basic municipal securities vs. pure financing, and operating leases.

Dan Massiello gave an overview on municipal bonds, tax exempt and taxable municipal bonds. He provided information about types of bond sales, basic issuance process, types of obligations and bond characteristics.

Councilmember Mirsch clarified that there is no direction to staff.

**C. RECEIVE AND FILE A REPORT UPDATE ON THE CAL OES GRANT PROJECT CREST ROAD EAST UNDERGROUNDING PROJECT.**

Senior Management Analyst Ashford Ball provided an update on the grant funds received through the FEMA Hazard Mitigation Program. The grant requires the project to be completed by May 7, 2023.

**MOTION:** Councilmember Wilson moved to receive and file and Mayor Pro Tem Black seconded the motion.

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

**D. PSA WITH MNS CONSULTING TO APPLY FOR GRANTS FOR THE CONSTRUCTION OF THE SEWER MAIN PROJECT**

City Manager Jeng provided information on MNS Engineering Inc. on the proposed 8” sewer project. MNS proposed submitting an application to Clean Water State Revolving Funds, a federal-state partnership that provides communities low-cost financing for a wide range of water quality for infrastructure projects.

**MOTION:** Mayor Pro Tem Black moved to receive and file and Councilmember Pieper seconded the motion.

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

**9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS**

Councilmember Wilson mentioned the extra bins for green waste that was successful, and asked if the City is going to do it again. He also brought up free chipping of trees and bushes that can be picked up at no charge. City Manager Jeng informed the Council that Rolling Hills Community Association is already conducting chipping has their infrastructure and vendors set up. The City has requested RHCA to consider another chipping event, possibly two or three more. RHCA approved one event scheduled sometime in November.

Mayor Dieringer received a tentative webinar from a municipal law firm that presented some information on SB 8, SB 9, and SB 10. She recommends that BBK present more strategies on SB 9 to be presented at the next City Council meeting and to get something

in place before the law takes effect. It was agreed upon to schedule SB 9 discussions with the Planning Commissioners.

**10. MATTERS FROM STAFF**

NONE

**11. CLOSED SESSION**

Mayor Dieringer closed down the meeting for Closed Session. Deputy City Attorney Jane Abzug announced that the City Council is going into Closed Session at 10:09 PM. Attorney Abzug announced the City Council is returning into Open Session at 10:30 PM and stated that the City Council took no reportable action on the item discussed.

**12. ADJOURNMENT**

Hearing no further business before the City Council, the meeting was adjourned at 10:30 p.m. The next regular meeting of the City Council is scheduled to be held on Monday, October 11, 2021 beginning at 7:00 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California. It will also be available via City's website link at: <https://www.rolling-hills.org/government/agenda/index.php>

Respectfully submitted,

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Elaine Jeng, P.E.  
Acting City Clerk

Approved,

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Bea Dieringer  
Mayor



## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

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**Agenda Item No.: 4.B**

**Mtg. Date: 10/11/2021**

**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:** October 11, 2021

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**BACKGROUND:**

None.

**DISCUSSION:**

None.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Approve as presented.

**ATTACHMENTS:**

[Payment of Bills.pdf](#)

## CITY OF ROLLING HILLS

9-29-2021 Check Run A , 10-6-2021 B

Check No.	Check Date	Payee	Description	Amount
Check Number	Effective Date	Payee	Transaction Description	Check Amount
027194	9/29/2021	Alan Palermo Consulting	August 2021 ADA, Sewer, Block Captain	2,720.00
027195	9/29/2021	Bennett Landscape	Replaced Broken Sprinkler by security guard house	86.60
027196	9/29/2021	Calco Grading Inc.	Refundable Recycle deposit	1,000.00
027197	9/29/2021	Daily Breeze	52 WEEKS NEWS SUBSCRIPTION	277.95
027198	9/29/2021	Kosmont Transactions Services, Inc.	September 2021 Municipal Advisory Services	4,500.00
027199	9/29/2021	LA County Sheriff's Department	August 2021 Law Enforcement Services	30,597.68
027200	10/1/2021	Delta Dental	October 2021 Dental Insurance	618.17
027201	10/1/2021	Standard Insurance Company	October 2021 Life Insurance	238.68
027202	10/1/2021	Vision Service Plan - (CA)	October 2021 Vision Insurance	121.31
027203	10/11/2021	Daisy Laxamana	Manual Check for Daisy Laxamana	593.97
27204-27215	10/11/2021	VOIDED	Due to improper alignment on printer	-
27216	10/11/2021	Arlene Honbo	September 22-24, 2021 Reimbursement League of CA Annual Conf	527.06
27217	10/11/2021	Barry J. Miller, FAICP	August 2021 Srvc- RH 6th Cycle Housing Needs Assessment	5,400.00
27218	10/11/2021	Cox Communications	Phone Services September 26 - October 25, 2021	178.77
27219	10/11/2021	Environmental Design Associates	Landscape Installation Inspec 16 Crest Rd East	250.00
27219	10/11/2021	Environmental Design Associates	Landscape Plan Review O Poppy Trail	1,250.00
27220	10/11/2021	Executive Suite Services Inc.	September 2021 Monthly Janitorial Services	1,700.00
27221	10/11/2021	County of Los Angeles	August 2021 Animal care Housing Costs	751.96
27222	10/11/2021	MV CHENG AND ASSOCIATES	September 2021 Monthly Accounting Services	5,615.00
27223	10/11/2021	NV5, INC.	August 2021 Services- CORH-209641 MS4 Monitoring	2,305.00
27224	10/11/2021	Palos Verdes Peninsula Unified School District	March 2021 & April 2021 School Security Officer Reimbursemen	523.12
27224	10/11/2021	Palos Verdes Peninsula Unified School District	May 2021- through August 2021 School Security Officer cost	431.90
27225	10/11/2021	Quadiaent	October 2021-2022 Annual Maintenance	1,401.41
27226	10/11/2021	Race Communications	October 2021 Internet Charges	1,020.00
27227	10/11/2021	Stephanie Grant	Reimbursement- Mileage	37.24
ACH1	9/29/2021	California Water Service Co.	Water Usage 8/24/21 to 9/22/21	495.98
ACH2	9/29/2021	California Water Service Co.	Water Usage 8/24/21 to 9/22/21	646.02
ACH3	9/29/2021	Southern California Edison	Electricity Usage 8/23/21 to 9/21/21	3,217.86
ACH	10/1/2021	CalPERS	August 2021 Health Insurance	8,687.13
ACH	10/1/2021	CalPERS	Biweekly Retirement -8/25/21 to 9/7/21	3,801.71
ACH	10/1/2021	CalPERS	Biweekly Retirement -9/8/21 to 9/21/21	3,254.76
* PR Link	10/8/2021	PR LINK - Payroll & PR Taxes	Payroll Processing Fee 9/22/21 to 10/5/21	73.98
* PR Link	10/8/2021	PR LINK - Payroll & PR Taxes	Pay Period -September 9/22/21 to 10/5/21	37,661.79
				<u>119,985.05</u>

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 \$119,985.05 for the payment of above items.

Elaine Jeng, P.E., City Manager 10/7/2021





## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

**Agenda Item No.: 4.C**

**Mtg. Date: 10/11/2021**

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

**FROM: MEREDITH ELGUIRA, PLANNING DIRECTOR**

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

**SUBJECT: REVIEW AND APPROVE PLANNING COMMISSION RECRUITMENT AND APPOINTMENT SCHEDULE FOR TERMS EXPIRING IN NOVEMBER 2021 AND JANUARY 2022.**

**DATE: October 11, 2021**

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### **BACKGROUND:**

It is recommended that the City Council approve the proposed schedule for Planning Commissioners appointments.

### **DISCUSSION:**

Below is a list of the Planning Commissioner whose terms will expire. The list also identifies the date of their original appointment and term expiration.

Abby Douglass	March 16, 2021	to	November 30, 2021
Gregg Kirkpatrick	November 25, 2013	to	January 1, 2022

The Commissions appointment process for filling the expiring terms calls for the incumbents and public to be informed of the Commission openings prior to the expiration of the Commissioners' terms. As noted in the appointment schedule, staff proposes to send letters to each incumbent advising them of the process to be considered for re-appointment, as well as post the notice at City Hall and advertise the openings in the City Blue Newsletter on October 5, 2021 and October 19, 2021 and November 2, 2021. It also provides over four weeks of public notification to accommodate the upcoming holidays. Once letters of interest for serving on the Commission are received, staff will schedule interviews for the City Council Personnel Committee with the candidates.

Attachment 1 is the schedule for the recruitment and appointment process.

Attachment 2 is a sample of the official notification, per the Maddy Act, to be posted at City Hall on December 15, 2020.

### **FISCAL IMPACT:**

None.

**RECOMMENDATION:**

It is recommended that the City Council approve the proposed schedule for Planning Commissioners appointments.

**ATTACHMENTS:**

[Tentative\\_Commissioner\\_Appointment\\_Timeline.docx](#)

[CommissionAppt\\_Posting\\_Attachment\\_2.docx](#)

Attachment 1  
Tentative Planning Commission Appointment Schedule

Oct. 11, 2021	City Council Reviews Appointment Timeline and directs changes as necessary
Oct. 12, 2021	Letters mailed to incumbents advising of Commission reappointment process
Oct. 12, 2021	Local Appointment List Posted at City Hall
Oct. 5, 2021 Oct. 19, 2021 Nov. 2, 2021	Notice of Planning Commission Member recruitment in City Blue Newsletter and City Website
Nov. 4, 2021 at 12 noon	Due date for Letters of Interest in serving on the Planning Commission
Week of Nov. 8, 2021	City Council Personnel Committee interviews Commission candidates (Councilmember Pieper and Mayor Dieringer)
Nov. 22, 2021	City Council appoints Commission Members for terms beginning in January 2021
Week of Jan. 3, 2022	Staff conducts orientation for any new Commission members



# City of Rolling Hills

INCORPORATED JANUARY 24, 1957

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

**PLEASE POST**  
**City of Rolling Hills**  
**Local Appointments List**  
**of Positions on City Commissions for Calendar Year 2022**

This list is prepared pursuant to Government Code § 54972 to inform residents of the City of Rolling Hills regarding opportunities that exist for appointment to City Planning Commissions in calendar year 2022.

A. Appointive Terms.

The following is a list of all positions on the City's Planning Commission for which the terms of office expire in 2020 and 2021 and for which the City Council will be appointing or reappointing persons to fill those positions:

**PLANNING COMMISSION** (4-year term)

<b><u>Position/Name of Incumbent</u></b>	<b><u>Last Appt. Date</u></b>	<b><u>Term Exp.</u></b>
<b>First Name Last Name</b>	<b>1/2022</b>	<b>1/1/2026</b>

The necessary qualification to be a member of the Planning Commission is to be a resident of the City of Rolling Hills at least 18 years of age (Rolling Hills Municipal Code § 2.20.025).

B. List of Board, Commissions and Committees.

The Planning Commission is one of two permanent Commissions or Committees of the City of Rolling Hills. All members of these bodies are appointed by the City Council and all serve at the pleasure of the City Council. The qualifications for the Planning Commission are listed in part A of the List.

Prepared this 11<sup>th</sup> day of October 2021.

By: \_\_\_\_\_  
Daisy Laxamana  
City Clerk



## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

**Agenda Item No.: 4.D**

**Mtg. Date: 10/11/2021**

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

**FROM: CONNIE VIRAMONTES , ADMINISTRATIVE ASSISTANT**

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

**SUBJECT: REVIEW AND APPROVE THE 2021 HOLIDAY OPEN HOUSE FINAL GUEST LIST AND DATE.**

**DATE: October 11, 2021**

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### **BACKGROUND:**

The 2021 Holiday Open House was discussed with the City Council at the September 13, 2021 meeting and the City Council directed staff to monitor the Los Angeles County Health Officer Orders for restrictions to holding the event this year.

### **DISCUSSION:**

Based on current Los Angeles County Health Officer Orders, the City's annual holiday open house is not restricted. Staff is currently reaching out to caterers to get cost estimates for the event. The guest list to the annual holiday open house was updated with feedback from some Councilmembers and is included with this report for review and approval.

### **FISCAL IMPACT:**

The cost of the event in the past four years range between \$6,100 and \$6,600. The adopted FY 2021-2022 budget allocated \$10,000 for the event. Expenses are expected to increase due to COVID Pandemic protocols.

### **RECOMMENDATION:**

Approve as presented.

### **ATTACHMENTS:**

[2021\\_OpenHouseProposedInviteList\\_2021-08-24.xlsx](#)

## 2021 OPEN HOUSE PROPOSED LIST

	Name	Company	Address	City
1	Honorable Al Muratsuchi	Assemblymember Elect, 66 <sup>th</sup> District	3424 W. Carson St., Suite 450	Torrance, CA 90503
2	Honorable Ben Allen	State Senator, 26 <sup>th</sup> District	2512 Artesia Blvd., #320	Redondo Beach, CA 90278-3279
3	Honorable Ted Lieu	United States Congress, 33 <sup>rd</sup> District	1645 Corinth Ave, Suite 101	Los Angeles, CA 90025
			1600 Rosecrans Avenue, 4th Floor	Manhattan Beach, CA 90266
4	Honorable Janice Hahn, Supervisor	Fourth District, County of Los Angeles	500 West Temple Street	Los Angeles, CA 90012
5	Mr. Gerardo Pinedo, Chief of Staff	Fourth District, County of Los Angeles	500 West Temple Street, Rm 358	Los Angeles, CA 90012
6	Ms. Erika Velazquez, Harbor Area	Fourth District, County of Los Angeles	302 West 5th Street, #200	San Pedro, CA 90731
7	Ms. Kelly Cross, Staff Assistant	Fourth District, County of Los Angeles	302 West 5th Street, #200	San Pedro, CA 90731
8	Mr. Matt Johnson, Special Assistant	Fourth District, County of Los Angeles	302 West 5th Street, #200	San Pedro, CA 90731
9	Mr. Jeffrey Kiernan Regional Public Affairs Manager	League of California Cities	8581 Santa Monica Blvd. Suite 325	West Hollywood, CA 90069
10	Ms. Jennifer Quan, Executive Director Regional Public Affairs Manager	League of California Cities	8581 Santa Monica Blvd. Suite 325	West Hollywood, CA 90069
11	Ms. Kristine Guerrero, Legislative Director Regional Public Affairs Manager	League of California Cities	8581 Santa Monica Blvd. Suite 325	West Hollywood, CA 90069
12	Mr. Allen Franz, President and Members of the Board of Directors	P.V.P. Land Conservancy	916 Silver Spur Road, Suite 207	Rolling Hills Estates, CA 90274
13	Ms. Adrienne Mohan, Executive Director and Susan Wilcox, Development Director	P.V.P. Land Conservancy	916 Silver Spur Road, Suite 207	Rolling Hills Estates, CA 90274
14	Mr. Kingston Wong, President	Palos Verdes Library District	701 Silver Spur Road	Rolling Hills Estates, CA 90274
15	Matthew Brach, President and Members	PVPUSD Board of Education	375 Via Almar	Palos Verdes Estates, CA 90274
16	Megan Crawford, V.P.	PVPUSD Board of Education	375 Via Almar	Palos Verdes Estates, CA 90274
17	Linda Reid, Clerk	PVPUSD Board of Education	375 Via Almar	Palos Verdes Estates, CA 90274
18	Richard Phillips, Member Ami Gandhi, Provisional Member	PVPUSD Board of Education	375 Via Almar	Palos Verdes Estates, CA 90274

## 2021 OPEN HOUSE PROPOSED LIST

19	Alex Cherniss, Ed.D. Superintendent of Schools	PVPUSD Malaga Cove Administrative Center	375 Via Almar	Palos Verdes Estates, CA 90274
20	Ms. Jennifer Addington, Director	Palos Verdes Library District	701 Silver Spur Drive	Palos Verdes Peninsula, CA 90274
21	Mr. Rick Licciardello, Principal	Rancho del Mar High School	375 Via Almar	Palos Verdes Estates, CA 90274
22	Mr. Robert C. Ferrante, General Manager and staff	County Sanitation District of L A County	1955 Workman Mill Rd.	Whittier, CA 90601
23	Mrs. Jacki Bacharach, Executive Director and staff	South Bay Cities Council of Governments	2355 Crenshaw Blvd., #125	Torrance, CA 90501
24	Sheriff Alex Villanueva	L. A. County Sheriff's Headquarters	211 West Temple Street	Los Angeles, CA 90012
25	Captain James Powers and all LASD Lomita Personnel	L. A. County Sheriff's Department	26123 Narbonne Avenue	Lomita, CA 90717
26	Ms. Sandra Armenta President, Mayor Pro Tem for Rosemead and staff	California Contract Cities Association	17315 Studebaker Road Suite 210	Cerritos, CA 90703
27	Mr. Marcel Rodarte Executive Director	California Contract Cities Association	17315 Studebaker Road Suite 210	Cerritos, CA 90703
28	Ms. Eileen Hupp, President/CEO and staff	Palos Verdes Peninsula Chamber of Commerce	4040 Palos Verdes Drive North, Suite 205	Rolling Hills Estates, CA 90274
29	Mr. Daryl L. Osby, Fire Chief and staff, Division I Office - F. S. 158	Los Angeles County Fire Department	1650 West 162nd Street	Gardena, CA 90247-3734
30	Mr. Scott Hale, Assistant Fire Chief	Division 1, County of Los Angeles Fire Department	1650 W. 162nd Street	Gardena, CA 90247-3734
31	Mr. J. Lopez, Assistant Chief	County of Los Angeles Fire Department	5823 Rickenbacker Road Room 123	Commerce, CA 90040
32	All Fire Personnel at	Fire Station 56	12 Crest Road West	Rolling Hills, CA 90274
33	Mayor Eric Alegria Members of the City Council and Councilmembers Elect	City of Rancho Palos Verdes	30940 Hawthorne Boulevard	Rancho Palos Verdes, CA 90275
34	Mr. Ara Mhuranian, City Manager and staff	City of Rancho Palos Verdes	30940 Hawthorne Boulevard	Rancho Palos Verdes, CA 90275

## 2021 OPEN HOUSE PROPOSED LIST

35	Mayor Steven Zuckerman, and Members of the City Council	City of Rolling Hills Estates	4045 Palos Verdes Drive North	Rolling Hills Estates, CA 90274
36	Mr. Greg Grammer City Manager and staff	City of Rolling Hills Estates	4045 Palos Verdes Drive North	Rolling Hills Estates, CA 90274
37	Mayor Michael Kemps and Members of the City Council	City of Palos Verdes Estates	340 Palos Verdes Drive West	Palos Verdes Estates, CA 90274
38	Ms. Laura Guglielmo, City Manager and staff	City of Palos Verdes Estates	340 Palos Verdes Drive West	Palos Verdes Estates, CA 90274
39	Mr. Mike Dorta, District Engineer and staff L. A. County Department of Public Works	Building and Safety Division	24320 S. Narbonne Ave.	Lomita, CA 90717
40	Mr. Michael Jenkins, City Attorney and staff	BB&K LLP	1230 Rosecrans Avenue, Suite 110	Manhattan Beach, CA 90266
41	Ms. Jane Abzug, Assistant City Attorney	BB&K LLP	1230 Rosecrans Avenue, Suite 110	Manhattan Beach, CA 90266
42	Mr. Todd Leishman, Assistant City	BB&K LLP	1230 Rosecrans Avenue, Suite 110	Manhattan Beach, CA 90266
43	Mr. William Pagett, Sr. Vice President and staff	Willdan Engineering	2401 East Katella Avenue, Suite 300	Anaheim, CA 92806
44	Ms. Vanessa Munoz, Traffic Engineer	Willdan Engineering	13191 Crossroads Parkway North # 405	Industry, CA 91746-3497
45	Mr. Robert Saviskas Executive Director and staff	L. A. County West Vector Control District	6750 Centinela Avenue	Culver City, CA 90230
46	Ms. Marcia Mayeda, Director and staff	L. A. County Animal Care & Control Administrative Headquarters	5898 Cherry Avenue	Long Beach, CA 90805
47	Mr. Fernando Barrera Certified Applicator/State Licensed Trapper Pest Management Division	County of L.A Department of Agricultural Commissioner/Weights and Measures	12300 Lower Azusa Road	Arcadia, CA 91006
48	Mr. Tonya Griffin, General Manager and staff	Republic Services Inc.	14905 South San Pedro Street	Gardena, CA 90248
49	Mr. Carlos Guzman, Operations Manager	Republic Services Inc.	14905 South San Pedro Street	Gardena, CA 90247



## 2021 OPEN HOUSE PROPOSED LIST

50	Ms. Dawn Harris, Municipal Services Manager	Republic Services Inc.	14905 South San Pedro Street	Gardena, CA 90247
51	Mr. Korey Bradbury, Operations Manager and staff	California Water Service Company	2632 West 237th Street	Torrance, CA 90505-5272
52	Ms. Kristen Raig	RHCA Manager and staff	1 Portuguese Bend Road	Rolling Hills, CA 90274
53	RHCA Board members		1 Portuguese Bend Road	Rolling Hills, CA 90274
54	Ms. Susan Sifuentes-Trigueros District Manager and staff	Southern California Gas Company	2922 - 182nd Street	Redondo Beach, CA 90278-3922
55	Ms. Connie Turner, Region Manager and staff	Southern California Edison	505 Maple Street	Torrance, CA 90503
56	Mr. Jonathan R. Shull Executive Director and Staff	California Joint Powers Insurance Authority	8081 Moody St.	La Palma, CA 90623
57	Melaina Francis Regional Risk Manager	California Joint Powers Insurance Authority	8081 Moody St.	La Palma, CA 90623
58	Abraham Han Administrative Analyst	California Joint Powers Insurance Authority	8081 Moody St.	La Palma, CA 90623
59	Mr. Anton Dahlerbruch, Executive Recruiter	Peckham & McKenney, Inc.	300 Harding Boulevard, Suite 203-D	Roseville, CA 95678
60	Yolanta Schwartz	Former R.H. Planning Director		
61	Meredith Elguira	Planning Director for City of South Gate	8650 California Avenue	South Gate, CA 90280



## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

**Agenda Item No.: 5.A**

**Mtg. Date: 10/11/2021**

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

**FROM: ELAINE JENG, CITY MANAGER**

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

**SUBJECT: PRESENTATION OF THE HELEN PUTNUM AWARD BY THE LEAGUE OF CALIFORNIA CITIES TO THE CITY'S BLOCK CAPTAIN PROGRAM**

**DATE: October 11, 2021**

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### **BACKGROUND:**

Established in 1982 by the League of California Cities, the Helen Putnam Award for Excellence program recognizes outstanding achievements by California's 482 cities. These winning cities have made unique contributions to community residents and businesses, contributions which have resulted in lower costs or more effective delivery of service.

The City submitted an application for the 2021 Helen Putnam Award of Excellence under the category of Enhancing Public Trust, Ethics, and Community Involvement. According to a Daily Breeze article, there were 125 submissions for the award by cities across California.

### **DISCUSSION:**

At the League of California Cities Annual Conference in September 2021 in Sacramento, California, eleven cities received prestigious Helen Putnam Award for Excellence for outstanding local programs. The eleven cities are Buena Park, Burbank, Cupertino, Escondido, Irvine, Modesto, Pismo Beach, Rolling Hills, South San Francisco, Whittier, and Town of Windsor.

The League of California Cities put together a short video featuring the initiatives of the eleven cities. The link to the Rolling Hills video can be found here:

<https://www.calcities.org/detail-pages/news/2021/09/23/eleven-cities-receive-prestigious-helen-putnam-award-for-excellence-for-outstanding-local-programs>

The short videos were played at the conference general sessions. The League of California Cities also sponsored a booth for Helen Putnam Award of Excellence winners at the conference EXPO Hall.

On behalf of the City and the Block Captain Program, Mayor Bea Dieringer and Lead Block Captain Arlene Honbo were recognized by the League of California Cities at the Sacramento conference. Lead

Block Captains Arlene and Gene Honbo worked the booth to educate conference attendees of the City's Block Captain Program.

As a Helen Putnam Award of Excellence winner, the League of California Cities will feature the Block Captain Program in the Western City magazine and have a member of the League of California Cities present the award plaque to the Council at a City Council meeting. The Block Captains are encouraged to attend the October 11, 2021 City Council meeting to be recognized for their important work for the community during the award presentation by League of California Cities representative Jeff Kiernan.

**FISCAL IMPACT:**

The preparation of the Helen Putnam Award application, and the expenses related to attending the League of California Cities Annual Conference are included in the operation budget for Fiscal Year 2021-2022.

**RECOMMENDATION:**

Receive a presentation from the League of California Cities.

**ATTACHMENTS:**

[Item 5A\\_Helen Putman Award-Related Documents.pdf](#)

# HELEN PUTNAM AWARD for EXCELLENCE

## 2021 Application for the Rolling Hills

### Application Reference

[Your Profile](#) | [Print Application](#)

Name of City:

Rolling Hills

Current Population:

1900

City General Fund Budget:

\$2,000,000

Category of Entry:

Enhancing Public Trust, Ethics, and Community Involvement

Brief Description of the Program:

In partnership with the First Responders, the Rolling Hills Block Captain Program is a grassroots organization made of up volunteers purposed to prepare the community for wildfires, earthquakes and other catastrophic events. With its members made up of residents of Rolling Hills, the Block Captain Program provides the sense of community, trust for city policies, a source for sound information and an avenue for resident feedback. FEMA cites as a "best practice" that Emergency Planning, Response and Recovery are most effective when residents form partnerships and work with responsible groups. The Block Captain Program has demonstrated over the past two years innovative and open collaboration among key entities: City of Rolling Hills, its residents, LA County Fire Department, LA County Sheriff, and the Rolling Hills Community Association.

Narrative:

The City of Rolling Hills is located in a Very High Fire Severity Zone (VHFSZ) designed by State Department of Forestry and Fire Protection. Wildfires of 1973 destroyed many houses and the most recent 2009 fire burned 230 acres of brush and forced 1,200 residents to evacuate. Despite its history, the community is conflicted between protecting its privacy and being emergency prepared. City officials have long attempted to engage the community on policies aimed to enhance public safety from wildfires but over the years, the attempts were interpreted to be infringement on individual freedoms.

Narrative Solution:

The Block Captain Program was started by a resident of Rolling Hills in the 2000s but languished for the last 10 years. The program was reinitiated on January 1, 2019. The program divides the entire city into 24 zones. In each zone, a resident within that zone serves as a Block Captain. Zones are not equal in size and for bigger zones, there are multiple Block Captains and Support Team members. The Block Captains meet with the City six times a year. In these meetings, the City disseminates relevant emergency preparedness information through experts from the LA County Fire Department and LA County Sheriff's Department; reviews draft city policies; discusses current events affecting city operations and city events.

The role of a Block Captain is specific – get to know neighbors, help them to prepare for an emergency and be a liaison between First Responders and the City's Emergency Operations Center (EOC). The Block Captains are expected to hold at least two neighborhood meetings per year to get to know the residents within their zones and to disseminate information from the City, discuss policies, collect contact information from residents for emergency notification and provide feedback from residents to the City. Additionally, the Block Captains are

asked to help determine priorities for the community by encouraging neighbors to respond to surveys, participating in public hearings at City Council meetings, advocating for change at RH Community Association meetings, and writing letters to the City and RH Community Association, if necessary.

#### Narrative Results:

Over a six-year period, the City attempted unsuccessfully to adopt a Community Wildfire Protection Plan (CWPP). After a short one year of work, through the Block Captain Program, the City adopted its first CWPP in July 2020, a guiding document that incorporated feedback on resident's top issues obtained from a Wildfire Mitigation Survey in November 2019.

Historically, over a ten-year period, the City also attempted unsuccessfully to get the community to manage roadside vegetation to ensure evacuation routes are ready for access. Armed with resident feedback from the 2019 Wildfire Mitigation Survey, through the Block Captain Program, the City conducted another survey in 2020 soliciting feedback on the state of its evacuation routes. The result: the Los Angeles County Fire Department rolled out a year-round inspection for roadside clearance in November 2020 and with community buy-in for compliance. Through the Block Captain Program, the community reached record high volumes for the citywide vegetation clean up event in March 2020.

Currently, the Block Captains are working on educating the community on the importance of hardening the homes by collaborating with the Los Angeles County Fire Department to provide complimentary home inspections. Over a short four months period, through the Block Captains' advocacy, 34 out of 690 homes or 5% of homes in Rolling Hills have received inspections. The Block Captains are striving to reach 100 more inspections in 2021.

#### Other accomplishments include:

1. Advocated to the First Responders and the Rolling Hills Community Association (RHCA) for improvements to a fourth access point to the community. After a year of advocacy work, the fourth access point was improved so that it can be remotely opened during an emergency.
2. Assisted the seniors and homebound population during COVID-19 Stay-At-Home Order.
3. Redesigned the Block Captain pages on the City's website to educate the community on the program. Residents can retrieve agendas, minutes, learn about the Block Captain Program and retrieve critical information.
4. Today there are 45 Block Captains and Block Captain Support Team members supporting 24 neighborhood zones. Recruiting for additional volunteers continues throughout the year.
5. According to the First Responders, the Block Captain Program is gaining reputation among the cities of the Palos Verdes Peninsula and First Responders as a leader and innovator for emergency preparedness and wildfire mitigation actions.

Through the involvement of the Block Captains, residents of Rolling Hills hear from their fellow neighbors their grave concerns for wildfires and other types of natural disasters and take action. The lives of RH residents are no different than most, in that their lives are full of complexities and are often faced with conflicting objectives. Through the Block Captain Program residents demonstrate greater flexibility and resiliency. These residents now believe they can enjoy a rural community, and manage excessive fuel to reduce the chance of wildfire. Many reported in a recent survey if an emergency arises today, they are better prepared.

#### Program Information

Name of Program: Rolling Hills Block Captain Program

Date program was implemented: 2019-01-01

Program Contact Person: Arlene Honbo  
Title: Lead Block Captain  
Address: 2 Portuguese Bend Road  
City: Rolling Hills  
Zip: 90274  
Telephone: 3103771521  
Fax: 3103777288  
Email Address: ejeng@cityofrh.net

### **Local Media Organizations to Notify**

Name: Lisa Jacobs  
Fax/Email: lisa.jacobs@pvnews.com  
Name:  
Fax/Email:

### **City Manager/Administrator and Mayor**

City Mayor's Name: Jeff Pieper  
Phone: 4242014934  
City Manager's Name: Elaine Jeng  
Phone: 3232706954

### **Project Photographs**

Image 1 (Block Captains 2019):





[Award Program](#) | [Award Categories](#) | [Eligibility and Instructions](#) | [Application](#) | [Past Winners](#)

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Block Captains featured in the Rolling Hills Living Magazine in November 2019. On the cover of the magazine, starting from left to right: Ross Smith, Gene Honbo, Tanvir Mian, Pam Crane, Arvel Witte, Ed Swart, Kay Lupo, Debra Shrader, Arun Bhumitra, Ronald Sommer, Bert Balch, Miriam Sommer, Ralph Schmoller, and Arlene Honbo.





At the January 13, 2020 City Council meeting, Lead Block Captains Arlene and Gene Honbo were praised and recognized by the City of Rolling Hills City Council for their excellent work with the Block Captain Program on wildfire mitigations. From left to right: Mayor Pro Tem Jim Black, Lead Block Captain Arlene Honbo, Councilmember Leah Mirsch, Lead Block Captain Gene Honbo, Councilmember Jeff Pieper, and Mayor Bea Dieringer.



The City of Rolling Hills Block Captain Program was featured in the South Bay Cities Council of Government South Bay Watch publication, a quarterly bulletin to inform local leaders of sub regional progress to alert them to emerging issues. From left to right: Mayor Leah Mirsch (at the time) and Lead Block Captain Arlene Honbo.





Because of the Block Captains' advocacy, the Los Angeles County Fire Department supports the community by offering complimentary home hardening inspections for residents and provide guidance on home hardening measures. In this photo, Los Angeles County Fire Department Deputy Forester and Pre Fire Engineer, Trevor Moore from the Forestry Division conducts one of the first complimentary inspections at the home of the Lead Block Captain Gene Honbo. Approximately 70 residents requested and received complimentary inspections to date.



Lead Block Captains Arlene and Gene Honbo are longtime residents of the City of Rolling Hills. They bring their project management skills and professional experiences in people management to the Block Captain Program. Since volunteering to lead the group in 2019, the husband and wife team have recruited Block Captains with a grassroots approach to effectuate community engagement and involvement in mitigation wildfires for the Rolling Hills community and the Palos Verdes Peninsula.



Development in Rolling Hills in the last half century has densified fire fuel loading particularly on properties with canyons. The Los Angeles County Fire Department had advised reduction of fire fuel to eliminate the transfer of fires. To assist the residents in visualizing an acceptable fuel loading, the photo is a good example of fuel reduction by trimming the vegetation to have a mosaic look.



The Block Captain Program has the full support of the City of Rolling Hills, the Rolling Hills Community Association, and the First Responders. From left to right: Los Angeles County Fire Department Central Operations Bureau Division 1 Assistant Chief Scott Hale, Rolling Hills City Manager Elaine Jeng, Los Angeles County Sheriff's Department Lomita Station Captain James Powers, Lead Block Captain Arlene Honbo and Rolling Hills Community Association Manager Kristen Raig.

## Rolling Hills disaster preparedness program receives statewide award

The League of California Cities honored the city with the Helen Putnam Award in the category of “Excellence in Enhancing Public Trust, Ethics and Community Involvement.”



The city of Rolling Hills received the 2021 Helen Putnam Awards for Excellence in Enhancing Public Trust, Ethics, and Community Involvement for the Block Captain Program from the League of California Cities, it was announced Sept. 23. Pictured from left are Councilmember Jim Black, Lead Block Captain Arlene Honbo,





The City of Rolling Hills' Block Captain Program, a grassroots organization that connects neighbors to first responders during emergencies such as wildfires or earthquakes, has been honored with a statewide award.

The League of California Cities honored the city with the Helen Putnam Award in the category of "Excellence in Enhancing Public Trust, Ethics and Community Involvement."

The league gives out 12 awards every year in categories ranging from community involvement to health and wellness programs, according to a press release from the League of California Cities.

The Helen Putnam Award for Excellence program was established in 1982 and recognizes outstanding achievements by California's 482 cities. The purpose of the program is to encourage city governments to innovate, according to the press release. The winners this year were chosen from 125 submissions.

In a phone interview Tuesday, lead Block Captains Arlene and Gene Honbo, who have lived in Rolling Hills since 1988, said there are about 45 volunteers in the program.

The program, which had started about 10 years ago, fell by the wayside, said Arlene Honbo, but was revived in 2019 by Rolling Hills City Manager Elaine Jeng.

"This organization is really trying to test out how residents can work with first responders, the city and our (Rolling Hills) Community Association in an event of an emergency," Arlene Honbo said.

"One of our biggest concerns is wildfires," said Gene Honbo.

In 2019 the Block Captain Program worked with the City, the Los Angeles County Sheriff's Department and the Los Angeles Fire Department to help develop the Rolling Hills Community Wildfire Protection Plan.

"That allowed us to get grants where we can get government and state funding to

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The entire Palos Verdes Peninsula is designated a “Very High Fire Hazard Severity Zone” by the state’s Department of Forestry and Fire Protection. The Honbos help coordinate with various block captains who are spread out around the city in 24 zones or neighborhoods.

The block captain’s job is to engage neighbors and help them prepare for an emergency while acting as a liaison between the city and first responders during a crises.

“We have meetings every other month for the block captains and they in turn once a year have a meeting with their zones,” Gene Honbo said.

Capt. Jim Powers from the Sheriff’s Department said the Honbo’s “took the bull by the horns” with their fire safety concerns and become proactive in recruiting their neighbors for the Block Captain Program.

“They’ve reached out to different communities, such as Malibu and others that have experienced major catastrophic fires,” Powers said. “They’re taking a very proactive stance to prepare.”

Powers said community meetings, in turn, have helped educate the Sheriff’s Department.

“We learned a lot about what their needs are and what their expectations are, and they learned from us as far as what to be how to prepare and what to be prepared for,” Powers said.

Another focus of the Block Party Program has been “home hardening,” which is preparing a home for a potential fire. In October, the program is hosting meetings about evacuation procedures, according to Arlene Honbo.

The Block Captain Program has also been instrumental in helping those in need during the pandemic.

“We used the Block Captain network to reach out to residents who might be shut-ins or needed help,” Arlene Honbo said.

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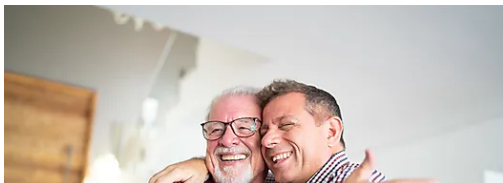


### **Michael Hixon** | Entertainment/business editor/Hermosa Beach reporter

Michael Hixon, a community journalist since 1996, is a reporter at The Beach Reporter who covers Hermosa Beach and well as business, feature and entertainment news. He also has written extensively about Hollywood movies and film festivals and met or interviewed more directors and celebrities than he can count.

[mhixon@scng.com](mailto:mhixon@scng.com)

 Follow Michael Hixon [@MichaelJHixon](#)



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### **Why Prepaid Funerals Are a Wonderful Gift for Your Family**





From left to right: Lead Block Captain Gene Honbo, Lead Block Captain Arlene Honbo and Rolling Hills Mayor Bea Dieringer, at the League of California Cities Annual Conference in Sacramento General Assembly, September 2021.



From left to right: Rolling Hills City Manager Elaine Jeng, Lead Block Captain Gene Honbo, and Lead Block Captain Arlene Honbo, at the League of California Cities Annual Conference in Sacramento Expo Hall, September 2021.





From left to right: Rolling Hills Mayor Bea Dieringer, Lead Block Captain Arlene Honbo, and League of California Cities Board of Directors President Walnut Creek Council member Cindy Silva at the League of California Cities Annual Conference in Sacramento. Rolling Hills being recognized as a Helen Putnam Award winner, September 2021.



From left to right: Rancho Palos Verdes Emergency Preparedness Coordinator Jesse Villalpondo, Rancho Palos Verdes City Manager Ara Mihranian, Rancho Palos Verdes Administrative Analyst McKenzie Bright, Lead Block Captain Arlene Honbo, Lead Block Captain Gene Honbo, Rolling Hills City Manager Elaine Jeng, Rolling Hills Estates City Manager Greg Grammar and Rancho Palos Verdes Senior Administrative Analyst Megan Barnes. Neighboring Peninsula Cities congratulating Rolling Hills on being the Helen Putnam Award recipient.





The City of Rolling Hills booth at the Expo Hall at the Cal Cities Annual Conference in Sacramento, CA.



Cal Cities Annual Conference General Assembly in Sacramento, CA.





Lead Block Captains Arlene and Gene Honbo posing with the City's hardening the home educational videos displayed at the conference booth.





From left to right: Rolling Hills City Manager Elaine Jeng, and Mayor Bea Dieringer. Mayor Dieringer shows her appreciation award from the Women's Caucus for her work as the President of the Caucus for FY 2020-2021.



From left to right: Willdan Engineering President/CEO Vanessa Munoz, P.E., T.E., Rolling Hills City Manager Elaine Jeng, and Rolling Hills Mayor Bea Dieringer at the Cal Cities Annual Conference in Sacramento, CA.





From left to right: Rolling Hills City Manager Elaine Jeng, and past Rolling Hills and current Santa Fe Springs City Manager Ray Cruz.



**HELEN PUTNAM AWARD FOR EXCELLENCE**  
**2021**

**CITY OF ROLLING HILLS**  
**Enhancing Public Trust**

**Rolling Hills**  
**Block Captain Program**



**LEAGUE PARTNER**





## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

**Agenda Item No.: 8.A**

**Mtg. Date: 10/11/2021**

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

**FROM: ASHFORD BALL, SENIOR MANAGEMENT ANALYST**

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

**SUBJECT: CONSIDER A REVISED FIREWORKS ORDINANCE.**

**DATE: October 11, 2021**

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### **BACKGROUND:**

On Monday July 12, 2021 there was a report made by a resident that on Saturday July 10, 2021, people at 26 Eastfield property launched fireworks at around 9:00PM and the fireworks lasted several minutes. Multiple residents witnessed the reported fireworks. Concerned for igniting wildfires, the resident that reported the fireworks incident expressed the need to pursue the property owner and hold the owner accountable for a potential catastrophic consequence to the community.

In response, staff contacted the fireworks prohibition enforcement agencies: the Los Angeles County Sheriff's Department and the Fire Department. After numerous discussions with the enforcement agencies and the City Attorney's office, both the Acting Fire Marshall and the Captain of the Sheriff's Department suggested that the City consider a fireworks ordinance that is more specific to the City as an additional tool to support the enforcement of fireworks prohibition.

The Sheriff's Department informed the City that they would have a better opportunity to cite for fireworks by adding an administrative citation to the ordinance because this would enable them to cite the property owner if they were able to physically witness fireworks coming from the property.

### **DISCUSSION:**

At the City Council meeting on September 13, 2021, staff presented a draft fireworks ordinance based on input from the Sheriff's Department, the Fire Department and the City Attorney's office. During the City Council's discussion of the draft ordinance, legal counsel advised that the draft ordinance would only need a neighbor to report another neighbor before an administrative citation can be issued. Legal counsel also noted that the draft ordinance replaced the misdemeanor with administrative citations. The City Council discussed the history of residents violating the fireworks prohibition in Rolling Hills. At the conclusion of the discussion, the City Council directed staff to bring back the draft ordinance with the following changes:

1. Add to the existing police power (misdemeanor) with respect to enforcing fireworks prohibition, not reduce.
2. Increase the burden of proof for issuance of an administrative citation beyond the report of one neighbor (witness) reporting the incident.

Before the City Attorney's office prepared another draft for the City Council's consideration, legal counsel requested that the City Council discuss if they want to move forward with a fireworks ordinance.

**FISCAL IMPACT:**

Preparation of ordinances is included in the operation budget for FY 2021-2022.

**RECOMMENDATION:**

Staff recommends that the City Council have a discussion and provide direction to staff.

**ATTACHMENTS:**





## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

**Agenda Item No.: 8.B**

**Mtg. Date: 10/11/2021**

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

**FROM: ASHFORD BALL, SENIOR MANAGEMENT ANALYST**

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

**SUBJECT: ADOPT THE UPDATED ROLLING HILLS EMPLOYEE HANDBOOK AND PERSONNEL POLICY MANUAL.**

**DATE: October 11, 2021**

---

### **BACKGROUND:**

The City of Rolling Hills Employee Handbook and Personnel Policy Manual was last updated on November 14, 2014. In 2019, the Personnel Committee of the City Council began the process of updating the handbook to bring it into compliance with new state laws. In addition to bring the document to be compliant with current laws, the committee also conducted a compensation study, reviewed medical/dental/vision insurance and aligned the commencement time-frame for each coverage, and used the month of March Consumer Price Index (CPI) for annual cost of living salary adjustments instead of the month of May.

Due to the COVID-19 pandemic and staff vacancies, the work to update the handbook was put on hold until 2021. For continuity, the City Council directed the Council members that served as the Personnel Committee in 2019 to continue their work as the Ad-Hoc Employee Handbook committee. In 2021, the Ad Hoc Committee met on August 24, 2021, July 27, 2021 and the last final meeting was held on October 5, 2021, to finalize the document.

### **DISCUSSION:**

The following highlights the handbook updates:

- All employees are “at-will”
- Clarified sick time accrual and usage
- Allow gifting of sick time from one employee to another
- Considered changing the City Hall operations to 4/10 schedule (ultimately no change)
- Discussed operational flexibility in implementing the provisions of the handbook and defined the parties that can make changes to the handbook

- Deleted the requirement that all employees take a minimum of five days of vacation accrual each year

The Ad Hoc Committee comprising of Mayor Bea Dieringer and Council member Leah Mirsch recommends that the City Council adopt the updated employee handbook. To stay current on laws and mandates, the City Council previously approved that the handbook be reviewed and updated every three years.

**FISCAL IMPACT:**

The update to the existing employee handbook is included in the adopted FY 2021-2022 budget.

**RECOMMENDATION:**

City Staff recommends that Council adopt the updated Employee Handbook and Personnel Policy Manual.

**ATTACHMENTS:**

[Rolling Hills Employee Handbook Final 10.5.21.PDF](#)

[Rolling Hills Employee Handbook original-2014.pdf](#)



# **CITY OF ROLLING HILLS**



## **EMPLOYEE HANDBOOK AND PERSONNEL POLICY MANUAL**

Update: October 5, 2021

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## **INTRODUCTION**

Welcome to the City of Rolling Hills! We trust you will find working for the City professionally challenging, an excellent career opportunity, a positive experience and an environment that strives to provide a work / life balance. The City prides itself on excellent customer service, the highest level of professionalism, being responsive and communicative, maintaining a small-town, rural atmosphere, and sustaining the privacy of the community. City staff are committed to public service, excellence and efficiency in the provision of services, the ICMA Code of Ethics, and the principles of democracy and professional management afforded by the Council-Manager form of government. As a member of the City team, we look forward to your positive contributions in these areas.

This handbook has been developed to provide new staff persons with important introductory information regarding the City's personnel benefits and policies on matters relevant to all employees. On subjects not included in this handbook, please ask the City Manager or the Human Resources Director. Updates to the policies herein will be provided in separate announcements throughout your career with the City.

## **CITY ORGANIZATION**

The City of Rolling Hills is a "contract city" that operates under the Council-Manager form of government. As a contract city, Rolling Hills contracts with the Los Angeles County Sheriff Department (Lomita Station) and Building & Safety Department (Lomita Office) for police and building permit services, respectively. Fire protection, water, electricity, natural gas, and road maintenance are also the responsibility of other non-City agencies. Under the Council-Manager form of government, the City is governed by five Council members who are elected at-large in municipal elections held every two years. City Council terms are staggered so that in one election, three members will be elected and in the next election, two members will be elected. The City Council hires a City Manager who is responsible for day-to-day operations of the City, implementing City Council policy and all aspects of staff supervision. The City Council also hires a City Attorney for legal counsel.

Rolling Hills is a "general law" city and, as such, its authority is established under the California State Constitution. The City has an adopted Municipal Code that contains the ordinances of the City.

## **UNIQUE FEATURES OF THE CITY OF ROLLING HILLS**

Rolling Hills is a private, gated community under the rules and regulations of two separate and unrelated agencies, the City of Rolling Hills and the Rolling Hills Community Association (RHCA). The RHCA has authority and responsibility for road maintenance, access into the City, architectural review, and all easements and trails. Under the auspices of the RHCA, the roads in the City are not public. They are private property maintained by the RHCA. The City of Rolling Hills, in contrast, is responsible for land use regulation, building permits, environmental issues, traffic safety (e.g., roadway striping and signage), law enforcement through a contract with the Sheriff's Department,

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emergency preparedness, municipal elections, and other typical city functions. Approximately 75% of the City's revenues derive from property taxes with the remaining 25% basically from building permits.

Rolling Hills is also a residential community with no business or industrial activities. The community consists of only one-story, ranch-style, single-family homes. Properties are typically one or two acres. Each lot is required to have a barn and corral or area designated for a barn and corral. There are a total of twenty-three miles of equestrian and hiking trails. Some trails are connected to trails in the Palos Verdes Peninsula Land Conservancy or other peninsula-wide trails. There is also no leash law; dogs are free to roam throughout the community. These characteristics are intended to maintain the integrity and identity of Rolling Hills as a rural community.

As a City team member, it is important to understand the distinction between the City and RHCA in order to provide residents and the public with the best customer service.

### **IN ROLLING HILLS, SERVICE IS THE BUSINESS!**

Local government is a service-oriented and public profession. City employees directly connect with the public in many different ways. In Rolling Hills, it is an expectation that members of the City team maintain a pleasant, friendly, and cooperative demeanor to each other and in all capacities when working and communicating with the public. Care should be taken to act in a professional and respectful, courteous manner at all times, for example, on the telephone, in written communications (emails and letters), and during encounters in public settings (at meetings, the public counter, and events). City staff must keep in mind that they are ambassadors of the City and represent the organization.

With service as our business, it is the responsibility of City staff to be responsive and helpful to residents and assist the public. In that capacity, City staff also has the responsibility to exercise sound judgment and appropriate discretion to circumstances and situations.

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## **CHAPTER I**

### **PURPOSE AND APPLICATION**

- Section 1. Purpose: The purpose of the City of Rolling Hills Employee Handbook and Personnel Policy Manual is to establish lawful procedures for dealing with personnel matters.

The personnel provisions set forth herein constitute the personnel rules and regulations for the City of Rolling Hills. Employees are expected to read this Handbook carefully, and to know and understand its contents. The City reserves the right to make changes to this Handbook at any time without prior notice. Employees' at-will employment can only be changed by the City Council and by written agreement signed by the employee and the City Manager. Except as otherwise provided in this Handbook, no one has the authority to make any promise or commitment contrary to what is in this Handbook. Employees are responsible for knowing about and understanding those changes once they have been disseminated. The City also reserves the right to interpret the provisions of this Handbook.

This Handbook replaces all earlier Handbooks and supersedes all prior inconsistent policies, practices, and procedures.

- Section 2. Application: These rules apply to all employees of the City of Rolling Hills unless a specific rule or procedure indicates otherwise.
- Section 3. No Contract Created: These rules do not create any contract of employment, express or implied, or any right in the nature for a contract.
- Section 4. Handbook Acknowledgement: Employees should sign the acknowledgement form at the end of this Handbook and return it to the City Manager or Designee. This will provide the City with a record that each employee has received this Handbook.

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## CHAPTER II DEFINITION OF TERMS

### DEFINITION OF TERMS

Unless the context indicates otherwise the following terms, whenever used in this document, shall be defined as follows:

Advancement: A salary increase within the limits of the pay range established for the position.

At-Will: All employment at the City is “at-will.” This means that both employees and the City have the right to terminate employment at any time, with or without advance notice, and with or without cause. Employees also may be demoted or disciplined and the terms of their employment may be altered at any time, with or without cause, at the discretion of the City. Only the City Council has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this at-will status. Any such agreement must be in writing, must be signed by the employee and the City Manager, and must express a clear and unambiguous intent to alter the at-will nature of the employment relationship.

Nothing contained in this Handbook or any other documents provided to employees is intended to be, nor should it be, construed as a guarantee that employment (or any benefit) will be continued for a specific time period. For example, any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience. They are not intended to create an employment contract for one or more months or years. Employees should ask the City Manager if they have any questions about their status as an employee at-will.

City Manager’s Designee: The person assigned to the Human Resources function (Human Resources Director).

Demotion: The movement of an employee from one class to another class having a lower maximum rate of pay. A demotion may be voluntary or involuntary.

Domestic Partner: A domestic partnership is legally established in California when all of the following requirements are met: both persons file a Declaration of Domestic Partnership with the Secretary of State; both persons have a common residence; neither person is married to someone else or is a member of another domestic partnership with someone else that has not been terminated, dissolved, or adjudged a nullity; two persons are not related by blood in a way that would prevent them from being married to each other in another state; both persons are at least 18 years of age;

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either of the following: (a) both persons are members of the same sex; or (b) one or both of the persons are over the age of 62, and meet certain eligibility criteria pursuant to the Social Security Act; and both persons are capable of consenting to the domestic partnership.

Eligible: When used as a noun, means a person whose name is considered for appointment to a position.

Employment Eligibility List: A list of one or more names of persons who are being considered for a position vacancy generated from candidate resumes, the results of an examination, or some other method of identifying eligible persons.

Examinations:

- (a) Open-competitive examination: An examination for a particular position which is open to all persons meeting the qualifications for the class.
- (b) Promotional examination: An examination for a particular position, admission to the examination being limited to employees identified by the City Manager or Designee.
- (c) Continuous examination: An open competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than one (1) year.

Exempt: An employee not entitled to overtime compensation under the Fair Labor Standards Act.

Job Classifications: For the purposes of the City's personnel rules and regulations, each position title shall correspond to the City's list of classifications and salary range.

- (a) Full-time Exempt: Various executive, administrative, and professional positions exempt from overtime requirements.
- (b) Full-time Non-Exempt: Positions subject to overtime requirements and working 37.5 hours per week.
- (c) Hourly Benefited: Positions known as regular part-time working twelve (12) months per year and an average of twenty (20) or more hours per week on a year-round basis. Benefits are provided to regular part-time employees on a pro-rated basis.

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- (d) Hourly Non-benefited: At-will positions also known as either seasonal part-time or part-time. These employees are sometimes referred to as “Temporary”.
  - (e) Seasonal Part-time: A position utilized up to 37.5 hours per week on a seasonal or partial year basis, but not more than 1,000 hours per fiscal year. If an employee identified as seasonal part time works more than 1,000 hours in a fiscal year he or she does not acquire regular employee status.
  - (f) Part-time: A position with an average of 19.5 hours or less per week and no more than 1,000 hours per fiscal year. If an employee identified as part time works more than 1,000 hours in a fiscal year he or she does not acquire regular employee status.

Layoff: The involuntary separation of a regular status employee or reduction to a position in a lower classification because the position is no longer needed.

Personnel Ordinance: City of Rolling Hills Municipal Code, Title 2, as amended from time to time.

Probationary Period: A working test period during which an employee is required to demonstrate his or her fitness for the duties to which he or she is appointed by actual performance of the duties of the position. The probationary period or initial period of employment is considered a part of the examination process and shall be utilized for closely observing the employee’s work to determine the employee’s fitness for the position.

Promotion: The movement of an employee from one position to another position having a higher maximum rate of pay and different job duties from the previous position.

Provisional Appointment: A temporary appointment of a person who possesses the minimum qualifications established for a particular class, and who has been appointed to a position in the absence of available eligible personnel. This is sometimes referred to as an “Interim Appointment”.

Reclassification: The change of a position from one position to another as a result of the gradual accretion or reduction of duties and/or responsibilities over time.

Regular Employee: A full-time employee who has successfully completed his or her probationary period and has been retained as an employee.

Regular Part-Time Employee: An employee who has successfully completed his or her probationary period.



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Rejection: The separation of an employee from employment during the probationary period or examination process.

Reinstatement: The re-employment, without examination, of a former regular employee.

Temporary Employee: An employee who has been appointed to a full-time or part-time position of limited duration.

Transfer: A change of an employee from one position to another position in having the same maximum salary limits, involving the performance of similar duties and responsibilities, and requiring the same qualifications.

Y Rate: When an employee is moved to a different position with a lower salary range, the employee will retain his/her current salary until the salary of the new position has a maximum salary rate that is equal to or higher than the current salary.

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## CHAPTER III

### GENERAL PROVISIONS

Section 1. Equal Employment Opportunity: It is the City's policy to provide equal employment opportunity for all applicants and employees. The City does not unlawfully discriminate on the basis of race, color, religion, religious creed (including religious dress and religious grooming practices), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity), gender expression (including transgender expression), because an individual has transitioned (to live as the gender with which they identify), is transitioning, or is perceived to be transitioning), sex stereotyping, national origin, ancestry, citizenship, age (40 years and over), mental disability and physical disability (including HIV and AIDS), legally protected medical condition or information (including genetic information), protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), military and/or veteran status, service, or obligation, reserve status, national guard status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages or otherwise exercising rights protected under the California Fair Pay Act, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other basis protected by local, state, or federal laws. Consistent with the law, the City also makes reasonable accommodations for disabled applicants and employees; for pregnant employees who request an accommodation [with the advice of their health care providers] for pregnancy, childbirth, or related medical conditions; for employees who are victims of domestic violence, sexual assault, or stalking; and for applicants and employees based on their religious beliefs and practices.

The City prohibits sexual harassment and the harassment of any individual on any of the other protected bases listed above. The City also prohibits retaliation against a person who reports or assists in reporting suspected violations of this policy, cooperates in investigations or proceedings arising from a violation of this policy, or engages in other activities protected under this policy.

This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, and social and recreational programs. It is the responsibility of every manager and employee to conscientiously follow this policy. Any employee having any questions regarding this policy should discuss them with the City Manager's Designee.

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- Section 2. Political Activity Prohibited: City employees shall not engage in political activities in violation of Government Code Section 3201 *et seq.* No one employed by the City may engage in political activities on City premises, while engaged in official duties, using City equipment, or wearing an official City uniform.
- Section 3. Outside Employment: No employee may hold outside employment that is incompatible with his/her City employment. Each regular employee who holds any other position in addition to City employment shall submit a written request to the City Manager prior to accepting such employment.
- Section 4. Employee Duties: Employees are required to carry out the primary duties and responsibilities of their employment.
- Section 5. Violation of Rules: Violation of the provisions of these rules shall be grounds for disciplinary action.
- Section 6. Amendment and Revision of Rules: Amendments and revisions to these rules must be recommended by the City Manager and approved by the City Council.
- Section 7. Employee Standards of Conduct and ICMA Code of Ethics: Employees are requested to be mindful of the ICMA Code of Ethics and uphold the intent of the tenets and guidelines of the Code. Employees are required to adhere to the Employee Standards of Conduct (Chapter XXIII).
- Section 8. Federal Taxes: Completion of appropriate IRS forms will be required of all personnel at the time of employment. The number of exemptions claimed will determine the amount of federal tax deductions.
- Section 9. Social Security: All employees, full and part time, will be required to have a Social Security number and/or meet other legal requirements including proof of citizenship or permanent residency status at the time of employment. Social Security deductions will be made according to established schedule provided by government agencies.

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## **CHAPTER IV CLASSIFICATION**

Section 1. Classification Plan: The City of Rolling Hills has an established list of classifications as follows:

**Full-time Exempt**

City Manager  
Planning and Community Services Director  
City Clerk/Executive Assistant to the City Manager  
Senior Management Analyst  
Senior Planner

**Full-time Non-Exempt**

Administrative Assistant, City Clerk Department  
Code Enforcement Officer/Assistant Planner

**Hourly Non-Benefited**

Finance Director  
Human Resources Director  
Account Manager  
Part-time Planning Technician, Planning Department

Each position in the City service is defined by specifications, including title, definition of the position, supervision received and exercised, a description of the duties and responsibilities of positions in each class, and the training, experience, and other qualifications to be required of applicants for positions in each class.

Section 2. Adoption, Amendment, and Revision of Plan: The list of classifications may be amended from time to time by resolution of the City Council.

Section 3. New Positions: When a new position is created, an employment eligibility list will be established before an appointment is made, unless the position is filled by a promotional appointment.

Section 4. Classification Studies: Classification studies shall be conducted from time to time to determine if the duties and responsibilities of a position have substantively changed, have become inequitably aligned in relation to other classifications within the City service, and/or are otherwise incorrectly designated. The City Manager or Designee shall conduct the classification study and as a result, a position may be reclassified to a more appropriate classification, whether new or already authorized, at a higher or lower maximum salary level.

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After conducting a classification study of the position(s), the City Manager will recommend classification changes, if any, to the City Council for approval.

- Section 5. Qualifying Examination: A reclassification with a title change that results in a salary increase above the old classification may require of the incumbent a qualifying examination to determine whether or not the incumbent possesses the minimum qualifications for the new class. The method for the qualifying examination shall be determined by the City Manager or Designee. It may be an interview, demonstration of skills and abilities, or a written examination. An incumbent proposed for a reclassification who does not pass the qualifying examination shall retain his or her original title until such time as he or she does pass the qualifying examination.

An employee whose position is being reclassified upward and who has demonstrated competency for the position, need not take a qualifying examination.

- Section 6. Y-Rate: When a reclassification results in a lower maximum rate of pay for the incumbent, the incumbent shall be “Y-Rated” at the salary level he/she has earned up to that time.

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## **CHAPTER V COMPENSATION**

- Section 1. Compensation Plan: The City has established salary ranges covering all positions in the City service, showing the minimum and maximum rates of pay. The salary ranges can be found on the City's website under the Finance Department.
- Section 2. Amendment of Plan: The compensation plan may be amended from time to time by action of the City Council.
- Section 3. Comprehensive Compensation Survey: A Comprehensive Compensation Survey will be conducted as needed, to assure that the City's jobs are paid equitably against the labor market. The Survey will include each position and include labor market comparisons to:
- Carson  
El Segundo  
Hermosa Beach  
Hidden Hills  
La Habra Heights  
Lawndale  
Lomita  
Palos Verdes Estates  
Rancho Palos Verdes  
Rolling Hills Estates  
Signal Hill
- Section 4. Salary upon Initial Hire: The City Manager shall have the discretion to place the employee at a salary level within the salary range of the position into which the employee is hired.
- Section 5. Merit Advancement: The City Manager has the authority and discretion to adjust all regular and part-time employee salaries within their range at any time. The City Manager shall justify a salary change within the range with documentation and based on the performance and skill-level of the employee.
- Section 6. Evaluation: Each employee will be formally evaluated annually on the anniversary of his or her employment in regards to the employee's performance of his or her work responsibilities. In the evaluation, the City Manager will consider and evaluate the employee's salary for a potential merit advancement. If the evaluation is untimely and in the evaluation, the employee is deemed meritorious of a salary adjustment within the salary range, the employee will receive the increase retroactively. Performance evaluations and Annual Work Plans will be tracked by the City Manager or his or her Designee.



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- Section 7. Probationary Period: At the end of the probation period and annually thereafter on the anniversary date of hire, each employee will be evaluated by the City Manager with regard to work performance. An adjustment to the base salary within the salary range will be considered. Adjustments to the base salary are subject to the determination and approval of the City Manager; adjustments to the base salary upon completion of the probation period are not automatic.
- Section 8. Effective Date of Increase: Salary increases shall be effective the first day of the pay period following the approved effective date.
- Section 9. Salary on Promotion: An employee promoted to a position having a greater maximum salary will be placed at a salary that results in not less than a three and one-half percent (3.5%) increase above the employee's current regular salary. The City Manager may establish the salary at a higher level within the range.
- Section 10. Salary on Demotion: An employee who is demoted will be placed within the salary range for the position into which demoted. The salary will be set at a level that is lower and closest to the salary the employee was receiving before the demotion.
- Section 11. Salary on Reclassification: An employee whose position title is changed but will be performing similar duties will receive the salary set forth below.
- (a) If the new position title maintains the same salary range, the salary will not change.
  - (b) If the new position title has a higher salary range, at the discretion of the City Manager, the salary adjustment will be determined in the same manner as a promotion.
  - (c) If the new position title has a lower salary range, the employee will be Y-rated.
- Section 12. Pay Periods: Employees shall be compensated by paycheck or electronic transfers every two weeks. Checks or electronic transfers in payment for compensation will be made available by the City to employees.
- Section 13. Bilingual Pay: The City does not provide a bilingual premium pay differential in addition to regular pay for employees who are requested by the City to use bilingual skills during their scheduled work hours on a recurring basis.
- Section 14. Overtime:
- (a) As a matter of general policy, the City does not permit employees to work overtime and will provide adequate staff to handle normal

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operations. However, non-exempt employees may be required to work overtime at the discretion of the City Manager.

- (b) Overtime for non-exempt employees is defined as hours assigned to be worked and actually worked in excess of thirty-seven and one-half (37.5) hours in the designated work week.
- (c) Non-exempt employees working overtime when not expressly authorized to do so shall be subject to discipline.
- (d) Overtime assigned and worked by non-exempt employees shall be compensated at time and one-half their regular rate of pay. The employee may request, and the City Manager shall have the unrestricted discretion to approve or not approve, compensation in the form of accrued compensatory time at time and one-half pay, except an employee may not accrue more than thirty-seven and one-half (37.5) hours compensatory time at any time.
- (e) If a non-exempt employee is required to work on an observed holiday beyond the regular thirty-seven and one-half (37.5) hour work week, he or she shall be entitled to pay at the rate of two (2) times the regular rate of pay.
- (f) Employees who are exempt from the Fair Labor Standards Act (FLSA) are compensated on a salary basis and are not eligible for overtime.

Section 15. Acting Pay: An employee who is provisionally appointed to an acting or interim position that is in a higher salary range than that of the position title in which the employee is normally assigned shall receive acting compensation.

- (a) Acting pay shall be provided only for appointments with duration greater than twenty-one (21) consecutive calendar days and shall be retroactive to the effective date of the acting appointment and continue until completion of appointment.
- (b) Such acting appointments shall be made in writing by the City Manager.
- (c) Compensation shall be at the entrance of the salary range of the acting position or a minimum of three and one-half percent (3.5%) higher than the employee receives, whichever is greater.

Section 16. Cost of Living Adjustment (COLA): Annually, employees will receive a COLA in their salary or hourly rate based on the month of March, Los Angeles/Orange County/Riverside Consumer Price Index (CPI) for all items. The COLA will be applied to employee salaries or hourly rates

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automatically not to exceed 3.5% on July 1 of every year based on the March CPI.

On July 1 of every year, position salary ranges will also adjust automatically. The salary range will adjust based on the month of March, Los Angeles/Orange County/Riverside CPI for all items not to exceed 3.5%.

Section 17. Exceptional Performance Recognition: The City's program for recognizing an employee's exceptional performance is described in Chapter XX.

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## **CHAPTER VI BENEFITS**

### **Section 1. Retirement Plan:**

- (a) The City is a member of the Public Employees Retirement System (PERS). Eligible Regular employees of the City hired prior to December 31, 2012 are enrolled in the 2%@60 retirement program. Under PERS Regulations, employees hired on or after January 1, 2013 and who are considered "Classic" employees will be enrolled in the 2%@60 retirement program. Eligible Regular employees of the City hired on or after January 1, 2013 are enrolled in the 2%@62 and 2.5%@67 retirement program consistent with State Assembly Bills 340 and 197 enacted September 12, 2012 and City Resolution No. 1136. All conditions of PERS apply to all eligible Regular employees of the City of Rolling Hills.
- (b) The pensionable compensation used to calculate the defined benefits paid to employees hired after December 31, 2012 will not exceed the maximum amount specified in the federal retirement system (United States Code Title 42 § 430(b), as may be amended from time to time); as adjusted annually based on changes to the Consumer Price Index for all Urban Consumers.
- (c) Regular employees hired after December 31, 2012 pay 100% of the employee portion of the retirement program or 50% of the "normal cost," defined as that portion of the present value of projected benefits under the defined benefit plan that are attributable to the current year of service (also known as the "Member Contribution Rate as a percentage of payroll"), whichever is higher. Exercising its authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC), all employee's payments for the retirement program are tax deferred. For employees hired after December 31, 2012, the City is prohibited from making contributions greater than the amount specified in the federal retirement system.
- (d) The final compensation is the average full time monthly pay rate for the highest 36 consecutive months. If the service is coordinated with Social Security, the final compensation will be reduced according to State law. "Compensation" is defined as the normal monthly rate of pay or base pay for the employee for services rendered on a full-time basis during normal working hours, pursuant to the City's pay schedule. It does not include pay for unused sick leave or time off or overtime pay.

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- (e) Employees are permitted to replenish their PERS out of their own funds, if they have chosen to remove those funds from PERS following termination of previous employment.
  - (f) All employees, full and part time, are required to participate in the Social Security System.
  - (g) Newly retired former employees, or employees of another PERS member, are required to sit out for at least 180 days before returning to work for the City to avoid forfeiture of their retired status. Such employees also cannot serve more than 960 hours in a calendar year. This subsection shall not apply to employees hired to fill a critically needed position, where the appointment has been approved by City Council in a public meeting.
  - (h) Any public official or employee who is convicted of a felony related to performance of his or her official duties, related to seeking an elected office or appointment, in connection with obtaining benefits, or committed against a child who the official or employee has contact with as part of his or her official duties, forfeits all pension benefits earned or accrued after the date of the conviction.

Section 2. Health and Life Insurance:

- (a) The City maintains Workers' Compensation Insurance for work-related injuries. Group term life insurance, long-term disability insurance, health insurance, prescription drug, dental insurance, and vision insurance is also provided for all Regular Exempt and Non-Exempt full-time employees who have successfully completed their six month probationary period.
- (b) The City of Rolling Hills provides 100% of the single-party premium for health, dental, and vision insurance, inclusive of prescription drug coverages within the health plans, of each Regular employee who has successfully completed their probationary period. The City will pay 80% of the premium for the eligible dependents of Regular employees up to a maximum monthly family premium of \$1,642.21 based on the 2015 rate for the Anthem Traditional HMO plan. The City will contribute up to a maximum monthly premium of \$202 for dental insurance based on the 2015 rate for Met Life DPPO plan and up to a maximum monthly premium of \$30 for vision insurance based on the 2015 rate for VSP plan<sup>1</sup> following successful completion of the Regular employee's probationary period.

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<sup>1</sup> Resolution 1249 sets the City's monthly contribution to insurance premiums for the eligible dependents of regular employees for calendar year 2020, 2021, 2022 and 2023 as follows: (1) health insurance up to a maximum of \$1,658.42; (2) dental insurance up to a maximum of \$204.02; (3) vision insurance up to a

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Information describing coverage is available from the Finance Department.

- (c) Through the implementation of an IRS compliant Section 125 plan, the City will provide Regular employees with the ability to withhold pre-tax income from his/her salary to pay his/her portion of insurance premiums.

Section 3. Credit Union:

- (a) Applications are available to all employees for membership in the F & A Federal Credit Union. Automatic payroll deductions may be arranged.

Section 4. Deferred Compensation and Employment Longevity Plan:

- (a) The City of Rolling Hills offers an employee funded deferred compensation program. Applications are available in the Finance Department.
- (b) According to the following schedule, effective July 1, 2009, the City of Rolling Hills will match employee contributions up to the IRS limit.

<b><i>Years of service</i></b>	<b><i>City match to employee's contribution (up to __% of salary)</i></b>
<b><i>0 - 1.99</i></b>	<b><i>0%</i></b>
<b><i>2 – 2.99</i></b>	<b><i>1%</i></b>
<b><i>3 – 5.99</i></b>	<b><i>2%</i></b>
<b><i>6 – 8.99</i></b>	<b><i>3%</i></b>
<b><i>9 – 11.99</i></b>	<b><i>4%</i></b>
<b><i>12 – 14.99</i></b>	<b><i>5%</i></b>
<b><i>15+</i></b>	<b><i>6%</i></b>

Section 5. Other benefits:

- (a) The City provides single-party health coverage for its Regular employee retirees through PERS. Health plan options and terms of the program are governed through the City's contract with PERS. Regular employees hired after December 31, 2012 will be qualified to receive single-party retiree health coverage from the City providing 1) the Regular employee retires from the City of Rolling Hills and 2)

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maximum of \$30.30. The maximum contribution for each policy will be increased by 2% for calendar year 2024 and beyond.



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the Regular employee has been in the employment of the City of Rolling Hills for a minimum of 5 consecutive, uninterrupted years.

- (b) A surviving beneficiary of a current or former employee hired before January 1, 2013 will receive benefits through PERS, as appropriate to individual circumstances. The terms of these benefits are specified in the City's contract with PERS.

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## CHAPTER VII HOURS OF WORK

Full-time employees are assigned to the 9/75 flex plan under which they will work seventy-five (75) hours in a nine (9) day period.

Section 1. The 9/75 Plan: Full-time employees work 37.5 hours over a 5-day workweek exclusive of meal periods as follows:

Alternating Week 1		Alternating Week 2	
Mon - Wed:	7:30am to 5:00pm	Mon - Wed:	7:30am to 5:00pm
Thursday:	7:30am to 5:00pm	Thursday:	7:30am to 3:30pm
Friday:	7:30am to 5:00pm	Friday:	off

Section 2. Alternate Work Schedule: Full-time employees may be assigned to work days or hours other than those set forth in Section 1.

Section 3. Work Week Defined: The work period or work week will begin at 12:01 p.m. on Friday and end the following Friday at 12:00 noon for all full-time employees working under the 9/75 work schedule if the employee is scheduled to be off every other Friday.

Section 4. Work Week Schedule Change: The City may change the work week when public necessity or convenience so requires.

Section 5. Request to Change Schedule: Employees for whom personal necessity requires a different schedule than above, may make a request for the alternate schedule to the City Manager. Alternate schedules must begin no earlier than 7:00 a.m. and end no later than 6:00 p.m. and will not include a shorter meal period than below.

Section 6. Meal Period: Because City employees are public employees the sections of the California Labor Code regarding mandatory meal and rest periods are not applicable. Meal periods are non-paid and nonworking time and shall be one hour for all full-time employees. Every effort will be made to schedule such meal period during the middle of the shift.

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## CHAPTER VIII

### APPLICATIONS AND APPLICANTS

- Section 1. Announcement: All recruitments for positions shall be publicized by means as the City deems advisable. The announcements shall specify the title and pay of the position, duties and responsibilities of the work to be performed, minimum requirements established, the manner of making application, and other pertinent information.
- Section 2. Application: Applications shall be made as prescribed on the announcement. Application forms shall require information covering training, experience, and other pertinent information. All applications must be signed by the person applying.
- Section 3. Disqualification: The City Manager or Designee may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position or for any material cause which, in the judgment of the City Manager or Designee would render the applicant unsuitable for the position. Falsification of any information presented on the employment application shall be grounds for rejection/disqualification from the recruitment and/or termination from employment, if applicant is appointed to the position.
- Section 4. Prohibition Against Nepotism: It is the policy of the City to seek the best possible candidates through appropriate search procedures. The City seeks to eliminate or limit even the appearance of impropriety where possible. As such, the City has adopted the following policy regarding application and/or hiring of employee relatives.

For purpose of this policy, "relative" shall mean a spouse, domestic partner, parent, parent-in-law, step-parent, legal guardian, sibling, step-sibling, sibling-in-law, child, step-child, child-in-law, legal ward, grandchild, or grandparent.

Each applicant is required to disclose the identity of any relative who is a current employee. An applicant's failure to disclose a relative who is a current employee may result in the rejection of the applicant or future disciplinary action against the applicant after employment, up to and including termination.

Relatives of current employees shall not be hired into positions in which one relative may supervise, directly or indirectly, any other relative. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute direct or indirect supervision:

1. Occupying a position in an employee's direct line of supervision;

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2. Functional supervision, such as a lead worker, crew leader, or shift supervisor; or

3. Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of merit increases, evaluations, and grievance adjustments.

Relatives of current employees shall not be hired into positions in which one relative may work in a capacity which would allow a current employee to evaluate or control the terms, conditions, and/or performance circumstances of employment of a relative. Relatives of current employees shall not be hired into any position in which the employment of such relative has the potential for adversely impacting the supervision, safety, security, or morale of other employees. The City shall review each applicant who is a relative of a current employee to determine whether hiring the applicant would result in any of the prohibited situations. If the City Manager or Designee finds that any of those situations exists, then the applicant may be rejected, or may be considered for employment in a position that does not present the above situations.

Current employees shall not participate, directly or indirectly, in the recruitment or selection process for a position for which a relative is an applicant. Current employees having hiring powers or authority to recommend hires shall not, either directly or indirectly, seek to influence or assist in the hiring of any relative to any position within the City. Current employees shall not participate or interfere in, or otherwise attempt to influence, any personnel actions affecting his or her relative including, but not limited to, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of merit increases, evaluations, and grievance adjustments.

**Change In Status.** Current employees must report a change of status to the City Manager or Designee in advance of the effective date where feasible, but in no event later than a reasonable time after the effective date of the change of status. For purposes of this policy, "a change of status" is the change in the legal status or personnel status of one or more current employees.

1. Changes in legal status include but are not limited to marriage, divorce, separation, or any such change through which a current employee becomes a relative or ceases to be a relative of another current employee.

2. Changes in personnel status include but are not limited to promotion, demotion, transfer, re-assignment, resignation, retirement, or termination of a current employee who is a relative of another current employee.

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Within thirty (30) days from receipt of notice, the City shall undertake a case-by-case consideration and individualized assessment of the particular work situation to determine whether the change of status has the potential for creating an adverse impact on supervision, safety, security, or morale. The City Manager or Designee shall make a good faith effort to regulate, transfer, condition, or assign duties in such a way as to minimize problems of supervision, safety, security, or morale. Notwithstanding this, the City retains the right to exercise its discretion to refuse to implement a change in personnel status due to its potential for creating an adverse impact on supervision, safety, security, or morale.

The City shall reasonably monitor and regulate both relatives' conduct and performance for a period of one (1) year from the date of the determination. If the City determines that a change of status has caused potential for creating an adverse impact on supervision, safety, security, or morale, the City shall re-visit the prior determination.

Depending on the nature and severity of the situation, the City may transfer one of the relatives to a similar position that would not be in violation of this policy. The transfer will be granted provided the relative qualifies and there is an opening to be filled. There can be no guarantee that the new position will be within the same classification or at the same salary level. If the situation cannot be resolved by transfer or by good faith efforts to regulate, transfer, condition, or assign duties in such a reasonable way that would not be in violation of this policy, one of the relatives must separate from City employment.

**Pre-Existing Relationships.** Where situations exist prior to the effective date of this policy that may be in conflict with these rules, reasonable efforts shall be made to address the situation so as to minimize potential problems of supervision, safety, security, or morale and to avoid future conflict.

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## **CHAPTER IX EXAMINATIONS**

- Section 1. Types of Examinations: The selection techniques used in the examination process shall measure the knowledge and abilities of the applicants to execute the duties and responsibilities of the position to which they seek to be appointed.

Examinations shall consist of selection techniques which will test fairly the qualifications of candidates. The City Manager or Designee may select the appropriate examination(s) to be utilized in the selection process.

- Section 2. Promotional Examinations: All candidates for promotion must meet the minimum qualifications identified by the City Manager or Designee.

The City Manager or Designee will determine whether the examination is open competitive or a promotional appointment.

- Section 3. Continuous Examinations: Open-competitive examinations may be administered periodically for a single position as the needs of the service require. Names shall be placed on employment lists, in order of final scores, for a period of not more than one (1) year, unless extended by the City Manager or Designee.

- Section 4. Conduct of Examinations: The City Manager or Designee will determine the manner and methods and by whom examinations shall be prepared and administered.

- Section 5. Reasonable Accommodation in Testing: Should an otherwise qualified applicant who is disabled request a reasonable accommodation for any part of the testing process the City may modify the process to reduce or eliminate the testing barrier.

- Section 6. Background Investigations: Following a conditional offer of employment, each prospective employee shall submit to a criminal background check. The City does not consider, distribute, or disseminate information about any of the following while conducting a criminal background check in connection with a job application: an arrest not followed by a conviction, except when the applicant is out on bail or his/her own recognizance pending trial; a referral to or participation in a pre-trial or post-trial diversion program; and a conviction that has been sealed, dismissed, expunged, or statutorily eradicated pursuant to law.

If the City's criminal background check reveals an applicant's prior conviction, the City shall conduct an individualized assessment to determine whether the conviction has a direct and adverse relationship with the specific job duties that may justify denying employment. The following



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factors shall be considered as part of the individualized assessment: the nature and gravity of the offense or conduct; the time that has passed since the offense or conduct and completion of the of the sentence; and the nature of the job held or sought.

If the results of the City's individualized assessment justify denying employment the applicant shall be provided with notice and an opportunity to respond within five business days. Written notice of the preliminary decision to deny employment shall be provided to the applicant. The written notice shall contain the identity of the disqualifying conviction, a copy of the conviction history report, an explanation of the applicant's right to respond to the notice before a final decision is made, notice of the deadline to respond within five business days, and an explanation informing the applicant that the response can include evidence challenging the accuracy of the conviction history report and/or evidence of rehabilitation or mitigating circumstances.

If the City makes a final decision not to hire the applicant based on the conviction history after considering the applicant's response the City shall provide a final determination notice that includes notice of the final denial, any existing procedure the City has for the applicant to challenge the final decision, and the applicant's right to file a complaint with the Department of Fair Employment and Housing.

- Section 7. Immigration Reform and Control Act of 1986: In compliance with the Immigration Reform and Control Act of 1986, all new employees must verify identity and entitlement to work in the United States by providing required documentation.
- Section 8. Notification of Selection Process Results: Each person competing in an employment selection process shall be given notice of the results from the examination.

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## **CHAPTER X**

### **EMPLOYMENT ELIGIBILITY LISTS**

- Section 1. Employment Eligibility Lists: As soon as possible after the completion of a continuous examination, the City Manager or Designee will prepare and keep available an employment eligibility list consisting of the names of applicants who qualified in the examination, arranged alphabetically.
- Section 2. Removal of Applicants from Lists: The name of any person appearing on an employment eligibility list shall be removed by the City Manager or Designee if the person eligible requests in writing that his or her name be removed, fails to respond to a notice mailed to his or her last known address, or has been certified for appointment and has not been appointed.
- Section 3. Use of Employment Eligibility Lists: A vacant position may be filled by the appointment of a person whose name is on an employment eligibility list for the position.

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## **CHAPTER XI**

### **METHOD OF FILLING VACANCIES**

- Section 1. Types of Appointment: All vacancies shall be filled by re-employment, transfer, voluntary demotion, promotion, or from eligible applicants by a process deemed appropriate by the City Manager or Designee.
- Section 2. Appointment: After interview(s) and an examination if deemed necessary for the selection of a candidate, the City Manager or Designee shall thereupon notify the person of the conditional offer of appointment, subject to passing a required medical examination and all background investigations.
- Section 3. Temporary Assignments: Employees may be temporarily assigned higher or lower duties without a change in pay. Such action shall not be deemed as a transfer, demotion, promotion, or reclassification. In all cases where periodic or regular variations in assignments occur because of seasonal needs, the temporary change of duties or a change of the work schedule shall be considered as incidental to the position.
- Section 4. Extended Assignment to Vacant Higher Position: Employees assigned to perform duties in a vacant higher level regular position in excess of twenty-one (21) consecutive calendar days as authorized by the City Council shall be entitled to a salary rate increase to the higher level for the time actually worked in the assignment. (See CHAPTER V, Section 15, Acting Pay.) The duration of such assignment to a vacant higher position shall not exceed one (1) year. It is the responsibility of the City Manager to adjust the salary rate increase.

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## CHAPTER XII

### PROBATIONARY PERIOD

- Section 1. Probationary Period: Upon initial and promotional appointment to a position, an employee must serve a probationary period of 1 year of actual and continuous service. Periods of time on paid or unpaid leave excluding five (5) days or less automatically extends the probationary period by the number of days the employee is on leave. The City Council may, by resolution, establish a longer probation period for a specified classification prior to the time of an appointment. Continuous service with the City in a temporary position may be calculated into the probationary period upon hiring the individual into a regular position at the discretion of the City Manager. Completion of the probationary period does not entitle an employee to continued employment for any length of time. Completion of the probationary period does not alter the at-will nature of the employment.
- Section 2. Purpose of Probationary Period: During the probationary period, the City Manager shall review, examine, and monitor the conduct, capacity, efficiency, skill, responsibility, integrity, and effectiveness of an employee to determine whether the employee is fully qualified for employment in the position to which the employee has been appointed.
- Section 3. Extension of Probationary Period: The probationary period may be extended by the City Manager for a period up to six (6) months by written notice to the employee prior to the expiration of the original probationary period.
- Section 4. Reduction of Probationary Period: The probationary period may be shortened by the City Manager.
- Section 5. Rejection During Probation: At any time during the probationary period an employee may be rejected from employment without cause and without right of appeal.
- Section 6. Rejection During Probation From a Promotional Position: A promoted employee who has attained regular status in another position of City employment who does not successfully complete the probationary period in the promoted position may be returned to the former position without right to review or appeal unless terminated for cause.
- Section 7. Use of Leave During Probation: Accrued sick leave may be used any time by the probationary employee during the probationary period. Vacation leave hours are accrued during the probationary period, but shall be available for use upon completion of 1 year of service unless otherwise approved by the City Manager.

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## CHAPTER XIII ATTENDANCE AND LEAVES

Section 1. Attendance: Full-time employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leave. Absence of any employee without leave may result in disciplinary action, including discharge.

Section 2. Vacation Leave: Vacation is a right, earned as a condition of employment, to a leave of absence with pay for the recreation and well-being of the employee. If an employee has exhausted sick leave, vacation may be used for sick leave upon request of the employee and with approval of the City Manager.

- (a) Employees shall accrue, on a pro-rata basis, vacation leave for completed pay periods. Such vacation allowance shall be available for use on the first day following the pay period in which it is earned; however, vacation allowance shall be available for use after one year by a probationary employee.
- (b) All Full-time employees accrue vacation as follows:

Years of Service Completed	Vacation Days Accrual
3	1 day per month
5	1 1/4 days per month
10	1 2/3 days per month

- (c) Maximum Accrual: Employees shall be permitted to accumulate a maximum of 40 days of vacation leave or the maximum amount accumulated in a two-year period of employment, whichever is less. Employees who have accumulated the maximum amount of vacation leave shall accrue no further vacation leave until they use sufficient leave to fall below the maximum that may be accumulated.
- (d) Waiver of Maximum Accrual: A waiver must be requested by the employee and approved by the City Manager, for a period not to exceed thirteen (13) pay periods per fiscal year. If, at the end of the waiver period the maximum accrual amount is exceeded, vacation accrual for the affected employee will stop. No further vacation time will be accrued until the employee's vacation leave balance is below the maximum accrual amount. In the event that the failure to utilize vacation past the thirteen pay period waiver is due to the City's inability to allow an employee to take vacation (as opposed to an employee's delay and/or failure to request vacation time off), the employee may, with City Manager authorization, continue to accrue vacation.

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- (e) Vacation Leave Cash Out Option: In December of each year, if an employee has over two weeks of accrued vacation after using accrued vacation leave for one week (37.5 hours) of vacation during the calendar year, he or she may “cash out” up to two weeks of the accrued vacation (75 hours) at his or her base rate of pay.
  - (f) The minimum charge against accumulated vacation leave shall be fifteen (15) minutes or multiples thereof. Vacation leave shall be compensated at the employee’s base rate of pay.
  - (g) The time during a calendar year at which an employee may take his or her vacation shall be determined by the City Manager with due regard for the wishes of the employee and particular regard for the needs of the City.
  - (h) All vacation leave requests shall be made with as much advance notice as possible, and prior approval must be given by the City Manager. When circumstances warrant and advance notice is impractical, the City Manager may approve the use of vacation leave for emergency absences. If an employee does not request time off in advance and simply does not show up for work, the City Manager may deny the use of vacation time or any leave accruals, and said employee may be subject to disciplinary action.
  - (i) When a fixed holiday falls within a vacation period, the holiday time shall not be charged against an employee’s earned vacation benefits.
  - (j) Employees who terminate or retire shall be paid for all accrued vacation leave earned at their base rate of pay at the time of their separation of employment.
  - (k) Employees on Unpaid Leave: Employees on Unpaid Leave do not accrue Vacation Leave.
  - (l) Employees not Eligible for Vacation: All part-time employees including temporary, emergency, and seasonal part time, do not accrue Vacation Leave.

Section 3. Paid Sick Leave: Employees who are hired to work at least thirty days are eligible for California Paid Sick Leave.

Paid Sick Leave may be taken for below prescribed purposes:

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee’s family member; or



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2. To attend legal proceedings, or to obtain medical treatment, counseling, or other victims' services for domestic violence, sexual assault, or stalking.

A "family member" for these purposes is defined as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild, and sibling. Additionally, Paid Sick Leave may be used for an employee who is a victim of domestic violence, sexual assault, or stalking.

Accrual: Employees shall accrue one day of sick leave (7.5 hours) with full pay for each month of service. Sick leave shall be available for use the first day following the payroll period in which it is earned. If the employee does not take the full amount of sick leave allowed in any year, the amount not taken shall be accumulated from year to year, to a maximum of 30 days. Separation of Employment: Upon separation of employment (voluntary termination, involuntary termination, retirement, etc.) employees are not entitled to be compensated for unused Paid Sick Leave. However, previously unused paid sick days must be reinstated if an employee separates from employment and then is rehired within one year.

To the extent possible, employees must provide reasonable advance notice of their need for Paid Sick Leave under this policy. If the need is not foreseeable, the employee must provide notice as soon as practicable. Paid Sick Leave under this policy will not constitute a break in service for the purpose of City benefits or seniority.

Minimum Use: The minimum charge against accumulated sick leave shall be fifteen (15) minutes or multiples thereof. Approved sick leave with pay shall be compensated at the employee's base rate of pay.

Notification: Employees should notify the City Manager prior to, or within 45 minutes after the time set for the beginning of his/her regular duties if using paid sick leave. The City Manager may request a certificate issued by a licensed physician or other satisfactory proof of illness if the sick leave extends more than 3 consecutive days.

Violations: Violation of sick leave privileges may result in disciplinary action when in the opinion of the City Manager, the employee has been excessively absent or has abused such privileges. Employees who do not call in within 45 minutes of the start of their assignment may be denied use of sick leave.

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Employees on Unpaid Leave: Employees on unpaid leave do not accrue Paid Sick Leave.

Employees may donate accrued paid sick time up to two (2) days per calendar year to other employees in need of additional paid time off to seek medical treatment for themselves. Donation of paid sick time to another employee will only be permitted after that recipient employee has exhausted all other available accrued leave. The donation of paid sick time is strictly voluntary.

- Section 4. Occupational Injury or Illness Leave: Whenever a person is compelled to be absent from employment with the City on account of injury or illness arising out of or in the course of that employee's employment as determined by the Workers' Compensation Act, the employee may elect to apply pro-rated accrued sick leave, if any, to such absence to receive compensation of an amount of the difference between the compensation received under the Workers' Compensation Act and that of the employee's regular pay, not to exceed the amount of the employee's earned sick leave. An employee, in such instance, may also elect to use any earned vacation time in like manner after sick leave is exhausted. An employee, in such instance, may also elect to use any earned Floating Holiday hours in like manner after sick leave and earned vacation time is exhausted. Employees shall receive full salary in lieu of Workers' Compensation benefits and paid sick leave for the first twenty-four (24) hours following an occupational injury or illness, if authorized absence is by order of an accepted physician under the Workers' Compensation sections of the California Labor Code.
- Section 5. Bereavement Leave: When circumstances are such and the City Manager determines that conditions warrant, full-time employees may be granted up to three (3) days of paid bereavement leave per occurrence following completion of one year of employment in the event of the death of a spouse, domestic partner, child, brother, sister, parent, parents-in-laws, or grandparent.
- Section 6. Jury Duty and Witness Leave: If a regular full-time employee is required to serve as a juror, such employee shall receive regular pay less amounts received while actually performing jury service for a period of service not to exceed 10 days of jury service. The City will not pay mileage or other additional expenses incurred by jury duty. Employees will be required to provide a Jury Duty Certification form to their supervisor, to be attached to their time sheet for that time period.

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Employees shall be granted leave with pay when subpoenaed to testify as a witness other than as a party or an expert.

Employees absent from work due to jury duty or witness leave must notify the City Manager of the status of their leave daily.

Section 7. California CFRA Leave:

The California Family Rights Act (CFRA) provides eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave is twelve (12) weeks within a 12-month period. All employees who have worked at least twelve (12) months in the preceding seven (7) years and have worked at least 1,250 hours within the twelve (12) months preceding the date the leave commences are eligible for CFRA leave.

- (a) Reasons for leave: CFRA leave may be used for the following reasons:
- (1) To care for or bond with a newborn child.
  - (2) To care for or bond with a child placed with the employee and/or the employee's registered domestic partner for adoption or foster care.
  - (3) To care for an immediate family member (spouse, parent, registered domestic partner, child or registered domestic partner's child, sibling, grandparent, or grandchild) with a serious health condition.
  - (4) For the employee's serious health condition that makes the employee unable to perform his or her job (except pregnancy, which is covered under PDL and does not run concurrently with CFRA).
  - (5) For a qualifying military exigency related to the covered active duty or call to covered active duty of a spouse, domestic partner, child, or parent in the United States armed forces.

Eligible employees may take CFRA leave in a single block of time, intermittently, or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member. Employees may choose to use accrued paid sick leave or vacation time with some or all of the CFRA leave.

When seeking leave under this policy, employees must provide the City Manager or Designee with the following: (1) Thirty (30) days' notice of the need to take CFRA leave (if foreseeable), or notice as soon as practicable

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in the case of unforeseeable leave; (2) Medical certification supporting the need for leave within fifteen (15) calendar days of the company's request for the certification. Failure to do so may result in the delay of the commencement of leave or denial of a leave request; (3) Periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work; and (4) A return-to-work release before returning to work if the leave was due to the employee's serious health condition.

The City will maintain health insurance coverage for employees and /or their families when CFRA leave is taken on the same terms as if the employee had continued to work. In some instances, the City may recover premiums paid to maintain health coverage or other benefits for employees and/or their families.

Section 8. California Paid Family Leave: The City participates in a private voluntary disability insurance program that it offers to its employees as a legal alternative to the mandatory State Disability Insurance (SDI). Employees may inquire into this program with the City Manager or Human Resources Director.

Section 9. Pregnancy Disability Leave: A full-time employee is eligible for up to four (4) months of unpaid leave for an actual disability caused by the employee's pregnancy, childbirth, or related medical condition.

- (a) During the pregnancy disability leave time, paid leave may be charged to accrued benefit time such as vacation and floating holiday, at the employee's request. In addition, accrued sick leave may be used at the employee's request, in accordance with Section 3.
- (b) Health insurance benefits shall continue for the duration of the pregnancy disability leave under the same conditions as if the employee had continued employment. If the employee fails to return to work after the period of leave to which the employee is entitled has expired, the City is entitled to recover the premiums paid on behalf of the employee for maintaining coverage.
- (c) The City Manager may require the employee to file a physician's certificate or personal affidavit and to provide reasonable notice of the date the leave will begin and the estimated duration of the leave.
- (d) Employees disabled by pregnancy may also take intermittent leave or be provided reasonable accommodation to continue work.
- (e) Employees returning from Pregnancy Disability Leave generally are entitled to be reinstated in the same position, subject to certain conditions, and consistent with applicable law.

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Section 10. Lactation Accommodation Policy: The City provides accommodations to lactating employees who need to express breast milk during work hours in accordance with applicable law. The City will provide the employee with the use of a room or other location (not a bathroom) to express breast milk that is in close proximity to the employee's work area, shielded from view, and free from intrusion. Such space will meet the requirements of the California Labor Code including a surface to place a breast pump and personal items, a place to sit, access to electricity, a sink with running water, and a refrigerator for storing breast milk.

Employees who are nursing have a right to request a lactation accommodation. Such requests may be made verbally or in writing, and should indicate the need for an accommodation in order to express breast milk at work, and should be directed to the City Manager or Designee. The City will promptly respond to such requests and indicate the approval or denial of the break request. The City reserves the right to deny an employee's request for a lactation break if the additional break time will seriously disrupt City operations.

The requested break time should, if possible, be taken concurrently with other scheduled break periods.

The City prohibits any form of discrimination or retaliation against an employee for exercising or attempting to exercise any rights provided by this policy. Any such conduct or other violations of this policy should be reported to the City Manager or Designee. Employees have the right to file a complaint with the California Labor Commissioner for violation of a lactation accommodation right described in this policy.

Section 11. Election Leave: If a full-time employee does not have sufficient time outside of working hours to vote at a statewide election, the voter may, without loss of pay, take off enough working time, which when added to the voting time available outside of working hours will enable the voter to vote. Regular part-time employees are eligible for election leave based upon hours scheduled to work. No more than two (2) hours of the time taken off for voting shall be without loss of pay. The time off for voting shall be only at the beginning or end of the regular work shift, whichever allows for the greatest free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed upon. The employee shall give the City Manager at least two working days' notice that time off for voting is desired.

Section 12. Leave of Absence Without Pay: The City Manager may grant a regular employee a leave of absence without pay for a period not to exceed one (1) month. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request. Approval will be in writing. Upon expiration of a regularly approved leave or within a reasonable

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period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall be cause for discharge. Such leave of absence shall not be counted as a break in service for purposes of satisfying the continuous employment requirement for vacation allowance.

An employee on leave of absence without pay does not accrue sick leave, vacation time, or receive benefits while on leave. Such employee does not lose or forfeit any sick leave or unpaid vacation time that had been accumulated prior to the time being granted.

Section 13. Military Leave: Military leave shall be granted to City employees in accordance with the provisions of current federal and state law.

Section 14. Administrative Leave: At the discretion of the City Manager and in special circumstances, Regular employees may be provided administrative leave without loss in pay or the deduction of other leave accrued.

Section 15. Disability Accommodation: It is the City's policy to comply with the Americans with Disabilities Act (ADA), as well as applicable state and local laws relating to disability issues. The City will not discriminate against any employee with respect to any terms, privileges, or conditions of employment because of his or her physical or mental disability. The City will also reasonably accommodate all employees and applicants with disabilities who are otherwise qualified to safely perform the essential duties of the job unless any such accommodations would impose an undue hardship in the City's operations.

If an employee needs a reasonable accommodation to perform the essential job duties of his or her position, the employee should make the request to the City Manager or Designee. The City believes in an interactive process with the employee to identify and consider possible accommodations that would enable the employee to perform his or her position's essential job duties.

Reasonable accommodation is available to all disabled employees, where his or her disability affects the performance of job functions and when such accommodations would not impose undue hardship. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.



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## **CHAPTER XIV HOLIDAYS**

Section 1. Holidays Observed: The City observes the following paid holidays:

1. New Year's Day (January 1)
2. Martin Luther King Jr. Day (observed the third Monday in January)
3. President's Day (observed the third Monday in February)
4. Memorial Day (observed the last Monday in May)
5. Independence Day (July 4)
6. Labor Day (observed the first Monday in September)
7. Veteran's Day (November 11)
8. Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday including Thanksgiving Day
9. Friday following Thanksgiving Day
10. Christmas Eve (December 24)
11. Christmas Day (December 25)

Holidays which fall on Saturday shall be observed the preceding Friday and holidays which fall on Sunday shall be observed on the following Monday. Paid holidays are only for the observed days.

If an observed holiday falls on an eight and one-half (8.5) hour work day under the 9/75 work schedule, those employees on the 9/75 schedule shall receive eight and one-half (8.5) hours of holiday pay.

If an observed holiday falls on a seven (7) hour workday under the 9/75 work schedule, those employees on the 9/75 schedule shall receive seven (7) hours of holiday pay.

If the holiday falls on a regular day off for that employee, that employee will take the preceding day off.

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Section 2. Floating Holiday:

- (a) Each full-time employee is allowed eight and one-half (8.5) hours per calendar year, January through December with the approval of the City Manager.
- (b) Floating holiday hours are not cumulative and must be used during the above period or said employee will lose the allocated hours.
- (c) Each employee must submit a request in advance.
- (d) An employee is eligible to use floating holiday hours as they are allocated.
- (e) Floating holiday hours may be used in lieu of sick leave only if all other benefit time has been exhausted.

Section 3. Eligibility for Holidays: All employees are eligible for holiday pay except the following:

- (a) Seasonal and part-time employees.
- (b) Temporary employees.

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## **CHAPTER XV**

### **CHANGES IN EMPLOYMENT STATUS**

- Section 1. Transfer: An employee may be transferred by the City Manager at any time from one position to another position. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these rules. No person shall be transferred to a position for which he/she does not possess the minimum qualifications.
- Section 2. Promotion: When practicable and consistent with the best interests of the City, vacancies may be filled by promotion. All candidates for promotion must meet the minimum qualifications identified by the City Manager or Designee.
- If, in the opinion of the City Manager or Designee, a vacancy in the position could be filled better by an open, competitive recruitment instead of a promotional appointment, he/she shall arrange for an open competitive examination.
- Section 3. Demotion: The City Manager may demote an employee whose ability to perform his/her required duties falls below standard. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications.
- Section 4. Suspension: The City Manager may suspend an employee at any time for cause.
- Section 5. Reclassification: The City Manager may reclassify a position from one position to another if there has been a gradual accretion or reduction of duties and/or responsibilities over time.

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## CHAPTER XVI SEPARATION FROM EMPLOYMENT

- Section 1. Job Abandonment: An employee is deemed to have resigned if the employee is absent for three (3) consecutive workdays without prior authorization and without notification during the period of absence. On the second working day of unauthorized absence, the City Manager shall send an overnight letter to the employee's last known address informing the employee that if the employee fails to report to work within one (1) workday, or receive authorization for such absence, the employee will be deemed to have resigned and extending to the employee an informal pre-disciplinary conference. Employees separated from employment for job abandonment will be reinstated with such charge removed from the employee's record upon presentation of justification for absence such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. Employees have no right to appeal if deemed to have resigned as a result of job abandonment.
- Section 2. Discharge: An at-will employee may be discharged at any time with or without cause or notice.
- Section 3. Lay-off: The City Manager may lay off an employee because of change in duties or organization or shortage of work or funds.
- (a) Notification: Employees to be laid off shall be given, whenever possible, at least ten (10) calendar days prior notice.
  - (b) Order of Layoff: Employees shall be laid off in the inverse order of their seniority and with regard to their responsibilities. Seniority shall be determined based upon date of hire in the position. A lay off out of the inverse order of seniority may be made if, in the City's judgment, retention of special job skills is required.
  - (c) Re-employment Rights for Laid-off Employees: Regular employees, who have received a satisfactory or better evaluation for the twelve (12) months prior to lay off, have completed their probationary period, and who have been laid off shall be automatically placed on a re-employment list for one year for the classification from which they were laid off.
- Section 4. Resignation: An employee wishing to leave City service in good standing shall file with the supervising official at least ten (10) working days before leaving the service, a written resignation stating the effective date and reasons for leaving. Failure to give such notice shall mean the employee did not terminate in good standing, unless the City Manager has waived the two-week notice requirement. Failure to comply with this Chapter shall be entered on the service record of the employee and be cause for denying

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future employment by the City. A resignation becomes final when accepted by the City Manager and only at the City Manager's discretion can be withdrawn.

- Section 5. Reinstatement: A regular employee who has resigned, or has otherwise been separated while in good standing, may be considered for reinstatement by the City Manager, to a position in the former employee's same or comparable position for a period of two (2) years after resignation or separation provided such a position is vacant and available. The employee shall be reinstated to the salary range and step held at the time of resignation or separation and shall receive a new anniversary date which shall be the first date of employment upon reinstatement. The employee will serve a new probationary period.

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## CHAPTER XVII REPORTS AND RECORDS

- Section 1. General: The City maintains a personnel file on each employee. An employee's personnel file shall contain only material that is necessary and relevant to the administration of the City's personnel program. Personnel files are the property of the City, and access to the information they contain is restricted.
- Section 2. Notifying City of Changes in Personal Information: Each employee is responsible to promptly notify the City Manager or Designee of any changes in relevant personal information, including:
- Mailing address
  - Telephone number
  - Persons to contact in emergency
  - Number and names of dependents
- Section 3. Location of Personnel Files: The personnel files will be kept secure and confidential by the City Manager or Designee.
- Section 4. Medical Information:
- (a) Separate Confidential Files. All medical information about an employee or applicant is kept separately and is treated as confidential, in accordance with federal and state law.
  - (b) Information in Medical Files. The City will not obtain medical information about an employee or applicant except in compliance with the California Confidentiality of Medical Information Act. To enable the City to obtain certain medical information, the employee or applicant may need to sign an authorization for release of employee medical information.
  - (c) Access to Medical Information. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for City business reasons. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.
- Section 5. References and Release of Information in Personnel Files:
- (a) Public Information: Upon request, the City will release to the public information about its employees as required by the Public Records Act. The City will not disclose personnel information that it considers would constitute an unwarranted invasion of personal privacy.

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- (b) Reference Checks: All requests from outside the City for reference checks or verification of employment concerning any current or former employee must be referred to the City Manager or Designee. Information will be released only if the employee signs an authorization for release of employment information, except that without such authorization, the following limited information will be provided: dates of employment and job title.

Section 6. Employee Access to Personnel File: An employee may inspect his or her own personnel file at reasonable times and at reasonable intervals. An employee who wishes to review his or her file should contact the City Manager or Designee to arrange an appointment. The review must be done in the presence of the City Manager or Designee.

Section 7. Destruction of Records: Personnel files, payroll records, and records relating to personnel recruitment, including correspondence, applications, examinations, and reports will be destroyed according to the City's Records Retention Schedule.



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## **CHAPTER XVIII GRIEVANCE PROCEDURES**

### **Section 1. Definition:**

- (a) Grievance: A “grievance” is a written allegation by an employee, submitted as herein specified, claiming violation(s) of the specific express terms of the Employee Handbook and Personnel Policy Manual, or expressing concern relating to an aspect of employment, and for which there is no other specific method of review provided by City law.
- (b) Grievant: A grievant is an employee or group of employees adversely affected by an act or omission of the City.
- (c) Day: A day is any day the agency is open to the public, that is any day except Saturdays, Sundays, and legal holidays recognized by the City.

### **Section 2. Procedure:**

Step A: Informal Discussion: The grievant shall discuss the controversy with the City Manager on an informal basis in an effort to resolve the situation.

The issue will be considered resolved if not presented to the City Manager within ten (10) working days following the day the event occurred upon which the controversy is based. The City Manager shall respond within five (5) working days following the meeting with the grievant. Failure of the City Manager to respond within such time limit shall entitle the grievant to process the controversy to the next step.

Step B: First Level of Review: If the controversy is not settled at Step A, the grievant may submit the grievance in writing to the City Manager within five (5) working days of the receipt of the grievance response at Step A. Failure of the grievant to deliver the written grievance shall constitute a waiver of the grievance. The City Manager shall meet with the grievant and a written decision and statement of facts and issues shall be rendered to the grievant within ten (10) working days from the date of the written grievance. Failure of the City Manager to respond within such time limit shall entitle the grievant to process his/her grievance at the next level of review. If the City Manager is the subject of the grievance the grievance shall be submitted to the Personnel Committee instead of the City Manager.

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Step C: Second Level Review: If the grievance is not settled at Step B, the grievant may place the grievance in writing to and present it to the Rolling Hills City Council within five (5) working days of receipt of the Step B grievance response. Failure of the grievant to deliver such written notice shall constitute a waiver of the grievance. The City Council shall hear the grievance at a regular meeting, and a written decision and statement of facts and issues shall be rendered to the grievant. The decision of the City Council shall be final and binding.

Section 3. Reprisals: Employees shall be insured freedom from reprisal for using the grievance procedure.

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## CHAPTER XIX DISCIPLINE

Nothing in this Section is intended to alter the at-will status of employment with the City. Consistent with the City's Employment At Will policy, you and the City each have the right to terminate the employment relationship at any time with or without cause and with or without prior notice. As well, the City reserves the right to terminate any employment relationship, to demote, and to otherwise discipline an employee without resort to the below disciplinary procedures.

### Section 1. Types of Disciplinary Action:

- (a) Oral Warning: A formal discussion with an employee, by the City Manager, about performance or conduct problems, the need for the employee to improve, and what specific improvement is expected. The City Manager shall make a written record of the warning.
- (b) Written Reprimand: A formal written notice to the employee regarding performance or conduct problems, the need for the employee to improve, and what specific improvement is expected. The written reprimand goes in the employee's personnel file.
- (c) Suspension: Removal of an employee from duty without pay for a specified period.
- (d) Reduction in Pay: A reduction in pay from the employee's current salary to a lower salary.
- (e) Demotion: A reduction in position title and salary.
- (f) Dismissal or Discharge: Separation from employment of an employee for cause.

### Section 2. Grounds for Disciplinary Action Involving Regular Employees: Grounds for discipline include, but are not limited to, the following:

- (a) Fraud in securing employment or making a false statement on an application for employment.
- (b) Incompetency; i.e., the inability to comply with the minimum standard of an employee's position for a significant period of time.
- (c) Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his/her position.
- (d) Willful disobedience or insubordination, a willful failure to submit to duly appointed and acting supervision or to conform to duly

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established orders or directions of persons in a supervisory position, or insulting or demeaning any fellow employee.

- (e) Dishonesty.
- (f) Possession, distribution, sale, use, or being under the influence of alcohol or illegal drugs or narcotics while on duty or while operating a vehicle in the course of City business or potentially dangerous equipment leased or owned by the City.
- (g) Excessive absenteeism.
- (h) Inexcusable absence without leave.
- (i) Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.
- (j) The conviction of either a misdemeanor or a felony related to the position held will constitute grounds for dismissal of any employee. The record of conviction will be conclusive evidence of the fact that the conviction occurred. The City Manager may inquire into the circumstances surrounding the commission of the crime in order to support the degree of discipline. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere, is deemed to be a conviction within the meaning of this Section.
- (k) Discourteous treatment of the public or other employees.
- (l) Improper or unauthorized use of City property.
- (m) Refusal to subscribe to any oath or affirmation which is required by law in connection with agency employment.
- (n) Any willful act or conduct undertaken in bad faith, either during or outside of duty hours, which is of such a nature that it causes discredit to the City.
- (o) Inattention to duty or negligence in the care and handling of City property.
- (p) Violation of the rules and regulations of the City.
- (q) Outside employment not specifically authorized.
- (r) Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.

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- (s) The refusal of any officer or employee of the City to testify under oath before any Grand Jury having jurisdiction over any then pending cause of inquiry in which the investigation of government bribery or misconduct in agency office is involved shall constitute of itself sufficient ground for the immediate discharge of such officer or employee.
  - (t) Willful violation of any of the provisions of an ordinance, resolution, rule, regulation, or policy prescribed by the City.
  - (u) Improper political activity. Example: Campaigning for or espousing the election or non-election of any candidate in national, state, county, or municipal elections while on duty and/or during working hours or in City uniform on or off duty; or the dissemination of political material of any kind while on duty and/or during working hours or in uniform.
  - (v) Working overtime without authorization.
  - (w) Possession of weapons on agency property unless authorized.
  - (x) Making false or malicious statements concerning any employee, the City, or the City's policies or practices.

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## CHAPTER XX

### PERFORMANCE EVALUATIONS AND ANNUAL WORK PLANS

- Section 1. General: Performance evaluation is the process of evaluating and recording the performance of each employee. The performance evaluation is best used:
- (a) To maintain a high level of efficiency or assist in raising efficiency by commending the employee.
  - (b) To indicate to the employee those points in which he/she shows weak performance, and suggest the proper means of raising his/her working performance to the standard level.
  - (c) To inform the employee of good performance.
  - (d) To encourage better working relationships and mutual understanding by letting the employee know where he/she stands with relation to the City Manager's evaluation of his/her work.
  - (e) To establish an annual work plan consisting of goals and tasks to be accomplished.
- Section 2. Responsibility for Evaluation: The City Manager is responsible for proper preparation of the performance evaluation for each employee. The City Manager should carefully review the complete position description, and the goals and objectives for the employee, if any, before beginning each evaluation, to remind himself/herself of what should be expected from the employee.
- Section 3. Discussion with Employee: The performance evaluation must be discussed with the employee. During the interview, as well as in the performance evaluation documentation, special attention should be given to discussing specific ways in which the employee can improve his/her performance. An opportunity should also be afforded to the employee to comment and bring up any questions he or she may have.
- Section 4. Schedule: Performance evaluations for probationary employees are to be presented at the end of the first six (6) months, and after the first twelve (12) months, to correspond to the completion of the one year probationary period. After the probationary evaluation, an evaluation should be done on an annual basis on the employee's anniversary date.
- Section 5. Appeal Procedure: It is the intent of the City to offer fair and equitable appeals procedures for employees' performance evaluations. Below are the official guidelines.

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- (a) Employee and City Manager meet to review and discuss the employee's performance evaluation.
  - (b) The employee may respond in writing to the contents of the evaluation. The employee must submit this response to the City Manager within ten (10) working days immediately following receipt of the evaluation. The decision shall be rendered in writing within fifteen (15) working days by the City Manager, and the decision of the City Manager shall be final.

Section 6. Exceptional Performance Recognition: Based on fiscal year finances and Council approval, the City Manager is provided a pool of funds to recognize an employee's exceptional performance. Annually, the City will endeavor to budget a 5% increase in salaries. The amount of funds potentially available in the bonus pool is the difference between the CPI adjustment provided to staff in July (see Chapter V) and 5%. An employee can be given exceptional performance recognition of no more than the difference between the CPI and 5% as a one-time check, gift card, or item (the recognition, in other words, does not become part of the employees' salary) for exceptional performance during the prior fiscal year. The recognition will require the City Manager to document and justify the action.



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## **CHAPTER XXI**

### **VEHICLE USE**

- Section 1. Use of Private Vehicles: Private automobiles are not to be used for the City business except as authorized. The City Manager may authorize such use at the reimbursement rate equal to that set forth by the Internal Revenue Service. Payments shall be based upon the most direct route to and from the destination and garage and parking expenses shall be paid in addition to the current rate, upon submission of paid receipts within the fiscal year of the trips. To receive mileage reimbursement, the employee must acknowledge and be in compliance with the City's Vehicle Use Policy.
- Section 2. Auto Allowance: Select employees will receive a monthly car allowance. This stipend will be in lieu of any mileage reimbursement and is intended to cover all actual expenses incurred. If additional garage, parking, and other related auto expenses are incurred above the monthly allowance, they are reimbursable.

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## **CHAPTER XXII**

### **PROFESSIONAL DEVELOPMENT**

- Section 1. Training: The City Manager and employees of the City are eligible to request specialized training in the form of symposiums, special courses, forums, professional association meetings, professional development courses, etc., at the City's expense. The City retains the sole authority to approve or deny requests for specialized training.

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## CHAPTER XXIII

### EMPLOYEE STANDARDS OF CONDUCT

#### Section 1. Code of Ethics:

- (a) Each officer, official, and employee has an obligation to the residents, to the people's elected representatives, and to fellow employees to meet the highest ethical and professional standards and to enhance the public's respect and trust for the City government and its operations.
- (b) Employees of the City have responsibilities unique from their counterparts in the private industry. Employment with the City carries an obligation of personal integrity and conduct that serves to establish public respect, confidence, and trust.
- (c) Employees represent the City of Rolling Hills and the quality of City service is judged through their performance and conduct. The residents of Rolling Hills have the right to expect that City employees will provide services in an efficient, thorough, and courteous manner.
- (d) The City, as a condition of employment, expects to receive from the employee:
  - (1) Initiative and a conscientious effort to perform productive work.
  - (2) Cooperative, positive, responsive, and courteous relations with fellow employees, supervisors, subordinates, and the public.
  - (3) A continuous effort to strive for greater knowledge and skill on the job in order to maintain performance at a high level.
  - (4) Compliance with all policies, regulations, rules of conduct, and ordinances established by the City.
  - (5) Responsible work habits demonstrated by:
    - a. Dependability, promptness, reliable attendance, and performing required duties competently,
    - b. Keeping informed of developments and matters affecting job performance,
    - c. Being flexible and adaptable to change,

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- d. Accepting constructive suggestions and criticism.
- (6) Neat and clean grooming and attire appropriate to the job assignment.

- a. Work days

Appropriate dress shall be professional and business casual, representative of an office environment and appropriate for meetings and interaction with the public.

- b. Other

As appropriate for the position, the employee is required to have shoes and clothing for meetings in the field, visits to construction sites, and walking on trails.

- (7) Support in principle of the ICMA (International City/County Management Association) Code of Ethics and related tenants.

No employee will accept a fee, compensation, gift, payment of expenses, or any other thing of monetary value in any circumstances in which acceptance may result in or create the appearance of any one or more of the following:

1. Use of public office and/or employment for personal or private gain.
2. Preferential treatment of any person.
3. Loss of complete independence or impartiality.
4. Making a City decision outside of official channels.
5. Reduction of public confidence in the integrity of City government and/or its employees.
6. Impeding government efficiency or economy.

Section 2. Policy Against Harassment, Discrimination, and Retaliation

The City strictly prohibits and has “zero tolerance” for discrimination and harassment in any phase of the employment, including but not limited to recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training. This includes sexual harassment (which includes harassment based on sex, pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical

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conditions), as well as harassment, discrimination, and retaliation based on such factors as race, color, religion, religious creed (including religious dress and religious grooming practices), sex, national origin, ancestry, citizenship, age (40 years and older), mental disability and physical disability (including HIV and AIDS), legally-protected medical condition or information (including genetic information), protected medical leaves (requesting or approved for leave under the California Family Rights Act), military and/or veteran status, service, or obligation, reserve status, national guard status, marital status, domestic partner status, gender, gender identity (including transgender identity), gender expression (including transgender expression), because an individual has transitioned (to live as the gender with which they identify), is transitioning, or is perceived to be transitioning), sex stereotyping, sexual orientation, status as a victim of domestic violence, sexual assault, or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages or otherwise exercising rights protected under the California Fair Pay Act, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other basis protected by federal, state, or local laws.

**Discrimination and Harassment Defined.** Discrimination and harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex or membership in one of the above-described protected classifications, and: (1) Submission to the offensive conduct is an explicit or implicit term or condition of employment; (2) Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or (3) The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

**Examples of Sexual Harassment.** For the purpose of clarification, examples of what may constitute prohibited sexual harassment include, but are not limited to, the following:

1. Making unsolicited sexual advances or written, verbal, physical, or visual contact with sexual overtones. (Written examples: suggestive or obscene letters, notes, invitations. Verbal examples: derogatory comments, slurs, jokes, epithets. Physical examples: touching, assault, blocking or impeding access, leering gestures, display of sexually suggestive objects or pictures, cartoons, or posters.)
2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)

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3. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. (For example, implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.)

4. Engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, or work environment of another employee.

5. Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors. (Similar conduct when applied to other protected classes such as race, color, creed, national origin, age, disability, medical condition, religion, sexual orientation, or marital status may constitute harassment and violation of this Policy. For example, racial jokes or degrading comments about age or ethnic background can constitute harassment under this policy). Accordingly, in order to avoid the risk of discipline, such acts should be avoided in all circumstances.

**Internal Complaint Procedure.** Any applicant or employee who believes that he or she has been the victim of sexual or other prohibited discrimination or harassment by co-workers, supervisors, clients or customers, visitors, vendors, corporate officers, or others must immediately notify the City Manager or Designee of the alleged conduct. If the employee believes that, for any reason, the City Manager is the source of the conduct or is biased, the employee may submit the complaint to the Personnel Committee.

**Internal Investigation and Resolution.** Following receipt of a discrimination or harassment grievance, the City shall begin an immediate and thorough investigation to determine if sexual or other discrimination/harassment has occurred. The investigation shall be conducted in an impartial manner and all information shall be maintained confidential to the extent possible. After full consideration of all relevant facts and circumstances involving the inquiry, a timely decision will be made by the City and appropriate disciplinary or other action will be taken, up to and including termination of employment.

**Prohibition Against Retaliation.** Retaliation against anyone for opposing conduct prohibited by the City's anti-discrimination/harassment policies or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by the City, or any authorized governmental agency, is strictly prohibited and may subject the offending person to, among other things, disciplinary action, up to and including termination of employment.

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External Reporting. In addition to the City's internal complaint procedure, an employee may file a complaint with the California Department of Fair Employment and Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC).

Section 3. Injury and Illness Policy

The City of Rolling Hills has an adopted Injury and Illness Policy for the purpose of preventing injury and illness at work. The policy applies to all employees.

Section 4. Information Technology Policy

The City of Rolling Hills has an adopted Information Technology Policy for the purpose of defining inappropriate use of the electronic information, technological equipment (e.g., computers), and technological systems (e.g., email). The policy applies to all employees.

Section 5. Smoking Policy

The City of Rolling Hills is a smoke-free City. Employees are not permitted to smoke within the City limits.

Section 6. Drug and Alcohol Use Policy

The City strictly prohibits its employees from using alcohol or drugs in connection with their employment, as it constitutes a threat to the safe and efficient performance of an employee's duties. At no time shall any employee be under the influence of any controlled drug or alcohol while on the job, including but not limited to marijuana (with, or without, prescription). Please note that, while Proposition 64 (2016) legalized use of recreational marijuana in California, the City still will find a positive test for marijuana as a valid basis for discipline, up to and including termination of employment. (Employees who are taking lawful medications pursuant to a physician's prescription, except in the case of medical marijuana, who has also certified that they may efficiently perform their duties without jeopardizing the health or safety of others will not be considered to have violated this policy for taking such prescription medicine).

Prohibitions. The following conduct is prohibited and may result in discipline, up to and including termination:

1. Using or possessing alcohol or other controlled substances while on duty.
2. Reporting for duty or remaining on duty when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not

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adversely affect the employee's ability to safely operate a vehicle or otherwise perform the employee's job.

3. Reporting for duty or remaining on duty if the employee tests as having a blood alcohol concentration of 0.02 or greater.

4. Reporting for duty or remaining on duty if the employee tests positive for controlled substances (including, but not limited to, marijuana, whether prescribed or not).

5. Refusing to submit to any alcohol or controlled substances test required by this Policy. An employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.02 or greater on a blood alcohol test or tested positively on a controlled substances test. A "refusal to submit" to an alcohol or controlled substances test required by this policy includes, but is not limited to:

- A refusal to provide a urine sample for a drug test;
- An inability to provide a urine sample without a valid medical explanation;
- A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
- An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
- Tampering with or attempting to adulterate the urine specimen or collection procedure;
- Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
- Leaving the scene of an accident without a valid authorization.

Reasonable Suspicion Testing. All employees may be required to submit to an alcohol or drug test if a supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances. Reasonable suspicion alcohol and drug testing will generally be administered within two hours of the observation. If not, the supervisor should provide written documentation as to why the test was not promptly conducted.

Consequences of Failing an Alcohol or Drug Test. A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination, even for a first offense. The City also reserves the right to



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discipline or terminate an employee convicted of an offense which involves the use, distribution, or possession of illegal drugs. If an employee is not terminated, the employee:

1. Must be removed from performing any job function and immediately placed in an unpaid status.
2. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment for his or her alcohol or drug abuse. The City is not required to pay for this treatment.
3. Shall not be returned to his or her former position until the employee submits to a return to duty controlled substance and/or blood alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test.
4. Will be required to submit to unannounced follow up testing and, possibly other conditions if he or she has been returned to his or her position.

Compliance With State and Federal Law. At all times, the City will comply with current applicable state and federal law concerning drug and alcohol testing. Issues or inconsistencies that are not addressed in this policy will be determined by referring to state or federal law and regulations governing drug and alcohol testing. The City reserves the right to make changes to this policy at any time, for the purpose of complying with state and/or federal law or regulation as it exists now or as it may be amended.

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## EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I acknowledge receipt of the City of Rolling Hills Employee Handbook and warrant and represent that I have read and understand the document. I had an opportunity to ask questions and receive clarification from the City regarding conditions of employment, policies, and rules contained in this Handbook. I agree to observe and abide by the conditions of employment, policies, and rules contained in this Handbook.

I understand and agree that my relationship with the City is “at-will,” which means that my employment is for no definite period and may be terminated by me or by the City at any time and for any reason with or without cause or advance notice. I understand that the City retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the City.

I understand and agree that nothing in the Handbook creates or is intended to create a promise or representation of continued employment and that employment at the City is employment “at-will”; employment may be terminated at the will of either the City or myself with or without cause. I understand and agree that the terms of my at-will employment may not be modified or superseded except by the City Council and by written agreement signed by me and the City Manager, that no other employee or representative of the City has the authority to enter into any such agreement, and that any agreement to employ me for any specified period of time or that is otherwise inconsistent with the terms of this Acknowledgment will be unenforceable unless in writing, approved by the City Council and signed by me and the City Manager.

My signature below certifies that I understand that the foregoing agreement on “at-will” status is the sole and entire agreement between the City and me concerning my employment and the circumstances under which my employment may be terminated. I also understand that if I violate the rules, policies, and procedures set forth herein that I may be subject to discipline, up to and including termination of my employment. This Handbook supersedes all prior agreements, understandings, and representations concerning my employment. I understand that if I have questions regarding the Handbook that I can discuss them with the City Manager’s Designee.

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Name

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Date

# CITY OF ROLLING HILLS



## EMPLOYEE HANDBOOK AND PERSONNEL POLICY MANUAL

*Rev. 11/14/2014*

*See end of document for complete policy administrative history.*

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## **INTRODUCTION**

Welcome to the City of Rolling Hills! We trust you will find working for the City professionally challenging, an excellent career opportunity, a positive experience and an environment that strives to provide a work / life balance. The City prides itself on excellent customer service, the highest level of professionalism, being responsive and communicative, maintaining a small-town, rural atmosphere and sustaining the privacy of the community. City staff are committed to public service, excellence and efficiency in the provision of services, the ICMA Code of Ethics, and the principles of democracy and professional management afforded by the Council-Manager form of government. As a member of the City team, we look forward to your positive contributions in these areas.

This handbook has been developed to provide new staff persons with important introductory information regarding the City's personnel benefits and policies on matters relevant to all employees. On subjects not included in this handbook, please ask the City Manager or the Finance Director. Updates to the policies herein will be provided in separate announcements throughout your career with the City.

## **CITY ORGANIZATION**

The City of Rolling Hills is a "contract city" that operates under the Council-Manager form of government. As a contract city, Rolling Hills contracts with the Los Angeles County Sheriff Department (Lomita Station) and Building & Safety Department (Lomita Office) for police and building permit services, respectively. Fire protection, water, electricity, natural gas, and road maintenance are also the responsibility of other non-City agencies. Under the Council-Manager form of government, the City is governed by 5 Council members who are elected at-large in municipal elections held every two years. City Council terms are staggered so that in one election, three members will be elected and in the next election, two members will be elected. The City Council hires a City Manager who is responsible for day-to-day operations of the City, implementing City Council policy and all aspects of staff supervision. The City Council also hires a City Attorney for legal counsel.

Rolling Hills is a "general law" city and, as such, its authority is established under the California State Constitution. The City has an adopted Municipal Code that contains the ordinances of the City.

## **UNIQUE FEATURES OF THE CITY OF ROLLING HILLS**

Rolling Hills is a private, gated community under the rules and regulations of two separate and unrelated agencies, the City of Rolling Hills and the Rolling Hills Community Association (RHCA). The RHCA has authority and responsibility for road maintenance, access into the City, architectural review and all easements and trails. Under the auspices of the RHCA, the roads in

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the City are not public. They are private property maintained by the RHCA. The City of Rolling Hills, in contrast, is responsible for land use regulation, building permits, environmental issues, traffic safety (e.g., roadway striping and signage), law enforcement through a contract with the Sheriff's Department, emergency preparedness, municipal elections, and other typical city functions. Approximately 75% of the City's revenues derive from property taxes with the remaining 25% basically from building permits.

Rolling Hills is also a residential community with no business or industrial activities. The community consists of only one-story, ranch-style, single-family homes. Properties are large, either one or two acres, and, each lot is required to have a barn and corral or area designated for a barn and corral. Within the community, there are a total of twenty three miles of equestrian and hiking trails that in some cases connect to trails in the Palos Verdes Peninsula Land Conservancy or other peninsula-wide trails. There is also no leash law; dogs are free to roam throughout the community. *The rural environment afforded by these characteristics is intended to maintain the integrity and identity of Rolling Hills as a rural community.*

As a member of the City team, it is important to understand the distinction between the City and RHCA in order to provide residents and the public with the best customer service.

## **IN ROLLING HILLS, SERVICE IS THE BUSINESS!**

Local government by its nature and purpose is a service-oriented and public profession. City employees, in contrast to other levels of government, directly connect with the public in many different ways. In Rolling Hills, it is an expectation that members of the City team maintain a pleasant, friendly and cooperative demeanor to each other and in all capacities when working and communicating with the public. Care should be taken to act in a professional and respectful, courteous manner at all times, for example, on the telephone, in written communications (emails and letters), and during encounters in public settings (at meetings, the public counter and events). City staff must keep in mind that they are ambassadors of the City and represent the organization.

With service as our business, it is the responsibility of City staff to be responsive and helpful to residents and assist the public. Matters are to be kept in confidence as appropriate for the circumstances and situation.

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## **CHAPTER I**

### **PURPOSE AND APPLICATION**

Section 1. Purpose: The purpose of City of Rolling Hills Employee Handbook and Personnel Policy Manual is to establish lawful procedures for dealing with personnel matters.

Unless amended by a subsequent Resolution of the City Council, the personnel provisions set forth herein constitutes the personnel rules and regulations for the City of Rolling Hills.

Section 2. Application: These rules apply to all employees of the City of Rolling Hills unless a specific rule or procedure indicates otherwise.

Section 3. No Contract Created: These rules do not create any contract of employment, express or implied, or any right in the nature for a contract.

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## **CHAPTER II DEFINITION OF TERMS**

### **DEFINITION OF TERMS**

Unless the context indicates otherwise the following terms, whenever used in this document, shall be defined as follows:

**Advancement:** A salary increase within the limits of the pay range established for the position.

**At-Will:** All positions outside of the competitive service. Employees in at-will positions may be terminated at any time at the will of the City or the employee, without cause, and without the right of appeal. At-will positions include: City Manager, Planning Director, Finance Director, Council appointed officers, all part time employees including seasonal and intermittent, emergency employees and any employee scheduled to work less than 1,040 hours per year. Effective April 15, 2009, any newly hired personnel to a position in the City will be considered at-will.

**City Manager's Designee:** The person assigned to the Human Resources function (Finance Director).

**Competitive Service:** All positions of employment in the service of the City except: City Manager, Planning Director, Finance Director, Council appointed officers, all part time employees including seasonal and, intermittent part time employees, emergency employees and any employee scheduled to work less than 1,040 hours per year. This applies to existing personnel employed by the City hired prior to April 15, 2009.

**Demotion:** The movement of an employee from one class to another class having a lower maximum rate of pay. A demotion may be voluntary or involuntary.

**Domestic Partner:** A domestic partnership is legally established in California when all of the following requirements are met: both persons file a Declaration of Domestic Partnership with the Secretary of State; both persons have a common residence; neither person is married to someone else or is a member of another domestic partnership with someone else that has not been terminated, dissolved, or adjudged a nullity; two persons are not related by blood in a way that would prevent them from being married to each other in another state; both persons are at least 18 years of age; either of the following: (a) both persons are members of the same sex; or (b) one or both of the persons are over the age of 62, and meet certain eligibility criteria pursuant to the Social Security Act; and both persons are capable of consenting to the domestic partnership.



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Eligible: When used as a noun, means a person whose name is considered for appointment to a position.

Employment Eligibility List: A list of one or more names of persons who are being considered for a position vacancy generated from candidate resumes, the results of an examination or some other method of identifying eligible persons.

Examinations:

- (a) Open-competitive examination: An examination for a particular position which is open to all persons meeting the qualifications for the class.
- (b) Promotional examination: An examination for a particular position, admission to the examination being limited to employees identified by the City Manager or designee.
- (c) Continuous examination: An open competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than one (1) year.

Exempt: An employee not entitled to overtime compensation under the Fair Labor Standards Act.

Job Classifications: For the purposes of the City's Personnel rules and regulations, each position title shall correspond to the City's list of classifications and salary range.

- (a) Full-time Exempt: Various executive, administrative, and professional positions exempt from overtime requirements.
- (b) Full-time Non-Exempt: Positions subject to overtime requirements and working 37.5 hours per week.
- (c) Hourly Benefited: Positions known as regular part-time working twelve (12) months per year and an average of twenty (20) or more hours per week on a year-round basis. Benefits are provided to regular part time employees on a pro-rated basis.
- (d) Hourly Non-benefited: At-will positions also known as either seasonal part-time or part-time. These employees are sometimes referred to as "Temporary".
  - a. Seasonal Part-time: A position utilized up to 40 hours per week on a seasonal or partial year basis, but not more than 1000 hours per fiscal year. If an employee identified as seasonal part time works

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more than 1,000 hours in a fiscal year he or she does not acquire regular employee status.

- b. Part-time: A position with an average of 19.5 hours or less per week and no more than 1000 hours per fiscal year. If an employee identified as part-time works more than 1,000 hours in a fiscal year he or she does not acquire regular employee status.

Layoff: The involuntary separation of a regular status employee or reduction to a position in a lower classification because the position is no longer needed.

Personnel Ordinance: City of Rolling Hills Municipal Code, Title 2, as amended from time to time.

Probationary Period: A working test period during which an employee is required to demonstrate his or her fitness for the duties to which he or she is appointed by actual performance of the duties of the position. The probationary period or initial period of employment is considered a part of the examination process and shall be utilized for closely observing the employee's work to determine the employee's fitness for the position.

Promotion: The movement of an employee from one position to another position having a higher maximum rate of pay and different job duties from the previous position.

Provisional Appointment: A temporary appointment of a person who possesses the minimum qualifications established for a particular class, and who has been appointed to a position in the absence of available eligible. This is sometimes referred to as an "Interim Appointment".

Reclassification: The change of a position from one position to another as a result of the gradual accretion or reduction of duties and/or responsibilities over time.

Regular Employee: A full-time employee who has successfully completed his or her probationary period and has been retained as an employee.

Regular Part-Time Employee: An employee who has successfully completed his or her probationary period.

Rejection: The separation of an employee from employment during the probationary period or examination process.

Reinstatement: The re-employment, without examination, of a former regular employee.

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Temporary Employee: An at-will employee who has been appointed to a full time or part time position of limited duration.

Transfer: A change of an employee from one position to another position in having the same maximum salary limits, involving the performance of similar duties and responsibilities and requiring the same qualifications.

Y Rate: When an employee is moved to a different position with a lower salary range, the employee will retain his/her current salary until the salary of the new position has a maximum salary rate that is equal to or higher than the current salary.

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## CHAPTER III GENERAL PROVISIONS

- Section 1. Discrimination Prohibited: No person employed by the City of Rolling Hills or seeking employment with the City, shall be discriminated against in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of race, color, religion, national origin, ancestry, marital status, sex, age, physical or mental disability, sexual orientation, political or religious opinions or affiliations, taking of Family Medical Leave Act (FMLA) or pregnancy disability leave, religious creed, medical condition, or any other characteristic protected by law.
- Section 2. Political Activity Prohibited: City employees shall not engage in political activities in violation of Government Code Section 3201 *et seq.* No one employed by the City may engage in political activities on City premises, while engaged in official duties, using City equipment, or wearing an official City uniform.
- Section 3. Outside Employment: No employee may hold outside employment that is incompatible with his/her City employment. Each regular employee who holds any other position in addition to City employment shall submit a written request to the City Manager prior to accepting such employment.
- Section 4. Employee Duties: Employees are required to carry out the primary duties and responsibilities of their employment.
- Section 5. Violation of Rules: Violation of the provisions of these rules shall be grounds for disciplinary action.
- Section 6. Amendment and Revision of Rules: Amendments and revisions to these rules must be recommended by the City Manager and approved by the City Council.
- Section 7. Employee Standards of Conduct and ICMA Code of Ethics: Employees are requested to be mindful of the ICMA Code of Ethics and uphold the intent of the tenets and guidelines of the Code. Employees are required to adhere to the Employee Standards of Conduct (Chapter XXIII)
- Section 8. Federal Taxes: Completion of appropriate IRS forms will be required of all personnel at the time of employment. The number of exemptions claimed will determine the amount of federal tax deductions.
- Section 9. Social Security: All employees, full and part-time, will be required to have a Social Security number and or meet other legal requirements including proof of citizenship or permanent residency status at the time of employment. Social Security deductions will be made according to established schedule provided by government agencies.

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## CHAPTER IV CLASSIFICATION

Section 1. Classification Plan: The City of Rolling Hills has an established list of classifications as follows:

**Full-time Exempt**

City Manager  
Planning Director

**Full-time Non-Exempt**

City Clerk/Executive Assistant to the City Manager  
Administrative Assistant

**Hourly Non-Benefited**

Finance Director  
Planning Assistant  
Code Enforcement Official  
Bookkeeper  
Administrative Intern

Each position in the City service is defined by specifications, including title, definition of the position, supervision received and exercised, a description of the duties and responsibilities of positions in each class, and the training, experience, and other qualifications to be required of applicants for positions in each class.

Section 2. Adoption, Amendment, and Revision of Plan: The list of classifications may be amended from time to time by resolution of the City Council.

Section 3. New Positions: When a new position is created, an employment eligibility list will be established before an appointment is made, unless the position is filled by a promotional appointment.

Section 4. Classification Studies: Classification studies shall be conducted from time to time to determine if the duties and responsibilities of a position have substantively changed, have become inequitably aligned in relation to other classifications within the City service, and/or are otherwise incorrectly designated. The City Manager or designee shall conduct the classification study and as a result, a position may be reclassified to a more appropriate classification, whether new or already authorized, at a higher or lower maximum salary level.

After conducting a classification study of the position(s), the City Manager will recommend classification changes, if any, to the City Council for approval.

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Section 5. Qualifying Examination: A reclassification with a title change that results in a salary increase above the old classification may require of the incumbent a qualifying examination to determine whether or not the incumbent possesses the minimum qualifications for the new class. The method for the qualifying examination shall be determined by the City Manager or designee. It may be an interview, demonstration of skills and abilities or a written examination. An incumbent proposed for a reclassification who does not pass the qualifying examination shall retain his or her original title until such time as he or she does pass the qualifying examination.

An employee whose position is being reclassified upward and who has demonstrates competency for the position, need not take a qualifying examination.

Section 6. Y-Rate: When a reclassification results in a lower maximum rate of pay for the incumbent, the incumbent shall be "Y-Rated" at the salary level he/she has earned up to that time.

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## CHAPTER V COMPENSATION

Section 1. Compensation Plan: The City has established salary ranges covering all positions in the City service, showing the minimum and maximum rates of pay as follows:

Salary ranges\* established for positions filled as of August 1, 2014 are as follows:

<i>Position (full-time equivalent)</i>	<i>Range Established (annualized)</i>
<i>Finance Director</i>	<i>Contract position</i>
<i>Planning Director</i>	<i>\$83,542 - \$110,693</i>
<i>City Clerk / Executive Assistant</i>	<i>\$58,568 - \$76,885</i>
<i>Administrative Assistant</i>	<i>\$39,387 - \$52,190</i>

• **updated** 11/14/14

Section 2. Amendment of Plan: The compensation plan may be amended from time to time by action of the City Council.

Section 3. Comprehensive Compensation Survey: A Comprehensive Compensation Survey will be conducted from time to time to assure that the City's jobs are paid equitably against the labor market. The Survey will include each position and include labor market comparisons to:

Carson  
El Segundo  
Hermosa Beach  
Lawndale  
Lomita  
Palos Verdes Estates  
Rancho Palos Verdes  
Rolling Hills Estates  
Signal Hill

Section 4. Salary upon Initial Hire: The City Manager shall have the discretion to place the employee at a salary level within the salary range of the position into which the employee is hired.

Section 5. Merit Advancement: The City Manager has the authority and discretion to adjust all Regular and part-time employee salaries within their range at any time (effective 2009). The City Manager shall justify a salary change within the range with documentation and based on the performance and skill-level of the employee.

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- Section 6. Evaluation: Each employee will be formally evaluated annually on the anniversary of his or her employment in regards to the employee's performance of his or her work responsibilities. In the evaluation, the City Manager will consider and evaluate the employee's salary for a potential merit advancement. If the evaluation is untimely and in the evaluation, the employee is deemed meritorious of a salary adjustment within the salary range, the employee will receive the increase retroactively. Performance evaluations and Annual Work Plans will be tracked by the City Manager or his designee.
- Section 7. Probationary Period: At the end of the six-month probation period and annually thereafter on the anniversary date of hire, each employee will be evaluated by the City Manager with regard to work performance. An adjustment to the base salary with the salary range will be considered. Adjustments to the base salary are subject to the determination and approval of the City Manager; adjustments to the base salary upon completion of the probation period are not automatic.
- Section 8. Effective Date of Increase: Salary increases shall be effective the first day of the pay period following the approved effective date.
- Section 9. Salary on Promotion: An employee promoted to a position having a greater maximum salary will be placed at a salary that results in not less than a three and one-half percent (3.5%) increase above the employee's current regular salary. The City Manager may establish the salary at a higher level within the range.
- Section 10. Salary on Demotion: An employee who is demoted will be placed within the salary range for the position into which demoted. The salary will be set at a level that is lower and closest to the salary the employee was receiving before the demotion.
- Section 11. Salary on Reclassification: An employee whose position title is changed but will be performing similar duties will receive the salary set forth below.
- (a) If the new position title maintains the same salary range, the salary will not change.
  - (b) If the new position title has a higher salary range, the salary will be determined in the same manner as a promotion.
  - (c) If the new position title has a lower salary range, the employee will be Y-rated.
- Section 12. Pay Periods: Employees shall be compensated by paycheck or electronic transfers every two weeks. Checks or electronic transfers in payment for compensation will be made available by the City to employees.
- Section 13. Bilingual Pay: The City does not provide a bilingual premium pay differential in addition to regular pay for employees who are requested by the City to use bilingual skills during their scheduled work hours on a recurring basis.



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Section 14. Overtime:

- (a) As a matter of general policy, the City does not permit employees to work overtime and will provide adequate staff to handle normal operations. However, non-exempt employees may be required to work overtime at the discretion of the City Manager.
- (b) Overtime for non-exempt employees is defined as hours assigned to be worked and actually worked in excess of thirty-seven and one-half (37.5) hours actually worked in the designated work week.
- (c) Non-exempt employees working overtime when not expressly authorized to do so, shall, to the extent authorized by law, not be compensated therefore and shall be subject to discipline.
- (d) Overtime assigned and worked by non-exempt employees shall be compensated at time and one half their regular rate of pay. The employee may request, and the City Manager shall have the unrestricted discretion to approve or not approve compensation in the form of accrued compensatory time at time and one-half pay, except an employee may not accrue more than thirty-seven and one-half (37.5) hours compensatory time at any time.
- (e) If a non-exempt employee is required to work on an observed holiday beyond the regular thirty-seven and one-half (37.5) hour work week, he or she shall be entitled to pay at the rate of two (2) times the regular rate of pay.
- (f) Employees who are exempt from the Fair Labor Standards Act (FLSA) are compensated on a salary basis and are not eligible for overtime.

Section 15. Call-Out Pay: Non-exempt full time and part time employees will be paid a minimum of two (2) hours pay if called out to respond to a City emergency. Call out occurs when an employee is ordered to return to duty on a non-regularly scheduled work shift. Call out does not occur when an employee is held over from his or her prior shift or is working prior to his/her regularly scheduled shift.

In the event of a major emergency or disaster, all City employees are required to report to work.

Section 16. Acting Pay: An employee who is provisionally appointed to an acting or interim position that is in a higher salary range than that of the position title in which the employee is normally assigned shall receive acting compensation.

- (a) Acting pay shall be provided only for appointments with duration greater than twenty-one (21) consecutive calendar days and shall be

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retroactive to the effective date of the acting appointment and continue until completion of appointment.

- (b) Such acting appointments shall be made in writing by the City Manager.
- (c) Compensation shall be at the entrance of the salary range of acting position or a minimum of three and one-half percent (3.5%) higher than the employee receives, whichever is greater.

Section 17. Cost of Living Adjustment (COLA): Annually, employees will receive a COLA in their *salary* or hourly rate based on the month of May, Los Angeles/Orange County/Riverside Consumer Price Index (CPI) for all items. The COLA will be applied to employee salaries or hourly rates automatically not to exceed 3.5% on August 1 of every year based on the May CPI.

On August 1 of every year, position *salary ranges* will also adjust automatically. The salary range will adjust based on the month of May, Los Angeles/Orange County/Riverside CPI for all items not to exceed 3.5%.

These provisions become effective on January 1, 2009.

Section 18. Exceptional Performance Recognition: The City's program for recognizing an employee's exceptional performance is described in Chapter XX.

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## **CHAPTER VI BENEFITS**

### **Section 1.   Retirement Plan:**

- (a)   The City is a member of the Public Employees Retirement System (PERS). Eligible Regular employees of the City hired prior to December 31, 2012 are enrolled in the 2%@60 retirement program. Under PERS Regulations, employees hired on or after January 1, 2013 and who are considered "Classic" employees will be enrolled in the 2%@60 retirement program. Eligible Regular employees of the City hired on or after January 1, 2013 are enrolled in the 2%@62 and 2.5%@67 retirement program consistent with State Assembly Bills 340 and 197 enacted September 12, 2012 and City Resolution No. 1136. All conditions of PERS apply to all eligible Regular employees of the City of Rolling Hills.
- (b)   The pensionable compensation used to calculate the defined benefits paid to employees hired after December 31, 2012 will not exceed the maximum amount specified in the federal retirement system (United States Code Title 42 § 430(b), as may be amended from time to time); as adjusted annually based on changes to the Consumer Price Index for all Urban Consumers.
- (c)   Regular employees hired after December 31, 2012 pay 100% of the employee portion of the retirement program or 50% of the "normal cost," defined as that portion of the present value of projected benefits under the defined benefit plan that are attributable to the current year of service (also known as the "Member Contribution Rate as a percentage of payroll"), which ever is higher. Exercising its authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC), all employee's payments for the retirement program are tax deferred. For employees hired after December 31, 2012, the City is prohibited from making contributions greater than the amount specified in the federal retirement system.
- (d)   The final compensation is the average full-time monthly pay rate for the highest 36 consecutive months. If the service is coordinated with Social Security, the final compensation will be reduced according to State law (\$133.33 as of 7/25/11). "Compensation" is defined as the normal monthly rate of pay or base pay for the employee for services rendered on a full-time basis during normal working hours, pursuant to the City's pay schedule. It does not include pay for unused sick leave or time off or overtime pay.
- (e)   Employees are permitted to replenish their Public Employees Retirement Account (PERS) out of their own funds, if they have

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chosen to remove those funds from PERS following termination of previous employment.

- (f) All employees, full and part-time, are required to participate in the Social Security System
- (g) Newly retired former employees, or employees of another PERS member, are required to sit out for at least 180 days before returning to work for the City to avoid forfeiture of their retired status. Such employees also cannot serve more than 960 hours in a calendar year. This subsection shall not apply to employees hired to fill a critically needed position, where the appointment has been approved by City Council in a public meeting.
- (h) Any public official or employee who is convicted of a felony related to performance of his or her official duties, related to seeking an elected office or appointment, in connection with obtaining benefits, or committed against a child who the official or employee has contact with as part of his or her official duties, forfeits all pension benefits earned or accrued after the date of the conviction.

## Section 2. Health and Life Insurance:

- (a) The City maintains Worker Compensation Insurance for work-related injuries. Group term life insurance, long-term disability insurance, health insurance, prescription drug, dental insurance and vision insurance is also provided for all Regular Exempt and Non-Exempt full-time employees who have successfully completed their six month probationary period.
- (b) The City of Rolling Hills provides 100% of the single-party premium for health, dental and vision insurance, inclusive of prescription drug coverages within the health plans, of each Regular employee who has successfully completed their probationary period. The City will pay 80%<sup>1</sup> of the premium for the eligible dependents of Regular employees up to a maximum monthly family premium of \$1,642.21 based on the 2015 rate for the Anthem Traditional HMO plan<sup>2</sup> following successful completion of the Regular employee's probationary period.
- (c) Dental benefits become effective after 6 months of employment. Vision benefits become effective after 3 months of employment. Other health benefits become effective immediately upon

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<sup>1</sup> For existing Regular employees who have completed their six month probationary period prior to January 1, 2009, the employee will pay 2% per year of the dependent health, dental and vision premium up to a total of 20% over 10 years (in 2019).

<sup>2</sup> To be adjusted annually based on the current monthly premium for the Anthem Traditional HMO plan or a comparable plan in the same category of coverage.

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employment.

Information describing coverage is available from the Finance Department.

- (d) Through the implementation of an IRS compliant Section 125 plan, the City will provide Regular employees with the ability to withhold pre-tax income from his/her salary to pay his/her portion of insurance premiums.

Section 3. Credit Union:

- (a). Applications are available to all employees for membership in the F & A Federal Credit Union. Automatic payroll deductions may be arranged.

Section 4. Deferred Compensation and Employment Longevity Plan:

- (a) The City of Rolling Hills offers an employee funded deferred compensation program. Applications are available in the Finance Department.
- (b) According to the following schedule, effective July 1, 2009, the City of Rolling Hills will match employee contributions up to the IRS limit.

<i><b>Years of service</b></i>	<i><b>City match to employee's contribution (up to ___% of salary)</b></i>
<b>0 - 1.99</b>	<b>0%</b>
<b>2 - 2.99</b>	<b>1%</b>
<b>3 - 5.99</b>	<b>2%</b>
<b>6 - 8.99</b>	<b>3%</b>
<b>9 - 11.99</b>	<b>4%</b>
<b>12 - 14.99</b>	<b>5%</b>
<b>15+</b>	<b>6%</b>

Section 5. Other benefits:

- (a). The City provides single-party health coverage for its Regular employee retirees through PERS. Health plan options and terms of the program are governed through the City's contract with PERS. Regular employees hired after December 31, 2012 will be qualified to receive single-party retiree health coverage from the City providing 1) the Regular employee retirees from the City of Rolling Hills and 2) the Regular employee has been in the employment of the City of Rolling Hills for a minimum of 5 consecutive, uninterrupted years.

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- (b). A surviving beneficiary of a current or former employee hired before January 1, 2013 will receive benefits through PERS, as appropriate to individual circumstances. The benefits pertain to the employee's designated survivor, benefits upon death of the employee/retiree, military and VISTA service buy-back options and credit for unused sick leave. The terms of these benefits are specified in the City's contract with PERS.

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## CHAPTER VII HOURS OF WORK

Full Time employees are assigned to the 9/75 flex plan under which they will work seventy-five (75) hours in a nine (9) day period.

Section 1. The 9/75 Plan: Full Time employees work 37.5 hours over a 5-day workweek exclusive of meal period as follows:

**Alternating Week 1**

Mon - Wed: 7:30am to 5:00pm  
Thursday: 7:30am to 5:00pm  
Friday: 7:30am to 5:00pm

**Alternating Week 2**

Mon - Wed: 7:30am to 5:00pm  
Thursday: 7:30am to 3:30pm  
Friday: off

Section 2. Alternate Work Schedule: Full Time employees may be assigned to work days or hours other than those set forth in Section 1.

Section 3. Work Week Defined: The work period or work week will begin at 12:01 p.m. on Friday and end the following Friday at 12:00 noon for all full time employees working under the 9/75 work schedule if the employee is scheduled to be off every other Friday.

Section 4. Work Week Schedule Change: The City may change the work week when public necessity or convenience so requires.

Section 5. Request to Change Schedule: Employees for whom personal necessity requires a different schedule than above, may make a request for the alternate schedule to the City Manager. Alternate schedules must begin no earlier than 7:00 a.m. and end no later than 6:00 p.m. and will not include a shorter meal period than below.

Section 6. Meal Period: Meal periods are non-paid and nonworking time and shall be one hour for all full time employees. Every effort will be made to schedule such meal period during the middle of the shift.

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## **CHAPTER VIII**

### **APPLICATIONS AND APPLICANTS**

- Section 1. Announcement: All recruitments for positions shall be publicized by means as the City deems advisable. The announcements shall specify the title and pay of the position, duties and responsibilities of the work to be performed, minimum requirements established, the manner of making application, and other pertinent information.
- Section 2. Application: Applications shall be made as prescribed on the announcement. Application forms shall require information covering training, experience, and other pertinent information. All applications must be signed by the person applying.
- Section 3. Disqualification: The City Manager or designee may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position or for any material cause which, in the judgment of the City Manager or designee would render the applicant unsuitable for the position. Falsification of any information presented on the employment application shall be grounds for rejection/disqualification from the recruitment and/or termination from employment, if applicant is appointed to the position.



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## **CHAPTER IX EXAMINATIONS**

- Section 1. Types of Examinations: The selection techniques used in the examination process shall measure the knowledge and abilities of the applicants to execute the duties and responsibilities of the position to which they seek to be appointed.

Examinations shall consist of selection techniques which will test fairly the qualifications of candidates. The City Manager or designee may select the appropriate examination(s) to be utilized in the selection process.

- Section 2. Promotional Examinations: All candidates for promotion must meet the minimum qualifications identified by the City Manager or designee.

The City Manager or designee will determine whether the examination is open competitive or a promotional appointment.

- Section 3. Continuous Examinations: Open-competitive examinations may be administered periodically for a single position as the needs of the service require. Names shall be placed on employment lists, in order of final scores, for a period of not more than one (1) year, unless extended by the City Manager or designee.

- Section 4. Conduct of Examinations: The City Manager or designee will determine the manner and methods and by whom examinations shall be prepared and administered.

- Section 5. Reasonable Accommodation in Testing: Should an otherwise qualified applicant who is disabled request a reasonable accommodation for any part of the testing process the City may modify the process to reduce or eliminate the testing barrier.

- Section 6. Pre-Offer Physical Examinations and Background Investigations: Prior to an offer of City employment, all candidates must successfully pass a physical examination. Candidates being considered for employment will be sent to a City authorized physician at the City's expense. Candidates will also be subject to fingerprinting and a background investigation.

- Section 7. Immigration Reform and Control Act of 1986: In compliance with the Immigration Reform and Control Act of 1986, all new employees must verify identity and entitlement to work in the United States by providing required documentation.

- Section 8. Notification of Selection Process Results: Each person competing in an employment selection process shall be given notice of the results from the examination.

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## **CHAPTER X**

### **EMPLOYMENT ELIGIBILITY LISTS**

- Section 1. Employment Eligibility Lists: As soon as possible after the completion of a continuous examination, the City Manager or Designee will prepare and keep available, an employment eligibility list consisting of the names of applicants who qualified in the examination, arranged alphabetically.
- Section 2. Removal of Applicants from Lists: The name of any person appearing on an employment eligibility list shall be removed by the City Manager or designee if the person eligible requests in writing that his or her name be removed, fails to respond to a notice mailed to his or her last known address, or has been certified for appointment and has not been appointed.
- Section 3. Use of Employment Eligibility Lists: A vacant position may be filled by the appointment of a person whose name is on an employment eligibility list for the position.

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## **CHAPTER XI**

### **METHOD OF FILLING VACANCIES**

- Section 1. Types of Appointment: All vacancies shall be filled by re-employment, transfer, voluntary demotion, promotion or from eligible applicants by a process deemed appropriate by the City Manager or Designee.
- Section 2. Appointment: After interview(s) and an examination if deemed necessary for the selection of a candidate, the City Manager or Designee shall thereupon notify the person of the conditional offer of appointment, subject to passing a required medical examination and all background investigations.
- Section 3. Temporary Assignments: Employees may be temporarily assigned higher or lower duties without a change in pay. Such action shall not be deemed as a transfer, demotion, promotion, or reclassification. In all cases where periodic or regular variations in assignments occur because of seasonal needs, the temporary change of duties or a change of the work schedule, of such variations shall be considered as incidental to the position.
- Section 4. Extended Assignment to Vacant Higher Position: Employees assigned to perform duties in a vacant higher level regular position in excess of twenty-one (21) consecutive calendar days as authorized by the City Council shall be entitled to a salary rate increase to the higher level for the time actually worked in the assignment. (See CHAPTER V, Section 16, Acting Pay.) The duration of such assignment to a vacant higher position shall not exceed one (1) year. It is the responsibility of the City Manager to adjust the salary rate increase.

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## **CHAPTER XII PROBATIONARY PERIOD**

- Section 1. Probationary Period: Upon initial and promotional appointment to a position, an employee must serve a probationary period of 6 months of actual and continuous service. Periods of time on paid or unpaid leave excluding five (5) days (consecutive or not) automatically extends the probationary period by the number of days the employee is on leave. The City Council may, by resolution, establish a longer probation period for a specified classification prior to the time of an appointment. Continuous service with the City in a temporary position may be calculated into the probationary period upon hiring the individual into a regular position at the discretion of the City Manager.
- Section 2. Purpose of Probationary Period: During the probationary period, the City Manager shall review, examine, and monitor the conduct, capacity, efficiency, skill, responsibility, integrity, and effectiveness of an employee to determine whether the employee is fully qualified for employment in the position to which the employee has been appointed.
- Section 3. Extension of Probationary Period: The probationary period may be extended by the City Manager for a period up to six (6) months by written notice to the employee prior to the expiration of the original probationary period.
- Section 4. Reduction of Probationary Period: The probationary period may be shortened by the City Manager.
- Section 5. Rejection During Probation: At any time during the probationary period an employee may be rejected from employment without cause and without right of appeal.
- Section 6. Rejection During Probation From a Promotional Position: A promoted employee who has attained regular status in another position of City employment who does not successfully complete the probationary period in the promoted position may be returned to the former position without right to review or appeal unless terminated for cause.
- Section 7. Use of Leave During Probation: Authorized use of accrued sick leave may be used any time by the probationary employee during the probationary period. Vacation leave hours are accrued during the probationary period, but shall be available for use upon completion of six (6) months of service unless otherwise approved by the City Manager.

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## CHAPTER XIII ATTENDANCE AND LEAVES

Section 1. Attendance: Full time employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leave. Absence of any employee without leave may result in disciplinary action, including discharge.

Section 2. Vacation Leave: Vacation is a right, earned as a condition of employment, to a leave of absence with pay for the recreation and well being of the employee. If an employee has exhausted sick leave, vacation may be used for sick leave upon request of the employee and with approval of City Manager. Employees are required to take a minimum of a total of one-week of vacation (37.5 hours) during the calendar year with his or her accrued leave time (effective 2009)

- (a) Employees shall accrue, on a pro-rata basis, vacation leave for completed pay periods. Such vacation allowance shall be available for use on the first day following the pay period in which it is earned; however, vacation allowance shall be available for use after one year by a probationary employee.
- (b) All Full Time employees earn 5/6th of a day of vacation per calendar month of employment. Additional vacation days for longevity will accrue as follows:

Years of Service Completed	Vacation Days Accrual
3	1 day per month
5	1 1/4 days per month
10	1 2/3 days per month

- (c) Maximum Accrual: Employees shall be permitted to accumulate a maximum of 40 days of vacation leave or the maximum amount accumulated in a two-year period of employment, whichever is less. Employees who have accumulated the maximum amount of vacation leave shall accrue no further vacation leave until they use sufficient leave to fall below the maximum that may be accumulated.
- (d) Waiver of Maximum Accrual: A waiver must be requested by the employee and approved by the City Manager, for a period not to exceed thirteen (13) pay periods per fiscal year. If, at the end of the waiver period the maximum accrual amount is exceeded, vacation accrual for the affected employee will stop. No further vacation time will be accrued until the employee's vacation leave balance is below the maximum

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accrual amount. In the event that the failure to utilize vacation past the thirteen pay period waiver is due to the City's inability to allow an employee to take vacation (as opposed to an employee's delay and/or failure to request vacation time off), the employee may, with City Manager authorization, continue to accrue vacation.

- (e) Vacation Leave Cash Out Option: In December of each year, if an employee has over two weeks of accrued vacation after using accrued vacation leave for one week (37.5 hours) of vacation during the calendar year, he or she may "cash out" up to two weeks of the accrued vacation (75 hours) in the amount \$0.75 for every \$1.00 of the employee's base rate of pay (effective December 2009).
- (f) The minimum charge against accumulated vacation leave shall be fifteen (15) minutes or multiples thereof. Vacation leave shall be compensated at the employee's base rate of pay.
- (g) The time during a calendar year at which an employee may take his or her vacation shall be determined by the City Manager with due regard for the wishes of the employee and particular regard for the needs of the City.
- (h) All vacation leave requests shall be made with as much advance notice as possible, and prior approval must be given by the City Manager. When circumstances warrant and advance notice is impractical, the City Manager may approve the use of vacation leave for emergency absences. If an employee does not request time off in advance and simply does not show up for work, the City Manager may deny the use of vacation time or any leave accruals, and said employee may be subject to disciplinary action.
- (i) When a fixed holiday falls within a vacation period, the holiday time shall not be charged against an employee's earned vacation benefits.
- (j) Employees who terminate or retire shall be paid for all accrued vacation leave earned at their base rate of pay at the time of their separation of employment.
- (k) Employees on Unpaid Leave: Employees on Unpaid Leave do not accrue Vacation Leave.
- (l) Employees not Eligible for Vacation: All Part Time employees including temporary, emergency, seasonal part time, and part time do not accrue Vacation Leave.

Section 3. Sick Leave: Sick Leave is defined as the authorized absence from duty of an employee because of physical or mental illness, injury, pregnancy, confirmed

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exposure to a serious contagious disease, or for a medical, optical, or dental appointment. Sick leave may also be taken to care for a member of the immediate family who requires the attention of the employee. Sick leave shall not be considered as a privilege which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability.

- (a) Accrual: Employees shall accrue one day of sick leave (7.5 hours) with full pay for each month of service (225 hours). Sick leave shall be available for use the first day following the payroll period in which it is earned. If the employee does not take the full amount of sick leave allowed in any year, the amount not taken shall be accumulated from year to year, to a maximum of 30 days.
- (b) Minimum Use: The minimum charge against accumulated sick leave shall be fifteen (15) minutes or multiples thereof. Approved sick leave with pay shall be compensated at the employee's base rate of pay.
- (c) Proof of Illness: The City Manager may require a physician's certificate.
- (d) Notification: In order to receive compensation while absent from duty on sick leave, the employee must notify the City Manager prior to, or within 45 minutes after the time set for the beginning of his/her regular duties. The City Manager may request a certificate issued by a licensed physician or other satisfactory proof of illness before sick leave is granted or if the sick leave extends more than 3 consecutive days.
- (e) Violations: Violation of sick leave privileges may result in disciplinary action when in the opinion of the City Manager, the employee has been excessively absent or has abused such privileges. Employees who do not call in within 45 minutes of the start of their assignment may be denied use of sick leave.
- (g) Sick Leave Payout: The City does not pay accrued sick leave to an employee upon retirement.
- (h) Use of Family Sick Leave: Use of family sick leave shall be limited to half the yearly sick leave entitlement in any one (1) year period. The amount of sick leave available is limited to what the employee accrued prior to utilizing sick leave for this purpose. Sick leave taken for this purpose shall be allowed only in the case of necessity of and actual illness of an employee's child, parent, or spouse or domestic partner as determined by the City Manager. In order to receive sick leave with pay for this purpose, the employee shall notify the City Manager prior to or within two (2) hours after the start of the employee's scheduled work shift. The City Manager may, if he/she deems necessary, require the employee to file a Physician's Certificate (regarding the illness of the

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employee's child, parent, spouse, or domestic partner) or an Affidavit stating the cause of absence. Use of sick leave under this section shall not extend the maximum period of leave to which an employee is entitled under Family and Medical Leave.

- (i) Employees on Unpaid Leave: Employees on unpaid leave do not accrue Sick Leave.
- (j) Part Time Employees: All Part Time employees, including regular, seasonal and part time employees, do not accrue Sick Leave.
- (k) If the employee does not take the full amount of leave allowed in any year, the amount not taken shall be accumulated from year to year, to a maximum of 30 days.

Section 4. Occupational Injury or Illness Leave: Whenever a person is compelled to be absent from employment with the City on account of injury or illness arising out of or in the course of that employee's employment as determined by the Workers' Compensation Act, the employee may elect to apply pro-rated accrued sick leave, if any, to such absence to receive compensation of an amount of the difference between the compensation received under the Workers' Compensation Act and that of the employee's regular pay, not to exceed the amount of the employee's earned sick leave. An employee, in such instance, may also elect to use any earned vacation time in like manner after sick leave is exhausted. An employee, in such instance, may also elect to use any earned Floating Holiday hours in like manner after sick leave and earned vacation time is exhausted. Employees shall receive full salary in lieu of Workers' Compensation benefits and paid sick leave for the first twenty-four (24) hours following an occupational injury or illness, if authorized absence is by order of an accepted physician under the Workers' Compensation sections of the California Labor Code.

Section 5. Bereavement Leave: When circumstances are such and the City Manager determines that conditions warrant, Full Time employees may be granted up to three (3) days (25.5 hours) of paid bereavement leave per occurrence following completion of one year of employment in the event of the death of a spouse, domestic partner, child, brother, sister, parent, parents-in-laws, or grandparent.

Section 6. Jury Duty and Witness Leave: If a regular full time employee is required to serve as a juror, such employee shall receive regular pay less amounts received while actually performing jury service for a period of service not to exceed 10 days of jury service. The City will not pay mileage or other additional expenses incurred by jury duty. Employees will be required to provide a Jury Duty Certification form to their supervisor, to be attached to their time sheet for that time period.



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Employees shall be granted leave with pay when subpoenaed to testify as a witness other than as a party or an expert.

Employees absent from work due to jury duty or witness leave must daily notify the City Manager of the status of their leave.

Section 7. Family and Medical Leave:

(a) Statement of Policy: To the extent not already provided for under current leave policies and provisions, the City will provide family and medical care leave for eligible employees as required by state and federal law.

(b) Definitions:

(1) 12-Month Period means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

(2) Child means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or step-child, legal ward, or a child of a person standing in loco parents.

(3) Parent means the biological parent of an employee or an individual who stands or stood in loco parents (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

(4) Domestic Partner means a person as defined in the Family Code.

(c) Reasons For Leave: Leave is only permitted for the following reasons:

(1) The birth of a child or to care for a newborn of an employee;

(2) The placement of a child with an employee in connection with the adoption or foster care of a child;

(3) Leave to care for a child, parent, or spouse who has a serious health condition; or

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- (4) Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position.

- (d) Employees Eligible For Leave

An employee is eligible for leave if the employee:

- (1) Has been employed for at least 12 months; and
- (2) Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

- (e) Amount of Leave: Eligible employees are entitled to a total of 12 workweeks of leave during any 12-month period.

- (1) Minimum Duration of Leave: If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

If leave is requested to care for a child, parent, spouse, or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

- (2) Spouses Both Employed by the City: In any case in which a husband and wife both employed by the City are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy.

- (f) Employee Benefits While On Leave: Leave under this policy is unpaid. While on leave, employees will continue to be covered by the group health insurance to the same extent that coverage is provided while the employee is on the job.

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If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City shall have the right to recover premiums through deduction from any sums due the City.

- (g) Substitution of Paid Accrued Leaves: While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the City may require an employee to concurrently use paid accrued leaves after requesting Family Medical Leave (FMLA) and/or California Family Rights Act (CFRA) leave, and may also require an employee to use Family and Medical Care Leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

- (1) Employee's Right to Use Paid Accrued Leaves Concurrently With Family Leave: Where an employee has earned or accrued paid vacation, administrative leave, or compensatory time, that paid leave may be substituted for all or part of any otherwise unpaid leave under this policy.

As for sick leave, an employee is entitled to use sick leave as set forth in Section 3.

- (h) Medical Certification: Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the City.

- (i) Reinstatement Upon Return From Leave

- (1) Right to Reinstatement: Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
- (2) Employee's Obligation to Periodically Report on His/Her Condition: Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

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- (3) Fitness for Duty Certification: As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition that made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

Section 8. California Paid Family Leave: California Paid Family Leave is a component of State Disability Insurance (SDI). Unlike SDI, which partially covers employee wage loss due to a personal disability, injury, or pregnancy, Paid Family Leave Insurance partially covers employee wage loss for individuals who need to care for a seriously ill family member or bond with a new child. Benefits are available for a maximum of six (6) weeks in a twelve (12) month period. Paid Family Leave and SDI are both administered by the Employment Development Division (EDD) and funded entirely by mandatory payroll deductions.

Section 9. Pregnancy Disability Leave: A Full Time employee is eligible for up to four (4) months of unpaid leave for a normal pregnancy, childbirth or related medical condition

- (a) During the pregnancy disability leave time, paid leave may be charged to accrued benefit time such as vacation and floating holiday, at the employee's request. In addition, accrued sick leave may be used at the employee's request, in accordance with Section 3.
- (b) Health insurance benefits shall continue for the duration of the pregnancy disability leave under the same conditions as if the employee had continued employment. If the employee fails to return to work after the period of leave to which the employee is entitled has expired, the City is entitled to recover the premiums paid on behalf of the employee for maintaining coverage.
- (c) The City Manager may require the employee to file a physician's certificate or personal affidavit and to provide reasonable notice of the date the leave will begin and the estimated duration of the leave.

Section 10. Election Leave: If a Full Time employee does not have sufficient time outside of working hours to vote at a statewide election, the voter may, without loss of pay, take off enough working time, which when added to the voting time available outside of working hours will enable the voter to vote. Regular part time employees are eligible for election leave based upon hours scheduled to work. No more than two (2) hours of the time taken off for voting shall be without loss of pay. The time off for voting shall be only at the beginning or end of the regular work shift, whichever allows for the greatest free time for voting and the

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least time off from the regular working shift, unless otherwise mutually agreed upon. The employee shall give the City Manager at least two working days' notice that time off for voting is desired.

Section 11. Leave of Absence Without Pay: The City Manager may grant a regular employee a leave of absence without pay for a period not to exceed one (1) month. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request. Approval will be in writing. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be cause for discharge. Such leave of absence shall not be counted as a break in service for purposes of satisfying the continuous employment requirement for vacation allowance.

An employee on leave of absence without pay does not accrue sick leave, vacation time, or receive benefits while on leave. Such employee does not lose or forfeit any sick leave or unpaid vacation time that had been accumulated prior to the time being granted.

Section 12. Military Leave: Military leave shall be granted to City employees in accordance with the provisions of current federal and state law.

Section 13. Administrative Leave: At the discretion of the City Manager and in special circumstances, Regular employees may be provided administrative leave without loss in pay or the deduction of other Leave accrued.

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## CHAPTER XIV HOLIDAYS

Section 1. Holidays Observed: The City observes the following paid holidays:

1. New Year's Day (January 1)
2. Martin Luther King Jr. Day (observed the third Monday in January)
3. President's Day (observed the third Monday in February)
4. Memorial Day (observed the last Monday in May)
5. Independence Day (July 4)
6. Labor Day (observed the first Monday in September)
7. Veteran's Day (November 11)
8. Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday including Thanksgiving Day
9. Friday following Thanksgiving Day
10. Christmas Eve (December 24)
11. Christmas Day (December 25)

Holidays which fall on Saturday shall be observed the preceding Friday and holidays which fall on Sunday shall be observed on the following Monday. Paid holidays are only for the observed days.

If an observed holiday falls on an eight and one-half (8.5) hour work day under the 9/80 work schedule, those employees on the 9/80 schedule shall receive eight and one-half (8.5) hours of holiday pay.

If an observed holiday falls on a seven (7) hour workday under the 9/80 work schedule, those employees on the 9/80 schedule shall receive seven (7) hours of holiday pay.

If the holiday falls on a regular day off for that employee, that employee will take the proceeding day off.

Section 2. Floating Holiday:

- (a) Each full time employee is allowed eight and one-half (8.5) hours per calendar year, January through December with the approval of the City Manager.
- (b) Floating Holiday hours are not cumulative and must be used during the above period or said employee will lose the allocated hours.
- (c) Each employee must submit a request in advance.
- (d) An employee is eligible to use floating holiday hours as they are allocated.

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- (e) Floating Holiday hours may be used in lieu of sick leave only if all other benefit time has been exhausted.

Section 3. Eligibility for Holidays: All employees are eligible for holiday pay except the following:

- (a) Seasonal and part time employees.
- (b) Temporary employees.

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## **CHAPTER XV CHANGES IN EMPLOYMENT STATUS**

- Section 1. Transfer: An employee may be transferred by the City Manager at any time from one position to another position. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these rules. No person shall be transferred to a position for which he/she does not possess the minimum qualifications.
- Section 2. Promotion: When practicable and consistent with the best interests of the City, vacancies may be filled by promotion. All candidates for promotion must meet the minimum qualifications identified by the City Manager or designee.
- If, in the opinion of the City Manager or designee, a vacancy in the position could be filled better by an open, competitive recruitment instead of a promotional appointment, he/she shall arrange for an open competitive examination.
- Section 3. Demotion: The City Manager may demote an employee whose ability to perform his/her required duties falls below standard or a regular employee for disciplinary cause. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Such action shall be subject to appeal.
- Section 4. Suspension: The City Manager may suspend an employee at any time or a regular employee for cause.
- Section 5. Reclassification: The City Manager may reclassify a position from one position to another if there has been a gradual accretion or reduction of duties and/or responsibilities over time.



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## CHAPTER XVI SEPARATION FROM EMPLOYMENT

- Section 1. Job Abandonment: An employee is deemed to have resigned if the employee is absent for three (3) consecutive workdays without prior authorization and without notification during the period of absence. On the second working day of unauthorized absence, the City Manager shall send an overnight letter to the employee's last known address informing the employee that if the employee fails to report to work within one (1) workday, or receive authorization for such absence, the employee will be deemed to have resigned and extending to the employee an informal pre-disciplinary conference. Employees separated from employment for job abandonment will be reinstated with such charge removed from the employee's record upon presentation of justification for absence such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. Employees have no right to appeal if deemed to have resigned as a result of job abandonment.
- Section 2. Discharge: An at-will employee may be discharged at any time. Any employee in the competitive service who has been discharged is entitled to rights provided in CHAPTER XIX.
- Section 3. Lay-off: The City Manager may lay off an employee because of change in duties or organization or shortage of work or funds.
- (a) Notification: Employees to be laid off shall be given, whenever possible, at least ten (10) calendar days prior notice.
  - (b) Order of Layoff: Employees shall be laid off in the inverse order of their seniority and with regard to their responsibilities. Seniority shall be determined based upon date of hire in the position. A lay off out of the inverse order of seniority may be made if, in the City's judgment, retention of special job skills is required.
  - (c) Re-employment Rights for Laid-off Employees: Regular employees, who have received a satisfactory or better evaluation for the twelve (12) months prior to lay off, have completed their probationary period and who have been laid off shall be automatically placed on a re-employment list for one year for the classification from which they were laid off.
- Section 4. Resignation: An employee wishing to leave City service in good standing shall file with the supervising official at least ten (10) working days before leaving the service, a written resignation stating the effective date and reasons for leaving. Failure to give such notice shall mean the employee did not terminate in good standing, unless the City Manager has waived the two-week notice requirement. Failure to comply with this Chapter shall be entered on the service record of the employee and be cause for denying future employment by the City. A resignation

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becomes final when accepted by the City Manager and only at the City Manager's discretion can be withdrawn.

Section 5. Reinstatement: A regular employee who has resigned, or has otherwise been separated while in good standing, may be considered for reinstatement by the City Manager, to a position in the former employee's same or comparable position for a period of two (2) years after resignation or separation provided such a position is vacant and available. The employee shall be reinstated to the salary range and step held at the time of resignation or separation and shall receive a new anniversary date which shall be the first date of employment upon reinstatement. The employee will serve a new probationary period.

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## CHAPTER XVII REPORTS AND RECORDS

- Section 1. General: The City maintains a personnel file on each employee. An employee's personnel file shall contain only material that is necessary and relevant to the administration of the City's personnel program. Personnel files are the property of the City, and access to the information they contain is restricted.
- Section 2. Notifying City of Changes in Personal Information: Each employee is responsible to promptly notify the City Manager or designee of any changes in relevant personal information, including
- Mailing address
  - Telephone number
  - Persons to contact in emergency
  - Number and names of dependents
- Section 3. Location of Personnel Files: The personnel files will be kept secure and confidential by the City Manager or Designee.
- Section 4. Medical Information:
- a. Separate Confidential Files. All medical information about an employee or applicant is kept separately and is treated as confidential, in accordance with federal and state law.
  - b. Information in Medical Files. The City will not obtain medical information about an employee or applicant except in compliance with the California Confidentiality of Medical Information Act. To enable the City to obtain certain medical information, the employee or applicant may need to sign an authorization for release of employee medical information.
  - c. Access to Medical Information. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for City business reasons. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.
- Section 5. References and Release of Information in Personnel Files:
- a. Public Information: Upon request, the City will release to the public information about its employees as required by the Public Records Act. The City will not disclose personnel information that it considers would constitute an unwarranted invasion of personal privacy.
  - b. Reference Checks: All requests from outside the City for reference checks or verification of employment concerning any current or former employee must be

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referred to the City Manager or designee. Information will be released only if the employee signs an authorization for release of employment information, except that without such authorization, the following limited information will be provided: dates of employment and salary upon departure.

- Section 6. Employee Access to Personnel File: An employee may inspect his or her own personnel file at reasonable times and at reasonable intervals. An employee who wishes to review his or her file should contact the City Manager or Designee to arrange an appointment. The review must be done in the presence of the City Manager or Designee.
- Section 7. Destruction of Records: Personnel files, payroll records and records relating to personnel recruitment, including correspondence, applications, examinations, and reports will be destroyed according to the City's Records Retention Schedule.

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## **CHAPTER XVIII GRIEVANCE PROCEDURES**

### **Section 1. Definition:**

- (a) Grievance: Except as otherwise excluded, a “grievance” is a written allegation by an employee, submitted as herein specified, claiming violation(s) of the specific express terms of the Employee Handbook and Personnel Policy Manual and for which there is no other specific method of review provided by City law.

Disputes concerning the applicability of the Grievance Procedure that persist through the third level may be submitted for determination by a court, unless the grievant and the City agree otherwise.

- (b) Grievant: A grievant is an employee or group of employees adversely affected by an act or omission of the City.
- (c) Day: A day is any day the agency is open to the public, that is any day except Saturdays, Sundays, and legal holidays recognized by the City.
- (d) Exclusions:
1. The procedure is not to be used for the purpose of resolving complaints, requests or changes in wages, hours and working conditions.
  2. The procedure is not to be used to challenge the content of employee evaluations or performance reviews.
  3. The procedure is not to be used to challenge the decision to reclassify, layoff, deny reinstatement, or deny a step or merit increase to an employee.
  4. This procedure is not to be used in cases of oral reprimand, written reprimand, reduction in pay, demotion, suspension, or termination.
  5. This procedure is not to be used to challenge violation of law or past practice.
  6. This procedure is not to be used to challenge examinations or appointment to positions.

### **Section 2. Procedure:**

Step A: Informal Discussion: The grievant shall discuss the controversy with the City Manager on an informal basis in an effort to resolve the situation.

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The issue will be considered resolved if not presented to the City Manager within ten (10) working days following the day the event occurred upon which the controversy is based. The City Manager shall respond within five (5) working days following the meeting with the grievant. Failure of the City Manager to respond within such time limit shall entitle the grievant to process the controversy to the next step.

Step B: First Level of Review: If the controversy is not settled at Step A, the grievant may submit the grievance in writing to the City Manager within five (5) working days of the receipt of the grievance response at Step A. Failure of the grievant to deliver the written grievance shall constitute a waiver of the grievance. The City Manager shall meet with the grievant and a written decision and statement of facts and issues shall be rendered to the grievant within ten (10) working days from the date of the written grievance. Failure of the City Manager to respond within such time limit shall entitle the grievant to process his/her grievance at the next level of review.

Step C: Second Level Review: If the grievance is not settled at Step B, the grievant may place the grievance in writing to and present it to the Rolling Hills City Council within five (5) working days of receipt of the Step B grievance response. Failure of the grievant to deliver such written notice shall constitute a waiver of the grievance. The City Council shall hear the grievance at a regular meeting, and a written decision and statement of facts and issues shall be rendered to the grievant and representative, if any within thirty (30) days

- Section 3. Right of Grievant to Representation: The grievant has the right to be represented by any person or attorney he/she may select during the various stages of the grievance procedure.
- Section 4. Reprisals: Employees shall be insured freedom from reprisal for using the grievance procedure.

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## **CHAPTER XIX DISCIPLINE**

The progressive disciplinary action described herein applies to City personnel in the competitive service.

### **Section 1. Types of Disciplinary Action:**

- (a) Oral Warning: A formal discussion with an employee, by the City Manager, about performance or conduct problems, the need for the employee to improve and what specific improvement is expected. The City Manager shall make a written record of the warning.
- (b) Written Reprimand: A formal written notice to the employee regarding performance or conduct problems, the need for the employee to improve and what specific improvement is expected. The written reprimand goes in the employee's personnel file. The employee may respond in writing to the written reprimand within fourteen (14) days. The response will be placed in the personnel file with the written reprimand.
- (c) Suspension: Removal of an employee from duty without pay for a specified period.
- (d) Reduction in Pay: A reduction in pay from the employee's current salary to a lower salary.
- (e) Demotion: A reduction in position title and salary.
- (f) Dismissal or Discharge: Separation from employment of an employee for cause.

### **Section 2. Grounds for Disciplinary Action Involving Regular Employees: Grounds for discipline include, but are not limited to, the following:**

- (a) Fraud in securing employment or making a false statement on an application for employment.
- (b) Incompetency; i.e., the inability to comply with the minimum standard of an employee's position for a significant period of time.
- (c) Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his/her position.
- (d) Willful disobedience or insubordination, a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position or insulting or demeaning a any fellow employee.

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- (e) Dishonesty.
  - (f) Possession, distribution, sale, use, or being under the influence of alcohol or illegal drugs or narcotics while on duty or while operating a vehicle in the course of City business or potentially dangerous equipment leased or owned by the City.
  - (g) Excessive absenteeism.
  - (h) Inexcusable absence without leave.
  - (i) Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.
  - (j) The conviction of either a misdemeanor or a felony related to the position held will constitute grounds for dismissal of any employee. The record of conviction will be conclusive evidence of the fact that the conviction occurred. The City Manager may inquire into the circumstances surrounding the commission of the crime in order to support the degree of discipline. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere is deemed to be a conviction within the meaning of this Section.
  - (k) Discourteous treatment of the public or other employees.
  - (l) Improper or unauthorized use of City property.
  - (m) Refusal to subscribe to any oath or affirmation which is required by law in connection with agency employment.
  - (n) Any willful act or conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the City.
  - (o) Inattention to duty or negligence in the care and handling of City property.
  - (p) Violation of the rules and regulations of the City.
  - (q) Mental or physical impairment which renders the employee unable to perform the essential functions of the job, with or without reasonable accommodation (if disabled), or without presenting a significant current risk of substantial harm/threat to the health and/or safety of self or others.
  - (r) Outside employment not specifically authorized.
  - (s) Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.



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- (t) The refusal of any officer or employee of the City to testify under oath before any Grand Jury having jurisdiction over any then pending cause of inquiry in which the investigation of government bribery or misconduct in agency office is involved shall constitute of itself sufficient ground for the immediate discharge of such officer or employee.
  - (u) Willful violation of any of the provisions of an ordinance, resolution, rule, regulation or policy prescribed by the City.
  - (v) Improper political activity. Example: Campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal elections while on duty and/or during working hours or in City uniform on or off duty; or the dissemination of political material of any kind while on duty and/or during working hours or in uniform.
  - (w) Working overtime without authorization.
  - (x) Possession of weapons on agency property unless authorized.
  - (y) Making false or malicious statements concerning any employee, the City, or the City's policies or practices.

Section 3. Procedures for Taking Disciplinary Action:

- a. Oral Warning: Following a formal discussion, the City Manager may summarize the oral warning, provide the summary to the employee and place it in the employee's personnel file. At a minimum, a notation that the oral warning was given must be kept by the City Manager.
- b. Written Reprimand: A written reprimand will be prepared, discussed with and given to the employee. A copy will be placed in the employee's official personnel file. The employee may within fourteen (14) days of receipt of the written reprimand file a written response for placement in the personnel file.
- c. Suspension/Reduction in Pay/Demotion/Dismissal of Regular Employees:
  - 1. Notice of Proposed Discipline: Whenever the City Manager intends to suspend an employee, reduce the employee in pay, demote the employee or dismiss the employee, the appropriate authority will give the employee a written notice of proposed discipline which sets forth the following:
    - a. The disciplinary action intended;
    - b. The specific charges upon which the action is based;

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- c. A summary of the facts upon which the charges are based;
    - d. Identification of the rule, regulation, or policy violated;
    - e. A copy of all documents upon which the discipline is based, or notice that the employee may request and will be given such information;
    - f. Notice of the employee's right to respond to the charges either orally or in writing to the appropriate authority;
    - g. The date, time and person before whom the employee may respond;
    - h. Notice that failure to respond at the time specified will constitute a waiver of the right to respond prior to final discipline being imposed;
    - i. The employee's right to representation.
  2. Response by Employee: The employee will have the right to respond to the City Manager orally or in writing within five working days. The employee will have a right to be represented at any meeting set by the City Manager to hear the employee's response. In the case of suspension, reduction in pay, demotion or dismissal the employee's response will be considered before final action is taken.
  3. Final Notice: After the response or the expiration of the employee's time to respond to the Notice of Proposed Discipline, the City Manager will: (1) dismiss the proposed discipline and take no disciplinary action against the employee, (2) modify the recommended disciplinary action, (3) uphold the recommended disciplinary action, or (4) prepare and serve upon the employee a Final Notice of Disciplinary Action. The Final Notice of Disciplinary Action will include the following:
    - a. The disciplinary action taken;
    - b. The effective date of the disciplinary action;
    - c. Specific charges upon which the action is based;
    - d. A summary of the facts upon which the charges are based;
    - e. The written documents upon which the disciplinary action is based;

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f. The employee's right to appeal.

- Section 4. Appeal Rights: A regular employee will have the right to appeal a suspension, reduction in pay, demotion, or dismissal.
- Section 5. Method of Appeal: Appeals shall be in writing, signed by the employee (appellant), and filed with the City Manager within five (5) working days after receipt of the final notice. The appeal shall be a written statement, addressed to the City Council admitting or denying each of the charges in the final notice and reasons why the final action should be reversed or modified. The formality of a legal pleading is not required. The City Council, at the City Manager's discretion, may schedule a closed session to receive and hear the appeal.
- Section 6. Notice: Upon a decision to hear the appeal, the City Manager shall set a date for a City Council closed session on the appeal. The City shall notify all interested parties of the date, time and place of the hearing at such place as the City Manager shall prescribe.
- Section 7. Subpoenas: Subpoenas for witnesses to appear or for documents shall be issued only upon receipt by the City Manager of a written request thereof or, setting forth the names and addresses of the witnesses desired to be subpoenaed.
- Section 8. Subpoenas - Issuance: Subpoenas for witnesses or documents shall be issued only at direction of the City Council.
- Section 9. Hearings:
- (a) The structure, proceedings, conduct and decorum of the hearing shall be under the control of the City Manager, with due regard to the rights and privileges of the parties appearing. Hearings need not be conducted according to technical rules relating to evidence and witnesses but hearings shall be conducted in a manner most conducive to determination of the truth.
  - (b) Oral evidence shall be taken only upon oath or affirmation of the witness.
  - (c) Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules that might make improper the admission of such evidence over objection in civil actions.
  - (d) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
  - (e) The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.

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- (f) Irrelevant and unduly repetitious evidence may be excluded.
  - (g) During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.
  - (h) In a disciplinary appeal the employer has the burden of proof by preponderance of the evidence.
  - (i) So far as possible, hearings and continuances shall be scheduled and granted to accommodate as many persons directly interested as possible, but nevertheless shall be within the absolute discretion of the City Manager or City Council.

Section 10. Findings and Recommendations: The City Manager shall, within twenty (20) days after the conclusion of the hearing, certify the City Council's findings and decision in writing to the appellant and to the respondent. The decision shall be final.

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## CHAPTER XX

### PERFORMANCE EVALUATIONS AND ANNUAL WORK PLANS

- Section 1. General: Performance evaluation is the process of evaluating and recording the performance of each employee. The performance evaluation is best used:
- (a) To maintain a high level of efficiency or assist in raising efficiency by commending the employee.
  - (b) To indicate to the employee those points in which he/she shows weak performance, and suggest the proper means of raising his/her working performance to the standard level.
  - (c) To inform the employee of good performance.
  - (d) To encourage better working relationships and mutual understanding by letting the employee know where he/she stands with relation to the City Manager's evaluation of his/her work.
  - (e) To establish an annual work plan consisting of goals and tasks to be accomplished.
- Section 2. Responsibility for Evaluation: The City Manager is responsible for proper preparation of the performance evaluation for each employee. The City Manager should carefully review the complete position description, and the goals and objectives for the employee, if any, before beginning each evaluation, to remind himself/herself of what should be expected from the employee.
- Section 3. Discussion with Employee: The performance evaluation must be discussed with the employee. During the interview, as well as in the performance evaluation documentation, special attention should be given to discussing specific ways in which the employee can improve his/her performance. An opportunity should also be afforded the employee to comment and bring up any questions he or she may have.
- Section 4. Schedule: Performance evaluations for probationary employees are to be presented at the end of the first six (6) months, and after the first twelve (12) months, to correspond to the completion of the one year probationary period. After the probationary evaluation, an evaluation should be done on an annual basis on the employee's anniversary date.
- Section 5. Appeal Procedure: It is the intent of the City to offer fair and equitable appeals procedures for employees' performance evaluations. Below are the official guidelines.
- a. Employee and City Manager meet to review and discuss the employee's performance evaluation.

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- b. The employee may respond in writing to the contents of the evaluation. The employee must submit this response to the City Manager within ten (10) working days immediately following receipt of the evaluation. The decision shall be rendered in writing within fifteen (15) working days by the City Manager, and the decision of the City Manager shall be final.

Section 6. Exceptional Performance Recognition: Based on fiscal year finances and Council approval, the City Manager is provided a pool of funds to recognize an employee's exceptional performance. Annually, the City will endeavor to budget a 5% increase in salaries. The amount of funds potentially available in the bonus pool is the difference between the CPI adjustment provided to staff in August (see Chapter V) and 5%. An employee can be given exceptional performance recognition of no more than the difference between the CPI and 5% as a one time check, gift card, or item (the recognition, in other words, does not become part of the employees salary) for exceptional performance during the prior fiscal year. The recognition will require the City Manager to document and justify the action. The City Council will be informed of such awards.

This implementation of this program becomes effective on January 1, 2009.

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## **CHAPTER XXI VEHICLE USE**

Section 1. Use of Private Vehicles: Private automobiles are not to be used for the City business except as authorized. The City Manager may authorize such use at the reimbursement rate equal to that set forth by the Internal Revenue Service. Payments shall be based upon the most direct route to and from the destination and garage and parking expenses shall be paid in addition to the current rate, upon submission of paid receipts. To receive mileage reimbursement, the employee must acknowledge and be in compliance with the City's Vehicle Use Policy.

Section 2. Auto Allowance: Select employees will receive a monthly car allowance. This stipend will be in lieu of any mileage reimbursement. If additional garage and parking expenses are incurred, they are reimbursable.

Employees receiving a monthly auto allowance are eligible for mileage reimbursement in cases of exceptional travel. Exceptional travel is mileage which is in excess of sixty (60) miles beyond the employees' normal commute.

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## **CHAPTER XXII**

### **PROFESSIONAL DEVELOPMENT**

Section 1. Training: The City Manager and employees of the City are eligible to request specialized training in the form of symposiums, special courses, forums, professional association meetings, etc., at the City's expense.



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## **CHAPTER XXIII EMPLOYEE STANDARDS OF CONDUCT**

### **Section 1.    Code of Ethics:**

- a.    Each officer, official, and employee has an obligation to the residents, to the people's elected representatives, and to fellow employees to meet the highest ethical and professional standards and to enhance the public's respect and trust for the City government and its operations.
- b.    Employees of the City have responsibilities unique from their counterparts in the private industry. Employment with the City carries an obligation of personal integrity and conduct that serves to establish public respect, confidence, and trust.
- c.    Employees represent the City of Rolling Hills and the quality of City service is judged through their performance and conduct. The residents of Rolling Hills have the right to expect that City employees will provide services in an efficient, thorough, and courteous manner.
- d.    The City, as a condition of employment, expects to receive from the employee:
  1.    Initiative and a conscientious effort to perform productive work.
  2.    Cooperative, positive, responsive, and courteous relations with fellow employees, supervisors, subordinates, and the public.
  3.    A continuous effort to strive for greater knowledge and skill on the job in order to maintain performance at a high level.
  4.    Compliance with all policies, regulations, rules of conduct, and ordinances established by the City.
  5.    Public loyalty to and support of the official policies of the City.
  6.    Responsible work habits demonstrated by:
    - a.    Dependability, promptness, reliable attendance, and performing required duties competently,
    - b.    Keeping informed of developments and matters affecting job performance,
    - c.    Being flexible and adaptable to change,

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- d. Accepting constructive suggestions and criticism.
7. Neat and clean grooming and attire appropriate to the job assignment.
- (a) Monday through Thursday

Appropriate dress shall be professional and business casual, representative of an office environment and appropriate for meetings and interaction with the public.
  - (b) Friday
    - 1. Friday is considered casual.
    - 2. Participation is voluntary.
    - 3. Attire not permitted are shorts, denim pants with holes, tank tops, sweat pants and shirts, advertisement attire and flip-flop type shoes.
  - (c) Other

As appropriate for the position, the employee is required to have shoes and clothing for meetings in the field, visits to construction sites, and walking on trails.
8. Support in principle of the ICMA (International City/County Management Association) Code of Ethics and related tenants.
- No employee will accept a fee, compensation, gift, payment of expenses or any other thing of monetary value in any circumstances in which acceptance may result in or create the appearance of any one or more of the following:
- 1. Use of public office and/or employment for personal or private gain.
  - 2. Preferential treatment of any person.
  - 3. Loss of complete independence or impartiality.
  - 4. Making a City decision outside of official channels.
  - 5. Reduction of public confidence in the integrity of City government and/or its employees.
  - 6. Impeding government efficiency or economy.

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Section 2. Harassment Policy

The City of Rolling Hills is committed to providing a work environment free of discriminatory harassment. The City of Rolling Hills has an adopted Sexual Harassment Policy; its purpose is to define discriminatory harassment to prohibit the condoning or perpetuating of such conduct and to provide an efficient means for reporting and resolving complaints of harassment by or against any employee or applicant or from a person providing services pursuant to a contract. The policy applies to all City officials and employees.

Section 3. Injury and Illness Policy

The City of Rolling Hills has an adopted Injury and Illness Policy for the purpose of preventing injury and illness. The policy applies to all employees.

Section 4. Information Technology Policy

The City of Rolling Hills has an adopted Information Technology Policy for the purpose of defining inappropriate use of the electronic information, technological equipment (e.g., computers) and technological systems (e.g., email). The policy applies to all employees.

Section 5. Smoking Policy

The City of Rolling Hills is a smoke-free City. Employees are not permitted to smoke within the City limits.

Section 6. Drug and Alcohol Use Policy

Employees are not permitted to use or be under the influence of drugs or alcohol during working hours including lunch. It is the employee's responsibility to notify their immediate supervisor should they be under a doctor's care requiring the consumption of prescription drugs that may impair an employee's ability or represent a threat to the employees or co-workers safety. Consumption of alcohol during working hours is strictly prohibited.

The City of Rolling Hills is a drug-free environment. Employees may be subject to a drug test with probable or reasonable cause to believe that the employee is under the influence of drugs or alcohol. Drug screens will be conducted at City expense. Failure to pass a drug screening may subject the employee to disciplinary action up to and including termination of employment.

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**Complete policy administrative history.**  
**Revised by the City Council on 11/24/2008**  
**Revised by the City Council on 4/13/2009**  
**COLA Salary Range Adjustment 3/3/2011**  
**COLA Salary Range Adjustment & Revised by City Council 8/08/2011**  
**COLA Salary Range Adjustment 8/2012**  
**Revised for PERS Reform updates by the City Council on 1/14/13**  
**COLA Salary Range Adjustment 8/01/2013**  
**Revised by City Council Resolution No. 1155 on 10/28/13**  
**COLA Salary Range Adjustment 8/01/2014**

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## **EMPLOYEE HANDBOOK ACKNOWLEDGEMENT**

I acknowledge receipt of the City of Rolling Hills Employee Handbook and warrant and represent that I have read and understand the document.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date



## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

**Agenda Item No.: 9.A**

**Mtg. Date: 10/11/2021**

**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 RESPONSES TO THE 2019-2020 CIVIL GRAND JURY REPORT ENTITLED "A DIET FOR LANDFILLS: CUTTING DOWN ON FOOD WASTE"**

**DATE: October 11, 2021**

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### **BACKGROUND:**

Each year, the Los Angeles Civil Grand Jury (CGJ) investigates county, city, and joint-power agencies and their operations. During 2019-2020, the CGJ examined how Los Angeles County (County), and the 88 cities within the County, dispose of their waste. More specifically, it studied how to reduce waste sent to landfills by 80% by the year 2025 through a 75% reduction in the organic waste sent to such landfills. The CGJ has requested responses to several of its recommendations to determine if the County will achieve its overall diversion goals.

Findings from the CGJ's investigations are developed into recommendations regarding government and public services. The CGJ has asked for a written response from the County and each of the 88 cities regarding the findings and recommendations contained in the report pursuant to Penal Code Section 933 et seq. Each city is obligated by law to file a response.

### **DISCUSSION:**

In July 2020, the City received the County of Los Angeles CGJ Report and a letter requiring responses to certain findings by October 30, 2020. Staff acknowledged receipt of the CGJ letter as requested by the CGJ but did not provide a response to the recommendations by the deadline. In mid-September 2021, the City received a letter from CGJ noting the missed deadline and required the City to respond to the report recommendations within 10 days of the follow-up letter. Staff researched the matter upon receiving the September 2021 follow up letter from the CGJ and found that it was an inadvertent oversight. Staff contacted the CGJ and secured an extension to October 13, 2021 to file a report response.

In consultation with the City's exclusive franchise agreement with Republic Services for solid waste collection and disposal, staff responded to four report recommendations requested by the CGJ. The draft response is included with this report for the Council's review and approval.

**FISCAL IMPACT:**

No fiscal impact.

**RECOMMENDATION:**

Approve the responses to the recommendations of the 2019-2020 Civil Grand Jury Report entitled "A Diet For Landfills: Cutting Down on Food Waste" and authorize the Mayor to sign the response letter on behalf of the City.

**ATTACHMENTS:**

[Item 9A\\_Civil Grand Jury-Documents\\_Citys Response.pdf](#)



## County of Los Angeles Civil Grand Jury

Clara Shortridge Foltz Criminal Justice Center  
210 West Temple Street 11<sup>th</sup> Floor, Room 11-506 Los Angeles CA 90012  
Telephone (213) 628-7914 FAX (442) 247-3890  
<http://www.grandjury.co.la.ca.us>

July 8, 2020

Mayor Jeff Pieper  
City of Rolling Hills  
No. 2 Portuguese Bend Road  
Rolling Hills, CA 90274

### **Re: A DIET FOR LANDFILLS: Cutting Down on Food Waste**

Pre-release of a report by the 2019-2020 Los Angeles County Civil Grand Jury

**NOTE: DO NOT DISCLOSE ANY REPORT CONTENTS PRIOR TO JULY 31, 2020**

Dear Mayor Pieper:

California Penal Code Section 933.05(f) states: "A grand jury shall provide the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report." The enclosed report will be released to the public ***on July 31, 2020.***

A response to all Recommendations in a Civil Grand Jury report is required by California Penal Code Sections 933(c), 933.05(a), and 933.05(b) within ninety (90) days following the release of the report to the public, and no later than Friday, October 30, 2020. Attached are the requirements contained in California Penal Code Section 933.05.

Please send responses to:

Presiding Judge  
Los Angeles Superior Court  
Clara Shortridge Foltz Criminal Justice Center  
210 West Temple Street, 11<sup>th</sup> Floor, Room 11-506  
Los Angeles, CA 90012  
[civilgrandjury@lacourt.org](mailto:civilgrandjury@lacourt.org)

Sincerely,

*J. Krimmel*

Judith Krimmel, Foreperson  
2019-2020 Los Angeles County Civil Grand Jury

Enclosure: How to respond to recommendations in this report.



### **Section 933.05. Responses to findings**

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

# **A DIET FOR LANDFILLS: Cutting Down on Food Waste**



**2019-2020  
Los Angeles County  
Civil Grand Jury**

## **A DIET FOR LANDFILLS: Cutting Down on Food Waste**

## A DIET FOR LANDFILLS: Cutting Down on Food Waste

### EXECUTIVE SUMMARY

*"Cutting food waste is a delicious way of saving money, helping to feed the world and protect the planet."*

*--Tristram Stuart, Environmentalist<sup>1</sup>*

Food does not belong in the garbage. When edible, it can and should be consumed (Appendix 1 and 2). Food waste is the largest portion of the “organic waste” stream taken to landfills every year, instead of being separated and recycled for secondary use.<sup>2</sup> Diverting organic waste from landfills will significantly reduce methane gas emissions, which have a negative impact on public health and contribute to climate change.<sup>3</sup>

This Committee investigated how Los Angeles County (County) disposes of its waste, and more specifically, how it addresses one of its own diversion goals: reducing waste sent to landfills by 80% by the year 2025,<sup>4</sup> with a 75% reduction in the organic waste sent there.<sup>5</sup>

Organic waste--which also includes green/yard waste, nonhazardous wood waste, and food-soiled paper<sup>6</sup>--makes up the largest portion of the garbage going to landfills.<sup>7</sup> The State of California has mandated that all commercially-generated organic waste must be diverted from landfills, and recycled.<sup>8</sup>

According to the County sustainability plan:<sup>9</sup>

**“Most important to the growth of organics recycling is proper source separation of waste. Any contaminated waste streams provide difficulties to waste management and oftentimes deem waste non-recyclable. It is critical that all LA County residents are educated on waste separation.”**

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<sup>1</sup> <https://www.azquotes.com/quote/1504986> (accessed 4/20/20)

<sup>2</sup> 2018 Countywide Organic Waste Management Plan Annual Report (published December 2019), <https://pw.lacounty.gov/epd/swims/News/swims-more-links.aspx?id=4#> Page 8 (accessed on 4/16/20)

<sup>3</sup> <https://www.epa.gov/sustainable-management-food/reducing-impact-wasted-food-feeding-soil-and-composting> (accessed 4/14/20)

<sup>4</sup> [https://dpw.lacounty.gov/epd/Roadmap/PDF/annual\\_report\\_2019.pdf](https://dpw.lacounty.gov/epd/Roadmap/PDF/annual_report_2019.pdf) Page 1 (accessed 10/22/19)

<sup>5</sup> “Los Angeles Countywide Sustainability Plan”, <https://ourcountyla.lacounty.gov/strategies/strategy-9d?goal=836>

<sup>6</sup> *ibid*

<sup>7</sup> [https://www.salon.com/2018/12/15/already-a-climate-change-leader-california-takes-on-food-waste\\_partner/](https://www.salon.com/2018/12/15/already-a-climate-change-leader-california-takes-on-food-waste_partner/)

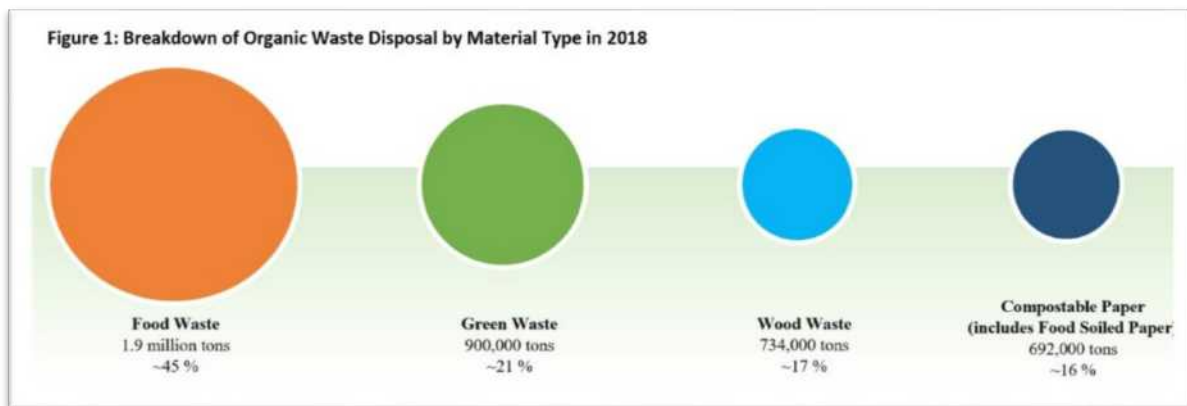
<sup>8</sup> <https://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>

<sup>9</sup> “Our County” Los Angeles Countywide Sustainability Plan, <https://ourcountyla.lacounty.gov/strategies/strategy-9d?goal=836>

This separation of organic waste is an important component in sustaining an effective recycling program. Once organic waste is properly separated (both from the rest of the garbage, and by whether it's green or food waste), it can be processed through composting or anaerobic digestion.<sup>10</sup>

Within the County, the latest estimate shows that 1.9 million tons of food waste is being sent to landfills each year,<sup>11</sup> with a per day estimate of 4,000 to 6,000 tons.<sup>12</sup> In order for that to change, this Committee found that an adequate framework at the grassroots level is needed. We discovered a labyrinth of ways that food waste continues to end up in landfills, with many roadblocks standing in the way of fully implementing the State mandate.

In addition, those residents, schools, and businesses committed to appropriate food waste separation and recycling are often left to their own devices, unless their waste hauler or jurisdiction offers this service. The Committee identified several opportunities for supportive public policies that can incentivize and create avenues to increase food waste recycling and organic waste diversion rates.



*2018 Countywide Organic Waste Management Plan Annual Report  
(see footnote 11)*

<sup>10</sup> *ibid.* Compost: The product, rich in nutrients, results from the decomposition of organic material. Anaerobic Digestion: Organic matter, such as food waste or sewage, is broken down to produce biogas and biofertilizer.  
<https://ourcountyla.lacounty.gov/strategies/strategy-9d?goal=836> and <https://ourcountyla.lacounty.gov/wp-content/uploads/2019/07/OurCounty-Final-Plan.pdf> Page 206 (Appendix IV)

<sup>11</sup> <https://pw.lacounty.gov/epd/swims/News/swims-more-links.aspx?id=4#> 2018 Countywide Organic Waste Management Plan Annual Report, Page 9

<sup>12</sup> <https://www.sgvtribune.com/2016/07/30/your-food-waste-is-clogging-up-californias-landfills-heres-how-recycling-could-fix-it/> (accessed 9/12/19)

## BACKGROUND

*“People put their trash out, and I like to joke that they think the trash fairies picked it up . . . they don’t know where it went . . . they just want it gone.”*

*--waste management expert<sup>13</sup>*

Critical mass in the need for more effective waste management has been building for years in the County. The year 2019 provided this Committee with two urgent reasons to make changes when it comes to food waste separating and recycling.

### 1. Recycle Markets Collapse, Sending More Waste to Landfills

- In 2017, China announced it would no longer accept most of the mixed paper and plastics shipped from the United States and other countries.<sup>14</sup>
- Chinese officials pointed to “contamination”<sup>15</sup> as one of the reasons they were not willing to take America’s shipments.<sup>16</sup> All of a sudden, more material is being landfilled instead of recycled, negatively impacting the County’s diversion rates.<sup>17</sup>
- A City of Los Angeles official told this Committee that the result of the China policy change is this: previously, the City received \$1 million per year for the recyclable materials it collected; now, the City pays \$5 million per year in order to have it processed.<sup>18</sup>
- Landfills in the County will eventually reach capacity (Appendix 3).
- **County officials are looking to organics recycling as a solution.**<sup>19</sup>

### 2. State Mandates Big Changes in Organics Recycling

- The mission of the California Department of Resources Recycling and Recovery (CalRecycle) includes increasing “the diversion of organic materials

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<sup>13</sup> Per Committee interview on 1/7/20

<sup>14</sup> China National Sword Policy, [https://dpw.lacounty.gov/epd/Roadmap/PDF/annual\\_report\\_2019.pdf](https://dpw.lacounty.gov/epd/Roadmap/PDF/annual_report_2019.pdf) Page 1 (accessed 10/22/19)

<sup>15</sup> “Recycling contamination is a significant issue. Contamination happens when items are placed in the incorrect system/bin. If recyclables are placed in the appropriate recycling bin, but contain food remnants, the food can contaminate the bin and its contents. Therefore, all the bin’s content would need to be landfilled.” Roadmap to a Sustainable Waste Management Future Annual Progress Report 2019 [https://dpw.lacounty.gov/epd/Roadmap/PDF/annual\\_report\\_2019.pdf](https://dpw.lacounty.gov/epd/Roadmap/PDF/annual_report_2019.pdf) Page 6

<sup>16</sup> <https://e360.yale.edu/features/piling-up-how-chinas-ban-on-importing-waste-has-stalled-global-recycling> (accessed 2/20/20)

<sup>17</sup> Roadmap to a Sustainable Waste Management Future Annual Progress Report 2019

[https://dpw.lacounty.gov/epd/Roadmap/PDF/annual\\_report\\_2019.pdf](https://dpw.lacounty.gov/epd/Roadmap/PDF/annual_report_2019.pdf) Executive Summary, Page 1

<sup>18</sup> Interview was conducted on 2/27/20

<sup>19</sup> Roadmap to a Sustainable Waste Management Future Annual Progress Report 2019

[https://dpw.lacounty.gov/epd/Roadmap/PDF/annual\\_report\\_2019.pdf](https://dpw.lacounty.gov/epd/Roadmap/PDF/annual_report_2019.pdf) Page 1

away from landfills and toward the production of value-added products such as compost, fertilizers, and biofuels.”<sup>20</sup>

- Assembly Bill 1826 (Mandatory Commercial Organics Recycling) required the following, as of January 1, 2019:<sup>21</sup> all businesses and multi-family dwellings with five units or more, generating four or more cubic yards of solid waste per week,<sup>22</sup> must separate and recycle their organic materials.
- As of January 1, 2020, Assembly Bill 1594 requires green waste to be diverted from landfills for recycling in order to meet diversion goals.<sup>23</sup> Otherwise, green waste in landfills would be considered “disposal.” Landfills use green waste as Alternative Daily Cover,<sup>24</sup> part of operating a landfill.
- Failure to comply will subject the jurisdiction (whether County or a city) to fines of up to \$10,000 per day.<sup>25</sup>

## METHODOLOGY

### 1. Visited the following:

- ✓ landfills
- ✓ anaerobic digesters
- ✓ Materials Recovery Facilities (MRF, pronounced “murfs”)
- ✓ compost facilities

### 2. Interviewed waste management experts, including:

- ✓ County Department of Public Works officials
- ✓ municipal public works officials
- ✓ state officials
- ✓ federal officials
- ✓ waste haulers
- ✓ engineers
- ✓ academicians
- ✓ atmospheric scientists
- ✓ food policy experts
- ✓ business owners
- ✓ large facility managers

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<sup>20</sup> <https://www.calrecycle.ca.gov/Organics/>

<sup>21</sup> <https://www.calrecycle.ca.gov/recycle/commercial/organics/>

<sup>22</sup> Waste of about 24 large trash bags: <https://wasteindustries.com/commercial/dumpster/4yardtrash>

<sup>23</sup> <https://www.cawrecycles.org/ab-1594-williams-compostable-organics-management>

<sup>24</sup> <https://www.calrecycle.ca.gov/LGCentral/Basics/ADCBasic>

<sup>25</sup> <https://www.calrecycle.ca.gov/LGCentral/Reporting/Biennial/>

- ✓ teachers and public education officials
  - ✓ non-profit organizations dealing with edible food recovery
3. Conducted in-person interviews, site visits, phone interviews, and research into a number of the 88 cities in the County to assess food waste collection services available to businesses, residents or both
  4. Conducted on-site visits to the trash areas of some buildings in the County that generate a large amount of food waste
  5. Researched cities in the United States and in other countries that are separating and recycling food waste

## RESULTS OF INVESTIGATION

*“In the year 2019, waste management should be more of a priority. We have the conversion technologies available: anaerobic digestion, thermal conversion, etc. . . . there isn’t any reason to throw anything in a landfill.”*

*--County waste management expert<sup>26</sup>*

### Landfills

- Landfills are complex operations, with liners, rainwater collection, ground monitoring, and gas collection<sup>27</sup> (Appendix 4 “Anatomy of a Landfill”).<sup>28</sup>
- “Landfills in California are the biggest belchers of methane,” the potent Greenhouse Gas (GHG) that contributes to climate change, according to a 2019 study by research scientists at the Jet Propulsion Laboratory in Pasadena, CA.<sup>29</sup> Researchers used an airborne imaging spectrometer to show that 41 percent of emissions in the atmosphere came from landfills, while the dairy, oil & gas industries contributed 26 percent each.<sup>30</sup>
- Methane, as described in the Countywide Sustainability Plan, “. . . is released . . . by the decay of organic waste in landfills.”<sup>31</sup>

<sup>26</sup> Per Committee interview 11/19/19

<sup>27</sup> [https://www.sfwma.org/wp-content/uploads/2011/11/Anatomy\\_of\\_a\\_Landfill.pdf](https://www.sfwma.org/wp-content/uploads/2011/11/Anatomy_of_a_Landfill.pdf) (click on Anatomy of a Landfill; accessed on 5/13/20)

<sup>28</sup> The illustration was a poster the Committee saw displayed in the lobby area of the Environmental Health Protection Branch of the County Public Health Department on 2/19/20

<sup>29</sup> <https://www.sciencenews.org/article/california-landfills-are-belching-high-levels-climate-warming-methane> (accessed 1/14/20), study published in the magazine Nature, Nov. 6, 2019

<sup>30</sup> *ibid*

<sup>31</sup> <https://ourcountyla.lacounty.gov/wp-content/uploads/2019/07/OurCounty-Final-Plan.pdf> Page 213 (Appendix IV) (accessed 9/13/19)



- Landfill managers showed us their onsite gas-to-energy system, which captures methane and converts it into electricity that can be used by the facility or sold. Several landfill operators expressed concern that their gas-to-energy operation depends on the organic waste brought to the landfill.
- Gas capture at landfills creates electricity and revenue for the landfill operator, but also has economic and environmental disadvantages.<sup>32</sup> State officials report that even the best-managed landfills only capture 50% to 80% of the methane gas generated.<sup>33</sup>
- Even closed landfills in the County may need to be managed for decades.<sup>34</sup> The South Coast Air Quality Management District held community meetings in the fall of 2019 to alert residents in East Los Angeles about Cogen Landfill, closed in 1959, which was now, 60 years later, showing elevated gas emissions.<sup>35</sup> The County is planning to build a system for managing the remaining methane gas emissions.<sup>36</sup>
- Per CalRecycle: “Diverting organic waste from landfills to compost facilities and anaerobic digestion facilities, along with implementing food recovery programs, will significantly reduce methane emissions from landfills, many of which are located in or near disadvantaged communities. Reducing these emissions will have beneficial impacts on climate and public health and will result in avoided social costs. Social costs estimate the health and environmental damage that is avoided by reducing GHGs [Greenhouse Gases], as opposed to representing the cost of achieving the GHG reductions.”<sup>37</sup>
- According to County officials, the demand for organic waste processing capacity is currently being handled by existing facilities located both in and out of the County.<sup>38</sup> However, looking to the future, County officials said there is a shortfall when it comes to food waste recycling infrastructure, in particular,

<sup>32</sup> <https://www.wastedive.com/news/disputed-ground-the-future-of-landfill-gas-to-energy/557706/>

<sup>33</sup> CalRecycle, “Proposed Regulation for Short-Lived Climate Pollutants: Organic Waste Methane Emissions” Page 11 (document provided to Committee by County official on 12/2/19) [https://www.google.com/url?client=internal-element-cse&cx=017557373779849962485:erv3s56gka0&q=https://www.calrecycle.ca.gov/docs/cr/laws/rulemaking/slcp/impactassessmnt.pdf&sa=U&ved=2ahUKewjzkd7nj\\_3pAhWkJzQIHQo2D18QFjABegQICRAB&usg=AOvVaw3wpNngocnTPeO9PaPSWsbG](https://www.google.com/url?client=internal-element-cse&cx=017557373779849962485:erv3s56gka0&q=https://www.calrecycle.ca.gov/docs/cr/laws/rulemaking/slcp/impactassessmnt.pdf&sa=U&ved=2ahUKewjzkd7nj_3pAhWkJzQIHQo2D18QFjABegQICRAB&usg=AOvVaw3wpNngocnTPeO9PaPSWsbG)

<sup>34</sup> <https://pw.lacounty.gov/pmd1/easternhilllandfill/> (accessed 2/20/20)

<sup>35</sup> <https://pw.lacounty.gov/pmd1/easternhilllandfill/docs/City-Terrace-Community-Meeting-10.29.19.pdf>

<sup>36</sup> *ibid*

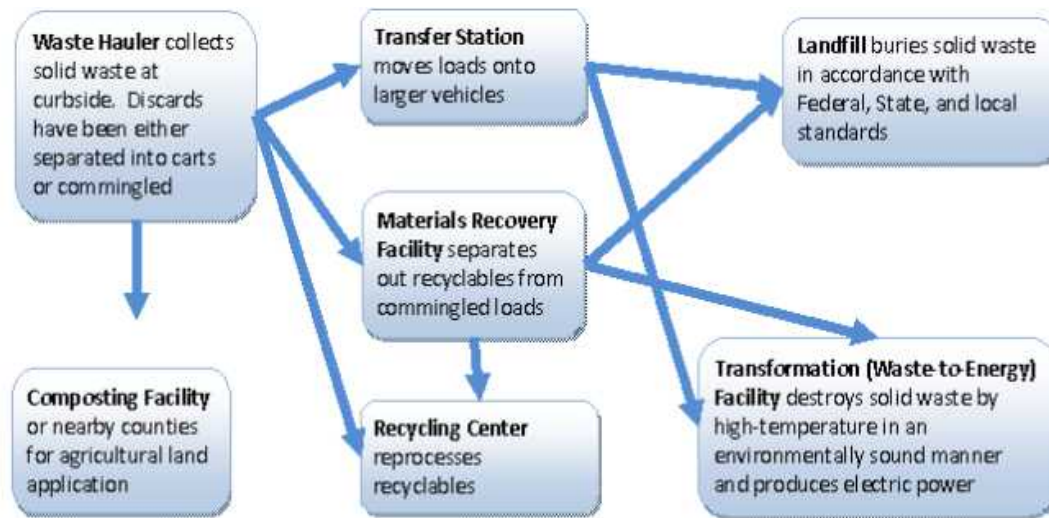
<sup>37</sup> CalRecycle, “Proposed Regulation for Short-Lived Climate Pollutants: Organic Waste Methane Emissions” Page 37 (document provided to Committee by County official on 12/2/19) [https://www.google.com/url?client=internal-element-cse&cx=017557373779849962485:erv3s56gka0&q=https://www.calrecycle.ca.gov/docs/cr/laws/rulemaking/slcp/impactassessmnt.pdf&sa=U&ved=2ahUKewiP0pqbm3pAhX2CzQIHWASARgQFjAAegQIBRAB&usg=AOvVaw0p\\_Lv9liayvzUCkKqB45uP](https://www.google.com/url?client=internal-element-cse&cx=017557373779849962485:erv3s56gka0&q=https://www.calrecycle.ca.gov/docs/cr/laws/rulemaking/slcp/impactassessmnt.pdf&sa=U&ved=2ahUKewiP0pqbm3pAhX2CzQIHWASARgQFjAAegQIBRAB&usg=AOvVaw0p_Lv9liayvzUCkKqB45uP)

<sup>38</sup> <https://pw.lacounty.gov/epd/swims/ShowDoc.aspx?id=8693&hp=yes&type=PDF> 2018 Countywide Organic Waste Management Plan Annual Report, Page 1

and more facilities need to be built in Los Angeles County, rather than continuing to rely on out-of-County sources as has been the custom.<sup>39</sup>

- Landfills we visited had a constant flow of trucks bringing in waste from throughout the County; “tipping fees” were displayed at each front gate, letting the waste hauler know the cost per ton for the material that was being brought for disposal.<sup>40</sup> A 2019 study by Harvard Law School<sup>41</sup> pointed out that banning organics from landfills can lead to a reduction in landfill hauling and tipping costs.<sup>42</sup>

#### Where solid waste goes in Los Angeles County<sup>43</sup>



#### **Waste Hauler**

- ◇ The County Department of Public Works serves the 125 unincorporated areas, and has contracts with 30 authorized waste haulers, including such companies

<sup>39</sup> *ibid*

<sup>40</sup> [https://www.lacsd.org/services/solidwaste/tipping\\_fees.asp](https://www.lacsd.org/services/solidwaste/tipping_fees.asp)

<sup>41</sup> <https://wastedfood.cetonline.org/wp-content/uploads/2019/07/Harvard-Law-School-FLPC-Center-for-EcoTechnology-CET-Organic-Waste-Bans-Toolkit.pdf>, Pages 20-21 (accessed 11/4/19)

<sup>42</sup> *ibid*

<sup>43</sup> <https://dpw.lacounty.gov/epd/swims/Help/faq.aspx> About Solid Waste, #2, “Where does our solid waste go?”

as Athens Services,<sup>44</sup> NASA Services,<sup>45</sup> Waste Management<sup>46</sup> and Waste Resources.<sup>47</sup>

- ◇ Some waste-hauling companies own or operate landfills in the County or in nearby counties and take material to that landfill.
- ◇ Most of the 88 cities in the County have a contract with a single waste hauling company; a small number provide their own municipally staffed waste collection services for residential or both residential and commercial.<sup>48</sup>
- ◇ In 2016, the City of Los Angeles created 11 franchise zones and awarded exclusive contracts to seven waste haulers to handle the waste for commercial and multifamily properties.<sup>49</sup>
- ◇ Most communities don't offer a food waste collection service; instead, most offer one for yard and garden waste.<sup>50</sup> In a throwback to the City of Los Angeles' ranching days, the City offers curbside collection of horse manure to its residential horse owners.<sup>51</sup>
- ◇ There are more avenues in place for systematic collection of yard/green waste (Appendix 5).
- ◇ **Only 4% of the County's organic waste recycling infrastructure is able to accept food waste.**<sup>52</sup>

### Transfer Station/Materials Recovery Facility

- ◇ These are facilities that receive unprocessed waste, temporarily store it, and transport it off-site to another facility.<sup>53</sup> Some of the facilities also sort and separate, by hand, or by use of machinery, items that can be recycled or composted.<sup>54</sup>
- ◇ Out of 20 transfer stations in the County, **only eight** are designated as having capacity to receive separated food waste.<sup>55</sup>

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<sup>44</sup> <https://athensservices.com/>

<sup>45</sup> <http://nasaservices.com/>

<sup>46</sup> <https://www.wm.com/us/en/mybusiness>

<sup>47</sup> [www.wasteresources.com](http://www.wasteresources.com)

<sup>48</sup> <https://pw.lacounty.gov/epd/swims/News/swims-more-links.aspx?id=4#> LA County Countywide Organic Waste Management Plan March 2018, Page 42

<sup>49</sup> <https://labusinessjournal.com/news/2016/dec/09/l-council-approves-huge-trash-franchise-system/> (accessed 10/20/19)

<sup>50</sup> <https://pw.lacounty.gov/epd/swims/News/swims-more-links.aspx?id=4#> LA County Countywide Organic Waste Management Plan March 2018, Page 38

<sup>51</sup> [https://www.lacounty.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s-c/s-lsh-wwd-s-c-hmc?\\_afLoop=9961970215956670&\\_afWindowMode=0&\\_afWindowId=null&\\_adf.ctrl-state=f6dfvef8p\\_1#!%40%40%3F\\_afWindowId%3Dnull%26\\_afLoop%3D9961970215956670%26\\_afWindowMode%3D0%26\\_afdf.ctrl-state%3Df6dfvef8p\\_5](https://www.lacounty.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s-c/s-lsh-wwd-s-c-hmc?_afLoop=9961970215956670&_afWindowMode=0&_afWindowId=null&_adf.ctrl-state=f6dfvef8p_1#!%40%40%3F_afWindowId%3Dnull%26_afLoop%3D9961970215956670%26_afWindowMode%3D0%26_afdf.ctrl-state%3Df6dfvef8p_5) (accessed 5/13/20)

<sup>52</sup> <https://pw.lacounty.gov/epd/swims/News/swims-more-links.aspx?id=4#> LA County Countywide Organic Waste Management Plan March 2018, Page 32, (accessed 5/8/20)

<sup>53</sup> [https://dpw.lacounty.gov/epd/Roadmap/PDF/annual\\_report\\_2019.pdf](https://dpw.lacounty.gov/epd/Roadmap/PDF/annual_report_2019.pdf) Roadmap to a Sustainable Waste Management Future Annual Progress Report 2019, Page 50

<sup>54</sup> [https://dpw.lacounty.gov/epd/Roadmap/PDF/annual\\_report\\_2019.pdf](https://dpw.lacounty.gov/epd/Roadmap/PDF/annual_report_2019.pdf) Roadmap to a Sustainable Waste Management Future Annual Progress Report 2019, Page 48

<sup>55</sup> <https://pw.lacounty.gov/epd/swims/News/swims-more-links.aspx?id=4#> LA County Countywide Organic Waste Management Plan March 2018, Table 4A-1 (accessed 5/8/20)

## Composting Facility

- ◇ There are eight composting facilities and 12 facilities called “chip and grind”; all of them process green waste, not food waste.<sup>56</sup>

## Waste-to-Energy Facility

- ◇ The County lists three facilities as providing Anaerobic Digestion, a process by which organic matter, such as food waste or sewage, is broken down in the absence of oxygen to produce biogas and biofertilizer.<sup>57</sup> Only two process food waste: the Joint Water Pollution Control Plant in Carson, and the Kroger Co (Ralphs/Food4Less) facility in Compton which recycles food waste from its own stores (around 300, from Bakersfield to San Diego).

This Committee found a patchwork system of managing food waste, whether generated from businesses or residents. A consultant hired by the County to examine the changes needed in order to build a strong organic recycling program identified 11 ways the County can do things differently,<sup>58</sup> including:

- Getting elected officials more involved in supporting and endorsing change
- Reducing amount of food waste at the source (Appendix 6)
- Building more capacity at nine anaerobic digestion facilities that can process food waste
- Simplifying the permitting process to increase food waste processing
- Creating incentives to start diversion; offer subsidies; modify contracts
- Adopting ordinances for single family residences and apartment buildings with less than five units, with a process that quantifies, monitors and enforces
- Emphasize education and public outreach<sup>59</sup>

“Los Angeles County is close to the largest agricultural production center in the world and has many viable markets for organic materials . . . There is strong statewide policy, financial incentives to assist in the development of facilities, and state incentives for the marketing and sales of the by-products of organic waste recycling (like compost and mulch) . . . However, the biggest disincentive may be the status quo, which is less costly to rate-payers and provides for significant revenue for collection and disposal companies.”<sup>60</sup>

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<sup>56</sup> Ibid, Table 4A-1

<sup>57</sup> <https://pw.lacounty.gov/epd/swims/News/swims-more-links.aspx?id=4#> 2018 Countywide Organic Waste Management Plan Annual Report, Appendix B, Table 1B

<sup>58</sup> <https://pw.lacounty.gov/epd/swims/News/swims-more-links.aspx?id=4#> LA County Countywide Organic Waste Management Plan March 2018, Page 39

<sup>59</sup> ibid

<sup>60</sup> ibid, Page 49

*“...at the end of the day, public agencies ultimately control solid waste and how it is handled. Cities and counties are already sending clear signals to their service-provider haulers on what types of facilities and programs they need to meet new legislative mandates.”<sup>61</sup>*

### Food Waste Recycling Examples Throughout the County

- In the unincorporated areas of the County, a few businesses currently subscribe to food waste collection services, including four supermarkets that are enrolled in the County’s pilot food waste diversion program.<sup>62</sup>
- The County’s Department of Public Works headquarters in Alhambra serves as a good model for other cafeterias: food waste generated at the employee cafeteria is separated from other trash, composted in special containers outside the cafeteria, with the resulting compost used to provide nutrient-rich cover to the onsite garden (Appendix 7). Good signage and ongoing employee training are vital to this process.
- For those businesses separating food waste and having arranged its pickup by their waste hauler, the food waste is taken to the Puente Hills Materials Recovery Facility (MRF). The Committee observed that this was a small pile in a corner of the massive facility (Appendix 8). Food waste material arrives from restaurants, grocery stores, and other businesses from the following cities: Arcadia, Baldwin Park, Gardena, Glendale, Industry, La Verne, Long Beach, Los Angeles, Pasadena, Pomona, San Dimas, and Santa Fe Springs. In addition, some commercial businesses in the unincorporated communities of Hacienda Heights and Rowland Heights have made arrangements to have food waste processed at this facility, according to an official at the Sanitation Districts of Los Angeles County (the Districts).<sup>63</sup>
- At the Puente Hills MRF, a bio separator turns the food waste pile into a type of “slurry” that will then be taken to the Districts’ wastewater treatment plant in Carson.<sup>64</sup> Digesters at the Carson plant use sewage material to turn the food waste slurry into a biogas that provides electricity to the plant, and provides compressed natural gas (CNG) for vehicles that pull up to fuel.<sup>65</sup>

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<sup>61</sup> *ibid*, Page 49

<sup>62</sup> [https://dpw.lacounty.gov/epd/tf/isw/isw\\_2019\\_09.pdf](https://dpw.lacounty.gov/epd/tf/isw/isw_2019_09.pdf) Page 3 (accessed 3/23/20)

<sup>63</sup> <https://www.lacsd.org/aboutus/default.asp>

<sup>64</sup> <https://www.biocycle.net/2019/12/04/sanitation-districts-gear-food-waste-codigestion/>

<sup>65</sup> *ibid*

- **City of Los Angeles**--A City official mentioned several pilot programs that deal specifically with food waste:<sup>66</sup>
  - some food service employees at LAX have been trained to separate food waste from the trash<sup>67</sup>
  - 522 homes in the Westchester area have been given special garbage disposals (In-Sink Pilot) that can break down certain food waste for processing at the Hyperion Water Reclamation Plant<sup>68</sup>
  - an upcoming pilot planned for 18,000 homes, that will allow food waste to be placed in the green bin for weekly curbside pickup<sup>69</sup>
- **Manhattan Beach**--Since 2015, the city has offered food waste curbside pickup and recycling to all its businesses and residents, at no extra cost to them.
  - The city contracts with Waste Management for its waste hauling needs. Food waste is taken to the company's CORE food waste recycling facility in Orange and turned into "slurry."
  - The material is then transported to the wastewater treatment plant in Carson.
  - Manhattan Beach residents are billed in a Pay-As-You-Throw system,<sup>70</sup> where 100% of the cost is dependent on the weight of the grey-color bin, which is for regular trash.<sup>71</sup>
- **Culver City**--The city uses its own city staff for waste collection,<sup>72</sup> and contracts with Athens Services for the food waste that is placed in the green bins, along with yard waste to be recycled at its composting facility in Victorville (American Organics), according to a city official.<sup>73</sup>
  - Once a year, Athens brings Culver City 20 tons of the compost material and the city gives most of it away to residents as a gift for gardens.<sup>74</sup>
  - "It is the best-smelling stuff you can imagine, it is so earthy and high-end as a nutrient for the soil," one city official told us. "Our gardeners love it."

<sup>66</sup> Per Committee interview on 2/27/20

<sup>67</sup> <https://www.lawa.org/en/lawa-sustainability/sustainability-elements-material-resource-management> (accessed 3/2/20)

<sup>68</sup> [https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-o/s-lsh-wwd-s-o-isp;jsessionid=2bZOgJ\\_enNejz3sx4nR\\_7yAVHcBXLbRq6WYPusobejFPxTBx7VDe!-839466798!-945519779?\\_adf.ctrl-state=iheptuwke\\_1&\\_afLoop=10334715382636628&\\_afWindowMode=0&\\_afWindowId=null#!%40%40%3F\\_afWindowId%3Dnull%26\\_afLoop%3D10334715382636628%26\\_afWindowMode%3D0%26\\_adf.ctrl-state%3Diheptuwke\\_5](https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-o/s-lsh-wwd-s-o-isp;jsessionid=2bZOgJ_enNejz3sx4nR_7yAVHcBXLbRq6WYPusobejFPxTBx7VDe!-839466798!-945519779?_adf.ctrl-state=iheptuwke_1&_afLoop=10334715382636628&_afWindowMode=0&_afWindowId=null#!%40%40%3F_afWindowId%3Dnull%26_afLoop%3D10334715382636628%26_afWindowMode%3D0%26_adf.ctrl-state%3Diheptuwke_5) (accessed 3/6/20)

<sup>69</sup> <https://www.lacitysan.org/san/faces/wcnave/externalId/s-lsh-wwd-s-o-cyfw> (accessed 10/6/19)

<sup>70</sup> <https://patch.com/california/manhattanbeach/city-approves-pay-as-you-throw-trash-rates>

<sup>71</sup> [https://tbrnews.com/news/manhattan-beach-food-waste-program-recycled-million-pounds-since/article\\_bcc4a38a-ac25-11e6-a470-1376873e5c29.html](https://tbrnews.com/news/manhattan-beach-food-waste-program-recycled-million-pounds-since/article_bcc4a38a-ac25-11e6-a470-1376873e5c29.html) (accessed 9/25/19)

<sup>72</sup> <https://wasteadvantagemag.com/from-metal-to-plastic-culver-city-ca-makes-the-move-to-more-durable-containers/>

<sup>73</sup> Committee interview on 10/22/19

<sup>74</sup> *ibid*

- **Claremont**--The city offers its businesses a free food waste recycling program, and hired a new driver to pick up food waste from about 65 businesses that have signed up.<sup>75</sup>
  - The food waste (food scraps, vegetable trimmings, plate scrapings, and spoiled food) is taken to a Burrtec Industries facility in Fontana for recycling.<sup>76</sup>
  - The city is working on expanding the food waste pickup in 2021 to all residents.<sup>77</sup>
- **Redondo Beach**--The city contracts with Athens Services for waste disposal,<sup>78</sup> which offers businesses a food scrap collection program, where food waste can be placed in the green bin, along with yard waste.<sup>79</sup>
  - “A recycling program can reduce your trash service and save you money,” according to the city’s website.<sup>80</sup>

### Food Waste Recycling in the United States and Around the World

- As of 2016, at least 198 communities in the United States offer curbside food waste pickup.<sup>81</sup> These include cities such as:
  - ✓ **Seattle**--offers residents and businesses curbside food waste collection
  - ✓ **New York City**--offers certain businesses curbside food waste collection
  - ✓ **San Francisco**--in 1996, became the first city in the nation to establish a large-scale food composting program for businesses and residents.<sup>82</sup>
  - ✓ **Santa Barbara**--offers businesses and residents food waste pickup, with a fee reduction if less trash goes to the landfill<sup>83</sup>
  - ✓ **Portland**--offers curbside food waste pickup and yard waste that can be combined in the green bin
- **Alameda County**<sup>84</sup> offers food waste curbside collection in all of its 14 cities (including Berkeley and Oakland) and six unincorporated areas<sup>85</sup>

<sup>75</sup> Committee interview with city staff member on 1/2/20

<sup>76</sup> Per Committee interview on 1/2/20

<sup>77</sup> <https://business.claremontchamber.org/blog/claremont-chamber-chatter-2371/post/organics-newsletter-article-city-of-claremont-6317> (accessed 9/13/19)

<sup>78</sup> <https://athensservices.com/residential-services/city-of-redondo-beach/>

<sup>79</sup> <https://www.redondo.org/news/displaynews.asp?NewsID=2084&TargetID=9> (accessed 10/4/19)

<sup>80</sup> *ibid*

<sup>81</sup> <https://www.biocycle.net/2015/01/15/residential-food-waste-collection-in-the-u-s-2/> (accessed Jan. 8, 2020)

<sup>82</sup> [www.nrdc.org/resources/san-francisco-composting](http://www.nrdc.org/resources/san-francisco-composting), published on 10/24/17, (accessed on 10/30/19)

<sup>83</sup> <https://www.santabarbaraca.gov/services/recycling/business/bins.asp> (accessed 9/27/19)

<sup>84</sup> <https://www.biocycle.net/2015/01/15/residential-food-waste-collection-in-the-u-s-2/>

<sup>85</sup> <https://dusp.mit.edu/sites/dusp.mit.edu/files/attachments/project/Municipal%20Curbside%20Compostables%20Collection%20%20What%20Works%20and%20Why.pdf> Pages 8, 11, 53-56

- Dozens of municipalities have formalized weekly drop-off programs for residential food scraps at central locations, including:
  - ✓ **Fort Worth**<sup>86</sup>
  - ✓ **Washington D.C.**<sup>87</sup>
  - ✓ **Buffalo**<sup>88</sup>
  - ✓ **Orlando**<sup>89</sup>
- **Sweden** banned organic waste from landfills in 2005; less than 1% of household waste goes to landfills; waste-to-energy infrastructure turns food waste and organic waste into biogas that runs more than 200 city buses, as well as garbage collection trucks.<sup>90</sup>
- **South Korea** has had a Pay-As-You-Throw type system of charging households for waste collection since 2013.<sup>91</sup> Food waste has been banned from landfills since 2005; Seoul's 10 million residents separate their food waste. These policies have led Seoul's food waste to decrease by 10%, or by more than 300 tons a day.<sup>92</sup>

### Schools in Los Angeles County

- Every school in the 80 school districts in the County has excess edible food and food scraps going to landfills, and County health officials have developed strategies that can help.<sup>93</sup> Cal Recycle also encourages each school district to work with its contracted waste hauling company to implement organics recycling on campus.<sup>94</sup>
- The Los Angeles Unified School District (LAUSD), the second-largest school district in the country,<sup>95</sup> has a waste hauling contract with Republic Services.<sup>96</sup> This Committee could not find a provision for systematic food waste separation/recycling; the only two bins observed at randomly selected schools were a large blue dumpster and a black dumpster in parking lots.

<sup>86</sup> <https://fortworthtexas.gov/solidwaste/compost/>

<sup>87</sup> <https://zerowaste.dc.gov/page/food-yard-waste-residents#:~:text=Food Waste Drop-Off District residents, How to Compost at Home>

<sup>88</sup> <https://wasteadvantagemag.com/buffalo-ny-offers-food-scrap-recycling-program/#:~:text=The City of Buffalo is,be safely recycled into compost.>

<sup>89</sup> <https://www.orlando.gov/Initiatives/Food-Waste-Drop-Off>

<sup>90</sup> <https://www.nytimes.com/2018/09/21/climate/sweden-garbage-used-for-fuel.html> (accessed 1/15/20)

<sup>91</sup> <https://www.theguardian.com/lifeandstyle/2014/mar/27/food-waste-around-world> (accessed 5/7/20)

<sup>92</sup> <https://www.pbs.org/newshour/show/policies-helped-south-koreas-capital-decrease-food-waste> (5/4/20)

<sup>93</sup> [http://publichealth.lacounty.gov/eh/docs/LACFRI\\_ShareTablesFoodDonationsInSchools.pdf](http://publichealth.lacounty.gov/eh/docs/LACFRI_ShareTablesFoodDonationsInSchools.pdf) Page 5

<sup>94</sup> <https://www.calrecycle.ca.gov/reducewaste/schools>

<sup>95</sup> <https://achieve.lausd.net/about#:~:text=Second largest in the nation,,School District Board of Education.>

<sup>96</sup> <https://home.lausd.net/apps/news/article/322535> (accessed 5/10/20)



- **LAUSD throws away 600 tons of food waste each week, at a cost of at least \$100,000.**<sup>97</sup> In 2017, Gov. Jerry Brown signed a law that allows campuses to collect unopened items and untouched fruit and donate them to food banks.<sup>98</sup> In addition, there is a program called Share Table (Appendix 6) where unwanted items can be safely offered to those who want them.
- In Los Angeles County, an estimated two million people face food insecurity.<sup>99</sup>
- Education officials interviewed by this Committee spoke about some LAUSD schools, where children as young as preschool-age learn about separating food waste, and teachers and volunteer parents use a compost bin onsite in order to “feed” the school garden.<sup>100</sup> However, several education officials stated that many schools do not recycle food waste, and the dumpsters are only for trash and recyclables.
- Aside from a school garden increasing healthy eating habits in children,<sup>101</sup> the care and maintenance of a garden teaches students about food waste and composting. A County official told this Committee that a garden on every campus would need institutional support from top leadership in order to be sustained.<sup>102</sup>
- A County health education official expressed frustration that nutrition education is getting short shrift at schools and recounted a health insurance executive stating: “We keep seeing kids with Type II diabetes, who don’t know the difference between a protein and a carbohydrate.”<sup>103</sup>
- A survey sent to all school districts by the County Department of Public Health in 2019 to assess food waste on the 2,206 campuses in the County got a 50% response rate, according to a County health official.<sup>104</sup> A preliminary look at the results showed a wide variety of recommended strategies being used to reduce food waste: from “Offer vs. Serve,” to using the Share Table idea.<sup>105</sup> Only 3% of schools reported composting food scraps onsite or offsite, according to the County health official.

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<sup>97</sup> <https://www.latimes.com/local/lanow/la-me-edu-school-food-waste-law-20170928-story.html> (accessed 5/10/20)

<sup>98</sup> *ibid*

<sup>99</sup> <https://www.lafoodbank.org/about/hunger-in-la/> (accessed 9/20/19)

<sup>100</sup> Committee interview on 2/25/20

<sup>101</sup> <https://www.heart.org/en/professional/educator/teaching-gardens>

<sup>102</sup> Committee interview on 2/25/20

<sup>103</sup> *ibid*

<sup>104</sup> Committee interview on 1/3/20

<sup>105</sup> <http://publichealth.lacounty.gov/eh/LACFRI/>

- The County Department of Public Works offers free consultations and materials in a School Garden Program,<sup>106</sup> and has installed gardens at Fishburn Elementary School in Maywood and McKinley Elementary School in San Gabriel.<sup>107</sup>

#### Obstacles for those who want to recycle food waste

- Even when restaurants WANT to separate and recycle food waste, they are thwarted: the waste hauler takes it to a landfill anyway (Sweetgreen example)<sup>108</sup>
- Cafeterias located in some buildings owned and/or managed by the State (case in point, the cafeteria on the ground floor of the Clara Shortridge Foltz Criminal Justice Center in Downtown Los Angeles)<sup>109</sup> do not have any visible mechanism for separating/recycling food waste, according to numerous Committee visits per week over a period of several months. According to an interview with a cafeteria employee on November 15, 2019, the only product recycled is cooking oil.
- The Committee also interviewed a waste expert familiar with the workings of the Clara Shortridge Foltz building who said food waste collected from the cafeteria, as well as waste that ends up in the large dumpsters in the loading dock area of the building, is probably going to a landfill.<sup>110</sup> “There is just so much contamination in the bins,” the expert told our Committee. “It’s cheaper and easier for companies just to take it to a landfill. All staff would need training about separating in order for organics recycling to work.” Committee members visited the loading dock area on October 15, 2019, and observed seven large dumpsters, most filled with trash bags that appeared to be unsorted, and blue recycling-designated dumpsters empty and off to the side.
- The expert, who is also familiar with waste collection in the Downtown Los Angeles area, told our Committee that all large companies and agencies in the area are encouraged to recycle food waste, but few do. Waste hauling companies that collect trash have to pay to dump the trash, and they “have to pay more to dump organics, so there needs to be more of an incentive” to get properly-sorted waste to its proper destination.<sup>111</sup>

<sup>106</sup> <https://dpw.lacounty.gov/epd/sg/school.cfm>

<sup>107</sup> [https://dpw.lacounty.gov/epd/Roadmap/PDF/annual\\_report\\_2019.pdf](https://dpw.lacounty.gov/epd/Roadmap/PDF/annual_report_2019.pdf) Roadmap to a Sustainable Waste Management Future Annual Progress Report 2019, Page 19

<sup>108</sup> <https://www.latimes.com/business/technology/story/2020-01-15/sweetgreen-green-image>

<sup>109</sup> Per Committee interview on 10/15/19, where the “LunchStop Weekly Menu” was provided to cafeteria patrons at the Clara Shortridge Foltz Criminal Justice Center

<sup>110</sup> Committee interview on 10/15/19

<sup>111</sup> *ibid*

- This Committee identified a food vendor company called LunchStop,<sup>112</sup> which offers franchisees the opportunity to operate employee and other types of cafeterias<sup>113</sup> in the County. Some are in courthouses (such as the one in Pasadena<sup>114</sup> and the one at the Edmund D. Edelman Children's Court<sup>115</sup>) with no visible food waste recycling option that our Committee could determine.
- While many courthouses in Los Angeles County are under the jurisdiction of the State (Judicial Council of California), most cafeterias in these buildings are inspected by the County Department of Public Health.<sup>116</sup>
- Even in some buildings or facilities where the County has jurisdiction, the cafeteria vendor does not appear to offer food waste separation/recycling, e.g., at the cafeteria operated by a LunchStop franchisee in the Hall of Administration,<sup>117</sup> where the County Board of Supervisors meets. Our Committee also learned that there is no separation/recycling of food waste at the Hollywood Bowl,<sup>118</sup> where the County has contracts with other food vendors.<sup>119</sup>
- Some employees at businesses that have special bins throughout the store (Target, Costco, etc.) with special signage to collect food waste told this Committee that those bags are thrown into the regular trash bin in the back.<sup>120</sup>
- For some managers of large facilities in the City of Los Angeles, there seems to be no cost savings in taking on the issue of food waste. In fact, there is an added cost for the trouble of separating out food waste and training staff, several managers told this Committee.<sup>121</sup>
- During the course of our investigation, the Committee found that for those who do not live in a city that offers food waste recycling options, residents are left either to do backyard composting themselves, or throw food waste in the trash.

<sup>112</sup> <http://www.lunchstop.com/>

<sup>113</sup> <http://file.lacounty.gov/SDSInter/bos/supdocs/117393.pdf>

<sup>114</sup> <https://www.pasadenastarnews.com/2011/07/20/pasadena-courthouse-cafeteria-reopens-after-six-year-hiatus/> ; This link demonstrates that LunchStop was still operating in the Pasadena Courthouse in 2020: [http://www.decadeonline.com/results.phtml?agency=pas&violsortfield=TB\\_CORE\\_INSPECTION\\_VIOL.ENTERED\\_BY&violortorder=DESC&forcereults=1&forcefac=0&offset=0&businessname=LunchStop&businessstreet=&city=&zip=&facilityid=&FTS=&soundlike=&sort=FACILITY\\_NAME](http://www.decadeonline.com/results.phtml?agency=pas&violsortfield=TB_CORE_INSPECTION_VIOL.ENTERED_BY&violortorder=DESC&forcereults=1&forcefac=0&offset=0&businessname=LunchStop&businessstreet=&city=&zip=&facilityid=&FTS=&soundlike=&sort=FACILITY_NAME)

<sup>115</sup> <http://file.lacounty.gov/SDSInter/bos/supdocs/117393.pdf>

<sup>116</sup> <https://ehservices.publichealth.lacounty.gov/ezsearch>

<sup>117</sup> Per Committee visit and interview with cafeteria employee on 11/15/19

<sup>118</sup> Per Committee interview with County official on 2/19/20

<sup>119</sup> Our Committee found the vendors of Sodexo/Compass and the Lucques Group. <https://www.reuters.com/article/us-sodexo-centerplate-idUSKBN1DF0S2> <https://thelucquesgroup.com/hollywood-bowl.html> Committee concluded that Sodexo was still one of the vendors, based on the 2019 Public Health Department inspection list: <https://ehservices.publichealth.lacounty.gov/ezsearch>

<sup>120</sup> Per Committee interview with employees on 11/6/19, and on 11/6/19 and 11/9/19 visits to a Costco and Target

<sup>121</sup> Per Committee interviews/visits to large facilities on 11/27/19, 12/16/19, and 2/13/20

- In the city of Los Angeles, for residents, it doesn't matter how much trash you generate, the cost is the same, according to the bimonthly bill many of our Jury members receive every month. Residents are charged a flat Solid Resources Fee (SRF) that is applied to the City's Clean Water, Solid Resources, and Watershed Protection.<sup>122</sup> The fee funds the collection of solid waste, landfill costs, and a numerous list of associated costs. "Since the Solid Resources Fee funds more than just refuse collection, the fee is still applied—even if your dwelling produces little, or no, refuse waste,"<sup>123</sup> according to the City's LA Sanitation website.
- A City official stated, "it's hard for people to separate food waste; it can be smelly; where do you keep it, etc. We're working on a good way to do it. We have pilot programs."<sup>124</sup>
- This Committee found strong interest from residents and businesses interviewed. For those residents who are already committed to food waste separation and recycling (whether from their single-family house, or apartment), the only option our Committee found was LA Compost:<sup>125</sup>
  - a nonprofit organization that has a drop-off booth at several weekly farmer's markets
  - relies on volunteers and donations
  - operates several hubs throughout the City where residents can drop off their food waste<sup>126</sup>
  - in January of 2020, before the Covid-19 Pandemic, only eight of the 32 hubs were open due to growing demand, and not enough capacity<sup>127</sup>
  - during the pandemic, LA Compost continued accepting food waste drop-offs at one of the 26 community gardens throughout the City, and volunteers said that every Sunday, there was a constant stream of people

<sup>122</sup> [https://www.lacitysan.org/san/faces/home/portal/s-lsh-au/s-lsh-au-r/s-lsh-au-r-bjjsessionid=uynsAdj5le5pC1htNKKGWExRuZ0qern6N\\_Mv-lZPs-8bGx0gKmq!-839466798!-945519779?\\_afzLoop=8682239760179039&\\_afzWindowMode=0&\\_afzWindowId=Ed19IWET&\\_adf.ctrl-state=197i51z7vh\\_1#!%40%40%3F\\_afzWindowId%3DEd19IWET%26\\_afzLoop%3D8682239760179039%26\\_afzWindowMode%3D0%26\\_adf.ctrl-state%3D197i51z7vh\\_5](https://www.lacitysan.org/san/faces/home/portal/s-lsh-au/s-lsh-au-r/s-lsh-au-r-bjjsessionid=uynsAdj5le5pC1htNKKGWExRuZ0qern6N_Mv-lZPs-8bGx0gKmq!-839466798!-945519779?_afzLoop=8682239760179039&_afzWindowMode=0&_afzWindowId=Ed19IWET&_adf.ctrl-state=197i51z7vh_1#!%40%40%3F_afzWindowId%3DEd19IWET%26_afzLoop%3D8682239760179039%26_afzWindowMode%3D0%26_adf.ctrl-state%3D197i51z7vh_5) (click on "About Us" and then "Understanding Rates")

<sup>123</sup> *ibid*

<sup>124</sup> Per Committee interview on 2/27/20

<sup>125</sup> [www.lacompost.org](https://www.lacompost.org)

<sup>126</sup> <https://www.lacompost.org/faq>

<sup>127</sup> <https://www.kcrw.com/news/shows/greater-la/the-challenges-of-composting-in-la/composting-in-la-isnt-as-easy-as-it-sounds>

- Many college campuses in the County have ongoing sustainability initiatives:
  - Cal State Northridge--dining services staff collects kitchen plant food waste and uses it for composting in its garden on campus.<sup>128</sup>
  - Occidental College in Eagle Rock--students have begun composting programs for food waste, but continue to find it challenging to sustain the program as students graduate.<sup>129</sup> In 2016, the campus contracted with waste hauling company Athens Services to have food waste taken to the company's composting facility in Victorville.<sup>130</sup>
  - Students whose home cities, like Seattle, have curbside compost pickup programs express surprise that fellow students are not as diligent about food separation/recycling.<sup>131</sup>
- The County's Department of Public Works has identified nearly 200 facilities where organic waste should be separated and recycled, from cafeteria kitchen food prep areas ("back of house"); cafeteria dining areas, lunch rooms, employee workstations, landscaping.<sup>132</sup> Educational material has been provided, and compliance is encouraged, according to County officials.<sup>133</sup> However, County officials said they don't know how many of the identified entities are meeting the mandate, which requires organic waste recycling as of January 1, 2019,<sup>134</sup> and that more action may be forthcoming once the State outlines regulations around the \$10,000 fine per day. A random check by our Committee calling and visiting a few of the facilities, in conjunction with our conversations with waste haulers, leads us to believe that there is room for improvement in implementing organic waste recycling in these facilities.

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<sup>128</sup> <https://www.csun.edu/sustainability/sustainable-garden-education-center>

<sup>129</sup> <https://www.theoccidentalnews.com/features/2018/03/27/good-waste-composting-efforts-campus/2892421> (accessed 11/3/19)

<sup>130</sup> <https://www.theoccidentalnews.com/news/2016/01/01/college-looking-to-further-expand-composting-program/2880886>

<sup>131</sup> <https://www.theoccidentalnews.com/news/2018/03/20/student-led-compost-initiative-begins-braun-hall/2891999> (accessed 2/17/20)

<sup>132</sup> [https://dpw.lacounty.gov/epd/organics/pdf/AB1826Memo\\_2018.pdf](https://dpw.lacounty.gov/epd/organics/pdf/AB1826Memo_2018.pdf)

<sup>133</sup> Per Committee interviews on 10/7/19 and 11/19/19

<sup>134</sup> [https://dpw.lacounty.gov/epd/organics/pdf/AB1826Memo\\_2018.pdf](https://dpw.lacounty.gov/epd/organics/pdf/AB1826Memo_2018.pdf) Page 2

## COVID-19

The pandemic provides an opportunity to reimagine how things can be, and our Committee was pleased to see the word “waste” in the mix in an article published on May 13, 2020, in the *Los Angeles Times*:<sup>135</sup>

Gov. Gavin Newsom appointed Tom Steyer, a billionaire former hedge fund manager turned climate change activist, to co-chair his Task Force on Business and Jobs Recovery. Twenty state lawmakers signed a letter last month to Steyer and Newsom’s chief of staff, Ann O’Leary, urging the governor’s office to consider recovery investments that prioritize “clean economy job creation.”

The letter reads, “We know the clean economy — transportation, housing, energy, water, manufacturing, **waste**, and natural and working lands — is one of the most cost-effective, resilient job creation sectors economy-wide.”

## RECOMMENDATIONS

This Committee recommends a public education campaign around food waste that creates drop-off food waste centers in more areas of the County and provides financial incentives, as well as County-owned facilities “leading by example” in recycling food waste—all of which require *a little help from our friends*.<sup>136</sup>

We recommend:

- 1.1 Each of the 88 cities, and the County’s unincorporated areas, should establish a weekly food waste drop-off center. The center can be at a farmer’s market, such as the one held each Thursday near Los Angeles City Hall, or at another appropriate site. City and County officials can arrange for the food waste collected to be taken to a nearby facility for recycling, or can establish contracts with organizations such as the Los Angeles Community Garden Council or landscaping companies for composting.
- 1.2 County officials should initiate programs using composting technology (such as Compostology<sup>137</sup> or Earth Cube<sup>138</sup>) that can compact food waste and can be easily installed in offices and schools.<sup>139</sup>

<sup>135</sup> <https://www.latimes.com/environment/story/2020-05-13/half-million-clean-energy-job-losses-amid-coronavirus>

<sup>136</sup> From the Beatles song “With a Little Help From My Friends.”

<sup>137</sup> <https://www.compostology.us/about> (accessed 9/26/19)

<sup>138</sup> <http://compostingtechnology.com/in-vessel-composting-systems/earth-cube/>

<sup>139</sup> <https://www.biocycle.net/2015/03/31/school-district-rolls-out-food-waste-reduction/> (accessed 10/12/19)

- 1.3 County and city officials should create an incentive program for residents and businesses to separate food waste. This could be in the form of a gift card to a local grocery store/farmer's market, or a discount on a solid waste fee. For example, in the city of Santa Barbara, 150 businesses (restaurants, grocery stores, coffee shops, etc.) have signed up for the city's *Foodscraps* program, and can save several hundred dollars a month off their trash collection fee.<sup>140</sup>
- 1.4 County officials should work with community colleges and workforce training programs, to increase classes about food waste recycling and careers in waste management that focus on diversion and conversion technologies.
- 1.5 County officials should create a garden/compost program at Pitchess Detention Center in Castaic and investigate the option of a garden at some or all of the juvenile detention facilities.
- 1.6 The County Department of Public Health should develop a program to train its 300 food inspectors as "ambassadors" when they are in the field. The inspectors need to be armed with the Food DROP brochure,<sup>141</sup> as well as information about how that establishment can safely separate and recycle any food waste. (This recommendation is also for Long Beach and Pasadena, which have their own Public Health departments.)
- 1.7 The County Department of Public Health should take the lead in creating a food waste education component as part of its permit process required for all outdoor public events that will be serving food. Department officials can work with the event manager ahead of time to plan for excess edible food donation, and for how food waste will be collected and separated. (This recommendation is also for Long Beach and Pasadena, which have their own Public Health departments.)
- 1.8 County officials should modify contracts with food vendor companies that are inside County facilities, such as the Hollywood Bowl, the Arboretum, the Los Angeles County Museum of Art, and cafeterias located at County hospitals, to include food waste separation and recycling. Especially at the Hollywood Bowl, which draws more than 17,000 people<sup>142</sup> for most of its summer concert events, has several food options onsite,<sup>143</sup> and traditionally draws large pre-concert picknicking crowds, implementing a food waste recycling program can be part of a public education campaign.

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<sup>140</sup><https://www.santabarbaraca.gov/services/recycling/business/foodscrap.asp#:~:text=About%20The%20Program,like%20your%20recycling%20and%20trash>. (accessed 2/17/20)

<sup>141</sup> <https://pw.lacounty.gov/epd/sbr/food-drop.aspx>

<sup>142</sup> [https://en.wikipedia.org/wiki/Hollywood\\_Bowl](https://en.wikipedia.org/wiki/Hollywood_Bowl)

<sup>143</sup> <https://www.hollywoodbowl.com/visit/when-youre-here>

- 1.9 The County Board of Supervisors should require that the vendor operating the Hall of Administration cafeteria institute procedures to separate food waste, both in the food prep area, and in the dining room.
- 1.10 The City of Los Angeles should partner with LA Compost to expand that organization's footprint in the city to increase its capacity to collect and compost food waste.
- 1.11 The City of Los Angeles should work with its 99 Neighborhood Councils to increase public education around food waste separation/recycling programs.
- 1.12 All 80 school districts located in the County should work with local public works and health department officials to create a garden and compost program in every school,<sup>144</sup> and monitor edible food recovery efforts.<sup>145</sup>
- 1.13 All 80 school districts should develop a garden/compost program that can be available for students in the myriad after-school daycare options available on campus (LACER, After the Bell, STAR, etc.).
- 1.14 Elected officials in the County and cities should adopt the 11 suggestions in the March 2018 Countywide Organics Waste Management Plan<sup>146</sup> and express support for the need to increase capacity and site and build new facilities to handle organic waste.

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<sup>144</sup> [www.ecocycle.org](http://www.ecocycle.org) (accessed 5/2/20)

<sup>145</sup> <https://www.ecocycle.org/files/School%20Compost%20Programs%20Pathways%20to%20Success.pdf> "School Compost Programs: Pathways to Success" (accessed 4/3/20)

<sup>146</sup> <https://pw.lacounty.gov/epd/swims/News/swims-more-links.aspx?id=4#> LA County Countywide Organic Waste Management Plan March 2018, Page 39



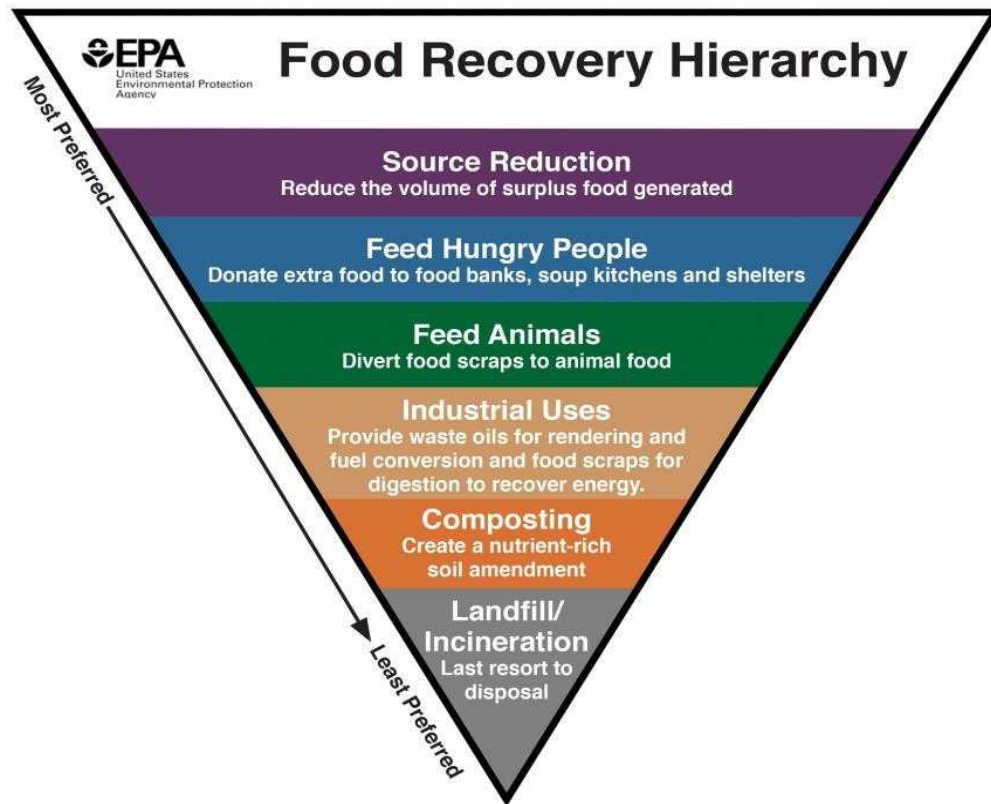
## REQUIRED RESPONSES

Responses are required from:

Recommendation	Responding Agency
1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.14	County Board of Supervisors
1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.14	Chief Executive Officer Sachi Hamai
1.1, 1.2, 1.3, 1.4, 1.5, 1.7, 1.8, 1.9, 1.12, 1.14	County Department of Public Works
1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14	County Chief Sustainability Office
1.1, 1.3, 1.8, 1.14	Mayors of 88 cities
1.5	County Department of Probation
1.6, 1.7, 1.8, 1.9, 1.12, 1.13	County Department of Public Health
1.6, 1.7	Long Beach Department of Health and Human Services
1.6, 1.7	Pasadena Public Health Department
1.6, 1.7, 1.8, 1.9, 1.12, 1.13	County Department of Environmental Health
1.14	Internal Services Department
1.8	County Parks and Recreation Department
1.1, 1.3, 1.8, 1.10, 1.11, 1.14	Mayor of City of Los Angeles
1.12, 1.13	Superintendents of all 80 school districts
1.12, 1.13	Los Angeles County Office of Education

## COMMITTEE MEMBERS

Hind Baki, Chair  
Nirja Kapoor  
John Palos  
Jenalea Smith  
Judith Whitman



<sup>147</sup> <https://www.epa.gov/sustainable-management-food/food-recovery-hierarchy>



<sup>148</sup> <https://ilsr.org/food-waste-hierarchy/>

# APPENDIX 3<sup>149</sup>

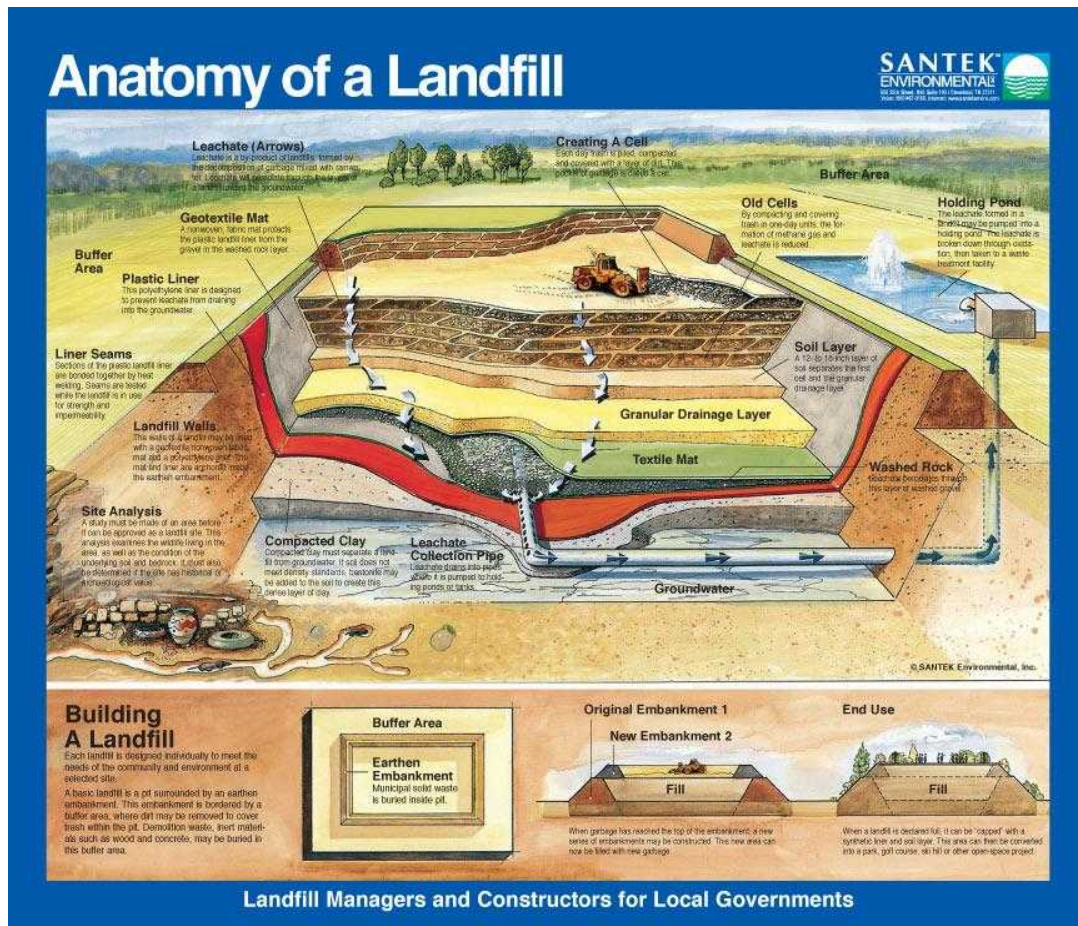
## Active Landfills in Los Angeles County

Landfill Site	Owner	Operator	End of Operation
Antelope Valley Recycling and Disposal Facility	Waste Management, Inc.	Waste Management, Inc.	2042
Azusa Land Reclamation (Inert)	Azusa Land Reclamation Co., Inc.	Waste Management, Inc.	January 2025
Burbank Landfill #3	City of Burbank	City of Burbank Department of Public Works	January 2053
Calabasas Landfill	County of Los Angeles	Los Angeles County Sanitation Districts	September 2025
Lancaster Landfill & Recycling Center	Waste Management, Inc.	Waste Management, Inc.	March 2044
Pebbly Beach Landfill (Avalon)	City of Avalon	CR&R Environmental Services	July 2028
San Clemente Island Landfill	U.S. Navy	U.S. Navy	January 2032
Savage Canyon Landfill	City of Whittier	City of Whittier Public Works Department <sup>150</sup>	December 2048
Scholl Canyon Landfill	Co-Owned by City of Glendale and Los Angeles County Sanitation Districts	Los Angeles County Sanitation Districts	December 2024
Sunshine Canyon Landfill	Republic Services, Inc./BFI	Republic Services, Inc./BFI	February 2037

<sup>149</sup> [http://www.publichealth.lacounty.gov/eh/EP/solid\\_waste/facilitieslandfill.htm?func=1&Landfill=landfill](http://www.publichealth.lacounty.gov/eh/EP/solid_waste/facilitieslandfill.htm?func=1&Landfill=landfill) (accessed 1/31/20); <https://dpw.lacounty.gov/epd/swims/OnlineServices/search-solid-waste-sites-esri.aspx> (accessed 2/5/20)

<sup>150</sup> <https://www.cityofwhittier.org/government/public-works/trash/landfill-services>

## APPENDIX 4<sup>151</sup>



<sup>151</sup> [https://www.sfsdma.org/wp-content/uploads/2011/11/Anatomy\\_of\\_a\\_Landfill.pdf](https://www.sfsdma.org/wp-content/uploads/2011/11/Anatomy_of_a_Landfill.pdf)

## APPENDIX 5

### Green Waste Pick-up and Recycling options available in County Unincorporated Areas (CUC)

- The County’s Department of Public Works oversees the waste hauler agreements for the 125 unincorporated areas,<sup>152</sup> which include Altadena, Hacienda Heights, and Marina Del Rey. About 1 million people live in those areas; the “Mayor” of each area is the corresponding member of the County Board of Supervisors.<sup>153</sup>
- Many franchise waste haulers offer separate collection and recycling services for green waste.<sup>154</sup> Some waste haulers offer one solid waste bin for mixed refuse for commercial clients. The mixed waste is hauled to a material recovery facility where some things may be diverted from a landfill, unless there is too much contamination.<sup>155</sup>
- Landscapers can deliver green waste generated from their operation to processing facilities that specifically recycle green waste. Currently, there are over 100 facilities in Los Angeles County and nearby counties that accept green waste generated in Los Angeles County.<sup>156</sup>
- In 2018, Public Works consultants visited over 70 multi-family complexes and found that only a few generated more than 1 cubic yard of green landscape waste.<sup>157</sup>
- The various waste haulers serving residents in the CUC are required to provide three separate bins: one for trash, one for recyclables, and one for green waste.<sup>158</sup>

### Green Waste Pick-up and Recycling Options Available for City of Los Angeles

- The State’s most populous city, Los Angeles, manages its waste through the LA Sanitation Department.<sup>159</sup> For approximately 80,000 businesses and multi-family complexes, the City of Los Angeles is divided into service areas and assigned a waste hauler under the RecycLA program.<sup>160</sup> The program assigns seven waste haulers to 11 zones in the City.<sup>161</sup>

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<sup>152</sup> <https://dpw.lacounty.gov/epd/swims/News/WasteHauler/>

<sup>153</sup> <https://lacounty.gov/government/about-la-county/unincorporated-areas/>

<sup>154</sup> <https://pw.lacounty.gov/epd/swims/docs/pdf/faq/Commercial%20Waste%20Franchise%20System%20FAQ%20for%20Waste%20Haulers.pdf>

<sup>155</sup> [https://dpw.lacounty.gov/epd/Roadmap/PDF/annual\\_report\\_2019.pdf](https://dpw.lacounty.gov/epd/Roadmap/PDF/annual_report_2019.pdf) Roadmap to a Sustainable Waste Management Future Annual Progress Report 2019, Page 47-48

<sup>156</sup> [www.dpw.lacounty.gov/Epd/Tf/lsw/lsw](http://www.dpw.lacounty.gov/Epd/Tf/lsw/lsw)

<sup>157</sup> *ibid*

<sup>158</sup> <https://pw.lacounty.gov/epd/swims/News/swims-more-links.aspx?id=4#> LA County Countywide Organic Waste Management Plan March 2018, Executive Summary xi

<sup>159</sup> [www.lacitysan.org](http://www.lacitysan.org)

<sup>160</sup> [https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-zwlaf/s-lsh-wwd-s-zwlaf-au?\\_adf.ctrl-state=3z2x730v8\\_5&\\_afriLoop=11962272467624951#!](https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-zwlaf/s-lsh-wwd-s-zwlaf-au?_adf.ctrl-state=3z2x730v8_5&_afriLoop=11962272467624951#!)

<sup>161</sup> <https://www.waste360.com/commercial/los-angeles-bpw-award-11-franchise-zones-seven-waste-haulers>



- Green waste is taken to Griffith Park, where it's mixed with zoo doo (collected from herbivores at the adjacent Los Angeles Zoo) and biosolids (sewage products).<sup>162</sup> The Griffith Park Composting Facility makes a final compost product that is used throughout the park, and for the City's Free Mulch Give-Away Program.
- The mulch produced by the City is registered and trademarked as Topgro ®; the City gives its Department of Recreation and Parks half the compost created, and the rest is sold to private entities such as landscape companies.<sup>163</sup>
- Residential customers in the City are provided three bins for separating items for trash day:<sup>164</sup> one for trash, one for recyclables, one for green waste (no food waste can be placed in this bin as it would contaminate the green waste); an extra bin for horse manure is provided for a nominal fee.<sup>165</sup>

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<sup>162</sup> <https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-gw/s-lsh-wwd-s-gw-gpcf#::~:~:text=The Griffith Park Composting Facility,trimmings from acres of landscaping.>

<sup>163</sup> [https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-gw/s-lsh-wwd-s-gw-faq?\\_adf.ctrl-state=3z2x730v8\\_758&\\_afzLoop=11962739376231226#!](https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-gw/s-lsh-wwd-s-gw-faq?_adf.ctrl-state=3z2x730v8_758&_afzLoop=11962739376231226#!)

<sup>164</sup> [https://www.lacitysan.org/san/faces/home?\\_adf.ctrl-state=3z2x730v8\\_758&\\_afzLoop=11962955571838333#!](https://www.lacitysan.org/san/faces/home?_adf.ctrl-state=3z2x730v8_758&_afzLoop=11962955571838333#!) Scroll down to "What Goes in Each Bin"

<sup>165</sup> *ibid*

## APPENDIX 6

### Edible Food Recovery

- In 2018, the County Department of Public Works launched the Food Donation and Recovery Outreach Program Food DROP website ([www.FoodDROPLA.com](http://www.FoodDROPLA.com)) to provide resources for businesses in the unincorporated communities to safely donate excess edible food and reduce food waste. In addition to federal Good Samaritan laws that can provide legal protection, donating edible food can possibly provide a tax deduction.<sup>166</sup>
- In 2018, the County's Smart Business Recycling Consultants visited over 130 large food service establishments to survey how they currently manage organics and recyclables and to connect these businesses with local charities to donate edible excess food. Twenty-six businesses indicated that they donate edible food.<sup>167</sup>
- Organizations like Food Forward<sup>168</sup> last year collected 26 million pounds of edible food from various companies.<sup>169</sup> The organization's four 26-foot trucks pick up produce that otherwise would go to waste and distribute the bounty to agencies serving the needy from Santa Barbara to the California-Mexico border. Staff pick up excess produce from the largest produce market in the United States, located in Downtown Los Angeles, and nearby produce houses, as well as farmer's markets. Volunteer teams also are sent to pick residents' backyard fruit and distribute to food pantries.
- Companies like Imperfect Produce<sup>170</sup> ship boxes of imperfect-looking fruits and vegetables, and packaged food that has been rejected for cosmetic reasons.
- There are many websites available to help residents who want to reduce food waste in their kitchens
  - ✓ [www.savethefood.com](http://www.savethefood.com)
  - ✓ [www.cawrecycles.org](http://www.cawrecycles.org) (Californians Against Waste)
- For the K-12 school environment in Los Angeles County, the County Department of Public Health has developed resources to help each campus reduce food waste.
  - ✓ <http://publichealth.lacounty.gov/eh/LACFRI/>

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<sup>166</sup> [www.FoodDROPLA.com](http://www.FoodDROPLA.com)

<sup>167</sup> [https://dpw.lacounty.gov/epd/tf/isw/isw\\_2019\\_09.pdf](https://dpw.lacounty.gov/epd/tf/isw/isw_2019_09.pdf) Page 3

<sup>168</sup> [www.foodforward.org](http://www.foodforward.org)

<sup>169</sup> <https://www.dailynews.com/2019/06/20/this-new-produce-depot-is-a-game-changer-for-north-hollywood-based-food-forward/> (accessed 2/23/20)

<sup>170</sup> [www.imperfectfoods.com](http://www.imperfectfoods.com) (accessed 9/25/19)



## APPENDIX 7<sup>171</sup>

### Food Waste Recycling: County Department of Public Works Headquarters<sup>172</sup>

County Department of Public Works Headquarters in Alhambra: Photos of the employee cafeteria signage, showing food waste separation, and serving as a model for other County facilities.



The Department reported that, in 2018, its food waste reduction practices in the cafeteria prevented over 300 pounds of food waste from being generated, and did not generate any leftover food for donation.

In addition, almost 18,000 pounds of food waste was collected from the cafeteria kitchen, dining area, break rooms, and special events and sent to be recycled at an anaerobic digestion facility. An additional 1,200 pounds of food waste from the cafeteria kitchen was composted on site in the worm bins (see picture below).



<sup>171</sup> [https://dpw.lacounty.gov/epd/Roadmap/PDF/annual\\_report\\_2019.pdf](https://dpw.lacounty.gov/epd/Roadmap/PDF/annual_report_2019.pdf)  
Roadmap to a Sustainable Waste Management Future Annual Progress Report 2019, Page 37

<sup>172</sup> All photos in Appendix 7 were taken by members of the 2019-2020 Los Angeles County Civil Grand Jury on 3/11/20



The food waste separated in the cafeteria is then brought to special worm-composting bins onsite. Worm composting is using worms to recycle food scraps and other organic material into a valuable soil amendment called vermicompost. Worms eat food scraps, which become compost as they pass through the worm's body.<sup>173</sup>



The compost is then used at the onsite garden, which grows vegetables that can be offered to employees or cafeteria cooks.

<sup>173</sup> <http://compost.css.cornell.edu/worms/basics.html> (accessed 5/3/20)

## APPENDIX 8

### Food Waste Transfer and Processing: Puente Hills Materials Recovery Facility<sup>174</sup>



A line of trucks bringing various types of separated waste such as cardboard and bottles/cans for recycling. The smallest pile below is the food waste pile.



<sup>174</sup> All photos in Appendix 8 were taken by members of the 2019-2020 Los Angeles County Civil Grand Jury on 10/15/19





**COPY**

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**County of Los Angeles  
CIVIL GRAND JURY**

SEP 22 2021

222 South Hill Street • Sixth Floor • Suite 670 • Los Angeles, California 90012  
Telephone (213) 893-0411 • Fax (213) 893-0425 By \_\_\_\_\_  
www.grandjury.co.la.ca.us

September 17, 2021

Mayor Bea Dieringer  
City of Rolling Hills  
No. 2 Portuguese Bend Road  
Rolling Hills, CA 90274

Dear Mayor:

The 2021-2022 Los Angeles County Civil Grand Jury Continuity Committee has reviewed all responses regarding the 2019-2020 Los Angeles County Civil Grand Jury Final Report. In the report, **A DIET FOR LANDFILLS: Cutting Down on Food Waste**, as of today our records indicate we have not received your response to Recommendations: 1.1, 1.3, 1.8 and 1.14. Recommendation 1.14 includes 11 items (see attached) adopted from the March 2018 Countrywide Waste Management Plan.

The 2019-2020 Civil Grand Jury Final Report was made public on July 31, 2020.

California Penal Code §933(c) requires responses no later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body.

Please refer to this link to access the needed responses. ([2019- 20 Los Angeles County Civil Grand Jury Final Report.pdf \(la.ca.us\)](#) [begins on page 30])

A response within ten business days from the date of this letter is required. For any questions, please contact: Michael Cieplik, Continuity Chairperson, at 1-213-893-0411.

Sincerely,

Thomas O'Shaughnessy, Foreperson  
2021-2022 Los Angeles County Civil Grand Jury

Attachment

## **MARCH 2018 ORGANIC WASTE MANAGEMENT OPTIONS**

### **11 SUGGESTIONS**

#### **#1 COMMERCIAL RECYCLING ORDINANCE**

Adopt an ordinance with requirements for businesses and haulers to achieve specified recycling requirements (if not already in place). Includes system to quantify recovery, monitor compliance with requirements and methods for enforcement action as necessary.

#### **#2 SINGLE FAMILY RESIDENCE (SFR) RECYCLING ORDINANCE**

Adopt an ordinance establishing organic collection requirements on properties not subject to AB 1826 including but not limited to SFR dwellings and multi-family residential dwellings with 2-4 units. Includes system to quantify recovery, monitor compliance with requirements and methods for enforcement action as necessary.

#### **#3 SELF-HAUL STANDARDS**

Establish standards or requirements for self-haul (landscapers and other qualified providers) to meet recycling requirements. Includes reporting requirements and audit procedures to ensure minimum standards are being met as well as licensing requirements.

#### **#4 FLOW CONTROL**

Flow control to direct material collected to qualified processing or composting facilities.

#### **#5 CONTRACT MODIFICATION**

Modify existing contract or establish a new trash collection contract or franchise to include specified recycling requirements. Such action may include contract language modifications, separation of commercial/multi-family collection into separate contract(s), extension of existing contracts or franchises or qualified licensing. Should include provisions for quantifying recovery, reporting compliance and enforcement actions.

#### **#6 EXCLUSIVE COMMERCIAL HAULING**

Establish new trash collection contracts or franchises with commercial or other exclusivity clauses and specified recycling requirements. Should include provisions for quantifying recovery, reporting compliance and enforcement actions.

#### **#7 SOURCE SEPARATED ORGANICS COLLECTION**

Modify existing contract or establish a new trash collection contract or franchise to require the hauler to provide separate collection of organic waste to entities (i.e., residential and commercial) that generate organic waste and deliver the material to a qualified organics recycling or composting facility. Should include provisions for quantifying recovery, reporting compliance and enforcement actions.

#### **#8 WET/DRY COLLECTION**

Require the hauler to provide 2 or more separate bins for wet/dry commercial collection system in which the contents of certain bins are delivered to a materials recovery facility with organics extraction technology. Should include provisions for quantifying recovery, reporting compliance and enforcement actions.

#### **#9 INCENTIVES**

Provides incentives for participation in organics collection by implementing subsidies to offset the incremental costs of collection, separation and processing of organics to the degree necessary to change behavior and establish a successful base program. Should include provisions for quantifying recovery and reporting compliance to maintain eligibility for incentives.

#### **#10 EDUCATION ONLY**

No change to contracts but educate businesses to comply with the law. Includes business compliance monitoring and identification of resources that would be made available to businesses to ensure compliance and build program support.

#### **#11 ON-SITE MANAGEMENT**

Provide businesses with guidance/assistance in the implementation of scalable on-site organics management aggregation methods and available technologies. See following link:

[ShowDoc.aspx \(lacounty.gov\)](#) [suggestion appear on page 27]



*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

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

September 30, 2021

Thomas O'Shaughnessy  
Foreperson  
2021-2022 Los Angeles County Civil Grand Jury  
222 South Hill Street, sixth Floor, Suite 670  
Los Angeles, CA 90012

**Subject: Letter dated September 17, 2021**

Mr. O'Shaughnessy,

The City of Rolling Hills is in receipt of your September 17, 2021 letter on behalf of the County of Los Angeles Civil Grand Jury informing the City that it did not appropriately respond to the 2019-2020 Los Angeles County Civil Grand Jury Report, A DIET FOR LANDFILLS: Cutting Down on Food Waste. Thank you for making the City aware of the deficient response.

On September 29, 2021, I contacted Michael Cieplik, Continuity Chairperson at (213) 893-0411. I spoke with Natalie Rascon, acknowledged the City's deficient response, and requested an extension to submitting a response. I informed Ms. Rascon that the next regular City Council meeting is October 11, 2021. The City is in the process of preparing the requested and required response and will submit it to the County after the City Council reviews, and approves the response letter. The City estimates that it will submit a response by October 13, 2021.

If you have any questions with this proposed action or would like to discuss this matter, please do not hesitate to contact me by telephone at (310) 377-1521 or via email at [ejeng@cityofrh.net](mailto:ejeng@cityofrh.net).

Sincerely,

Elaine Jeng, P.E.  
City Manager

Enclosure

cc: Rolling Hills City Council



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CIVIL GRAND JURY**

SEP 22 2021

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September 17, 2021

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City of Rolling Hills  
No. 2 Portuguese Bend Road  
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*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

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

October 11, 2021

Presiding Judge  
Los Angeles County Superior Court  
222 South Hill Street, Sixth Floor, Suite 670  
Los Angeles, CA 90012

**Subject: Response to the 2019-2020 Los Angeles County Civil Grand Jury - "A Diet for Landfills: Cutting Down on Food Waste"**

Honorable Presiding Judge and Grand Jury,

The City understands the concerns expressed in the Los Angeles County Civil Grand Jury report, ***A diet for Landfills: Cutting Down on Food Waste***, released on July 31, 2020. On behalf of the City of Rolling Hills, please accept this letter as the official response to recommendations 1.1, 1.3, 1.8 and 1.14 to the Report.

#### **Recommendation 1.1**

**Each of the 88 cities, and the County's unincorporated areas, should establish a weekly food waste drop-off center. The center can be at a farmer's market, such as the one held each Thursday near Los Angeles City Hall, or at another appropriate site. City and County officials can arrange for the food waste collected to be taken to a nearby facility for recycling, or can establish contracts with organizations such as the Los Angeles Community Garden Council or landscaping companies for composting.**

#### **Response to 1.1**

The City of Rolling Hills has no public infrastructure (roads, sidewalks, storm drains). As side from the City Hall campus, the homeowners association manages access into the City and maintains roadways, city perimeters and trails. The City of Rolling Hills is entirely zoned for residential only. While the City does not have the physical space to establish a weekly food waste drop-off center, the City will educate the community on nearby food-waste drop-off centers to support this recommendation.

#### **Recommendations 1.3**

**County and city officials should create an incentive program for residents and businesses to separate food waste. This could be in the form of a gift card to a local grocery store/farmer's market, or a discount on a solid waste fee.**

Response to 1.3

Under the City's existing exclusive franchise agreement, Republic Services in accordance with SB 1383 will deploy community outreach and education on organic waste separation. The City will explore incentive opportunities to promote organic waste separation through Republic Services' educational program.

**Recommendation 1.8**

**County officials should modify contracts with food vendors companies that are inside County facilities, such as the Hollywood Bowl, the Arboretum, the Los Angeles County Museum of Art, and cafeterias located at County hospitals, to include food waste separation and recycling.**

Response to 1.8

This recommendation requires direct action from the County and is not a City actionable item.

**Recommendation 1.14**

**Elected officials in the County and cities should adopt the 11 suggestions in the March 2018 Countywide Organics Waste Management Plan and express support for the need to increase capacity and site and build new facilities to handle organic waste.**

Response to 1.14

The City supports initiatives relating to organic waste via compliance with applicable provisions of SB 1383 as expressed in the exclusive franchise agreement with Republic Services. This will include providing education and guidance in program implementation, including revisions to current contracts or entering into new contracts with service providers that include provisions for reporting, self-haul standards, and/or enforcement, where needed.

This response letter has been reviewed, commented upon, and approved by the City of Rolling Hills Mayor and City Council at the October 11, 2021 City Council meeting.

Sincerely,

Bea Dieringer  
Mayor



## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

**Agenda Item No.: 9.B**

**Mtg. Date: 10/11/2021**

**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 A PROFESSIONAL SERVICE AGREEMENT WITH MICHAEL BAKER INTERNATIONAL TO PROVIDE PLANNING SERVICES.**

**DATE: October 11, 2021**

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### **BACKGROUND:**

On September 16, 2021, the Director of Planning and Community Services submitted her resignation with the effective date of October 8, 2021. To keep projects moving forward and continue providing uninterrupted planning services to residents and builders, staff reached out to four Planning firms and requested proposals for temporary on-call development review services to bridge the gap until the director's position is filled.

### **DISCUSSION:**

On September 28, 2021, Michael Baker International provided their letter of proposal for the requested services. Unfortunately, only one firm has available planners who are able to start immediately, Michael Baker International's proposal is attached. The three other firms, Psomas, Willdan and Sage Crest, are still searching for planners to fill the City's request.

Michael Baker International is currently the City's third party reviewer of an Initial Study and Negative Declaration being prepared for a proposed new residential development in the Flying Triangle.

### **FISCAL IMPACT:**

The cost of services will be covered under Planning and Community Services' FY '21/'22 Adopted Budget.

### **RECOMMENDATION:**

Approve as presented.

### **ATTACHMENTS:**

[City of Rolling Hills Letter Proposal\\_FINAL 2021-09-28.pdf](#)

[Draft PSA with MICHAEL BAKER-cl.docx](#)

September 28, 2021

Meredith T. Elguira, Director  
CITY OF ROLLING HILLS  
2 Portuguese Bend Road  
Rolling Hills, California 90274

**RE: ON-CALL DEVELOPMENT REVIEW SERVICES**

Dear Ms. Elguira:

Michael Baker International (Michael Baker) is pleased to submit this letter proposal to provide contract planning assistance to the City of Rolling Hills. Michael Baker understands that the City has an immediate need for a part-time or full-time equivalent, high-functioning Planner; and that this person, or persons assigned to serve as an extension of City staff will be responsible for performing all duties relating to the coordination, management, and processing of minor planning entitlements. As an extension of City staff, the Project Planner(s) will be the primary point of contact for all matters relating to entitlement processing for the City's Planning Department.

In summary, the planning functions that will be performed by the planner(s) to be assigned by Michael Baker could include the following:

- Provide counter assistance as necessary.
- Review proposed development plans for compliance with the City's General Plan, Zoning Ordinance, and the development standards set forth therein, and any applicable design guidelines.
- Meet and/or teleconference with staff and/or applicants as necessary to identify and discuss critical items and develop workable solutions, as necessary.
- Provide follow up and review as required.
- Conduct project site visits and communicate directly with applicants regarding the specific requirements and/or information necessary to process applications.
- Prepare staff reports and resolutions, including conditions of approval and recommendations, for consideration and action by the Planning Commission and City Council.
- Present projects to the Planning Commission, City Council, or at applicable client meetings; and
- Perform other related duties, as assigned by the Planning Manager.

## **PERSONNEL**

Delivery of these services will occur under the direction of our Agency Staffing Services Department Manager, Ms. Trayci Nelson. Ms. Nelson has more than 30 years of experience in both current planning and environmental analysis with various cities throughout Southern California. Ms. Nelson's familiarity with successful planning procedures, policies, and documents from numerous other agencies, which could be of benefit to the City of Rolling Hills, represents value added being provided by Michael Baker. As additional added value, Ms. Nelson manages her staff in the field with a "constant contact" team approach by making herself available to her staff and to the client on short notice and at no additional cost to the client.

Under the supervision of Ms. Nelson, Michael Baker would assign one of two planners to serve the City's needs for a total of up to 40 hours per week – Jeffrey Graham or Kim Zuppiger.

Jeffrey Graham has over 6 years of experience in the land use planning and development field, in both the public and private sector. He is skilled in customer service, technical/staff report writing, plan review, presentations to public hearing boards, preparing long-range planning documents, ArcGIS, project management, contract staffing, entitlements, and permitting. Mr. Graham has provided Planning services to multiple cities including, San Juan Capistrano, Santa Ana, Signal Hill, Palos Verdes Estates, Sausalito, Monterey, and Santa Paula.

Kim Zuppiger is a seasoned planner, project liaison, and environmental compliance coordinator specializing in zoning and land use planning permit processing and preparing environmental documentation (IS/MNDs and EIRs) in compliance with CEQA. She is skilled in project management, preparation technical/staff report writing, plan review, working on large-scale commercial, residential, mixed-use and industrial entitlements. Ms. Zuppiger has provided current planning services to multiple cities in Los Angeles, Orange, San Diego, and San Bernardino Counties.

Resumes for Jeffrey and Kim are enclosed. If selected, our staff could provide a up to 40 hours of service per week, exclusive of planning commission and city council attendance. They would be committed to serving the City for as long as their assistance is needed.

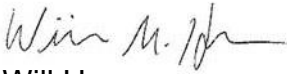
## **FEE**

Michael Baker is proposing to provide the requested services on an hourly basis at the rate of \$130 per hour for Mr. Graham, and \$160 per hour for Ms. Zuppiger. This hourly rate is fully burdened, and the City will only be billed for hours worked by our staff at

Rolling Hills City Hall or actual project sites within the city. The City will be billed monthly for services rendered, with invoices clearly identifying the number of hours worked by project. Michael Baker's Oracle Human Capital Management (HCM) financial software will allow project costs to be tracked and billed by designated task, if desired.

We truly appreciate the opportunity to submit this proposal and to serve the City of Rolling Hills. If you have any questions, please contact Trayci Nelson (562) 200-7180 or [tnelson@mbakerintl.com](mailto:tnelson@mbakerintl.com).

Sincerely,



Will Hoose  
Associate Vice President

Attachments:     Resumes

## Jeffrey A. Graham, LEED GA

### *Planning Associate II*

#### General Qualifications

Mr. Graham has over 6 years of experience in the land use planning and development field, in both the public and private sector sides of planning. He is skilled in customer service, technical/staff report writing, plan review, presentations to public hearing boards, preparing long-range planning documents, ArcGIS, contract staffing, entitlements, and permitting.

#### Relevant Experience

##### **Planning Associate, Michael Baker International, Rancho Cordova and Long Beach, California**

- Serving as Associate Planner and Team Project Manager for the City of Sausalito on-call services contract managing a variety of complex, large scale projects, providing overload counter assistance, writing staff reports, performing plan checks, and managing our two Assistant Planners working the on assignment
- Served as Associate Planner for the City of Santa Ana with responsibilities, including counter service, writing staff reports, and performing plan checks
- Currently serving as an Associate Planner for the City of San Juan Capistrano with responsibilities including performing plan checks, writing staff reports, and taking projects to Planning Commission/Zoning Administrator
- Managing the completion and creating Objective Development Standards for three specific plans for the City of Monterey
- Conducted research on policies and best practices for an accessory dwelling unit handbook for the San Bernardino County Transit Authority
- Prepared staff reports, resolutions, and ordinance for a General Plan Amendment and Zone Change for the City of Hawthorne
- Collected and analyzed a year's worth of housing data for the City of Santa Fe Springs' Annual Housing Progress Report
- Served as Associate Planner for the City of Pasadena with responsibilities including performing plan checks, and entitlement project review
- Prepared a \$65,000 LEAP (Local Early Action Planning) Grant application for the City of Signal Hill
- Drafted the accessory dwelling unit ordinance for the City of Hawthorne
- Served as Associate Planner for special projects related to SB2 funding for the City of Signal Hill
- Served as City Planner for the City of Palos Verdes Estates with responsibilities, including counter service, writing staff reports, performing plan checks, Coastal Development Permits and wireless

*Years of Experience:* 6

#### *Degrees*

B.S., Community and Regional Development, University of California, Davis

#### *Licenses/Certifications*

LEED Green Associate, US Green Building Council, 2014

#### *Board Positions*

Vice Director of Administration, APA Los Angeles, 2020

permits, preparing and presenting projects to the planning commission and city council, and updating City ordinances

- Served as Project Planner for a General Plan Amendment in the City of California City
- Served as Assistant Planner for the City of Elk Grove, with responsibilities, including processing entitlement applications, including sign permits, zoning clearances, minor design reviews, and tentative map extensions
- Served as Assistant Planner for the City of Monrovia, with responsibilities, including counter service, writing staff reports, and performing plan checks
- Gathered and organized data for the General Plan Annual Progress Report for the City of Signal Hill
- Assisted in updating the design guidelines and specific plan for Oak View Estates in the City of Bradbury
- Processed plan checks for the East Area One Specific Plan for the City of Santa Paula
- Reviewed subdivision and landscape plans for Pinal County in Arizona
- Assisted with policy research and formulation for the City of Rolling Hills Estates General Plan Update
- Conducted research and prepared the staff report for a truck wash station conditional use permit in the City of Laguna Woods

**Research Assistant, Mintier Harnish, Sacramento, California**

- Provided research and writing support for general plan updates, specific plans, housing elements, and planning studies for the Cities of Hayward, Millbrae, Stockton, Union City, Windsor, and the San Joaquin Valley (SJV) Regional Policy Council.
- Created maps and designed document templates using ArcGIS and Adobe InDesign.
- Organized General Plan Update community workshops for over 80 attendees.
- Educated the office on Senate Bill 1000 and prepared a preliminary environmental justice analysis for Fresno County and the City of Gilroy.

**Project Assistant, Local Government Commission, Sacramento, California**

- Conducted research on various planning topics, including Crime Prevention Through Environmental Design
- Proofread various community development grants
- Conducted outreach to local government officials and community leaders about workshops and events

**Land Acquisition and Entitlement Intern, GBD Communities, Roseville, California**

- Assisted with local real estate market research and database updating
- Participated in weekly project updates with real estate professionals



- Facilitated meetings between vendors and project managers

**Student Analyst, UC Davis Office of Environmental Stewardship and Sustainability**

- Gathered and organized data for the STARS (Sustainability Tracking, Assessment & Rating System) reporting project, a comprehensive metric system used to measure UC Davis' sustainability performance
- Performed data analysis using Microsoft Excel
- Suggested and initiated strategies to maximize points for the STARS submittal

**Volunteer Researcher, UC Davis Energy Institute, Davis, California**

- Analyzed complex energy policy on renewable energy and transmission
- Composed two comprehensive reports: Renewable Energy Policies and Best Renewable Energy Choices for California

## Kimberly Zuppiger

### *Senior Project Manager/Environmental Planner*

#### General Qualifications

Ms. Zuppiger has over 30 years' experience in the management of large-scale planning projects, many involving the preparation of documentation under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) having multiple deadlines. She is a seasoned planner, project liaison, and environmental compliance coordinator specializing in zoning and land use planning permit processing and preparing environmental documentation (IS/MNDs and EIRs/EISs) in compliance with CEQA and NEPA.

She manages daily project activities and provides quality control, selects, and oversees subcontractors, and plans and manages project budgets and schedules. She is skilled in the coordinated development, update, and finalization of documents involving internal, public, and multiple agency review.

Ms. Zuppiger has superior administrative and technical skills, including extensive experience with computer usage and management information systems, and has excellent oral and written communication skills. As a highly experienced project/case manager, she has provided current planning services to a variety of cities in Los Angeles, Orange, San Diego, and San Bernardino counties.

#### Relevant Experience

##### **City of Chino Hills, Contract Senior Planner**

- Currently serving as contract Senior Planner for the City. Responsible for processing discretionary entitlement applications and preparing CEQA documents for a variety of projects while also performing other day-to-day planning department functions.
- **Fairfield Ranch Business Park and Crossings Apartment Complex.** Responsible for processing a Parcel Map, Site Plan Review, Zone Change and General Plan Amendment for Turner Real Estate Investments. The development of the Fairfield Ranch Commons consisted of 346 very high density residential apartment units (20 buildings including the clubhouse and maintenance buildings) and a 326,641-square-foot industrial park (3 buildings) on 17.37 acres; General Plan Amendment and Zone Change to change the land use and zoning designations of the 14.73 acres from Business Park (BP) to Very High Density Residential (RM-3).
- **Vila Borba Master Planned Community.** Responsible for processing Tract Maps and Design Review applications the Vila Borba Master Plan for Lennar that includes a total of 336 acres and four residential tracts (planning areas). The Vila Borba project site includes on-going grading and development of the following tracts: Tract 15981 included 183 single-family homes and 5-acre public park with two side by side dog parks

*Years of Experience:* 30+

#### *Degrees*

BA, Social Ecology, Urban Planning and Environmental Health, University of California, Irvine

for both large and small dogs and an interconnecting trails and pathway system; Tract 16413 included 19 single-family homes; Tract 16338 includes 149 single-family homes and; Tract 16414 includes 280 high-density homes, 5-acres commercial land which is in the process of being re-zoned to allow 220 townhomes.

- **Rancho Cielito.** Processing a Tentative Parcel Map No. 4615 to create 3 parcels and Site Plan Review 17SPR 02 to allow construction of 354 medium density residential apartment units (7 two-story and 7 three-story residential carriage buildings, 10 three-story residential buildings and 2 clubhouses). Project Manager for 48.37-acre site; approximately 29.50 acres is dry land (developable area) and 18.87 acres consists of surface area of Lake Los Serranos. The development would include a total of 354 multi-family apartment units that are separated into an East and West Village with two separate clubhouses and a connecting vehicular bridge that would cross over the lake Los Serranos.
- **COSTCO Expansion and Remodel Project.** Processing a Conditional Use Permit 19CUP04 for 15,000 square expansion of the existing COSTCO warehouse, food court and employee locker area. The existing COSTCO gas station (12 fuel pumps) will be relocated and expanded to a 32-fuel pump station on a parcel occupied by a former Sports Chalet. A new car wash with a queue for approx. 27 cars is also proposed within the existing parking lot.
- **Hidden Oaks Country Club Specific Plan and Tract 18869.** Overseeing preparation of an EIR to allow clustering a 53-lot (approx. 1-acre in size) hillside subdivision on an approximately 537-acre property. The property is currently designated Agriculture-Ranches in the City's General Plan and zoned Agriculture-Ranches (R-A) which allows for single-family residential uses with a minimum lot size of five (5) acres. Under the City's clustering ordinance, designated R-A properties are permitted minimum lot sizes up to 10,000 square feet in size provided overall project density is reduced by 50% (0.5 du/5 acres). Onsite amenities would include a private clubhouse and private trails.
- **Verizon Wireless Monopine.** Responsible for processing a Conditional Use Permit for a Verizon wireless facility at an existing SCE substation site. The project proposes to install 12 wireless panel antennas, 6 remote radio units, a 4-foot-diameter parabolic antenna, and 5 GPS wireless antennas on a new 50-foot-tall monopine cell tower. Five new outdoor equipment cabinets, a new 200 amp dedicated electrical service, and a DC generator would be installed on the ground. The project would be located in a 462.5-square-foot lease area that would be enclosed by an 8-foot-high chain-link fence with a 4-foot-wide gate.

#### **Santa Monica Malibu School Unified District (SMMUSD)**

- **Santa Monica High (Samohi) School Campus Master Plan.** Project Manager for the preparation of an Environmental Impact Report (EIR) for the Santa Monica-Malibu Unified School District that involved renovation of a 26-acre high school campus that would be re-developed in nine (9) phases over a 25-year and would result in the demolition of approximately 272,763 square feet of existing classroom buildings. The

buildout would result in the total construction of approximately 1,448,081 square feet of new classrooms, parking structures, fields, and other nonacademic facilities.

**City of Blythe, On-Call Senior Planner**

- Processed conditional use permit and prepared Initial Study/Mitigated Negative Declaration for a 3.0-megawatt photovoltaic solar facility on a 17.5-acre site in the Palo Verde Valley area of the City.

**Post Entitlement/ Mitigation Monitoring.**

Ms. Zuppiger has extensive experience putting together teams of monitors to ensure compliance with mitigation measures including but not limited to the following:

**Pre-Construction Monitoring.**

- Coordinate with qualified biologists to conduct breeding bird surveys to ensure compliance with the MBTA and the California Fish and Wildlife Code and ensure avoidance (or minimization in consultation with USFWS and CDFG) of impacts to occupied Least bell's vireo habitat, California Gnatcatchers, Burrowing owls and Southwestern willow flycatcher habitats.
- Coordinate with qualified Cultural and Native American Monitors to develop and implement a cultural resources mitigation monitoring and treatment plans.
- Coordinate with certified arborists to conduct a tree survey and preconstruction inspections, in compliance with the City's Plant Protection and Management Ordinance or Riparian Plan Conservation prior to any land disturbance and/or removal of trees.

**Grading and Construction Monitoring.**

- Coordinate with biological monitors to be on site to monitor activities that result in the clearing or grading of areas known to contain sensitive biological resources and to prepare and conduct a Worker Environmental Awareness Program (WEAP) that describes any biological constraints of the project prior to project implementation and construction activities.
- Ensure Construction BMPs are in place to address the potential for fugitive dust and quality of stormwater runoff prior to construction and during construction operations.

**Post Construction Monitoring**

- Coordinate with qualified biologists and landscape architects/arborists to ensure tree replacement and/or restoration of riparian habitat in accordance with an approved Habitat Management and Monitoring Plan (HMMP) for various projects.
- Coordinate with the landscape architects and local Fire Authority to ensure that Fire Protection and fuel modification plans are acceptable.

**\*NON-MICHAEL BAKER PROJECT EXPERIENCE**

**\*Ecology and Environment, Inc., San Diego, Senior Project Manager.**

- **SCE Eldorado-Ivanpah Transmission Project (EITP), Nevada to California.** For the California Public Utilities Commission (CPUC) and Bureau of Land Management (BLM), participated as a team member of the award-winning, joint third-party EIR/EIS under CEQA and NEPA for this 35-mile transmission line and substation project of Southern California Edison. Prepared the hazards, health, and safety resource section of the EIR/EIS. In addition, prepared the EITP alternative screening report (ASR) that assessed whether 18 different alternatives, including system alternatives such as different voltage transmission lines and distributed generation models, routing alternatives, and technology alternatives such as alternative conductor or transmission tower options, met project objectives defined by the BLM and CPUC. Assessed each alternative's technical and economic viability and whether it would reduce potential environmental effects.
- **SCE Aliso Canyon Natural Gas Turbine Replacement Project, Aliso Canyon.** For the CPUC, assisted with the preparation of the project description, land use, and agriculture sections of E & E's third-party EIR for this natural gas turbine replacement project, which involves SCE's proposed installation of new electric-driven compressors, a new compressor station, a new substation, and over 25 miles of new fiber optic cable, as well as replacement of over 8 miles of existing transmission line. Attended public scoping meetings to obtain input on the project and address comments and concerns related to the proposed project and potential alternatives.
- **EIR for Alberhill Substation and Transmission Line, Riverside County.** For the CPUC, prepared the land use, population and housing, and public services sections for E & E's third-party EIR for a new substation and new and replacement transmission and subtransmission lines proposed by Southern California Edison.
- **Lucerne Valley Solar Project, San Bernardino County.** For the BLM, prepared the traffic and transportation section of E & E's third-party EIS for Chevron Energy Solutions' Lucerne Valley Solar Project, a 49 MW solar photovoltaic power plant to be located on 422 acres of land. The EIS addressed environmental impacts arising from five months of construction followed by operation of the solar field, control and maintenance building, and substation. In addition to an EIS, the project required an amendment to the California Desert Conservation Area Plan.
- **Solar PV Project, Los Angeles County.** On behalf of a confidential client, assisted E & E's initial site studies in support of permitting for a 225-acre solar PV site. Oversaw the performance of presence/absence surveys for burrowing owl and a rare plant survey, including Joshua tree population counts. Coordinated a consultation meeting with the County Department of Regional Planning (DRP) to present project concepts, discuss the DRP's concerns and recommendations, and identify assumptions and parameters for all studies and documents related to the CEQA process.
- **Wind Energy Project, Kern County.** For a confidential client, had a key role in E & E's completion of a feasibility study and permitting matrix for a large wind project to be located in the Tehachapi Mountains. The

study covered major biological, cultural, hydrology, and water quality resource issues as well as all land use planning and compliance issues associated with both NEPA and CEQA. Conducted desktop studies, analyzed several resource areas, and coordinated activities of other team members. Identified potential conflicts and critical issues associated with wind facility development and wrote much of the draft and final versions of the report.

- **Naval Base San Diego and Naval Base Point Loma EAP.** Lead planner for preparation of Encroachment Action Plans (Master Plans) for Naval Base San Diego and Naval Base Point Loma that will identify internal (naval operations) and external (city and county, airport, Caltrans, etc.) encroachments such as competition for land and sea space, noise, urban development that could impact the navy's operations, and coordinate with a working group that would rank the impacts and develop strategies for reducing impacts.
- **West Chocolate Mountain EIS, Imperial Valley.** Deputy project manager for the BLM's California Desert District Office's preparation of a Programmatic Environmental Impact Statement (EIS) addressing issuance of solar and wind energy rights-of-way and geothermal leasing in the West Chocolate Mountains Renewable Energy Project Area. The PEIS will provide an evaluation of the impacts of leasing public land for geothermal energy development and the granting of right-of-way applications for solar and wind energy projects.
- **Baja Transmission Line, San Diego County.** For Semptra Global, assisted with the preparation of the environmental studies and graphics for an 80-acre substation and a 1-mile transmission line extending from the Mexico border to the South West Power Link Line in eastern San Diego County. The studies included a detailed visual analysis of the impacts on a designated BLM Wilderness area, a Class II cultural resource survey, a habitat and wildlife assessment, and focused surveys for the Quino checkerspot butterfly on 500 acres of land.
- **Silver State Solar EIS, Primm Nevada.** Human Environment team leader for a third-party EIS addressing a 400 MW solar photovoltaic (PV) development project proposed for location on 2,900 acres of land under BLM jurisdiction. Responsible for coordination and review of text and graphics for 12 environmental resources areas (i.e., lands and realty, geology, traffic, energy and minerals, hazards, etc., that were included in the EIS). This project was completed in 14 months and was the first recipient in Nevada to receive ARRA funding from the Obama Administration.
- **Veterans Affairs Medical Center Environmental Assessment (EA), Mare Island, California.** Lead preparer of an Environmental Assessment that analyzed the potential impacts from installing one of four different types of direct geothermal/ground source heat pump (GSHP) systems that would replace the existing heating, ventilating, and air-conditioning unit at the Veterans Affairs Medical Center on Mare Island.

**\*County of San Diego, Department of Planning and Land Use, Land Use Planner III**

- Project manager/lead planner preparation of a Habitat Conservation Plan (HCP) for 1.6-million-acre area with 250 sensitive species in 18 communities in the eastern portion of San Diego County for protection of sensitive biological and cultural resources.

- Co-authored the State of California award-winning “County of San Diego Trails Master Plan” for 18 community specific trails plans (text and maps) and 9 regional trails that extended from the Pacific Ocean to the Anza Borrego Desert.
- Project manager/lead planner for Historic Resources Report and Historic Preservation Options Report for revitalization of the downtown core area and preservation of historic resources in the community of Lakeside.
- Contributing author for the County of San Diego General Plan 2020 Open Space Element, Public Facilities Element, and Community Plans updates.
- Served as chair of the County’s Environmental Review Board; reviewed discretionary permits, listened to public testimony, and voted on projects.
- Managed the preparation of the Riverway Trails Master Plan for a 2.5-mile trail along the Upper San Diego River in Lakeside. Served as liaison on the Upper San Diego River Improvement District/Committee (USDRI) and the Lakeside Design Review Committee.
- Served as liaison for Design Review, Historic, and Revitalization Committees.

**\*Willdan Associates, Senior Planner/Consultant.** Prepared CEQA/NEPA documentation and processed entitlements for the following projects:

- City of West Hollywood: Expedited permits for review by Planning Commission and City Council per a legal settlement for a 7-story, 733-space, 165,000-square-foot parking structure for the former Warner Hollywood Studios Lot.
- City of Yorba Linda: Metrolink Station and two park-and-ride lots.
- City of Lancaster: Road widening from 2 to 6 lanes of Avenue G adjacent to airstrip.
- City of Azusa: New electrical substation for Azusa Light and Water (ISO).
- City of Baldwin Park: Expedited permits per a legal settlement for billboards along Interstate 10.
- City of Lake Forest: Processed residential, commercial, and industrial projects. Assisted with transition of planning services upon annexation of two communities from the unincorporated area in Orange County into the City of Lake Forest.
- City of Huntington Beach: Processed entitlements for residences, commercial buildings, coastal permits, redevelopment, and infrastructure/storm drain projects, etc.



## **PROFESSIONAL SERVICES AGREEMENT**

This Agreement is made and entered into by and between the City of Rolling Hills, a municipal corporation (hereinafter referred to as the "City"), and Michael Baker International, Inc., a Pennsylvania corporation (hereinafter referred to as "Consultant").

### **RECITALS**

A. The City desires to utilize the services of Consultant as an independent contractor to provide land use planning services.

B. The Consultant warrants to the City that it has the qualifications, experience, and facilities to perform properly and timely the services under this Agreement.

C. The City does not have the personnel able and available to perform the services required under this Agreement.

NOW, THEREFORE, the City and the Consultant agree as follows:

**1.0 SCOPE OF THE CONSULTANT'S SERVICES.** The Consultant agrees to provide the services and perform the tasks set forth in the Scope of Work, attached to and made part of this Agreement as Exhibit A, except that, to the extent that any provision in Exhibit A conflicts with this Agreement, the provisions of this Agreement shall govern. The Consultant shall begin work upon a written notice to proceed from the City and shall stop work upon any written notice to stop from the City. The Scope of Work may be amended from time to time in writing and signed by both parties by way of written amendment to this Agreement. The location where services are to be performed shall be determined by mutual agreement of the parties' representatives. To the extent that services are performed in City Hall, Consultant agrees that its employees will abide by any COVID-19 protocols then in effect. Consultant shall perform all services under this Agreement in accordance with the standard of care generally exercised by like professionals under similar circumstances and in a manner reasonably satisfactory to City.

**2.0 TERM OF AGREEMENT.** This Agreement will become effective upon execution by both parties and will remain in effect for a period of one year from said date unless otherwise expressly extended and agreed to by both parties in writing through written amendment to this Agreement or terminated by either party as provided herein.

**3.0 COMPENSATION FOR SERVICES.** The City shall pay the Consultant for its professional services rendered and costs incurred pursuant to this Agreement at the rates set forth in Exhibit A subject to a do not exceed amount in the amount of \$10,000. Compensation shall under no circumstances be increased except by written amendment of this Agreement. The Consultant shall be paid within forty-five (45) days of presentation of an invoice to the City for services performed to the City's satisfaction. The Consultant shall submit invoices monthly describing the services performed, the date services were performed, and any other information requested by the City.



## **4.0 CONTRACT ADMINISTRATION**

4.1 The City's Representative. Unless otherwise designated in writing, the City Manager shall serve as the City's representative for the administration of this Agreement. All activities performed by the Consultant shall be coordinated with the City Manager.

4.2 Manager-in-Charge. For the Consultant, Trayci Nelson, shall be in charge of all matters relating to this Agreement and any agreement or approval made by such person shall be binding on the Consultant. The Manager-in-Charge shall not be replaced without the written consent of the City.

4.3 Responsibilities of the City. The City shall provide all relevant documentation in its possession to the Consultant upon request and City staff shall work with Consultant in order to facilitate its performance of its services hereunder.

4.4 Personnel. The Consultant represents that it has or will secure at its own expense all personnel required to perform the services under this Agreement. All of the services required under this Agreement will be performed by the Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. The Consultant reserves the right to determine the assignment of its employees to the performance of the Consultant's services under this Agreement, but the City reserves the right, for good cause, to require the Consultant to exclude any employee from performing services on the City's premises.

## **5.0 TERMINATION.**

5.1 Either the City Manager or the Consultant may terminate this Agreement, without cause, by giving the other party thirty (30) days written notice of such termination and the effective date thereof. In the event of such termination, Consultant shall prepare and shall be entitled to receive compensation pursuant to a close-out bill for services rendered in a manner reasonably satisfactory to the City and fees incurred pursuant to this Agreement through the notice of termination.

5.2 If the Consultant or the City fail to fulfill in a timely and proper manner its obligations under this Agreement, or if the Consultant or the City violate any of the covenants, agreements, or stipulations of this Agreement, the Consultant or the City shall have the right to terminate this Agreement by giving written notice to the other party of such termination and specifying the effective date of such termination. The Consultant shall be entitled to receive compensation in accordance with the terms of this Agreement for any work satisfactorily completed hereunder. Notwithstanding the foregoing, the Consultants shall not be relieved of liability for damage sustained by virtue of any breach of this Agreement and any payments due under this Agreement may be withheld to off-set anticipated damages.

5.3 In the event of termination, all finished or unfinished documents, reports,

photographs, films, charts, data, studies, surveys, drawings, models, maps, or other documentation prepared by or in the possession of the Consultant under this Agreement shall be returned to the City.

**6.0 INDEMNIFICATION.** 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.

## **7.0 INSURANCE REQUIREMENTS.**

7.1 The Consultant, at the Consultant's own cost and expense, shall procure and maintain, for the duration of the Agreement, the following insurance policies:

7.1.1 Workers' Compensation Coverage. The Consultant shall maintain Workers' Compensation Insurance for its employees in accordance with the laws of the State of California. In addition, the Consultant shall require any and every subcontractor to similarly maintain Workers' 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.

7.1.2 General Liability Coverage. The Consultant shall maintain commercial general liability insurance in an amount of not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury, and property damage. If a commercial general liability insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.

7.1.3 Automobile Liability Coverage. The Consultant shall maintain automobile liability insurance covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with the work to be performed under this Agreement, including coverage for owned, hired, and non-owned vehicles, in an amount

of not less than three hundred thousand dollars (\$300,000) combined single limit for each 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.

7.1.4 Professional Liability Coverage. The Consultant shall maintain professional errors and omissions liability insurance for protection against claims alleging negligent acts, errors, or omissions which may arise from the Consultant's operations under this Agreement, whether such operations are by the Consultant or by its employees or subcontractors. The amount of this insurance shall not be less than one million dollars (\$1,000,000) on a claims-made annual aggregate basis, or a combined single-limit-per-occurrence basis. When coverage is provided on a "claims made basis," Consultant will continue to renew the insurance for a period of three (3) years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover Consultant for all claims made by City arising out of any errors or omissions of Consultant, or its officers, employees, or agents during the time this Agreement was in effect.

7.2 Endorsements. Each insurance policy shall be issued by insurers possessing a Best's rating of no less than A-:VII. Each general liability insurance and automobile liability insurance policy shall be endorsed with the specific language of Section 7.2.1 – 7.2.7 below. Consultant also agrees to require all Consultants and subcontractors to do likewise.

7.2.1 "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."

7.2.2 This policy shall be considered primary insurance with 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.

7.2.3 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.

7.2.4 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 under this Agreement and which is applicable to a given loss will be available to the City .

7.2.5 The insurer 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 require all subcontractors to do likewise.

7.2.6 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.

7.2.7 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.

7.2.8 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.

7.3 Self Insured Retention/Deductibles. 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.

7.4 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.

7.5 Failure to Procure Insurance. Failure on the part of the Consultant to procure or maintain required insurance shall constitute a material breach of contract under which the City may terminate this Agreement pursuant to Section 5.2 above.

**8.0 ASSIGNMENT AND SUBCONTRACTING.** The parties recognize that a substantial inducement to the City for entering into this Agreement is the professional reputation, experience, and competence of the Consultant. Assignments of any or all rights, duties, or obligations of the Consultant under this Agreement will be permitted only with the express written consent of the City. The Consultant shall not subcontract any portion of the work to be performed under this Agreement without the written authorization of the

City. If the City consents to such subcontract, the Consultant shall be fully responsible to the City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between the City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise is required by law.

**9.0 COMPLIANCE WITH LAWS, CODES, ORDINANCES, AND REGULATIONS.** The Consultant shall use the standard of care in its profession and comply with all applicable federal, state, and local laws, codes, ordinances, and regulations.

9.1 Taxes. The Consultant agrees to pay all required taxes on amounts paid to the Consultant under this Agreement, and to indemnify and hold the City harmless from any and all taxes, assessments, penalties, and interest asserted against the City by reason of the independent contractor relationship created by this Agreement. In the event that the City is audited by any Federal or State agency regarding the independent contractor status of the Consultant and the audit in any way fails to sustain the validity of a wholly independent contractor relationship between the City and the Consultant, then the Consultant agrees to reimburse the City for all costs, including accounting and attorneys' fees, arising out of such audit and any appeals relating thereto.

9.2 Workers' Compensation Law. The Consultant shall fully comply with the workers' compensation law regarding the Consultant and the Consultant's employees. The Consultant further agrees to indemnify and hold the City harmless from any failure of the Consultant to comply with applicable workers' compensation laws. The City shall have the right to offset against the amount of any compensation due to the Consultant as a result of the Consultant's failure to promptly pay to the City any reimbursement or indemnification arising under this Section.

9.3 Licenses. The Consultant represents and warrants to the City that it has all licenses, permits, qualifications, insurance, and approvals of whatsoever nature which are legally required of the Consultant to practice its profession. The Consultant represents and warrants to the City that the Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, insurance, and approvals which are legally required of the Consultant to practice its profession.

**10.0 CONFLICT OF INTEREST.** The Consultant confirms that it has no financial, contractual, or other interest or obligation that conflicts with or is harmful to performance of its obligations under this Agreement. The Consultant shall not during the term of this Agreement knowingly obtain such an interest or incur such an obligation, nor shall it employ or subcontract with any person for performance of this Agreement who has such incompatible interest or obligation. Consultant and its associates and subcontractors will comply with all conflict of interest statutes of the State of California applicable to Consultant's services under this Agreement, including, but not limited to, the Political Reform Act (Government Code Sections 81000, *et seq.*) and Government Code Section 1090.

**11.0 RECORDS AND AUDITS.** The Consultant shall maintain accounts and records, including personnel, property, and financial records, adequate to identify and account for all costs pertaining to this Agreement and such other records as may be deemed necessary by the City or any authorized representative. All records shall be made available at the request of the City, with reasonable notice, during regular business hours, and shall be retained by the Consultant for a period of three years after the expiration of this Agreement.

**12.0 OWNERSHIP OF DOCUMENTS.** It is understood and agreed that the City shall own all documents and other work product of the Consultant, which pertain to the work performed under this Agreement. The City shall have the sole right to use such materials in its discretion and without further compensation to the Consultant. The Consultant shall at its sole expense provide all such documents to the City upon request.

**13.0 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 or agents, 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 employees of the City. The Consultant shall have no power to incur any debt, obligation, or liability on behalf of the City or otherwise act on behalf of the City as an agent.

**14.0 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 of Rolling Hills  
2 Portuguese Bend Road.  
Rolling Hills, CA 900

Attention: City Manager

Michael Baker International

Attention:

**15.0 GOVERNING LAW.** This Agreement shall be governed by the laws of the State of California.

**16.0 ENTIRE AGREEMENT; MODIFICATION.** This Agreement supersedes any and all other agreements, either oral or written, between the parties, and contains all of the covenants and agreements between the parties. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, oral or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein.

Any agreement, statement, or promise not contained in the Agreement, and any modification to the Agreement, will be effective only if signed by both parties through written amendment to the Agreement.

**17.0 WAIVER.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.

**18.0 EXECUTION.** This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

**19.0 AUTHORITY TO ENTER AGREEMENT.** The Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform this Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party

**20.0 FINAL PAYMENT ACCEPTANCE CONSTITUTES RELEASE.**

Final Payment Acceptance Constitutes Release. The acceptance by the Consultant of the final payment made under this Agreement shall operate as and be a release of the City from all claims and liabilities for compensation to the Consultant for anything done, furnished or relating to the Consultant's work or services. Acceptance of payment shall be any negotiation of the City's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by the City shall not constitute, nor be deemed, a release of the responsibility and liability of the Consultant, its employees, subcontractors, and agents for the accuracy and competency of the information provided or work performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by the City for any defect or error in the work prepared by the Consultant, its employees, subcontractors, and agents.

**21.0 CORRECTIONS.** In addition to the above indemnification obligations, the Consultant shall correct, at its expense, all errors in the work which may be disclosed during the City's review of the Consultant's report or plans. Should the Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by the City, and the cost thereof shall be charged to the Consultant.

**22.0 ATTORNEYS' FEES.** The parties hereto acknowledge and agree that each will bear his/her or its own costs, expenses, and attorneys' fees arising out of and/or connected with the negotiation, drafting, and execution of the Agreement, and all matters arising out of or connected therewith except that, in the event any action is brought by any party hereto to enforce this Agreement, the prevailing party in such action shall be entitled to reasonable attorneys' fees and costs in addition to all other relief to which that party or those parties may be entitled.

This Agreement is executed on October 11, 2021, at City of Rolling Hills, California.

CITY OF ROLLING HILLS:

CONSULTANT:

\_\_\_\_\_  
Elaine Jeng, P.E., City Manager

\_\_\_\_\_  
By:

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael Jenkins, City Attorney

**EXHIBIT A**  
**SCOPE OF SERVICES**







## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

**Agenda Item No.: 10.A**

**Mtg. Date: 10/11/2021**

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

**FROM: ASHFORD BALL, SENIOR MANAGEMENT ANALYST**

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

**SUBJECT: RECEIVE AND FILE A REPORT ON THE SEPTEMBER 29, 2021 FIRE FUEL COMMITTEE MEETING (MIRSCH & BLACK); AND CONSIDER THE COMMITTEE'S RECOMMENDATION TO MODIFY THE DEAD VEGETATION ORDINANCE WITH RESPECT TO CANYON SLOPE.**

**DATE: October 11, 2021**

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### **BACKGROUND:**

The Fire Fuel Committee has held eight meetings since May 2021. At the September 29, 2021 meeting the Committee discussed Council's feedback, the Updates on the CalOES/FEMA Hazard Mitigation Grant Project, action towards developing the new fuel abatement/nuisance ordinance, amendments to the Chapter 8.30 Section 8.30.015 Fire Fuel Abatement ordinance, and scheduled the next meeting.

### **DISCUSSION:**

The committee provided direction to staff to get quotes from consultants that can provide expertise for the development of the ordinance and conduct site visits to property owners about fuel management in their canyons and abatement 200' and beyond from the structure. Staff contacted three organizations that are interested in the work and are waiting for proposals.

The committee also recommended to the City Council on changing the slope in the fire fuel abatement ordinance. The committee did not agree on a slope ratio to change to but noted that the change should be something steeper than the ration 2:1. Residents made comments to the committee about considering each properties unique characteristics when determining a decision to change the slope and to do more research on what is below ground and what direction the terrain is going.

The next Fire Fuel meeting the committee plans to discuss:

1. High Fire Hazard Plants
2. The next communal bin day
3. A draft ordinance
4. Feedback from the City Council

### **FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Receive and file a report from the Fire Fuel Committee and consider the committee's recommendation to modify the slope of 2:1 to a ratio that is steeper.

**ATTACHMENTS:**



## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

**Agenda Item No.: 11.A**

**Mtg. Date: 10/11/2021**

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

**FROM: STEPHANIE GRANT , ADMINISTRATIVE CLERK**

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

**SUBJECT: FIRE FUEL ABATEMENT ENFORCEMENT CASES QUARTERLY REPORT FOR THE THIRD QUARTER OF 2021. (JULY 1 THROUGH SEPTEMBER 30)**

**DATE: October 11, 2021**

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### **BACKGROUND:**

The Code Enforcement division provides quarterly updates on code enforcement cases and fuel abatement cases which consist of active and closed cases. The attachments show active and closed cases consisting mainly of unpermitted work, dead vegetation and code violation complaints from neighbors.

### **DISCUSSION:**

In the third quarter of 2021 (July 1, 2021 through September 30, 2021), a total of 22 new code cases were opened: twenty (20) new fire fuel abatement violation cases and two (2) new complaints unrelated to fire fuel abatement violations. During that same period, a total of 16 cases were closed: fifteen (15) vegetation related cases and one (1) non-fire fuel abatement violation

On Friday, July 30, 2021 the City received a complaint regarding the fire fuel abatement violations at the Palos Verdes Unified School District (PVUSD) site located at 38 Crest Road West. On September 3, 2021, the Community Development Director, Code Enforcement Officer, PVUSD Maintenance Director, and Complainant had an onsite meeting to view the site conditions. The school site was deemed non-compliant with the RHMC Code and a fire hazard. The supervisor and his crew agreed to clean up the maintenance yard, remove the dead vegetation, and secure the site to prevent illegal dumping by the end of the following week. Staff has been working closely with the supervisor and his team to bring the school site up to code compliance.

On September 29, 2021, the Code Enforcement division held its 3rd Quarter Fire Fuel meeting, via teleconference, with the City's fire fuel reduction partner agencies. The purpose of the meeting is to share information regarding fire fuel management activities from different agencies. The Palos Verdes Peninsula Land Conservancy (PVPLC) provided information regarding the City of Rolling Hills' current Fuel Load Reduction Project. According to the PVPLC, Phase III mowing was completed and PVPLC

is currently working on clearing the Acacia Trees. The clearing of the Acacia is 30% complete, and the PVPLC expects the rest will be cleared within the next few weeks. PVPLC will be invited to report back to the City Council after this year's clearing has been completed.

The RHCA has been working on clearing of the trails, riding rings, and hillsides.

The LA County Fire Department reported that all 755 residential fire inspections have been completed, only 4 properties were sent to the Brush Clearance Program. At the September 13, 2021 City Council meeting, the City received a complaint from a resident and Mayor Pro Tem Black regarding the dead vegetation, overgrown trees/bushes, and weeds at Station 56. The Captain reported that fire crew is in the process of clearing the grounds, trimming the trees/bushes, and cleaning up all the dead vegetation at Station 56. According to the Captain, there were no fire responses or calls for the 3rd Quarter, but there was an increase in rattlesnake calls.

The Agricultural Commission of Weights and Measures (Ag) reported that 36 vacant parcels were inspected, of those 13 parcels were issued non-compliance citations.

Southern California Edison (SCE) was unable to attend the 3rd Quarter meeting.

The Code Enforcement Division is continuing to use iWorq to generate quarterly updates and track code enforcement and fire fuel abatement cases. Residents may also file complaints using iWorq via the City's website: <https://rollinghills.portal.iworq.net/portalhome/rollinghills>.

**FISCAL IMPACT:**

No fiscal impact.

**RECOMMENDATION:**

Receive and file as presented.

**ATTACHMENTS:**

3rd\_Quarterly\_Report\_All\_Open\_Cases\_from\_July\_2021 - Sept 2021.docx  
3rd\_Quarter- \_All\_Open\_Cases\_Comprehensive\_Report\_from\_January\_2018\_-  
\_September\_2021\_V3.docx  
3rd\_Quarter\_Report\_All\_Closed\_Cases\_from\_July\_21- Sept 21.docx  
PVPLC RH Fuel Load Reduction- Phase 3.pdf  
PVPLC Phase 3 Progress Photo  
Photos of the PVUSD School Site.pdf



3<sup>rd</sup> Quarter New Opened Cases from 07/01/2021 - 09/30/2021

Case #	Case Date	Address of Violation	Description
250	9/28/2021	8 Middleridge Lane	Dead Vegetation
249	9/14/2021	28 Portuguese Bend Road	Dead Vegetation
248	9/9/2021	66 Portuguese Bend Road	Tumbleweeds
246	9/1/2021	1 Crest Road East	Tumbleweeds
245	8/23/2021	38 Crest Road West	Dead Vegetation
244	8/18/2021	5 Caballeros Road	Dead vegetation
243	8/18/2021	7 Crest Road East	Tumbleweeds
241	8/10/2021	1 Ranchero Road	Illegal construction
239	8/3/2021	53 Portuguese Bend Road	Dead Vegetation
238	7/26/2021	2 Acacia Lane	Dead Vegetation
237	7/26/2021	16 Cinchring Road	Tumbleweeds
235	7/20/2021	4 Pine Tree Lane	Dead Vegetation
234	7/23/2021	19 Wideloop	Dead Vegetation
233	7/22/2021	20 Upper Blackwater Canyon Road	Dead vegetation, palm tree fronds, and dead trees
232	7/22/2021	62 Eastfield Drive	Dead Vegetation
231	7/21/2021	6 Open Brand Road	Dead Vegetation
230	7/21/2021	5 Crest Road East	Tumbleweeds
229	7/20/2021	88 Saddleback Road	Dead Vegetation
228	7/1/2021	6 Saddleback Road	Dead Vegetation

226	7/9/2021	12 Flying Mane Road	Dead Vegetation
225	7/6/2021	1 Chestnut Lane	Illegal structure
218	7/21/2021	1 Crest Road West	Dead Vegetation

Total Records: 22

**\*\*ALL FIRE FUEL ABATEMENT CASES ARE HIGHLIGHTED IN GREEN\*\***

20 fire fuel abatement cases



3<sup>rd</sup> Quarter All Open Comprehensive Cases from 01/18/2018 - 09/30/2021

Case No.	Case Open Date	Address	Description
119	5/16/2019	67 Portuguese Bend Road	Illegal Construction
66	3/11/2020	2950 Palos Verdes Drive	Expired Permit
5	6/24/2020	61 Eastfield Drive	Grading and Drainage
138	8/11/2020	2 Appaloosa Lane	Dead Vegetation
175	3/17/2021	57 Saddleback Road	Dead Vegetation
208	5/25/2021	6 Pine Tree Lane	Dead Vegetation
205	6/3/2021	1 Hackamore Road	Illegal construction, unpermitted.
206	6/8/2021	2 El Concho Road	Planting trees, illegal construction
213	6/11/2021	11 Upper Blackwater Canyon Road	Expired permit, illegal export of dirt
216	6/17/2021	5 Johns Canyon Road	View
223	6/22/2021	1 Pinto Road	Dead Vegetation
222	6/28/2021	77 Portuguese Bend Road	Dead Vegetation
224	6/29/2021	80 Saddleback Road	Dead vegetation
225	7/6/2021	1 Chestnut Lane	Illegal structure
226	7/9/2021	12 Flying Mane Road	Dead Vegetation
229	7/20/2021	88 Saddleback Road	Dead Vegetation
239	8/3/2021	53 Portuguese Bend Road	Dead Vegetation
241	8/10/2021	1 Ranchero Road	Illegal construction
244	8/18/2021	5 Caballeros Road	Dead vegetation
245	8/23/2021	38 Crest Road West	Dead Vegetation



246	9/1/2021	1 Crest Road East	Tumbleweeds
248	9/9/2021	66 Portuguese Bend Road	Tumbleweeds
249	9/14/2021	28 Portuguese Bend Road	Dead Vegetation
250	9/28/2021	8 Middleridge Lane	Dead Vegetation

Total Records: 24

10/11/2021

\*ALL FIRE FUEL ABATEMENT CASES ARE HIGHLIGHTED IN GREEN



3<sup>rd</sup> Quarter - All Closed Cases from 07/01/2021 - 09/30/2021

Case No.	Date Case Opened	Address of Violation	Description	Date Case Closed
233	7/22/2021	20 Upper Blackwater Canyon Road	Dead vegetation	8/13/2021
230	7/21/2021	5 Crest Road East	Tumbleweeds	9/14/2021
231	7/21/2021	6 Open Brand Road	Dead Vegetation	9/22/2021
218	7/21/2021	1 Crest Road West	Dead Vegetation	9/1/2021
235	7/20/2021	4 Pine Tree Lane	Dead Vegetation	8/26/2021
228	7/1/2021	6 Saddleback Road	Dead Vegetation	8/18/2021
217	6/21/2021	7 Pine Tree Lane	Dead Vegetation	8/16/2021
215	6/17/2021	17 Cinchring Road	Dead Vegetation	7/27/2021
214	6/14/2021	8 Crest Road East	Importing dirt	9/1/2021
179	3/25/2021	77 Saddleback Road	Dead Vegetation	8/9/2021
176	3/17/2021	49 Saddleback Road	Dead Vegetation	7/26/2021
173	3/11/2021	6 Possum Ridge Road	Dead Vegetation	8/17/2021
161	1/27/2021	87 Crest Road East	Dead Vegetation	07/14/2021
243	8/18/2021	7 Crest Road East	Tumbleweeds	9/20/2021
237	7/26/2021	16 Cinchring Road	Tumbleweeds	9/9/2021
234	7/23/2021	19 Wideloop	Dead Vegetation	8/25/2021
<b>Total # Code Cases Closed 16</b>				

15 Fire Fuel cases closed

1 unrelated Fire Fuel Case closed

\*ALL FIRE FUEL ABATEMENT VIOLATION CASES ARE HIGHLIGHTED IN GREEN\*\*



# RH Fuel Load Reduction-2021 Project Proposal







## Photos of the PVUSD School Site



Before 8/25/21





Before 8/25/21





After 9/3/21





After 9/3/2021





## *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

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**Agenda Item No.: 11.B**

**Mtg. Date: 10/11/2021**

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

**FROM: MICHAEL JENKINS , CITY ATTORNEY**

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

**SUBJECT: ANALYSIS OF SENATE BILL (SB) 9, INCREASE DENSITY IN SINGLE FAMILY ZONE**

**DATE: October 11, 2021**

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**BACKGROUND:**

On September 27, 2021, the City Council directed the City Attorney's Office to provide input and advice on Senate Bill 9, and include the item in the October 11, 2021 meeting. Senate Bill 9 (Atkins) Increased Density in Single-Family Zone was signed into law by Governor Newsom on September 16, 2021. SB 9 effectively puts an end to traditional single-family zoning restrictions statewide. SB 9 will take into effect on January 1, 2022.

**DISCUSSION:**

Deputy City Attorney Jane Abzug will provide additional information for review and consideration by the City Council Meeting. Ms. Abzug will provide guidance on how the City should address the provisions of SB 9 and what measures and ordinances need to be implemented prior to January 1, 2022.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Receive and file.

**ATTACHMENTS:**

[Senate Bill 9.PDF](#)

## **Senate Bill No. 9**

### **CHAPTER 162**

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with  
Secretary of State September 16, 2021.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24

months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

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

SECTION 1. Section 65852.21 is added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is

no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

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

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SEC. 2. Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division

2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the



housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, “unit” means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) “Objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be

considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SEC. 3. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or

because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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## **Senate Bill No. 9**

### **CHAPTER 162**

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with  
Secretary of State September 16, 2021.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24

months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

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This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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

SECTION 1. Section 65852.21 is added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.



(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is

no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

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

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SEC. 2. Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division

2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the

housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, “unit” means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) “Objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be

considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SEC. 3. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or



because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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