



AGENDA

REGULAR MEETING
CYPRESS CITY COUNCIL
September 26, 2022
6:00 P.M.

www.cypressca.org

Council Chambers
5275 Orange Avenue
Cypress, California

PUBLIC PARTICIPATION

Members of the public can participate in this meeting as follows:

1. Attend In-Person. First-come, first-served seating is available in the Council Chambers. Face coverings are strongly recommended and all in-person attendees must be free of any symptoms associated with COVID-19.
2. Attend Virtually via Webinar. This option provides the ability to provide live public comments during Oral Communications or Public Hearings and view slideshow presentations. Please register at <https://attendee.gotowebinar.com/register/3914667540557772816> to receive an email containing a link to join the webinar. Advance registration is recommended.
3. Watch the Meeting. The City Council meeting can be viewed live on Spectrum Cable Channel 36 or on the City's website at www.cypressca.org/watchlive.
4. Listen to the Meeting. The public may participate via the listen-only teleconference mode by calling (562) 247-8422 and entering Access Code 798-972-350 when prompted. No registration or audio pin is necessary.
5. Submit Public Comments Prior to the Meeting. The public may submit comments via email to cityclerk@cypressca.org. Comments submitted by 3:00 p.m. on September 26, 2022 will be added to the City Council agenda as a Consent Calendar item.

CALL TO ORDER

6:00 P.M.

Executive Board Room

ROLL CALL

Cypress City Council, also acting as the Ex-Officio Governing Board of Directors of the Cypress Recreation and Park District

Mayor Paulo Morales
Mayor Pro Tem Anne Hertz-Mallari
Council Member Frances Marquez
Council Member Scott Minikus
Council Member Jon Peat

ORAL COMMUNICATIONS (Three minutes per speaker, unless extended by the City Council)

The public may address the City Council on matters appearing on the Closed Session or Workshop agenda. Although Council Members may provide brief responses, the City Council may not discuss or take action on items that are not on its agenda.

If you would like to address the City Council in person, please complete a Speaker's Card. If you would like to address the City Council via the meeting webinar, please click the 'hand raise' button, unmute your microphone and wait for the Mayor or City Clerk to call on you.



= Hand Raise



= Unmute

Speakers providing comments in person will be called first. Speakers are requested to limit their comments to no more than three minutes.

Alternatively, comments may be submitted to cityclerk@cypressca.org prior to 3:00 p.m. on September 26, 2022. All comments submitted via email prior to the deadline will be added to the agenda as a Consent Calendar item.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6

Agency Negotiators: City Manager and Director of Finance and Administrative Services

Employee Group: Cypress Police Officers' Association

PUBLIC EMPLOYEE EVALUATION OF PERFORMANCE

Pursuant to Government Code Section 54957

Title: City Clerk

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Fortis LLP v. Frances Marquez, City of Cypress

Case No. 30-2022-01277792-CU-WM-CJC

Orange County Superior Court

RECONVENE

7:00 P.M.

Council Chambers

ROLL CALL

Cypress City Council, also acting as the Ex-Officio Governing Board of Directors of the Cypress Recreation and Park District

Mayor Paulo Morales

Mayor Pro Tem Anne Hertz-Mallari

Council Member Frances Marquez

Council Member Scott Minikus

Council Member Jon Peat

PLEDGE OF ALLEGIANCE

INVOCATION Saint Irenaeus Catholic Church

The City Council does not endorse the content of the invocation and does not endorse the invitational speaker's particular faith, belief and/or religious denomination. The City Council has an established neutral policy for selecting and scheduling invitational speakers. The City Council's policy on invocations is available from the City Clerk.

REPORT OF WORKSHOP AGENDA / CLOSED SESSION

City Manager/City Attorney

PRESENTATIONS

Results of the Senior Commission Participation Survey

Construction Management Association of America Project Achievement Award

Fire Prevention Week Proclamation

ORAL COMMUNICATIONS (Limited to 30 minutes – three minutes per speaker, unless extended by the City Council)

The public may address the City Council on any matters prior to any action taken on the agenda. Although Council Members may provide brief responses, the City Council may not discuss or take action on items that are not on its agenda.

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PUBLIC HEARINGS

Public comments – five minutes per speaker, unless extended by the City Council.

If you would like to provide comments on a Public Hearing item in person, please complete a Speaker's Card available at the podium. If you would like to provide comments on a Public Hearing item via the meeting webinar, please click the 'hand raise' button, unmute your microphone and wait for the Mayor or City Clerk to call on you.



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Speakers providing comments in person will be called first. Members of the public providing comments via webinar are encouraged to also submit a written copy of their comments to cityclerk@cypressca.org prior to 3:00 p.m. on September 26, 2022. This will ensure your comments are included in the public hearing record should you experience any technical difficulties during the public hearing.

Council Members should disclose communications with anyone relevant to a Public Hearing item.

1. Approve Conditional Use Permit No. 2022-05 to Permit the Sale of On-Sale General Alcohol for a Restaurant at 5895-B Katella Avenue

Prepared by: Alicia Velasco, Planning Director

Recommendation: Adopt a Resolution approving Conditional Use Permit No. 2022-05, with conditions, and confirm the project is exempt from the California Environmental Quality Act requirements.

CONSENT CALENDAR

All matters listed on the Consent Calendar are to be approved with one motion unless a Council Member requests separate action on a specific item.

2. Receive and File Public Comments Submitted for the September 26, 2022 City Council Meeting

Prepared by: Alisha Farnell, City Clerk

Recommendation: Receive and file submitted public comments.

3. Introduce and/or Adopt All Ordinances and Resolutions Presented for Consideration by Title Only and to Waive Further Reading

4. Approve Minutes - Meeting of September 12, 2022

Prepared by: Alisha Farnell, City Clerk

Recommendation: Approve as submitted.

5. Second Reading of an Ordinance Amending Selected Provisions of Chapter 25 (Subdivisions) and Appendix I (Zoning) of the Cypress Municipal Code to Implement the Housing Element and Comply with State Housing Laws

Prepared by: Alicia Velasco, Planning Director

Recommendation: Approve the second reading and adopt an Ordinance, by title only and waive further reading, amending selected provisions of Chapter 25 (Subdivisions) and Appendix I (Zoning) of the Cypress Municipal Code to implement the Housing Element and comply with State housing laws.

6. Accept the Concrete Rehabilitation, Project 293

Prepared by: Doug Dancs, Director of Public Works

Recommendation:

1. Accept the Concrete Rehabilitation, Project 293, in the amount of \$250,041.50 and approve the final payment of \$12,502.08 to CJ Concrete Construction Inc.; and
2. Authorize the City Engineer to file a Notice of Completion with the County Recorder.

7. Accept the Citywide Park Enhancements, Project 277

Prepared by: Doug Dancs, Director of Public Works

Recommendation:

1. Accept the Citywide Park Enhancements, Project 277, in the amount of \$220,759.61 and approve the final payment of \$11,037.98 to Speedy Fix Inc.; and
2. Authorize the City Engineer to file a Notice of Completion with the County Recorder.

8. Adopt a Resolution to Amend the Conflict of Interest Code

Prepared by: Alisha Farnell, City Clerk

Recommendation: Adopt a Resolution amending the Conflict of Interest Code for the City and Recreation and Park District, which supersedes all prior Conflict of Interest Codes and amendments previously adopted.

9. Approve an Appropriations Increase Associated with the 800 Megahertz Countywide Coordinated Communications System

Prepared by: Mark Lauderback, Chief of Police

Recommendation: Approve an appropriations increase of \$35,213 in the General Fund to provide for the City's FY 2022-23 share of costs for the Orange County 800 Megahertz Countywide Coordinated Communications System.

10. Approve Continuing Appropriations, Revenues and Transfers from FY 2021-22 to FY 2022-23

Prepared by: Matt Burton, Director of Finance and Administrative Services

Recommendation:

1. Authorize the appropriation of \$3,040,288 in FY 2022-23 for the carryover of continuing appropriations from FY 2021-22, as detailed in Attachment A; and
2. Authorize the appropriation of \$2,647,136 in FY 2022-23 for the carryover of encumbrances at June 30, 2022, as detailed in Attachment B; and
3. Authorize the continuation of operating transfers totaling \$1,340,437 and estimated grant revenue totaling \$306,437 from FY 2021-22 to FY 2022-23, as detailed in Attachment C to support carryover appropriations.

11. Approve Supplemental Appropriations and Increases to Estimated Revenues and Transfers for FY 2021-22

Prepared by: Matt Burton, Director of Finance and Administrative Services

Recommendation:

1. Approve FY 2021-22 supplemental appropriations of \$547,681 and increase estimated revenues by \$730,781 for the City; and
2. Approve FY 2021-22 supplemental appropriations of \$2,500 for the Cypress Recreation and Park District; and
3. Approve a \$1,106,889 transfer from the Park District to the City's Infrastructure Fund as partial payment on the outstanding Repayment Agreements and Promissory Notes between the District and the City.

12. Approve Cypress Recreation and Park District Continuing Appropriations from FY 2021-22 to FY 2022-23

Prepared by: Matt Burton, Director of Finance and Administrative Services

Recommendation:

1. Appropriate \$1,438,195 in FY 2022-23 for items encumbered at June 30, 2022 as detailed in Attachment A; and
2. Appropriate \$699,282 in FY 2022-23 for the carryover of continuing appropriations as detailed in Attachment A; and
3. Authorize the continuation of operating transfers to FY 2022-23 totaling \$105,243 as detailed in Attachment A.

13. Approve the Purchase of a Replacement Forklift for Public Works

Prepared by: Doug Dancs, Director of Public Works

Recommendation: Approve the \$33,280.51 purchase of a replacement forklift for Public Works from Doosan through Sourcewell cooperative purchasing.

14. Proclaim the Month of September 2022 as Childhood Cancer Awareness Month

Prepared by: Alisha Farnell, City Clerk

Recommendation: Proclaim the month of September 2022 as Childhood Cancer Awareness Month.

15. Proclaim the Week of October 9-15, 2022 as Fire Prevention Week

Prepared by: Alisha Farnell, City Clerk

Recommendation: Proclaim the week of October 9-15, 2022 as Fire Prevention Week.

16. Receive and File the Investment Report for the Month Ended August 31, 2022

Prepared by: Matt Burton, Director of Finance and Administrative Services

Recommendation: Receive and file the attached investment reports.

17. Approve Register of Warrants, Transfers, and Wires Issued for the Period of August 27, 2022 through September 9, 2022

Prepared by: Matt Burton, Director of Finance and Administrative Services

Recommendation: Approve the attached payment register summarized below for the period of August 27, 2022 through September 9, 2022:

- Electronic Funds Transfers 11776 through 11818
- Warrants 60457 through 60557
- Payroll Transfers W1483

NEW BUSINESS

None.

ITEMS FROM CITY COUNCIL MEMBERS

18. **Adopt a Resolution Censuring Council Member Marquez for Violations of California Education Code § 7054, the City of Cypress Code of Ethics, and the City of Cypress Civility, Conduct and Governance Policy**

Agendized by: Paulo Morales, Mayor

Recommendation: Adopt a Resolution censuring Council Member Marquez for violations of California Education Code § 7054, the City of Cypress Code of Ethics, and the City of Cypress Civility, Conduct and Governance Policy.

ORAL COMMUNICATIONS (Five minutes per speaker, unless extended by the City Council)

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COUNCIL MEMBER REPORTS AND REMARKS

CITY MANAGER REMARKS

ADJOURNMENT

The next meeting will be an adjourned Regular Meeting, to be held on Monday, October 10, 2022, beginning at 5:30 p.m. in the Executive Board Room.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting. Dated this 23rd day of September, 2022.

Alisha Farnell, City Clerk

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk at (714) 229-6685 at least 72 hours prior to the meeting to enable the City to make reasonable arrangements to assure accessibility to this meeting.



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

1.

FROM: Alicia Velasco, Planning Director

DATE: 09/26/2022

SUBJECT: Approve Conditional Use Permit No. 2022-05 to Permit the Sale of On-Sale General Alcohol for a Restaurant at 5895-B Katella Avenue

RECOMMENDATION

Adopt a Resolution approving Conditional Use Permit No. 2022-05, with conditions, and confirm the project is exempt from the California Environmental Quality Act requirements.

DISCUSSION

Project Description

Encinal Brands is requesting a conditional use permit (CUP) for the sale of general alcohol for a Tacomasa restaurant at 5895-B Katella Avenue. This will be the second Tacomasa location. The location currently holds a beer and wine license but would like to serve cocktails and mixed drinks to complement their menu. The restaurant will be open for lunch and dinner from 11 A.M. to 10 P.M. Monday through Thursday; from 11 A.M. to 11 P.M. Friday through Saturday; and closed on Sundays.

Subject Property and Surrounding Uses

The restaurant is located in The Boardwalk which has seven restaurant spaces. This restaurant is 1,840 square feet, plus a 483 square-foot outdoor patio. The property is zoned PC-3 Planned Community Business Park and is located in the McDonnell Center Specific Plan area. The food court is surrounded by:

Direction	Land Use	Zoning
North	Office buildings	PC -3 Planned Business Park
South	Office/warehouse	PC -3 Planned Business Park
East	El Torito restaurant	PC -3 Planned Business Park
West	Marriott Hotel	PC -3 Planned Business Park

A vicinity map is attached.

Analysis

Alcohol Beverage Sales

Restaurants are permitted in the McDonnell Center Specific Plan. The sale of alcoholic beverages requires a CUP. The Boardwalk food court has a CUP for the sale of beer and wine at all seven restaurants, however a new CUP is required to sell distilled spirits. No other restaurants in the development are a part of this application. The restaurant's CUP application is consistent with the alcoholic beverage sales guidelines in Section 3.17.030.B of the Zoning Ordinance.

Conditional Use Permit

The food court complies with all development standards, including parking. With the recommended conditions, the restaurant will not have an adverse effect on adjacent properties or other businesses in the center and the sale of general alcohol at Tacomas will not change the character of the food court. The Police department reviewed the application and recommends approval subject to the conditions of approval.

Required Findings

The project is consistent with the findings required by Zoning Code Section 4.19.070E (Conditional Use Permit) and Section 3.17.030.B (Alcoholic Beverage Sales):

1. The proposed location of the conditional use is consistent with the requirements of the General Plan and the zoning district in which the site is located:

The site is zoned PC-3 Planned Community Business Park Zone, which is consistent with the Specific Plan Area land use designation in the General Plan. The PC-3 Zone's intent is to permit a compatible mix of uses, planned commercial developments, and business parks. The PC-3 Zone permits restaurants with alcohol sales, subject to a Conditional Use Permit and the application meets all development standards. The restaurant is in a food court with surrounding business park, hotel, and restaurant-type businesses. The restaurant, with general alcohol sales, will complement the surrounding uses.

2. The location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity:

A restaurant is a permitted use at this location. The addition of general alcohol sales will not be detrimental to the public health, safety or welfare, or injurious to properties in the vicinity. The project meets all development standards. With the recommended project conditions, general alcohol sales will comply with Municipal Code and Alcohol Beverage Control regulations. The Police department reviewed the restaurant's application and found no indication that the addition of general alcohol sales would cause an undue burden on police resources.

3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance:

The use as proposed and conditioned is consistent with the criteria for approving conditional use permits for alcoholic beverage sales, as set forth in Section 3.17.030.B of the Zoning Ordinance.

Public Convenience and Necessity

ABC establishes a maximum number of on- and off-sale licenses in each census tract. This restaurant is in Census Tract 1101.13, which ABC considers an area of undue concentration

due to the number of on- and off-sale licenses. Because Census Tract 1101.13 includes the Katella Avenue business park corridor and Los Alamitos Race Course, it has limited residential zoning and a low population, which results in the undue concentration designation. Because ABC designates the Census Tract an area of undue concentration, the City Council must find the license will serve a public convenience and necessity as part of the CUP resolution. This finding is recommended because a full-service restaurant meets the City's intent to provide a variety of dining options to serve the surrounding business park and neighborhoods.

Recommendation

The CUP meets the requirements and intent of the Municipal Code and standards for the sale of alcohol. The food court where the restaurant is located meets all development standards and the addition of general alcohol sales will provide a full-service dining option. It is recommended the City Council approve the conditional use permit resolution and confirm the project is exempt from California Environmental Quality Act requirements.

Public Hearing

Notices of the public hearing were posted and mailed to the owners of all properties located within 500 feet of the site. To date, no communication regarding this item has been received.

Alternative Action

In the event the City Council determines there are concerns that should be addressed prior to taking any action on this item, the City Council should continue this application and instruct staff to work with the applicant to resolve the issues. A second alternative is to make the required finding for denial and deny the project.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY:

Peter Grant, City Manager

Attachments

Resolution

Project Conditions

Vicinity Map

Project Plans

Notice of Exemption

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS APPROVING CONDITIONAL USE PERMIT NO. 2022-05, A REQUEST TO ALLOW ON-SALE GENERAL ALCOHOL AT A NEW RESTAURANT LOCATED AT 5895-B KATELLA AVENUE, WITHIN THE PC-3 PLANNED COMMUNITY BUSINESS PARK ZONE, FURTHER DETERMINING THAT PUBLIC CONVIENCE WOULD BE SERVED WITH THE ISSUANCE OF AN ON-SALE GENERAL ALCOHOLIC BELVERAGE CONTROL LICENSE AND FINDING THE REQUEST EXEMPT FROM CALIFORNIA ENVIROMENTAL ACT REQUIREMENTS.

WHEREAS, the City Council of the City of Cypress has considered an application for a conditional use permit in accordance with the provisions of Section 4.19.070 of the Zoning Ordinance of the City of Cypress to allow on-site sale of general alcohol at a restaurant located at 5895-B Katella Avenue, within the PC-3 – Planned Community Business Park Zone.

WHEREAS, the subject site is designated Specific Plan Area in the City's General Plan, and Section V.C.1.b of the applicable McDonnell Center Specific Plan allows restaurants with the sale of alcoholic beverages, subject to a conditional use permit. In addition, Section 3.17.030 of the Cypress Zoning Ordinance requires a conditional use permit and has special use provisions for restaurants with alcohol sales.

WHEREAS, the City Council, after proper notice thereof, on September 26, 2022, held a duly noticed public hearing on the application and took public testimony.

WHEREAS, the proposed project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15301 – Existing Facilities. Section 15301 involves the permitting, licensing or leasing of existing private or public buildings, which involves negligible changes in use of the building. The proposed project consists of a request to permit a restaurant, with an on-sale general alcohol license, within an existing commercial building. Besides tenant improvements for the restaurant, including the alcoholic beverage storage area, there is no new building construction related with the project.

WHEREAS, it has been determined by the California Department of Alcoholic Beverage Control (ABC) that there is an "undue concentration" in relation to the number of alcohol licenses that currently exist within the subject census tract of the City (Census Tract: 1101.13).

WHEREAS, the City Council finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this Resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

WHEREAS, because of the undue concentration, California Code Section 23958.4 requires that "the local governing body of the area in which the applicant premises are located determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance of the license.

WHEREAS, the City Council finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this Resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CYPRESS, CALIFORNIA, DOES HEREBY RESOLVE, based upon substantial evidence taken from the administrative record and at the public hearing, AS FOLLOWS:

SECTION 1. Findings. Pursuant to the Section 4.19.070E of the Cypress Zoning Ordinance, the City Council finds, after due study and deliberation that the following circumstances exist:

1. The proposed location of the conditional use is consistent with the requirements of the general plan and the zoning district in which the site is located:

The site is zoned PC-3 Planned Community Business Park Zone, which is consistent with the Specific Plan Area land use designation in the General Plan. The PC-3 Zone's intent is to permit a compatible mix of uses, planned commercial developments, and business parks. The PC-3 Zone permits restaurants with alcohol sales, subject to a Conditional Use Permit and the application meets all development standards. The restaurant is in a food court with surrounding business park, hotel, and restaurant type businesses. The restaurant, with general alcohol sales, will complement the surrounding uses.

2. The location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity:

A restaurant a permitted use at this location. The addition of general alcohol sales will not be detrimental to the public health, safety or welfare, or injurious to properties in the vicinity. The project meets all development standards. With the recommended project conditions, general alcohol sales will comply with Municipal Code and Alcohol Beverage Control regulations. The Police department reviewed the restaurant's application and found no indication that the addition of general alcohol sales would cause an undue burden on police resources.

3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance:

The use as proposed and conditioned is consistent with the criteria for approving conditional use permits for alcoholic beverage sales, as set forth in Section 3.17.030.B of the Zoning Ordinance.

SECTION 2. Public Convenience or Necessity. The City Council of the City of Cypress hereby determines that public convenience would be served with the issuance of an on-sale

general alcohol license for a new restaurant in that the use is consistent with similar establishments within the PC-3 - Planned Community Business Park Zone.

SECTION 3. CEQA. The City Council finds that the proposed project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15301 – Existing Facilities. Section 15301 involves the permitting, licensing or leasing of existing private or public buildings, which involves negligible changes in use of the building. The proposed project consists of a request to permit a restaurant, with an on-sale general alcohol license, within an existing commercial building. Besides tenant improvements for the restaurant, including the alcoholic beverage storage area, there is no new building construction related with the project. Therefore, the City Council has determined that there is no substantial evidence that the project may have a significant effect on the environment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Cypress does hereby approve Conditional Use Permit No. 2022-05, subject to the conditions attached hereto as Exhibit "A".

Any challenge to this Resolution, and the findings set forth therein, must be filed within the 90-day statute of limitations set forth in Code of Civil Procedure 1094.6.

PASSED AND ADOPTED by the City Council of the City of Cypress at a regular meeting held on the 26th day of September, 2022.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ^{SS}

I, ALISHA FARNELL, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the said City Council held on the 26th day of September, 2022, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

CITY CLERK OF THE CITY OF CYPRESS

EXHIBIT A

CONDITIONAL USE PERMIT NO. 2022-05 (On-sale General Alcohol at Restaurant) 5895-B Katella Avenue

CONDITIONS OF APPROVAL

1. General Conditions

- 1.1. Prior to the issuance of building permits or commencement of the use, the project applicant shall sign and return a City-provided affidavit accepting these conditions of approval. *(Planning)*
- 1.2. The applicant shall defend, indemnify, and hold harmless, the City and any agency thereof, or any of its agents, officers, and employees from any and all claims, actions, or proceedings against the City or any agency thereof, or any of its agents, officers or employees, to attack, set aside, void or annul, an approval of the City, or any agency thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project, which action is brought within the time period provided in Government Code Section 66499.37 and Public Resources Code, Division 13, CH. 4 (§ 21000 et seq. - including but not by way of limitation § 21152 and 21167). City shall promptly notify the applicant of any claim, action, or proceeding brought within this time period. *(City Attorney)*
- 1.3. The applicant shall comply with all provisions of the Code of the City of Cypress. *(Planning)*

2. Planning

- 2.1. The alcoholic beverage sales associated with the restaurant shall be limited to on-sale general alcohol (Type 47 ABC License). The general alcohol consumption activities shall be confined within the restaurant lease area and shall comply with the restrictions of the ABC License. Any expansion or modification of the approved use beyond what is approved as part of this Conditional Use Permit will require an amendment to the conditional use permit. *(Planning)*
- 2.2. This conditional use permit may be modified or revoked by the City Council should the Council determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. *(Planning)*

3. Signage

- 3.1. The property owner/tenant shall not erect or display on the subject property any signs which have not been approved in writing by the Community Development Department. *(Planning)*

4. Operational

- 4.1. All product and material storage shall occur within the building. Exterior storage is specifically prohibited. *(Planning)*
- 4.2. If complaints are received regarding business hours of operation, noise, property/building maintenance, or vehicles not adhering to the approved parking, traffic and circulation plans, and relevant mitigation measures, the City, in its discretion, may have the City Council review the conditional use permit to, without limitation, revise the business hours, add conditions, or revoke the permit. When a complaint is received, the restaurant owner will engage with the City, to determine if the complaint is verified. Three unique verified complaints within 30 days or 10 unique verified complaints in a 12-month period shall indicate the use is creating an adverse impact upon neighboring properties. *(Planning)*

5. Property Maintenance

- 5.1. Commercial - The property owner shall maintain the site, the publically accessible interior, and publically viewable exterior of the building(s) clear of all graffiti, including but not limited to bathrooms and dining areas if applicable. All graffiti shall be removed within 24 to 48 hours once notified in writing by the City. *(Planning)*

6. Fees

- 6.1. Within 48 hours of the approval of this project, the applicant/developer shall deliver to the Community Development Department a check payable to the County Clerk-Recorder in the amount of \$50.00 County administrative fee, to enable the City to file the Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines. *(Planning)*

7. Building and Safety

- 7.1. Applicant/developer shall obtain the required permits and comply with applicable provisions of the 2019 California Residential, Building, Plumbing, Electrical, and Mechanical Codes, the 2019 California Green Building Standards Code, Title 24, and the City of Cypress Codes. *(Building & Safety)*

8. Security

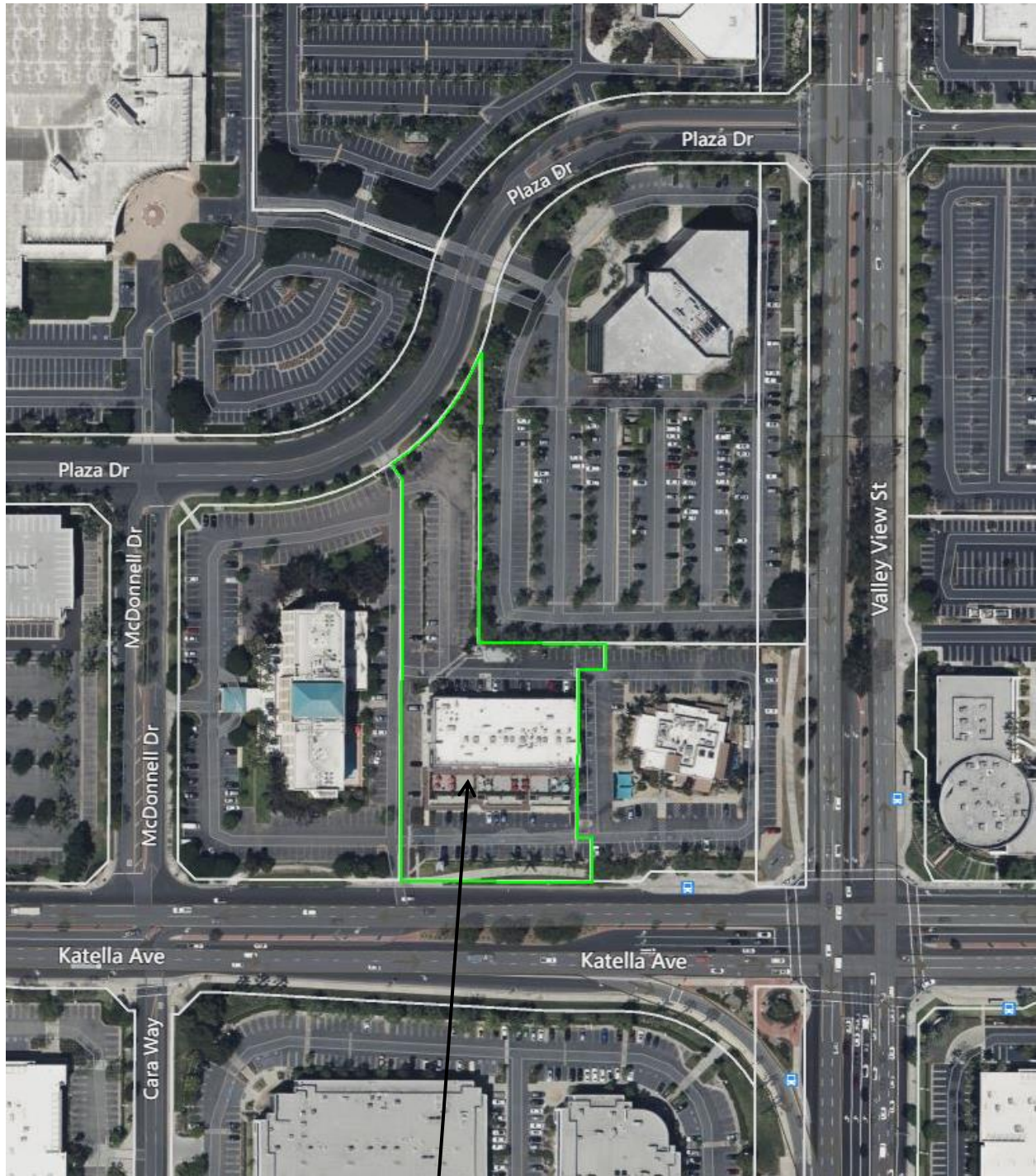
- 8.1. All exterior commercial doors, during the hours of darkness, shall be illuminated with a minimum of one foot-candle of light. All exterior bulbs shall be protected by weather and vandalism resistant cover(s). *(Police Department)*

9. Alcohol – On-Sale

- 9.1. The applicant shall satisfy all necessary requirements of the State Department of Alcoholic Beverage Control prior to this conditional use permit becoming effective. *(Planning)*
- 9.2. The hours of operation shall be from 11:00 A.M. to 10:00 P.M. Sunday through Thursday and from 11:00 A.M. to 11:00 P.M. Friday through Saturday. *(Planning)*
- 9.3. Signs shall be posted at the restaurant exit prohibiting open alcoholic beverages from leaving the confines of the restaurant or fenced patio area. *(Police Department)*
- 9.4. At any time when the licensee(s) are absent from the premises they shall designate a responsible party on the premises who can assist or facilitate any peace officer inquiries. *(Police Department)*
- 9.5. The occupancy of the premises shall be prominently posted and monitored at all times. *(Police Department)*
- 9.6. There shall be no live entertainment permitted on the premises unless a special event permit is received pursuant to Cypress Municipal Code, Chapter 9.
- 9.7. All employees of the business who sell or serve alcoholic beverage products shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques and the handling of violence. For new employees, such training program must be completed within 30 days of the date of hire. The employees must provide the City of Cypress Police Department, Criminal Investigations Bureau a copy of the completed Alcohol Management Program (AMP) certificate. *(Police Department)*
- 9.8. The business shall install a surveillance camera system, colored monitor, and silent alarm. *(Police Department)*

Effective: 9/26/2022

Conditional Use Permit No. 2022-05
5895-B Katella Avenue



PROJECT SITE

VICINITY MAP



MCDONNELL DRIVE

PLAZA DRIVE

COURTYARD
(N.A.P.)

EL TORITO
(N.A.P.)

KATELLA AVENUE

VALLEY VIEW STREET

5895-B KATELLA AVENUE - OVERALL SITE PLAN



NOTE: THIS SEPARATE FLOOR PLAN AND ALL INFORMATION AND DATA HEREON IS PRELIMINARY AND SUBJECT TO CHANGE AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED. NO WARRANTY IS MADE BY THE ENGINEER FOR THE ACCURACY OF THE INFORMATION OR THE LOCATION OF ANY OTHER FEATURES. THE ENGINEER HAS CONDUCTED A VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED HEREON AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE USER ASSUMES ALL LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ENGINEER HAS CONDUCTED A VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED HEREON AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE USER ASSUMES ALL LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

[illegible]

NOTICE OF EXEMPTION

FROM: City of Cypress
5275 Orange Avenue
Cypress, CA 90630

TO: X County Clerk-Recorder
Public Services Division
P.O. Box 238
Santa Ana, CA 92702

Project Title Conditional Use Permit No. 2022-05		
Project Location - Specific 5895-B Katella Avenue		
Project Location - City Cypress	Project Location - County Orange	
Description of Nature, Purpose, and Beneficiaries of Project A request to allow on-sale general alcohol at a new restaurant that is owned and operated by Mr. Ivan Flores of Encinal Brands.		
Name of Public Agency Approving Project City of Cypress		
Name of Person or Agency Carrying Out Project (Applicant's Name and Address) Mr. Ivan Flores, 7245 Garden Grove Blvd., Suite E, Garden Grove, CA 92841		
Exempt Status: (Check One) ☐ Ministerial (Sec. 21080(b)(1);15268); ☐ Declared Emergency (Sec. 21080(b)(3);15269(a)); ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); ☒ Categorical Exemption, Class 1.a (Sec. 15301(a))		
Reasons why project is exempt: The project consists of ABC licensing and minor interior alteration for a new business within an existing commercial building lease space.		
Lead Agency Contact Person Ms. Kori Sanders, Associate Planner	Area Code (714)	Telephone Number 229-6724

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?
Yes X No

Signature

Date

Alicia Velasco
Planning Director

☒ Signed by Lead Agency



CITY OF CYPRESS
CITY COUNCIL REPORT

City Council Regular

2.

FROM: Alisha Farnell, City Clerk

DATE: 09/26/2022

SUBJECT: Receive and File Public Comments Submitted for the September 26,
2022 City Council Meeting

RECOMMENDATION

Receive and file submitted public comments.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager



CITY OF CYPRESS
CITY COUNCIL REPORT

City Council Regular

4.

FROM: Alisha Farnell, City Clerk
DATE: 09/26/2022
SUBJECT: Approve Minutes - Meeting of September 12, 2022

RECOMMENDATION

Approve as submitted.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

September 12, 2022 City Council Minutes

REGULAR MEETING
CYPRESS CITY COUNCIL
SEPTEMBER 12, 2022
5:00 P.M.

A regular meeting of the Cypress City Council was called to order at 5:00 p.m. by Mayor Morales in the Executive Board Room, 5275 Orange Avenue, Cypress, California.

Pursuant to Government Code section 54953(b), this Regular Council Meeting included teleconference participation by Council Member Scott Minikus from Crystal Gateway Marriott, 1700 Jefferson Highway, Arlington, VA 22202

ROLL CALL

Cypress City Council, also acting as the Ex-Officio Governing Board of Directors of the Cypress Recreation and Park District

Mayor Paulo Morales
Mayor Pro Tem Anne Hertz-Mallari
Council Member Frances Marquez
Council Member Scott Minikus – arrived at 5:10 p.m. (via teleconference)
Council Member Jon Peat

STAFF PRESENT

City Manager Peter Grant
City Attorney Fred Galante
Director of Finance and Administration Matt Burton
Public Works Director Douglas Dancs
City Clerk Alisha Farnell

ORAL COMMUNICATIONS

Tim Yerian, Cypress, spoke regarding solid waste at the Public Works Yard.

Nick Harris, Cypress, spoke regarding solid waste at the Public Works Yard.

Lily Galan, Cypress, spoke regarding concerns about the Public Works Yard operations.

Ellie Crisostomo, Cypress, spoke regarding solid waste and noise at the Public Works Yard.

Ted Beadan, Cypress, spoke regarding rats and odor in the neighborhood adjacent to the Public Works Yard.

Marica Besharati, Cypress, spoke regarding concerns about the Public Works Yard operations.

Tonya Turner, Cypress, spoke regarding rats and odor in the neighborhood adjacent to the Public Works Yard.

Eunice Yerian, Cypress, spoke regarding noise at the Public Works Yard.

Troy Tanaka, Cypress, spoke regarding concerns about the Public Works Yard operations.

WORKSHOP SESSION

The Director of Public Works provided a presentation on operations at the Public Works Yard.

No action was taken.

CLOSED SESSION

The City Attorney announced the City Council would convene in Closed Session regarding the following matters:

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6

Agency Negotiators: City Manager and Director of Finance and Administrative Services
Employee Group:

- Cypress Employees' Association
- Cypress Maintenance Employees' Association
- Cypress Police Management Association
- Cypress Police Officers' Association
- Executive Management
- Mid-Management
- Confidential

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Southwest Voter Registration Education Project v. City of Cypress

Case No. 30-2022-01270865-CU-CR-CJC

Orange County Superior Court

PUBLIC EMPLOYEE EVALUATION OF PERFORMANCE

Pursuant to Government Code Section 54957

Title: City Attorney

Mayor Morales recessed the meeting at 6:02 p.m.

RECONVENE

Mayor Morales called to order the 7:00 p.m. session of the City Council meeting at 7:03 p.m.

ROLL CALL

Cypress City Council, also acting as the Ex-Officio Governing Board of Directors of the Cypress Recreation and Park District

Mayor Paulo Morales
Mayor Pro Tem Anne Hertz-Mallari
Council Member Frances Marquez
Council Member Scott Minikus (via teleconference)
Council Member Jon Peat

STAFF PRESENT

City Manager Peter Grant
City Attorney Fred Galante
Director of Finance and Administrative Services Matt Burton
Director of Public Works Doug Dancs
Director of Recreation and Community Services Jeff Draper
Chief of Police Mark Lauderback
Planning Director Alicia Velasco
City Clerk Alisha Farnell

PLEDGE OF ALLEGIANCE Council Member Peat led the Pledge of Allegiance.

INVOCATION John Campbell, Church of Jesus Christ of Latter-Day Saints, led the Invocation.

REPORT OF WORKSHOP AGENDA/CLOSED SESSION

The City Attorney reported the City Council held a Workshop Session to receive an update on the Public Works Yard operations. He further reported the City Council met in Closed Session and began a discussion regarding the three items listed on the Agenda. He stated the City Council will recess back into Closed Session following the open session to continue the discussion of Closed Session items.

PRESENTATION

The Planning Director provided an update on the Housing Element status.

ORAL COMMUNICATIONS (Limited to 30 minutes – three minutes per speaker, unless extended by the City Council)

Bob Youngsma, Cypress, spoke regarding Facebook discussions and City finances.

Rachel Strong, Cypress, spoke regarding Workshop Session item.

Bonnie Peat, Cypress, spoke regarding the 8th Annual Women's Conference.

Helen Le, Cypress, spoke regarding Community Survey results and public forum comments.

Jimmy Fuller, Cypress, spoke regarding the Cypress Community Festival.

PUBLIC HEARING

Item No. 1: Approve Conditional Use Permit No. 2022-04 to Construct a Detached Garage Exceeding 15 Feet in Height at 8661 Acacia Drive

The Planning Director provided a report on this item.

Mayor Morales asked Council Members to disclose any communication with anyone relevant to the item.

No communications were disclosed.

Mayor Morales opened the public hearing.

Mayor Morales invited the applicant to come forward.

The applicant agreed with the conditions of approval.

No public comments were made.

Mayor Morales closed the public hearing.

A motion was made by Mayor Pro Tem Hertz-Mallari, and seconded by Council Member Peat, to approve adopt a Resolution approving Conditional Use Permit No. 2022-04, with conditions, and confirm the project is exempt from the California Environmental Quality Act requirements.

The motion was unanimously carried by the following roll call vote:

AYES:	5	COUNCIL MEMBERS:	Marquez, Minikus, Peat, Hertz-Mallari and Morales
NOES:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None

RESOLUTION NO. 6902

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS
APPROVING CONDITIONAL USE PERMIT NO. 2022-04, ALLOWING
CONSTRUCTION OF A DETACHED GARAGE EXCEEDING
FIFTEEN FEET IN HEIGHT, LOCATED AT 8661 ACACIA DRIVE WITHIN
THE RS-15,000 – RESIDENTIAL SINGLE-FAMILY ZONE AND FINDING
THE PROJECT EXEMPT FROM CALIFORNIA ENVIRONMENTAL
ACT REQUIREMENTS

Item No. 2: Approve an Ordinance Amending Provisions of Chapter 25 (Subdivisions) and Appendix I (Zoning) to Implement the Housing Element and Comply with State Housing Laws, and Approve a No Net Loss Policy

Mayor Morales opened the public hearing.

The Planning Director provided a report on this item.

City Council discussion ensued.

No public comments were made.

Mayor Morales closed the public hearing.

The City Attorney read the title of the Ordinance.

A motion was made by Council Member Peat, and seconded by Mayor Morales, to approve the first reading, by title only, of an Ordinance amending selected provisions of Chapter 25 (Subdivisions) and Appendix I (Zoning) of the Municipal Code related to special housing types including employee housing, supportive housing, transitional housing, and low barrier navigation centers, special housing regulations in support of Housing Element implementation, and developments and lot splits; and approve the policy and procedures for compliance with the State's No Net Loss law; and find the action exempt from the California Environmental Quality Act.

The motion was carried by the following roll call vote:

AYES: 4 COUNCIL MEMBERS: Minikus, Peat, Hertz-Mallari and Morales
NOES: 1 COUNCIL MEMBERS: Marquez
ABSENT: 0 COUNCIL MEMBERS: None

CONSENT CALENDAR

All matters listed on the Consent Calendar are to be approved with one motion unless a Council Member requests separate action on a specific item.

It was moved by Council Member Peat, and seconded by Mayor Pro Tem Hertz-Mallari, to approve Consent Calendar Items No. 3 through 10.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Marquez, Minikus, Peat, Hertz-Mallari and Morales
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

Item No. 3: Receive and File Public Comments Submitted for the September 12, 2022 City Council Meeting

Recommendation: Receive and file submitted public comments.

Item No. 4: Introduce and/or Adopt All Ordinances and Resolutions Presented for Consideration by Title Only and to Waive Further Reading

Item No. 5: Approve Minutes – Meeting of August 22, 2022

Recommendation: Approve as submitted.

Item No. 6: Accept Office of Traffic Safety DUI Traffic Enforcement Grant

Recommendation:

1. Accept the Office of Traffic Safety DUI / Traffic Enforcement grant;
2. Appropriate \$81,000 in the General Fund Grants Fund; and
3. Increase estimated revenues in the General Fund Grants Fund by \$81,000.

Item No. 7: Approve a Resolution Requesting the Dissolution of the Successor Agency to the Cypress Redevelopment Agency

Recommendation: Approve a resolution requesting the County Oversight Board dissolve the Successor Agency to the Cypress Redevelopment Agency.

SUCCESSOR AGENCY BOARD RESOLUTION NO. SA-12

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
CYPRESS REDEVELOPMENT AGENCY REQUESTING ORANGE
COUNTYWIDE OVERSIGHT BOARD ACTION TO DISSOLVE
THE SUCCESSOR AGENCY, CONDITIONED UPON APPROVAL
BY THE CALIFORNIA DEPARTMENT OF FINANCE, AND

MAKING RELATED FINDINGS UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)

Item No 8: Approve Task Order for Solid Waste Consulting Services Related to Organic Waste Recycling

Recommendation: Approve a \$100,000 task order for Solid Waste Consulting Services to Michael Balliet Consulting for Organic Waste Recycling.

Item No. 9: Award Contract for Shade Structure Replacement at Manzanita Park, Project 333

Recommendation:

1. Approve Plans and Specifications for Shade Structure Replacement at Manzanita Park, Project 333; and
2. Award a contract to R.E. Shultz Construction, Inc., Orange, CA, for \$55,650, and authorize a Contingency of \$9,000.

Item No. 10: Approve Register of Warrants, Transfers, and Wires Issued for the Period of August 6, 2022 through August 26, 2022

Recommendation: Approve the attached payment register summarized below for the period of August 6, 2022 through August 26, 2022

- Electronic Funds Transfers 11624 through 11775
- Warrants 60328 through 60458
- Payroll Transfers W1481 through W1482

END OF CONSENT CALENDAR

NEW BUSINESS

None.

ORAL COMMUNICATIONS (Five minutes per speaker, unless extended by the City Council)

Rob Johnson, Cypress, spoke regarding his experience running for City Council, an incident at Cypress High School involving Council Member Marquez and two candidates, and the upcoming Cypress Chamber of Commerce Candidate Forum.

Mayor Morales closed the Oral Communications period.

Mayor Morales responded to the public comment regarding the incident involving Council Member Marquez at Cypress High School. Mayor Morales shared concerns he received from parents and members of the community regarding Council Member Marquez visiting a classroom and sharing one-sided information and campaign materials on behalf of the candidates accompanying her.

Council Member Marquez stated she has worked collaboratively with high school students on a number of campaigns throughout her career and has educated them regarding things going on in their community and politics.

Mayor Morales further expressed parents' concerns communicated to him and stated the action violated the City's Civility, Conduct and Governance Policy, the Code of Ethics, and possibly the Education Code.

Mayor Morales requested a Resolution of Censure regarding this matter be added to the next agenda for City Council consideration.

Council Member Marquez objected.

No further objections were heard.

COUNCIL MEMBER REPORTS AND REMARKS

Council Member Minikus:

No report.

Council Member Peat:

No report.

Council Member Marquez:

Expressed concerns about information published on behalf of the City regarding the California Voting Rights Act lawsuit. Stated she has not received any records in response to her Public Records Act request submitted on July 1. Requested an item be placed on the next agenda to reconsider the Resolution of Censure adopted by the City Council on June 27, 2022. Stated that City Council candidates should have booth fees waived for the Cypress Community Festival.

The City Manager stated that the Cypress Community Festival is not a City event and any fees associated with booth rentals are not charged by the City. He further stated the Festival is organized and operated by a private non-profit group.

Council Member Marquez requested elected officials be provided free booths at City events, such as Concerts on the Green. Attended the AYSO picture day event.

The City Attorney stated that the City has responded to Council Member Marquez's Public Records Act request. He further stated that on September 1 he notified Council Member Marquez's attorney that 497 pages were available and requested further clarification on the request but has not received a response.

Mayor Morales spoke regarding the requirements of the Public Records Act.

The City Attorney confirmed the City responded within the ten days as required by law.

Council Member Marquez stated she has no documents in her hands.

Mayor Morales stated Council Member Marquez's request was responded to and further stated that it is inaccurate to state the City has not responded to the request.

Mayor Morales asked the City Attorney for clarification regarding the request to reconsider the Resolution of Censure adopted on June 27, 2022. The City Attorney stated reconsideration of a Resolution of Censure can only happen at the same meeting at which it is adopted.

Council Member Marquez stated she wants to discuss a letter from her attorney in open session.

The City Attorney stated discussion in open session would not be advisable and he would recommend waiting for a response as there are several inaccuracies in the letter.

Mayor Pro Tem Hertz-Mallari:

Thanked City staff for an update to the Cypress Central app. Attended the Melia Townhomes grand opening. Provided an update on the Orange County Fire Authority Board of Directors. Met with the firefighters at Station 17, toured the station, and rode along on some calls.

Requested an item be added to the next City Council agenda to proclaim September as Childhood Cancer awareness month. There were no objections.

Attended the League of California Cities Annual Conference in Long Beach and shared information from the event.

Mayor Morales:

Attended the League of California Cities Annual Conference in Long Beach. Attended the Orange County Fire Authority September 11th remembrance event.

CITY MANAGER REMARKS

No report.

Mayor Morales recessed the meeting at 8:34 p.m. to resume Closed Session discussions as previously reported by the City Attorney.

No reportable action was taken in Closed Session.

ADJOURNMENT – IN MEMORY OF LOS ALAMITOS COUNCIL MEMBER RON BATES

Mayor Morales adjourned the meeting at 9:35 p.m. to an adjourned Regular Meeting, to be held on Monday, September 26, 2022, beginning at 5:30 p.m. in the Executive Board Room.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

5.

FROM: Alicia Velasco, Planning Director

DATE: 09/26/2022

SUBJECT: Second Reading of an Ordinance Amending Selected Provisions of Chapter 25 (Subdivisions) and Appendix I (Zoning) of the Cypress Municipal Code to Implement the Housing Element and Comply with State Housing Laws

RECOMMENDATION

Approve the second reading and adopt an Ordinance, by title only and waive further reading, amending selected provisions of Chapter 25 (Subdivisions) and Appendix I (Zoning) of the Cypress Municipal Code to implement the Housing Element and comply with State housing laws.

DISCUSSION

On September 12, 2022, the City Council conducted a public hearing and first reading of an Ordinance amending selected provisions of Chapter 25 (Subdivisions) and Appendix I (Zoning) of the Cypress Municipal Code to implement the Housing Element and comply with State housing laws.

It is recommended the City Council approve the second reading and adopt the attached Ordinance. Once approved, the Ordinance will become effective in 30 days, or on October 26, 2022.

The attached Notice of Exemption will be filed with the County Clerk in accordance with the California Environmental Quality Act (CEQA) Guidelines.

BUDGET IMPACT

None.

LEGAL REVIEW

The Ordinance has been reviewed and approved by the City Attorney.

APPROVED BY:

Peter Grant, City Manager

Attachments

Ordinance

Notice of Exemption

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CYPRESS, CALIFORNIA, AMENDING SELECTED PROVISIONS OF CHAPTER 25 (SUBDIVISIONS) AND APPENDIX I (ZONING) OF THE CYPRESS MUNICIPAL CODE TO ADOPT REGULATIONS FOR SPECIAL HOUSING TYPES INCLUDING EMPLOYEE HOUSING, SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, AND LOW BARRIER NAVIGATION CENTERS; SPECIAL HOUSING REGULATIONS IN SUPPORT OF HOUSING ELEMENT IMPLEMENTATION; DEVELOPMENTS AND LOT SPLITS AUTHORIZED BY SENATE BILL 9; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, Senate Bill 9 (SB 9) took effect on January 1, 2022. This bill requires the ministerial approval of two dwelling units per parcel in single-family residential zones, where previously only one primary dwelling unit would have been permitted, in addition to accessory dwelling units and junior accessory dwelling units, in some cases. SB 9 also requires ministerial approval of lot splits in single-family residential zones and allows two units on each resulting parcel. SB 9 further allows cities to adopt objective standards governing dwelling units and lot splits approved pursuant to SB 9, provided they do not conflict with state law; and

WHEREAS, Government Code Section 65583.2(g)(3) requires the replacement of certain dwelling units when new development occurs on a parcel identified in the sites inventory of the City's Housing Element of the General Plan; and

WHEREAS, Health and Safety Code Section 17021.5(b) requires employee housing of six or fewer employees to be permitted as a single-family dwelling; and

WHEREAS, Government Code Section 65583(c)(3) requires transitional housing and supportive housing to be deemed a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone. Government Code Sections 65650 et seq. further limit the City's scope of regulation on supportive housing in certain zones; and

WHEREAS, Assembly Bill 101 took effect January 1, 2020 and requires the City to allow low barrier navigation centers as a permitted use in areas zoned for mixed use and nonresidential zones permitting multifamily uses, provided it meets specified requirements; and

WHEREAS, the City Council desires to update the City's regulations to be consistent with State law; and

WHEREAS, the City Council finds that the Ordinance is consistent with the goals, policies, and objectives of the General Plan. Housing Element Goal HOU-5 is to "mitigate any potential governmental constraints to housing production and affordability". The Ordinance furthers this goal by ensuring that the City's zoning regulations are consistent with State laws intended to facilitate and incentivize the development of affordable housing and special needs housing. Housing Element Goal HOU-6 is to "promote equal opportunity for all residents to reside in the housing of their choice". The Ordinance is consistent with this goal in that it establishes regulations allowing for special housing types, such as transitional and supportive housing, that create additional opportunities for housing for very low income and special needs populations; and

WHEREAS, on September 12, 2022, the City Council held a duly noticed public hearing and considered testimony on the Ordinance.

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

SECTION 1. The City Council hereby specifically finds that all of the facts set forth in the above Recitals are true and correct and are incorporated herein as findings of the City Council.

SECTION 2. Section 25-12 of the Cypress Municipal Code is hereby amended as follows (additions in **bold underline**):

The size, dimensions, and configuration of lots or parcels created by any division of land shall conform with this section and the Cypress Zoning Ordinance, **except that lots created through an urban lot split shall be subject to the requirements of Article XI of Chapter 25 where the requirements of Article XI conflict with this section.**

- (a) *Lot numbers.* The lots or parcels shall be numbered consecutively commencing with the number one, with no omissions or duplications. Block numbers or letters may be used, but are not preferred.
- (b) *Lot area.* The minimum net lot area shall be that prescribed for the zone in which the property is located. Variations from the minimum lot area requirements may be approved by the planning commission or city council in accordance with the provisions of the zoning ordinance of the City of Cypress.
- (c) *Public street frontage.* All lots created by the division of land, whether by tract or parcel map, shall have frontage or approved access to a dedicated public street or highway. In the case of condominiums or planned residential developments with lot areas owned in common, the street frontage requirement for individual lots may be satisfied by the individual lots' ownership in the common lot, if the common lot has frontage on the public street.
- (d) *Lot width.* The width of lots shall conform to standards of development as defined by the city zoning ordinance and other ordinances or official plans adopted pursuant to law. Corner lots shall have a minimum width of sixty-five (65) feet measured the same as interior lots. Variations from the minimum lot width requirements may be approved by the planning commission or city council in accordance with the provisions of the zoning ordinance of the City of Cypress. The minimum widths of odd-shaped lots which result from extreme topography, previous irregular boundaries, or other unavoidable circumstances shall be subject to individual determination and approval by the planning commission at the time of approval of the tentative map in accordance with requirements of the Cypress Zoning Ordinance.

The above provisions governing minimum lot widths shall not apply to residential or common lots within a planned residential (PRD) zone. Lot sizes and widths therein shall conform to the standards as set forth in the zoning ordinance or the approved concept plan or site plan for the particular development, whichever applies.

Small, odd-shaped lots or parcels resulting from the separation of land by streets or easements, or lots burdened by easements, utilities, or other facilities to a degree which

minimizes their value or use for other purposes, or parcels subject to flooding, portions of railroad rights-of-way, or other lots or parcels which because of their size, shape, topography, use, or location are unable to be built upon or developed, shall, upon the determination of the director of public works and planning director may be exempted from the above requirements as to lot widths and areas in accordance with the provisions of the zoning ordinance of the City of Cypress.

- (e) *City boundary.* No lots shall be divided by the boundary line of the City of Cypress.
- (f) *Sidelines.* The sidelines of lots shall be approximately at right angles to the street lines on straight streets, and shall approximately radial on curved streets.

SECTION 3. Section 25-19(b) of the Cypress Municipal Code is hereby amended as follows (additions in **bold underline**):

- (b) *From action by the director of public works and/or planning director.* If any interested person or the applicant for a lot line adjustment **or urban lot split** wishes to appeal the decision of the director of public works and/or planning director or the requirements and conditions pertaining to this approval, conditional approval, or denial of the lot line adjustment **or urban lot split**, said person shall file a written appeal with the planning director within ten (10) days of the decision. The tentative map, along with the staff report setting forth the requirements and other information regarding the lot line adjustment **or urban lot split** shall then be sent to the city council, which shall consider the appeal. A copy of the report shall also be sent to the owner or applicant making the appeal at least five (5) days prior to action by the city council. Upon receipt of the report, the city council shall review the matter within the time and in the manner specified above for action by the city council concerning a regular division by parcel map. The decision of the city council approving, conditionally approving, or denying the appealed lot line adjustment, **urban lot split**, or conditions thereof, shall be final.

SECTION 4. A new article is hereby added to Chapter 25, Subdivisions, entitled "ARTICLE XI. URBAN LOT SPLITS," which shall contain Section 25-77 through Section 25-83 and shall read as follows:

ARTICLE XI. URBAN LOT SPLITS

Sec. 25-77. Purpose.

The purpose of this Section is to establish procedures and standards for urban lot splits in accordance with the requirements of Government Code Section 66411.7. Where this Section is in conflict with any other provision of Chapter 25, this Section shall govern.

Sec. 25-78. Application requirements and review process.

- (a) Only individual property owners may apply for an urban lot split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or as a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a "community land trust," as defined in Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a "qualified nonprofit corporation" as described in Revenue and Taxation Code Section 214.15.

- (b) The applicant for an urban lot split shall submit an application on a City-approved application form and shall simultaneously file a tentative parcel map in accordance with Section 25-16.
- (c) The tentative parcel map shall be examined by the director of public works and planning director for its correctness in compliance with city ordinances and policies.
- (d) Following this examination, the director of public works shall approve, conditionally approve, or deny approval of the tentative parcel map. The director of public works's consideration of the tentative parcel map shall be ministerial, without discretionary review or a hearing. The tentative parcel map shall be approved if the director of public works finds that the map complies with the Subdivision Map Act, the requirements of this Section, and other requirements of this Code applicable to tentative parcel maps that are not inconsistent with this Section.
- (e) Notwithstanding subsection (d), the director of public works may deny an application for an urban lot split if the building official, or designee, makes a written finding, based upon a preponderance of the evidence, that the proposed urban lot split would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), 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.
- (f) Following approval of a tentative parcel map, the applicant shall submit a final map for review in accordance with Section 25-21.
- (g) The director of public works shall approve the final map if it is in compliance with the Subdivision Map Act, this chapter, and other applicable provisions of this code, and the conditions of approval of the tentative parcel map have been met. The director of public works shall, at the time of his or her action on the final map, accept or reject any and all offers of dedication and other easements.
- (h) The appeal process for the decision of the director of public works shall be as described in Section 25-19(b).
- (i) Upon the approval of the final map, the final map shall be recorded in accordance with Section 25-21.

Sec. 25-79. Parcel requirements.

The parcel that is proposed for subdivision through an urban lot split:

- (a) Shall be located in an RS-15000, RS-6000, or RS-5000 zoning district;
- (b) Shall have at least one residential dwelling unit located on it on the date that the urban lot split is approved, unless the parcel is owned by a "community land trust," as defined in Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a "qualified nonprofit corporation" as described in Revenue and Taxation Code Section 214.15;
- (c) Shall only have residential uses located on it on the date the urban lot split is approved;

- (d) Shall be located on a parcel that meets all the requirements of subsections (a)(6)(B) through (a)(6)(K), inclusive, of Government Code Section 65913.4;
- (e) Shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, 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) Shall not have been created through a previous urban lot split; and
- (g) Shall not be adjacent to a parcel that was previously subdivided through an urban lot split by the owner of the parcel on which the urban lot split is proposed or any person acting in concert with the owner.

Sec. 25-80. Additional requirements.

- (a) An urban lot split shall subdivide an existing parcel to create no more than two new parcels of approximately equal lot area, provided that:
 - (1) Neither resulting parcel shall be smaller than 40 percent of the lot area of the original parcel proposed for subdivision;
 - (2) Neither resulting parcel shall be smaller than 1,200 square feet;
 - (3) Each resulting parcel shall include at least 40 percent of the street frontage of the original parcel proposed for subdivision; and
 - (4) Flag lots are not permitted.
- (b) An urban lot split shall not result in the creation of a parcel with more than two existing units, as defined in Section 25-82.
- (c) Proposed urban lot splits:
 - (1) Shall not require or allow the 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; or
 - (C) Housing that has been occupied by a tenant in the last three years; and
 - (2) Shall not be located on a parcel on which an owner of residential real property has exercised the owner's rights under the Ellis Act (Government Code Section 7060 through 7060.7) to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

- (d) As a condition of approval for an urban lot split, the owner of the parcel being split shall sign an affidavit, in a form approved by the city attorney, stating that:
 - (1) The proposed urban lot split will not violate the requirements of Subsection (c);
 - (2) Neither the owner, nor any person acting in concert with the owner, has previously subdivided an adjacent parcel using an urban lot split; and
 - (3) The owner intends to occupy a residential dwelling unit on one of the parcels created by the urban lot split as their primary residence for a minimum of three years from the date of the approval of the urban lot split. This subsection (d)(3) shall not apply if the owner of the parcel is a "community land trust," as defined in Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a "qualified nonprofit corporation" as described in Revenue and Taxation Code Section 214.15.
- (e) As a condition of approval of an urban lot split, the owner shall dedicate all easements over the resulting parcels required for the provision of public services and facilities, as determined by the director of public works.
- (f) Each parcel resulting from an urban lot split shall have access to or adjoin the public right-of-way.
- (g) The city shall not require as a condition of approval of an urban lot split:
 - (1) Dedications of rights-of-way or the construction of offsite improvements; or
 - (2) The correction of non-conforming zoning conditions existing on the parcel that will be divided.
- (h) An urban lot split:
 - (1) Shall conform with all the requirements of the Subdivision Map Act; and
 - (2) Shall conform with all the requirements applicable to parcel maps under this chapter, except for those requirements that conflict with the requirements of this Article, in which case the provisions of this Article shall control.
- (i) Each lot created by an urban lot split shall be self-sufficient with regard to drainage of water off of the parcel and shall have a separate connection to the main line for all utilities including but not limited to water, electric, gas, sewer, and telecommunications.

Sec. 25-81. Limitations applicable to new parcels.

- (a) Parcels created by an urban lot split shall only be used for residential uses, notwithstanding the fact that other uses may be permitted in the zoning district in which the parcels are located.
- (b) Residential units constructed on parcels created by an urban lot split shall not be rented for a term of less than thirty-one (31) consecutive days.

- (c) A parcel created through an urban lot split may not be further subdivided by a subsequent urban lot split.
- (d) Separate conveyance of the lots resulting from an urban lot split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibilities between the owners of the two lots.

Sec. 25-82. Limitation on number of units.

Notwithstanding any other provision of this code, no more than two units are permitted on any parcel created by an urban lot split. For the purposes of this Section, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit or units created pursuant to Section 3.17.260 of Appendix I (Second primary units and duplexes in single-family zones), an accessory dwelling unit, or a junior accessory dwelling unit.

Sec. 25-83. Deed restriction.

As a condition of approval of an urban lot split, the owner of the parcel to be divided shall execute a deed restriction, in a form approved by the city attorney, which shall be recorded on each of the resulting parcels, at the property owner's cost, and shall limit the use of each parcel in accordance with the standards of this Article. Violation of the deed restriction shall be considered a violation of this code and may be enforced in a manner that this code may be enforced.

SECTION 5. The Residential section of Table 2-2 (Allowable Uses and Permit Requirements for Residential Zoning Districts) in Section 2.05.030 of Appendix I (Zoning) of the Cypress Municipal Code is hereby revised as follows with the remainder of the Table remaining unchanged (additions in **bold underline**; deletions in ~~**bold strikethrough**~~):

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONING DISTRICTS**

<i>Land Use</i>	<i>Permit Requirement by District</i>						
	<i>RS-15000</i>	<i>RS-6000</i>	<i>RS-5000</i>	<i>RM-15</i>	<i>RM-20</i>	<i>MHP-20</i>	<i>See Section</i>
<i>Residential</i>							
Accessory Dwelling Units	P	P	P	P	P	~~—~~	3.17.200
Accessory Structures under 15 feet in height	P	P	P	P	P	P	3.17.020
Accessory Structures over 15 feet in height	C	C	~~—~~	C	~~—~~	—	<u>3.17.020</u>
Condominiums, Townhouses, or Condominium Conversions	C	C	C	C	C	—	3.17.070
Density Bonuses	~~—~~	~~—~~	~~—~~	~~C~~	~~C~~	~~—~~	<u>4.19.040</u>
Dormitories	—	—	—	C	C	—	

Land Use	Permit Requirement by District						
	RS-15000	RS-6000	RS-5000	RM-15	RM-20	MHP-20	See Section
Duplexes	<u>P</u> —	<u>P</u> —	<u>P</u> —	P	P	—	<u>Duplexes in single-family zones are subject to 3.17.260</u>
Employee Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>3.17.270</u>
Home Occupations	P	P	P	P	P	P	3.17.100
Manufactured Housing	P	P	P	P	P	P	3.17.140
Marijuana Cultivation (Indoor)	P	P	P	P	P	P	Chapter 15I
Marijuana Cultivation (Outdoor)	—	—	—	—	—	—	Chapter 15I
Commercial Marijuana Activity	—	—	—	—	—	—	Chapter 15J
Maritime Storage/Shipping Containers	—	—	—	—	—	—	
Mobile Home Parks	—	—	—	—	—	P	
Model Home/Subdivision Sales Offices	TUP	TUP	TUP	TUP	TUP	TUP	3.17.220
Multi-Family Dwelling Units, not more than 3 units	—	—	—	P	P	—	
Multi-Family Dwelling Units, over 3 units	—	—	—	C	C	—	
Private Yard/Garage Sales	P	P	P	P	P	P	3.17.090
Second Primary Units	<u>P</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>3.17.260</u>
Second-Story Balcony, within the front yard	P	P	P	P	P	—	3.11.050
Second-Story Balcony, within the side or rear yard	S	S	S	S	S	—	3.11.050
Single-Family Dwelling Units	P	P	<u>C P</u>	P	P	—	<u>Single-family dwelling units in RS-5000 subject to Section 2.05.040B</u>
Supportive Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>3.17.280</u>
Temporary Uses/Activities	TUP	TUP	TUP	TUP	TUP	TUP	3.17.220
Transitional Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>3.17.290</u>

SECTION 6. Table 2-4 (Residential Zoning District Parking Requirements) in Section 2.05.050 of Appendix I (Zoning) of the Cypress Municipal Code is hereby revised as follows with the remainder of the Table remaining unchanged (additions in **bold underline**):

**TABLE 2-4
RESIDENTIAL ZONING DISTRICT PARKING REQUIREMENTS**

Residential Uses	Vehicle Spaces Required
Residential Land Uses	
Single-family dwelling units, detached and attached	
Units with up to and including 3 bedrooms	2-vehicle garage for each dwelling unit
Units with over 4 bedrooms	3-vehicle garage for each dwelling unit.

Single-family dwelling units, small-lot development, detached and attached	2-vehicle garage plus 2 open spaces for each dwelling unit. The open spaces may be located on the driveway leading to the garage.
Guest parking	1 unassigned open space for each dwelling unit.
<u>Second Primary Units and Duplexes In Single-Family Zones (Per Section 3.17.260)</u>	<u>1 covered or uncovered space per unit, except where exempt, in compliance with Section 3.17.260.F.</u>

SECTION 7. Section 3.11.170 (Special housing regulations) is hereby added to Appendix I (Zoning) of the Cypress Municipal Code and shall read as follows:

3.11.170. Special housing regulations.

A. Replacement of protected residential units.

1. *Purpose.* The purpose of this section is to implement Government Code Section 65583.2(g)(3) to ensure the City does not approve a development project on a site identified in the sites inventory of the Housing Element of the General Plan that would result in the elimination of protected housing units unless those housing units are replaced consistent with Government Code Section 65915(c)(3).
2. *Applicability.* The provisions of this section apply to any new development (residential, nonresidential, or mixed-use) on a site identified in the sites inventory of the Housing Element of the General Plan that contains protected units as defined in subsection 3.11.170.A.3 or that contained protected units that have been vacated or demolished within the last five years.
3. *Protected units.* For the purposes of this section, a protected unit is a dwelling unit that is or was within the last five years:
 - a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons or families of low or very low income;
 - b. Subject to any other form of rent or price control through a public entity's valid exercise of its police power; or
 - c. Occupied by low or very low income households.
4. *Replacement requirement.* Replacement of protected units shall be required as a condition of any development on the site. Replacement requirements shall be consistent with Government Code Section 65915(c)(3).

B. Affordable housing agreements.

1. Developers of a residential development containing affordable housing units shall be required to enter into an Affordable Housing Agreement with the City in a form approved by the City Attorney. The Affordable Housing Agreement shall, at a minimum, include the following:
 - a. The total number of units and the number of units that will be made affordable;

- b. The size, bedroom count, and location of each affordable unit;
 - c. The income levels of the affordable units and an acknowledgement that the City will verify tenant and home buyer incomes to maintain the affordability of the units;
 - d. The term of affordability for the units;
 - e. Schedule of development for all units; and
 - f. An affirmative fair marketing plan that is approved by the City to ensure advertising of the availability of the affordable units to a wide spectrum of City residents.
2. *Recordation.* The executed Affordable Housing Agreement shall be recorded against the residential development prior to final map approval or, where a map is not being processed, prior to the issuance of building permits. The Affordable Housing Agreement shall bind all future owners and successors in interest for the term of years specified therein.

SECTION 8. Section 3.17.260 (Second primary units and duplexes in single-family zones) is hereby added to Appendix I (Zoning) of the Cypress Municipal Code and shall read as follows:

3.17.260. Second primary units and duplexes in single-family zones.

A. Purpose; definition of duplex.

- 1. The purpose of this section is to establish procedures and standards for the approval and creation of second primary units and duplexes in single-family zones in accordance with the requirements of Government Code Section 65852.21.
- 2. For purposes of this section, “duplex” includes two detached dwelling units that are included under the same development application, in addition to the definition of “dwelling, two-family” in Section 6.31.020.

B. Application review process.

- 1. An application for a second primary unit or a duplex in a single-family zone shall be considered ministerially through the plan check process.
- 2. An application shall be approved if the proposed development complies with all the requirements in this section. However, notwithstanding the previous sentence, the City may deny an application for a second primary unit or duplex if the building official, or designee, makes a written finding, based upon a preponderance of the evidence, that the proposed second primary unit or duplex would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), 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.

C. Location requirements. Proposed second primary units and duplexes:

1. Shall be located in an RS-15000, RS-6000, or RS-5000 zoning district;
2. Shall be located on a parcel that meets all the requirements of subsections (a)(6)(B) through (a)(6)(K), inclusive, of Government Code Section 65913.4; and
3. Shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, 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.

D. *No impact on protected housing.* Proposed second primary units and duplexes:

1. Shall not require or allow the 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; or
 - c. Housing that has been occupied by a tenant in the last three years;
2. Shall not require or allow the demolition of more than 25 percent of the existing exterior structure walls on the parcel if the parcel has been occupied by a tenant in the last three years; and
3. Shall not be located on a parcel on which an owner of residential real property has exercised the owner's rights under the Ellis Act (Government Code Section 7060 through 7060.7) to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

E. *Development standards.* The development standards for the first primary unit built on a parcel are not limited by this Section but shall comply with all other applicable development standards in this code. A second primary unit or duplex approved under this Section shall comply with all of the following development standards:

1. Configuration. A second primary unit may be attached to or detached from other dwelling units on the parcel.
2. Size. Second primary units, and at least one unit of a duplex, shall be no larger than 1,200 square feet in floor area.
3. Height. Second primary units, and at least one unit of a duplex, shall be no taller than one story and 16-feet in height.
4. Single Story. Second primary units may not be built above any other structure.
5. Setbacks. No setback beyond the existing setback shall be required for an existing structure or for a unit constructed in the same location and to the same dimensions as

an existing structure. In all other circumstances, second primary units and duplexes built under this Section shall be set back at least four (4) feet from the side and rear lot lines.

6. Separate Entrances. Each unit approved under this Section shall have its own separate entrance.
7. Additional Development Standards. Except as provided in Subsections E.1 through E.6, units approved under this Section shall comply with all development standards that would be applicable to a primary dwelling unit on the same parcel.

F. *Parking*.

1. One new parking space is required for a second primary unit and for each unit in a duplex approved under this Section. Such parking spaces may be covered or uncovered and shall be in addition to all existing parking spaces on the parcel.
2. Notwithstanding subsection F.1, no parking spaces are required for a second primary unit or the units of a duplex approved under this Section if either:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
 - b. There is a car share vehicle located within one block of the parcel.

G. *Utilities*. The director of public works may place conditions of approval on the proposed development to ensure sufficient utility capacity and the ability of the utilities to serve the development, and may require the applicant to submit technical studies to determine utility capacity and ability to serve.

H. *Limitation on enforcement of standards*. With the exceptions of the setback requirements in subsection E.5, the City shall not enforce any zoning, subdivision, or design standard to the extent that it would have the effect of physically precluding the construction of up to two primary residential units on a parcel, or would physically preclude either of the primary residential units from being at least 800 square feet in floor area.

I. *Total number of units*.

1. This Section does not authorize or require the approval of more than two primary dwelling units on a single parcel. For purposes of this subsection, "primary dwelling units" means dwelling units other than accessory dwelling units or junior accessory dwelling units.
2. Notwithstanding any other provision in this Section, the approval of second primary units and duplexes on a parcel that was created through an urban lot split shall be limited as described in Chapter 25, Article XI of the municipal code.

J. *Design standards*. Second primary units, and each unit of a duplex approved under this Section, shall comply with all objective design standards that would be applicable to a primary dwelling unit on the same parcel.

- K. *Rental term.* Second primary units and both units of a duplex approved under this Section shall not be rented for a term of less than thirty-one (31) consecutive days.
- L. *Deed restriction.* As a condition of approval of, and prior to the issuance of a certificate of occupancy for, a second primary unit or duplex approved under this Section, the property owner shall execute a deed restriction, in a form approved by the city attorney, which shall be recorded on the property, at the property owner's cost, and shall require that the second primary unit or duplex shall only be used and developed in accordance with the requirements in this Section, including but not limited to the development standards and the prohibition on short-term rentals stated in this Section. Violation of the deed restriction shall be considered a violation of this code and may be enforced in a manner that this code may be enforced.

SECTION 9. Section 3.17.270 (Employee housing) is hereby added to Appendix I (Zoning) of the Cypress Municipal Code and shall read as follows:

3.17.270. Employee housing.

- A. *Purpose.* The purpose of this subsection is to set forth requirements for the establishment of employee housing consistent with Health and Safety Code Section 17021.5(b).
- B. *Requirements.*
 - 1. Employee housing shall be deemed a single-family structure and a residential use and is permitted in all zones where single-family dwellings are permitted.
 - 2. Employee housing shall be subject to the same standards and regulations which apply to single-family dwellings in the same zone.

SECTION 10. Section 3.17.280 (Supportive housing) is hereby added to Appendix I (Zoning) of the Cypress Municipal Code and shall read as follows:

3.17.280. Supportive housing.

- A. *Purpose.* The purpose of this subsection is to set forth requirements for the establishment of supportive housing consistent with Government Code Sections 65583(c)(3) and 65650 et seq.
- B. *Requirements.*
 - 1. Supportive housing shall be deemed a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone except when the supportive housing is consistent with the requirements of subsection 3.17.280.B.2.
 - 2. Supportive housing shall be a use by right in zones where multifamily and mixed use are permitted, including nonresidential zones permitting multifamily uses, if the proposed development satisfies all of the requirements set forth in Government Code Section 65650 et seq.

- (a) The applicant shall provide the City with all documentation necessary to demonstrate compliance with these requirements, including but not limited to the documentation listed in Government Code Section 65652. The document imposing the affordability restriction on the units shall be reviewed and approved by the city attorney's office.
- (b) *Application and review.* Supportive housing seeking by right approval pursuant to Government Code Section 65650 et seq. shall require zoning clearance approval pursuant to Section 4.19.202 of the Zoning Ordinance. The director or their designee shall review the application in accordance with the requirements of Government Code 65650 et seq.
 - (i) A complete application for a supportive housing development with 50 or fewer units shall be approved or disapproved within 60 days from the date the City receives a complete application.
 - (ii) A complete application for a supportive housing development with more than 50 units shall be approved or disapproved within 120 days from the date the City receives a complete application.

SECTION 11. Section 3.17.290 (Transitional housing) is hereby added to Appendix I (Zoning) of the Cypress Municipal Code and shall read as follows:

3.17.290. Transitional housing.

- A. *Purpose.* The purpose of this subsection is to set forth requirements for the establishment of transitional housing consistent with Government Code Section 65583(c)(3).
- B. *Requirements.* Transitional housing shall be deemed a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

SECTION 12. Section 3.17.300 (Low barrier navigation centers) is hereby added to Appendix I (Zoning) of the Cypress Municipal Code and shall read as follows:

3.17.300. Low barrier navigation centers.

- A. *Purpose.* The purpose of this subsection is to set forth requirements for the establishment and operation of low barrier navigation centers consistent with Government Code Section 65660 et seq.
- B. *Locations permitted.* A low barrier navigation center is a permitted use in areas zoned for mixed use and nonresidential zones permitting multifamily uses, provided it meets the requirements of subsection 3.17.270.C.
- C. *Requirements.* A low barrier navigation center shall meet the following requirements:
 - 1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d)(d) or Section 578.7(a)(8)(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
3. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

D. Application and review.

1. Low barrier navigation centers shall require zoning clearance approval pursuant to Section 4.19.202 of the Zoning Ordinance to ensure compliance with the requirements of this section.
2. The director or their designee shall approve or disapprove a complete application for a low barrier navigation center within 60 days from the date the City receives a complete application.

E. *Repeal.* This Section 3.17.240 shall remain in effect only until January 1, 2027, and as of that date is repealed.

SECTION 13. A definition of "Employee housing" is hereby added to Section 6.31.020(E) of Appendix I (Zoning) of the Cypress Municipal Code and shall be added in alphabetical order and read as follows:

Employee housing. Employee housing means "employee housing" as defined in Health and Safety Code Section 17008 that provides accommodations for six or fewer employees, pursuant to Health and Safety Code Section 17021.5(b).

SECTION 14. A definition of "Low barrier navigation center" is hereby added to Section 6.31.020(L) of Appendix I (Zoning) of the Cypress Municipal Code and shall be added in alphabetical order and read as follows:

Low barrier navigation center. Low barrier navigation center means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing (consistent with Government Code Section 65660). "Low-barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

SECTION 15. A definition of “Second primary unit” is hereby added to Section 6.31.020(S) of Appendix I (Zoning) of the Cypress Municipal Code and shall be added in alphabetical order and read as follows:

Second primary unit. A second residential dwelling unit, other than an accessory dwelling unit or junior accessory dwelling unit, on a parcel with one and only one existing primary dwelling unit.

SECTION 16. The definition of “Supportive housing” in Section 6.31.020(S) of Appendix I (Zoning) of the Cypress Municipal Code is hereby amended to read as follows (additions in **bold underline**; deletions in **~~bold strikethrough~~**):

Supportive housing. **Supportive housing means housing with no limit on the length of stay, that is occupied by the target population (as defined in Government Code Section 65582), and that is linked to on-site and off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (consistent with Government Code Section 65582). 50675.14.(b) of the California Health and Safety Code). Supportive housing uses shall be permitted as “community care facilities” within residential zones, subject to the same standards as other residential uses.**

SECTION 17. The definition of “Transitional housing” in Section 6.31.020(T) of Appendix I (Zoning) of the Cypress Municipal Code is hereby amended to read as follows (additions in **bold underline**; deletions in **~~bold strikethrough~~**):

Transitional housing. Transitional housing **is temporary housing (generally serving needs for between six (6) months to two (2) years) for homeless individuals or a family who is transitioning to permanent housing. Transitional housing development** means buildings configured as rental housing developments, but operating under program requirements that **call for require** the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months **from the beginning of assistance** (consistent with **Government Code Section 65582). 50675.2.(h) of the California Health and Safety Code**). **Transitional housing shall be permitted as “community care facilities” within residential zones, subject to the same standards as other residential uses.**

SECTION 18. A definition of “Urban lot split” is hereby added to Section 6.31.020(U) of Appendix I (Zoning) of the Cypress Municipal Code and shall be added in alphabetical order and read as follows:

Urban lot split. The division of a single parcel into two separate parcels in compliance with the provisions of Article XI (Urban lot splits) of Chapter 25 (Subdivisions).

SECTION 19. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 20. CEQA. In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, adoption of this Ordinance is exempt from environmental review because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. The adoption of the proposed Ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The Ordinance is limited to establishing procedures and regulations for various housing uses pursuant to State law. The City Council further finds and determines that the Ordinance amendments related to SB 9 are not a "project" for purposes of CEQA pursuant to Government Code Sections 65852.21(j) and 66411.7(n), and therefore do not require any environmental review under CEQA. No new construction is proposed.

SECTION 21. Effective date. This Ordinance shall become effective thirty (30) days from its adoption.

SECTION 22. Certification. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Cypress at a regular meeting held on the ____ day of _____, 2022.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS

I, ALISHA FARNELL, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Ordinance was duly adopted at a regular meeting of said City Council held on the _____ day of _____, 2022, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

CITY CLERK OF THE CITY OF CYPRESS

NOTICE OF EXEMPTION

TO: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: City of Cypress
5275 Orange Avenue
Cypress, CA 90630

 X County Clerk-Recorder
Public Services Division
P.O. Box 238
Santa Ana, CA 92702

Filing Fee Exempt per Govt. Code Section 6103

Project Title Ordinance Amending Selected Provisions of Chapter 25 (Subdivisions) and Appendix I (Zoning) to Implement the Housing Element and Comply with State Housing Laws Including Senate Bill 9 and a Policy to Implement the Requirements of Senate Bill 166 (No Net Loss Law)		
Project Location - Specific City-wide		
Project Location - City Cypress	Project Location - County Orange	
Description of Nature, Purpose, and Beneficiaries of Project A City-initiated amendment to the text of the Cypress Municipal Code, Chapter 25, and Appendix I (Zoning) to Implement the Housing Element and Comply with State Housing Laws, Including Senate Bill 9 and a Policy to Implement the Requirements of Senate Bill 166 (No Net Loss Law). No new construction is proposed as part of this action.		
Name of Public Agency Approving Project City of Cypress		
Name of Person or Agency Carrying Out Project (Applicant's Name and Address) City of Cypress, Planning Division, 5275 Orange Avenue, Cypress, CA 90630		
Exempt Status: (Check One) ☐ Ministerial (Sec. 21080(b)(1);15268); ☐ Declared Emergency (Sec. 21080(b)(3);15269(a)); ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); ☐ Categorical Exemption. State type and section number. ☒ General Rule (Sec. 15061 [b] [3])		
Reasons why project is exempt: It can be seen with certainty that there is no possibility that this ordinance amendment may cause a significant effect on the environment, since the amendment is general in nature, limited to establishing procedures and regulations for various housing uses pursuant to State law, and would not preclude the review and application of the CEQA Guidelines for specific future residential projects. The Ordinance amendments are not a "project" for purposes of CEQA pursuant to Government Code Sections 65852.21(j) and 66411.7(n).		
Lead Agency Contact Person Alicia Velasco, Planning Director	Area Code (714)	Telephone Number 229-6720

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?
Yes X No _____

Date Received for Filing at OPR

Signature

Date

Planning Director

Title

- ☒ Signed by Lead Agency
☐ Signed by Applicant



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

6.

FROM: Douglas Dancs, Director of Public Works
DATE: 09/26/2022
SUBJECT: Accept the Concrete Rehabilitation, Project 293

RECOMMENDATION

1. Accept the Concrete Rehabilitation, Project 293, in the amount of \$250,041.50 and approve the final payment of \$12,502.08 to CJ Concrete Construction Inc.; and
2. Authorize the City Engineer to file a Notice of Completion with the County Recorder.

DISCUSSION

City Council awarded a contract to CJ Concrete Construction Inc. in May for the Concrete Rehabilitation project. The project replaced approximately 14,000 square feet of concrete sidewalks, 1,900 square feet of driveway approaches, and 600 linear feet of curb and gutter at various locations. Work began in July and was completed in August.

Public Works will release the Labor and Materials Bond and the Faithful Performance Bond upon expiration of the required lien period.

BUDGET IMPACT

Sufficient amounts are included in the budget for this capital project. The original estimated cost of the project was \$378,248 and final construction costs totaled \$279,574.68.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

Cost Table

PROJECT COST TABLE

Concrete Rehabilitation Project 293

<u>Item Description</u>	<u>Original Amount</u>	<u>Actual Expenditures</u>	<u>Difference</u>
<u>Construction</u>			
Construction	\$286,080.00	\$250,041.50	\$36,038.50
Construction Contingency	40,000.00	-	40,000.00
Sub-total Construction	<u>\$326,080.00</u>	<u>\$250,041.50</u>	<u>\$76,038.50</u>
<u>Evaluation</u>			
Inspection	\$19,136.00	\$11,646.93	\$7,489.07
Inspection Contingency	2,864.00	-	2,864.00
Sub-total Construction	<u>\$22,000.00</u>	<u>\$11,646.93</u>	<u>\$10,353.07</u>
<u>Construction Management & Inspection</u>			
Inspection	\$26,175.00	\$17,886.25	\$8,288.75
Inspection Contingency	3,993.00	-	3,993.00
Sub-total Construction	<u>\$30,168.00</u>	<u>\$17,886.25</u>	<u>\$12,281.75</u>
Total Project	<u><u>\$378,248.00</u></u>	<u><u>\$279,574.68</u></u>	<u><u>\$98,673.32</u></u>



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

7.

FROM: Douglas Dancs, Director of Public Works

DATE: 09/26/2022

SUBJECT: Accept the Citywide Park Enhancements, Project 277

RECOMMENDATION

1. Accept the Citywide Park Enhancements, Project 277, in the amount of \$220,759.61 and approve the final payment of \$11,037.98 to Speedy Fix Inc.; and

2. Authorize the City Engineer to file a Notice of Completion with the County Recorder.

DISCUSSION

City Council awarded a contract to Speedy Fix Inc., in June 2021 for Citywide Park Enhancements. This was the second year of a three-year program to replace various park amenities throughout the city. This project replaced picnic tables, benches, trash/recycling containers, drinking fountains, park signs, and other miscellaneous items at Willow, Darrell Essex, Manzanita, and Maple Grove North Park. Work began in January and was completed in July.

Public Works will release the Labor and Materials Bond and the Faithful Performance Bond upon expiration of the required lien period.

BUDGET IMPACT

Sufficient amounts are available in the Recreation and Park District's budget for this project. The original estimated cost of the project was \$238,980 and final construction costs totaled \$236,385.61.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

Cost Table

PROJECT COST TABLE

Citywide Park Enhancements Project 277

<u>Item Description</u>	<u>Original Amount</u>	<u>Actual Expenditures</u>	<u>Difference</u>
<u>Construction</u>			
Construction	\$198,800.00	\$198,800.00	\$-
Construction Contingency (15%)	<u>24,000.00</u>	<u>21,959.61 *</u>	<u>2,040.39</u>
Sub-total Construction	\$222,800.00	\$220,759.61	\$2,040.39
<u>Construction Management & Inspection</u>			
Inspection	\$14,080.00	\$14,080.00	\$-
Inspection Contingency (15%)	<u>2,100.00</u>	<u>1,546.00</u>	<u>554.00</u>
Sub-total Construction	\$16,180.00	\$15,626.00	\$554.00
Total Project	<u>\$238,980.00</u>	<u>\$236,385.61</u>	<u>\$2,594.39</u>

* Includes a change order for unforeseen site conditions, additional amenities, and cost adjustments.



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

8.

FROM: Alisha Farnell, City Clerk

DATE: 09/26/2022

SUBJECT: Adopt a Resolution to Amend the Conflict of Interest Code

RECOMMENDATION

Adopt a Resolution amending the Conflict of Interest Code for the City and Recreation and Park District, which supersedes all prior Conflict of Interest Codes and amendments previously adopted.

DISCUSSION

The Political Reform Act requires every local government agency to review its Conflict of Interest Code (Code) every two years to determine if it is accurate or, alternatively, that the Code must be amended. The Code designates positions required to file a Statement of Economic Interest (Form 700), and assigns disclosure categories, specifying the types of interests to be reported.

One minor revision to the Conflict of Interest Code is currently needed to update the title of one position included in the list of designated filers. Since the last Code update in 2020, the Human Resources Administrator position has been reclassified to Human Resources Manager and the title must be updated in the designated positions list.

The attached Resolution adopts the Conflict of Interest Code for the City and Recreation and Park District. Additionally, the City is required to complete and execute the 2022 Local Agency Biennial Notice form and maintain a copy on file in the City Clerk's office.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

Resolution

Conflict of Interest Code

2022 Local Agency Biennial Notice

FPPC Regulation 18730

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
AND ACTING AS THE EX-OFFICIO GOVERNING BOARD OF
DIRECTORS OF THE CYPRESS RECREATION AND PARK DISTRICT,
A SUBSIDIARY DISTRICT OF THE CITY OF CYPRESS, ADOPTING A
CONFLICT OF INTEREST CODE WHICH SUPERSEDES ALL PRIOR
CONFLICT OF INTEREST CODES AND AMENDMENTS PREVIOUSLY
ADOPTED

WHEREAS, the Political Reform Act of 1974, Government Code §§ 81000 *et seq.*, requires every state or local government agency to adopt and promulgate a Conflict of Interest Code and to amend the same on a regular basis; and

WHEREAS, the City of Cypress has previously adopted a Conflict of Interest Code, and that Code now requires amendment; and

WHEREAS, the Fair Political Practices Commission ("FPPC") has adopted Regulation 18730, of the California Code of Regulations (2 Cal. Code of Regulations, § 18730), which contains the terms of a standard or model conflict of interest code, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission pursuant to the Administrative Procedure Act; and

WHEREAS, incorporation by reference of the terms of the aforementioned regulation and amendments to it will help clarify the Conflict of Interest Code requirements and make compliance with such Code easier.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CYPRESS, AND ACTING AS THE EX-OFFICIO GOVERNING BOARD OF DIRECTORS OF THE CYPRESS RECREATION AND PARK DISTRICT, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The attached Conflict of Interest Code incorporating by reference the terms of Regulation 18730 of the California Code of Regulations, and any amendments to it duly adopted by the Fair Political Practices Commission and the attached Appendices "A" and "B" in which officials and employees are designated and disclosure categories are set forth are hereby incorporated by reference and constitute the Conflict of Interest Code for the City of Cypress, California.

SECTION 2. Persons holding designated positions shall file Statements of Economic Interests pursuant to said Conflict of Interest Code.

SECTION 3. The provisions of all Conflict of Interest Codes and amendments thereto previously adopted for the City of Cypress are hereby superseded.

SECTION 4. The provisions of this Conflict of Interest Code will become effective upon approval of the City Council of the City of Cypress, and ex-officio governing Board of Directors of the Cypress, Recreation and Park District.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cypress, and ex-officio governing Board of Directors of the Cypress Recreation and Park District, at a regular meeting held on the 26th day of September, 2022.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS

I, ALISHA FARNELL, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the said City Council held on the 26th day of September, 2022, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

CITY CLERK OF THE CITY OF CYPRESS

CONFLICT OF INTEREST CODE
OF THE CITY OF CYPRESS AND THE
CYPRESS RECREATION AND PARK DISTRICT

The Political Reform Act (Government Code §§ 87100 *et seq.*) requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a Regulation 18730 that contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference in an agency's code. After public notice and hearing, Regulation 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, Regulation 18730 (2 Cal. Code of Regs. § 18730), and any amendments to it duly adopted by the Fair Political Practices Commission, is hereby incorporated Regulation 18730 reference. This policy administrative regulation and exhibit designating officials and employees shall constitute the Conflict of Interest Code of the City of Cypress and the Cypress Recreation and Park District.

Designated employees and individuals shall file statements of economic interests with this agency. Upon receipt of the statements of the City Council, City Manager, City Attorney, and City Treasurer, who are required to file statements of economic interests under Government Code § 87200, this agency shall make and retain copies and forward the originals of these statements to the Fair Political Practices Commission. Statements for all other designated employees, Assistant City Attorneys, and City Commissioners will be retained by this agency.

Designated employees and individuals who shall file statements of economic interests with this agency are so designated in Appendix "A."

Legal Reference:

EDUCATION CODE

1006 Prohibitions applicable to specified officers

GOVERNMENT CODE

1090-1097 Prohibitions applicable to specified officers

1125-1128 Incompatible activities

82028 Definitions "Gifts"

82030 Definitions "Income"

82033 Definitions "Interest in real property"

87100-87103.5 Conflicts of Interest

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

91000-91015 Enforcement

CODE OF REGULATIONS, TITLE 2

18100 *et seq.* Regulations of the Fair Political Practices Commission

69 OPS. CAL. ATTY. GEN 225 (1986)

APPENDIX “A”

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant City Attorney	1,2,3,4,5,6
Building Official*	1,2,3,4,5,6
Chief of Police	1,2,3,4,5,6
City Attorney	1,2,3,4,5,6
City Clerk	1,2,3,4,5,6
City Council	1,2,3,4,5,6
City Engineer	1,2,3,4,5,6
City Manager	1,2,3,4,5,6
City Planner	1,2,3,4,5,6
City Treasurer/Director of Finance and Administrative Services.....	1,2,3,4,5,6
Consultants*	1,2,3,4,5,6
Deputy City Attorney.....	1,2,3,4,5,6
Director of Community Development/Planning	1,2,3,4,5,6
Director of Public Works	1,2,3,4,5,6
Director of Recreation and Community Services	1,2,3,4,5,6
Finance Manager/Assistant Director of Finance and Administrative Services	1,2,3,4,5,6
Human Resources Administrator	1,2,3,4,5,6
Information Technology Manager	1,2,3,4,5,6
Maintenance Superintendent.....	1,2,3,4,5,6
Members of all City Commissions, Boards, and Committees	1,2,3,4,5,6

Police Captain	1,2,3,4,5,6
Recreation and Community Services Manager	1,2,3,4,5,6
Police Lieutenant	1,2,3,4,5,6
Senior Management Analyst.....	1,2,3,4,5,6

*Consultants shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitations: The City Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this Section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

APPENDIX “B”

DISCLOSURE CATEGORIES

Designated Employees in Disclosure Category 1 Must Report:

All interest in real property, as defined in Government Code § 82033, within the jurisdiction. Real property shall be deemed to be within the jurisdiction of the property or any part of it is located within or not more than two miles outside the boundaries of the City of Cypress, or within two miles of any land owned or used by the City of Cypress. No disclosure need be made concerning the principal residence of the designated employee.

Designated Employees in Disclosure Category 2 Must Report:

All investments, as defined in Government Code § 87034. Financial interests are reportable only if located within or subject to the jurisdiction of the City of Cypress, or if the business entity is doing business or planning to do business in the City of Cypress, or has done business within the City of Cypress at any time during the two years prior to the filing of the statement.

Designated Employees in Disclosure Category 3 Must Report:

All income, as defined in Government Code § 82030, from any source located or doing business within the jurisdiction or expecting to do business within the jurisdiction. Income received from a public agency need not be disclosed.

Designated Employees in Disclosure Category 4 Must Report:

Employees whose duties involve contracting or purchasing:

Contracts or makes purchases for the entire City: Investments and business positions in business entities and sources of income, which provide services, supplies, materials, machinery or equipment of the type utilized by the City of Cypress.

Contracts or makes purchases for specific department: Investments and business positions in business entities and sources of income, which provide services, supplies materials, machinery or equipment of the type utilized by the designated employee's department or division.

Designated Employees in Disclosure Category 5 Must Report: Investments and business positions in business entities, and sources of income, which engage in land development, construction or the acquisition or sale of real property, and all interests in real property.

Designated Employees in Disclosure Category 6 Must Report: All investments and business positions in business entities, and sources of income, which are subject to the regulatory, permit or licensing authority of the City of Cypress.

2022 Local Agency Biennial Notice

Name of Agency: City of Cypress/Cypress Recreation and Park District

Mailing Address: 5275 Orange Avenue, Cypress, CA 90630

Contact Person: Alisha Farnell, City Clerk Phone No. (714) 229-6685

Email: afarnell@cypressca.org Alternate Email: cityclerk@cypressca.org

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

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

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

(*Check all that apply.*)

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

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

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

Verification (to be completed if no amendment is required)

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

Signature of Chief Executive Officer

Date

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

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories

are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$470.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$470 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected

officer has been elected or over which that elected officer's agency has direction and control.

This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of \$100 or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

- 1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
- 2. A loan that would otherwise not be a gift as defined in this title.
- 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
- 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
- 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$470 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be

made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District,

nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of*

Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations.

Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision,

April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

9.

FROM: Mark Lauderback, Chief of Police

DATE: 09/26/2022

SUBJECT: Approve an Appropriations Increase Associated with the 800 Megahertz Countywide Coordinated Communications System

RECOMMENDATION

Approve an appropriations increase of \$35,213 in the General Fund to provide for the City's FY 2022-23 share of costs for the Orange County 800 Megahertz Countywide Coordinated Communications System.

DISCUSSION

The 800 MHz Countywide Coordinated Communication System is Orange County's public safety radio system which provides communication services to all city and county law enforcement, fire services, public works and lifeguard/marine safety departments. The County system is the only radio system option available to agencies in Orange County.

A partnership agreement between the County and participating agencies has been in place for over 20 years and in 2021, a new Joint Agreement for the implementation and operation of the system was approved by all participating agencies. The Joint Agreement allocates costs based on the number of radios in use for each agency and the County initially estimated the annual cost to the City would be \$53,166 for FY 2022-23. In July, the County notified Cypress that the actual FY 2022-23 costs would be \$88,379. Notification was received after budget adoption, resulting in an appropriation shortfall in the Police Department's budget.

BUDGET IMPACT

Sufficient amounts are available in the unassigned fund balance of the General Fund for the \$35,213 additional appropriation and future budgets will incorporate the County's revised cost allocation plan.

LEGAL REVIEW

None required.

APPROVED BY:

Peter Grant, City Manager

Attachments

2021 800 Mhz Countywide Agreement

JOINT AGREEMENT
FOR THE OPERATION, MAINTENANCE AND FINANCIAL MANAGEMENT OF THE ORANGE
COUNTY
800-MEGAHERTZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM

This agreement is entered into on /2021, by and between the executing Partner agencies. This agreement replaces the 2005 Agreement as amended, and to the extent there is a conflict, this Agreement controls.

RECITALS:

Whereas, the Next Generation installation and implementation of the 800 MHz Countywide Coordinated Communications System (800 MHz CCCS) has been completed; and,

Whereas, the original Joint Agreement for the Operation, Operation Maintenance, and Financial Management of the Orange County 800 MHz Countywide Coordinated Communications System was executed September 19, 1995, and related Amendments Nos. 1, 2, 3, 4, 5, and appropriate change orders thereto followed (the "1995 Joint Agreement"), and;

Whereas, a subsequent Joint Agreement for the Operation, Operation Maintenance, and Financial Management of the Orange County 800 MHz Countywide Coordinated Communications System was executed in November 2005, and related Amendments Nos. 1 and appropriate change orders thereto followed (the "2005 Joint Agreement"), thereby superseding the original 1995 Joint Agreement, and;

Whereas, the Partner agencies now desire to execute a new Joint Agreement (the "2021 Joint Agreement") to supersede all previous Joint Agreements; and,

Now, therefore, in consideration of the mutual covenants, conditions, agreements, and stipulations hereinafter expressed, the Partner agencies hereby agree as follows:

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1.0 GENERAL

1.1 System

The 800 MHz Countywide Coordinated Communications System (800 MHz CCCS) will be referred to as the “System.” The System shall be maintained by the Orange County Sheriff-Coroner Department’s Technology Division (hereinafter referred to as “Lead Agency”).

1.2 Definition of Terms

- “System” is defined as a multichannel digital trunked radio communications system enabling interoperability among all participating City and County law, fire, public works, and lifeguard/marine safety departments. The System components also include transmitting /receiving sites, microwave networks, IP networks, dispatch consoles, control stations, and field equipment (mobile and portable radios).
- “Governance Committee” is established by the Board of Supervisors and Partner Agencies to the Joint Agreement to facilitate the operation, maintenance, and financial management of the system. The Governance Committee is comprised of nine (9) members as identified in the Governance Committee Bylaws, attached hereto as Attachment A.
- “Governing Authorities” are the City Councils, the Orange County Board of Supervisors, and the Orange County Fire Authority Board of the Partner Agencies, responsible for approving certain substantive modifications or amendments to this agreement where such approval authority has not been expressly delegated to the Governance Committee.
- “Law Enforcement Agency” is defined as all governmental Law Enforcement Agencies operating primarily within the limits of Orange County, including, but not limited to: Orange County Sheriff-Coroner Department, Orange County City Police Departments, Orange County District Attorney’s Office, and Orange County Probation Department.
- “Lead Agency” is designated to be the Orange County Sheriff’s Department (OCSD) Technology Division that will be responsible to manage, maintain, and enhance the System and its respective Standard Operating Procedures (SOP).
- “Marine Safety” is defined as and shall include all governmental and private lifeguard agencies operating primarily within the limits of Orange County.

- “Member Agency” is defined as an agency authorized by the Governance Committee to use the System. Members include the Lead Agency and Partner Agencies.
- “Mobile Radio” is defined as two-way radio equipment installed in a vehicle to provide communications for the vehicle operator.
- “Mutual Aid Provider” is any governmental organization not otherwise defined in this Agreement that will provide short term assistance across jurisdictional boundaries during an emergency or planned event that exceeds local resources. Mutual aid use of the System will be restricted to the timeframe of the mutual aid incident.
- “New Partner Agency” are Partner Agencies added after the adoption of this Joint Agreement.
- “Parties” are all those entities that are authorized users of the System and have signed this agreement.
- “Partner Agency” are authorized subscribers to the system who agree to share in the System Operational Costs to administer, maintain, and upgrade the technology by providing recurring rate schedule payments.
- “Portable Radio” is a two-way radio equipment that is rechargeable, and handheld or belt carried.
- “Radio Site” is defined as a location, which consists of a building, systems within the building, and a tower.
- “Sponsored Agency” is any agency approved to use the System under sponsorship of a Partner Agency.
- “Sponsoring Partner Agency” is a Partner Agency that wishes to sponsor a Sponsored Agency.
- “Subscriber Unit” is defined as the subscriber radios and other devices that utilize the System. This includes dispatch operator positions, mobile radios, portable radios, cellular based devices and any other device that allows a user to communicate over the System.
- “System infrastructure” is defined as all associated radio and support equipment required to establish a radio network on which user radios can operate to communicate throughout the County of Orange. System infrastructure includes, but is not limited to, servers, switches, routers, data lines, base station radios, microwave technology, and firewalls.
- “System Operational Costs” are the expenses required to administer, maintain, and update the System.

- “System Modification” is any change in operational procedure or technology that requires alteration to the System.
- “System Subscriber Equipment” is defined as all equipment used to support user access to the System including Subscriber Units and other supporting equipment such as dispatch center console equipment, antennas, batteries, etc.
- “System User” is defined as an individual or agency authorized to access the System.
- “System Watch Network Operation Center” is a Lead Agency staffed support center responsible for the 24/7 support of the System. This includes but not limited to, live monitoring, notifications, troubleshooting, callouts, and repair.
- “Talkgroups” are used to identify groups of users who communicate together on a trunked radio system.

1.3 Amendment Process

The Governance Committee is authorized to make future updates, amendments, or modifications to the Agreement and its attachments without further action of the Governing Authorities, so long as the updates, amendments, or modifications to the Agreement and its attachments would result in minor, non-substantive changes that do not create or increase the financial obligations of the Partner Agencies. Where the Governance Committee is authorized to make such updates, amendments, or modification, such delegated authority shall be expressly granted in this agreement.

This agreement may also be amended or modified by the consent of all of the Governing Authorities representing the Partner Agencies.

1.4 Liability

Each Party of this Agreement (the “Indemnitor”) shall indemnify, defend, and hold all other Parties, and their agents and employees (the “Indemnitees”) harmless from all claims, liabilities, damages, and losses to the Indemnitees arising out of any acts or omissions of itself and its agents and employees in connection with the performance of this agreement which acts or omissions constitute gross negligence.

1.5 Withdrawal from System

Any Party may withdraw from this Agreement by serving written notice to the Governance Committee of their intent to withdraw. Due to the cost distribution model used to fund the operation of the System, any Party withdrawing from this Agreement will financially impact the remaining Parties. As such, Parties wishing to withdraw from this Agreement shall do the following:

- 1) Withdrawing Party provides written notice twelve months prior of withdrawal after meeting its financial obligations under this agreement.

- 2) Withdrawing Party will attend the Governance Committee meeting following their submittal to discuss withdrawal process.
- 3) Withdrawing Party will work with the Lead Agency to effect the withdrawal.
- 4) Withdrawing Party will make all Operational Cost payment obligations for the full fiscal year of the withdrawal.
- 5) Withdrawing Party will be responsible for all Lead Agency Costs associated with the withdrawal process.

Withdrawing Party will not be responsible for any financial obligations assumed by the other Partner agencies subsequent to withdrawal and upon fulfillment of existing financial obligations. Similarly, it is understood that the County of Orange has ownership of the System and certain sites as well as FCC licenses presently issued to the County, and upon any withdrawal by any Parties to the Agreement, any and all right, title, and interests in the System, those sites and FCC licenses shall remain with the County. Should the County of Orange wish to withdraw, an orderly transition to the remaining Parties must be affected.

2.0 GOVERNANCE COMMITTEE

2.1 Governance Committee Authority

The Governance Committee shall be governed in accordance with the Governance Committee Bylaws attached hereto as Attachment A. Any future updated revisions or amendments to the Governance Committee Bylaws shall be deemed adopted by this agreement without further action of the Governing Authorities.

2.2 Governance Committee Member Appointment

The Governance Committee shall be comprised of nine (9) members, as identified below. It will also be responsible for coordinating with their appropriate associations/agencies on issues involving the appropriate Governing Authorities approvals:

- Four City Managers appointed by the Orange County City Managers' Association
- Orange County Chief Executive Officer, or Designee
- Orange County Sheriff-Coroner, or Designee
- Orange County Public Works Deputy Director, or Designee
- Orange County Chief of Police & Sheriffs Association (OCCOPSA) Chief or Designee not from a city currently represented on the governance committee
- Orange County Fire Chiefs Association (OCFCA) Fire Chief or Designee not from a city currently represented on the governance committee

2.3 Governance Committee Purpose

The Governance Committee oversees all aspects of the implementation, operation, and fiscal management of the system, including but not limited to, the following:

- Approving System operational policies
- Addressing System operational issues

- Resolving operational policy or fiscal matter disputes of Partner Agencies.
- Addressing System facilities development
- Reviewing and approving modification and enhancement plans
- Approving contract pricing changes
- Approving Annual System Operational Budget and Cost Sharing Allocations.
- Approving 10 year capital plans and allocation of Reserve Fund for required upgrades.
- Approving New Partner Agencies.
- Approving Sponsored Agencies.

3.0 MEMBERS TO THE SYSTEM

Members are all agencies authorized by the Governance Committee to use the system and who have signed this agreement.

3.1 Lead Agency

The lead agency is designated to be the Orange County Sheriff's Department Technology Division and will manage, maintain, and enhance the system. Lead Agency is responsible for System Administration as outlined in Section 4 below.

3.2 Partner Agencies

Partner Agencies are authorized subscribers to the System who have signed this Joint Agreement or added as New Partner Agencies via the process outlined in 3.2.1 below. Partner agencies agree to share in the System Operational Costs and System Maintenance Costs as outlined in Section 5 below.

3.2.1 New Partner Agencies

Agencies that wish to become an authorized subscriber to the System may be added as a New Partner Agency via the following steps:

- 1) The prospective New Partner Agency submits an official request, in writing, to the Lead Agency requesting to join as a Partner Agency.
- 2) Lead Agency gathers additional information from requesting New Partner Agency to determine the feasibility of the request and the potential impact on the System operation and the existing Members.
- 3) The Lead Agency processes the request to obtain approval.
- 4) Lead Agency presents the request to the Governance Committee along with previous approvals from appropriate Governing Authorities. Governance Committee will determine final approval or denial of the request.
- 5) Once all approvals have been obtained, requesting New Partner Agency will execute a copy of this agreement along with the associated New Partner Agency forms identified in Attachment B.
- 6) The approved New Partner Agency will purchase necessary radio equipment and arrange to pay associated New Partner Agency costs described in in 5.2 below.

3.2.2 Sponsored Agencies

Partner Agencies may, with Lead Agency review and Governance Committee Approval, sponsor non-partner agencies to participate in the system.

3.2.2.1 Sponsored Agencies Approval Process:

- 1) Sponsoring Partner Agency submits to the Lead Agency an official written request to add a Sponsored Agency.
- 2) Lead Agency gathers relevant information from Sponsoring Partner Agency to determine the feasibility of the request and the potential impact on the System Operation and the existing Members.
- 3) Lead Agency reviews all available information to determine the feasibility of the request to add the Sponsored Agency. Lead Agency shall work with the Sponsoring Partner Agency to determine the additional costs to the Sponsoring Partner Agency.
- 4). Lead Agency presents the request to the Governance Committee at a Governance Committee Meeting. Governance Committee shall approve or deny the addition of the Sponsored Agency.

3.2.2.2 Sponsored Agency Access and Limitations

Sponsored Agencies are only allowed access to use the common talkgroups/channels and select agency specific talkgroups/channels of the sponsoring Partner Agency, as recommended by the Lead Agency and approved by the Governance Committee. Sponsored Agencies do not have a role in defining the operation of the System. The inclusion or exclusion of Sponsored Agencies in the System will be determined by the Governance Committee and will be reviewed annually or as needed. Partner Agencies shall be responsible for any System use by a Sponsored Agency. Sponsored Agencies must use the same common talkgroups as the sponsoring Partner Agency.

3.2.2.3. Sponsored Agency Financial Responsibilities

Sponsored Agency financial responsibilities are outlined in section 5.2.4 below.

3.3 Mutual Aid Agencies

Certain governmental agencies may, with Lead Agency review and Governance Committee Approval, be granted access to the System for the express purpose of providing mutual aid to Partner Agencies. Mutual Aid agencies are limited to and identified within ATTACHMENT C

3.3.1 Mutual Aid Agency Approval Process:

- 1) Any Partner Agency may submit to the Lead Agency an official written request to add a Mutual Aid Agency.

2) Lead Agency gathers relevant information to determine the feasibility of the request and the potential benefit to existing Partner Agencies and overall public safety in Orange County.

4) Lead Agency presents the request to the Governance Committee at a Governance Committee meeting. The Governance Committee shall approve or disapprove the addition of the Mutual Aid Agency.

3.3.2 Mutual Aid Agency Access and Limitations

Mutual Aid Agencies are only allowed access to use the common talkgroups/channels and the mutual aid channels associated with other systems that are included in our radio programming. Mutual Aid Agency use of the System is restricted to the actual duration of a mutual aid incident. Mutual Aid Agencies do not have a role in defining the operation of the System. The inclusion or exclusion of Mutual Aid Agencies in the System will be determined by the Governance Committee and will be reviewed annually or as needed.

3.3.3 Mutual Aid Agency Financial Responsibilities

Mutual Aid Agency financial responsibilities are outlined in section 5.2.5 below.

4.0 SYSTEM ADMINISTRATION

The Lead Agency shall have the authority and responsibility to maintain the proper operation of the System. The Lead Agency shall be responsible for maintaining, managing, and operating the System, which includes staffing the System Watch Network Operations Center on a continual basis (e.g., 24x7x365), assuring the seamless operation of the System.

4.1 System Equipment

The Lead Agency shall approve and evaluate all equipment and new technology for use with the system to ensure that it meets the requisite technical standards and requirements. Approved equipment must meet the standards set by the Federal Communication Commission as well as any Federal, State, and Local Laws.

4.2 System Subscriber Equipment

Each Member Agency is responsible for the maintenance, management, and operation of its System Subscriber Equipment. A Member Agency may establish a System Subscriber Equipment maintenance contract with the Lead Agency.

Prior to making any modifications to System Subscriber Equipment, including but not limited to adding radios or alteration to dispatch center equipment, Member Agencies must request such modifications to be reviewed and approved by the Lead Agency as outlined in section 4.4.

4.3 Dispatch Centers

Member Agencies may operate their own Dispatch Centers at their discretion. Individual Member Agencies that manage their own Dispatch Centers shall be responsible for the day to day maintenance, management, and operation of those Dispatch Centers, equipment and associated facilities. Day to day dispatch operations and protocols shall be left to the individual Members

Agencies. The Lead Agency will not be responsible for the maintenance or management of Members Agencies' individual Dispatch Centers unless a Member User contracts with the Lead Agency for maintenance, management, or operations.

4.3.1 Dispatch Center Equipment

Dispatch Center Equipment must meet the technical standards as outlined in Section 4.1.

4.3.1.1 Dispatch Center Required Equipment Upgrades

The Governance Committee may mandate equipment upgrades for Member Agencies Dispatch Center Equipment. If the Governance Committee mandates an Equipment Upgrade to Members Agencies' Dispatch Center Equipment, then the Members Agencies must upgrade their equipment as directed by the Governance Committee.

4.3.1.2 Dispatch Center Non-Required Equipment Upgrades

Members Agencies may upgrade their Dispatch Center equipment and associated facilities at their own cost without coordination with the Lead Agency so long as the upgrade will not adversely affect the System itself. However, Member Agencies must coordinate with the Lead Agency as outlined in the System Modifications section 4.4, below, when upgrading or modifying any Dispatch Center equipment vital to the operation of the System. Dispatch Center Equipment modification requiring coordination with the Lead Agency includes, but is not limited to: computer equipment, software, consoles, routers, switches, gateways, firewalls, control stations, and antenna systems.

4.4 System Modifications

The System will require occasional routine modifications, which shall be conducted as outlined in this section.

4.4.1 System Modifications requiring Governance Committee Approval

The following System Modifications require the pre-approval of the Governance Committee, as outlined in the Governance Committee By-Laws:

- A. Addition of any New Member Agencies to the System.
- B. Any modification that adds a financial burden shared by the Member Agencies.
- C. Any modification that would affect a System User other than the requesting Member Agency.

The Lead Agency is required to provide a report and recommendation to the Governance Committee on any proposed System Modification that requires Governance Committee approval. The Lead Agency report and recommendation must provide a financial analysis of the System Modification, if appropriate, and an estimated timeline to complete the System Modification.

The Lead Agency is responsible for implementing any Governance Committee approved modification.

4.4.2 System Modification by Lead Agency

The Lead Agency is authorized to perform System Modifications, as necessary. The Lead Agency has the discretion to implement System Modifications without prior Governance Committee Approval, so long as the modification does not require Governance Committee approval as listed in Section 4.4.1 of this agreement, and does not cause unanticipated or unbudgeted costs to Member Agencies.

4.4.3 System Modifications requested by Partners Agencies

Partner Agencies may request system modifications. System Modification requests from Partner Agencies must be submitted in writing to the Lead Agency for review and approval.

If the Lead Agency grants a Partner Agency modification request, and the request does not require Governance Committee Approval as outlined in Section 4.4.1, then the Lead Agency shall provide the Partner Agency with a formal approval, including all costs of the requested modification. If a Member Agency agrees with the official permission, the Member Agency may request the Lead Agency to implement the System Modification. Any and all costs associated with implementing the System Modification will be the sole responsibility of the System User requesting the modification.

If a Member Agency modification request requires Governance Committee approval per Section 4.4.1 above, then the Lead Agency and the Member Agency requesting the modification shall present the modification request to the Governance Committee for approval. The modification request shall include the reason for the modification, the Lead Agency's recommendation and cost analysis of implementing the modification.

4.4.4 Appeal of Modification Request Denial

If the Lead Agency denies a Member Agency's modification request, the Lead Agency shall provide the Member Agency, in writing, the reasons for the denial. Members Agencies may submit a written appeal of the decision of the Lead Agency to the Governance Committee within 90 days of the denial notification. The Lead Agency will ensure the appeal is added to the next Governance Committee meeting agenda for action.

4.4.5 Notification of System Modifications to Governance Committee

Lead agency is required to provide a list of implemented, pending and requested System Modifications at each Governance Committee Meeting.

4.5 Security

The Lead agency has in place a Security Plan for the System (Attached as Attachment D.) Member Agencies and System Users are required to protect the security of the System as set forth in the Security Plan.

System Users are required to contact System Watch for any actual or potential security breach to the System as soon as the actual or potential security threat is known. The Lead Agency must evaluate any reported security breaches and is authorized to implement measures to remediate the

security breach. If appropriate, the Lead Agency shall inform the Governance Committee of any reported breach and steps taken to remediate.

4.6 Maintenance & Service Contracts

Within approved and adopted budget, the Lead Agency is authorized to enter into contracts with vendors as needed for the ongoing execution of this agreement. Such contracts include, but are not limited to, the purchase or lease of equipment, installation of equipment, service and/or maintenance of equipment, and System upgrades. All contracts shall comply with applicable law and purchasing policies and guidelines. Appropriate shared costs will be included in System Operational Costs cost-sharing allocations. The Lead Agency shall negotiate and enter into contracts with vendors as intended in this agreement and shall make payments due and payable under such contracts on behalf of the parties.

The Lead Agency will serve as an administrative liaison between the other Member Agencies and the contracted vendors.

4.7 System Standard Operating Procedures

The Lead Agency is responsible for the development and maintenance of the Standard Operating Procedures ("SOP") (Attachment E) for the system. The Lead Agency shall coordinate with System Users, including but not limited to Law Enforcement, Fire Services, Marine Safety, and Public Works in developing and updating the SOP. The SOP, and any amendments to the SOP, must be approved by the Governance Committee. All Member Agencies must follow the SOP and any amendments to the SOP once approved by the Governance Committee.

4.8 Partner Agency Operational Policies and Procedures

Member Agencies must inform the Lead Agency of any changes to their operational policy or procedures, in writing and prior to any implementation of such changes, if the change of operational policy or procedure affects or may affect the System. The Lead Agency will work with Member Agencies to ensure that operational policies and procedures are compatible with the System. The Lead Agency shall work collaboratively with Member Agencies to settle any disputes regarding Member Agency Operational Policies and Procedures. The Lead Agency shall bring any dispute to Member Agency Operational Policies and Procedures to the Governance Committee for review and resolution if a dispute cannot be resolved between the Lead Agency and the Member Agency.

5.0 FINANCIAL ADMINISTRATION

5.1 Governance Committee Financial Authority

The Governance Committee shall have the authority to allocate available budgeted funds as they deem appropriate for the operation, maintenance, and management of the system. Governance Committee has the authority to approve the System Operations Budget, set rates and fees, and approve use of the Reserve Fund for necessary expenditures and upgrades. Governance Committee has the authority to approve capital expenditure funding and approved sources of the reserve fund.

5.2 Partner Agencies Financial Obligations

Partner Agencies and New Partner Agencies are responsible for certain financial obligations including, but not limited to, the following.

5.2.1 System Operational Costs

All Partner Agencies shall contribute to the System Operational Costs via the Systems Operations Budget and administered as described in section 5.3 below.

5.2.2 System Entry Fees/Upgrade Fees

Some Partner Agencies must pay System Entry Fees when they enter/register a radio into the System for activation based on the System Entry Fee established by the Governance Committee. The Lead Agency shall submit their recommendation of the System Entry Fees for Governance Committee approval at the same time the System Operations Budget (Section 5.3) is submitted for approval annually.

The System Entry Fees are necessary to recoup/offset costs that were required during the previous System upgrade. Partner Agencies that financially contributed to the previous System Upgrade are not required to pay System Entry Fees. Legacy Partner Agencies that are not required to pay System Entry Fees are listed in attachment C. Partner Agencies not listed in attachment C and any New Partner Agencies are required to pay the System Entry Fee for each radio they add to the System.

System Entry Fees are billed on a per radio basis. The Lead Agency shall invoice the Partner Agency or New Partner Agency for any System Entry Fees at the approved per radio rate when a new radio is entered into the System on behalf of that Partner or New Partner.

System Entry fees shall be deposited into the Reserve Fund as outlined in section 5.6 below.

Over-the-air upgrade programming of radio equipment will not be charged and limited to two annually per Member Agency. Any additional upgrades past the two annually will incur a cost.

5.2.3 Miscellaneous Rates and fees

As stated in 5.1 above, the Governance Committee has authority to set rates and fees as necessary. The Lead Agency may charge Partner Agencies and New Partner Agencies via invoice. Partner Agencies shall pay invoice within thirty (60) days of the date of the invoice.

Governance Committee shall set any Miscellaneous Rates and Fees annually. Lead Agency shall submit their recommendation for Miscellaneous Rates and Fees at the same time they submit the System Operations Budget (Section 5.3) for approval.

5.2.4 Mutual Aid Agencies

Mutual Aid Agencies are not authorized to use the System for day-to-day communications but are limited to use of the System only when providing emergency assistance to Partner Agencies. As such, Mutual Aid Agencies are not included in the System Operations cost share calculations or System Entry Fees. Mutual Aid Agency equipment and programming costs will be the responsibility of the Mutual Aid Agency.

5.2.4 Sponsored Agencies

The sponsoring Partner Agency is responsible for the costs, rates, and fees of any Sponsored Agency it sponsors on the System, unless otherwise approved by the Governance Committee. System Entry Fees per 5.2.2 above shall not apply to System Subscriber equipment for a Sponsored Agency.

5.3 System Operations Budget

The Lead Agency will submit the proposed System Operations Budget for approval to the Governance Committee no later than one hundred and twenty (120) days prior to the beginning of the fiscal year. Governance Committee shall be responsible for approving the System Operation Budget no later than ninety (90) days prior to the fiscal year.

5.3.1 Partner Agency Cost

The Lead Agency shall submit the Partner Agency Cost Share to the Governance Committee along with the System Operations Budget in 5.2 above. The Governance Committee shall be responsible for approving the Partner Agency Cost Share, along with the System Operations Budget.

Partner Agency Cost Share shall be calculated based on the number of Subscriber Units each agency operates on the System as a percentage of the total number of Subscriber Units operating on the System. This will determine the agency's share of the annual System Operations Budget.

5.3.2 Payment Remittance

Partner Agencies are required to remit payments to the Lead Agency for their contribution for use of the System. The Lead Agency shall invoice Partner Agencies quarterly. Lead Agency shall issue invoices no later than thirty (30) days after the beginning of each quarter. Partner Agencies shall pay invoice within thirty (30) days of the date of the invoice.

5.4 Year End Settlement

At the end of each fiscal year, the Lead Agency shall submit a financial review with the actual System Operational Costs from the previous fiscal year to the Governance Committee. The findings of the financial review shall be reported in writing to the Partner Agencies on the system. Thereafter, to the extent there have been contributions made by the Partner Agencies which exceed the actual System Operations Costs, the number of said excess contributions shall be deposited into the Reserve Fund (see 5.5), unless the Governance Committee deems otherwise. In the event of a shortfall, each Partner Agency shall be billed its pro-rata share of the shortfall, which shall be paid in the first quarter payment for the next fiscal year following the fiscal year of the shortfall.

5.5 Ten-Year Plan

The Governance Committee, in conjunction with the Lead Agency, will be responsible for evaluating and planning for future upgrades. Doing so will ensure the continued structural

integrity of System equipment and Sites and any necessary maintenance or repairs, and allocating for unforeseen events which may lead to additional expenses outside of the standard operational costs. Such items will be defined within a Ten-Year Plan, which will be presented to and approved annually by the Governance Committee.

The Lead Agency shall submit an updated Ten-Year Plan to the Governance Committee annually for review and approval.

5.6 Reserve Fund

The Governance Committee shall review and approve a long-term financial plan to ensure funds are available for the System's capital needs as defined in the annually updated Ten-Year Plan, as well as for any unforeseen emergency expenses. A Reserve Fund has been established to ensure adequate funds are available for ongoing maintenance, upgrades, and unforeseen expenses which may arise outside of operational costs.

5.6.1 The Reserve Fund shall be funded in the following manner:

5.6.1.1 Contributions by Partner Agencies

The Partner Agencies are responsible for providing funds for deposit to the Reserve Fund. The Lead Agency shall submit the cost of each Partner Agency along with the Fiscal Year Budget described in section 5.3. The Governance Committee shall approve the Reserve Fund contributions as part of the annual budget review and adoption process.

5.6.1.2 System Entry Fees

All System Entry Fees collected per 5.2.2 of this Agreement shall be deposited into the Reserve Fund.

5.6.1.3 System Operation Budget Surplus

In the event of a System Operation Budget Surplus at the Year-End Settlement, that System Operation Budget Surplus shall be deposited into the Reserve Fund.

5.7 System Modification Cost

Any costs associated with System Modifications shall be addressed as outlined in section 4.4 of this agreement.

IN WITNESS WHEREOF, the Partner agencies hereto have set their hands and seals on the date set forth opposite their respective signatures on identical counterparts of this instrument, each which shall for all purposes be deemed an original thereof.

COUNTY OF ORANGE

By: _____

Board of Supervisors

Dated: _____

Approved As to Form:

County Counsel

APPROVED AS TO FORM


**COUNTY COUNSEL OF
ORANGE COUNTY, CALIFORNIA**

CITY OF: _____

ATTEST:

By: _____

By: _____

City Clerk

Dated: _____

Approved As to Form:

City Attorney

By: _____

Chairman

Dated: _____

ATTEST:

Clerk of the Authority

IN WITNESS WHEREOF, the Partner agencies hereto have set their hands and seals on the date set forth opposite their respective signatures on identical counterparts of this instrument, each which shall for all purposes be deemed an original thereof.

COUNTY OF ORANGE

By: _____
Board of Supervisors

Dated: _____

Approved As to Form:
County Counsel

CITY OF: _____

ATTEST:

By: _____

By: _____

City Clerk

Dated: _____

Approved As to Form:
City Attorney

By: _____

Chairman

Dated: _____

ATTEST:

Clerk of the Authority

ORANGE COUNTY AGENCY

APPROVED AS TO FORM:

By: _____
 Authority Counsel

Dated: _____

By: _____
 Chairman

Dated: _____

ATTEST:

 Clerk of the Authority

ATTEST:

 Clerk of the Authority

APPROVED AS TO FORM:

By: _____
 Authority Counsel

Dated: _____

APPROVED AS TO FORM:

By: _____
 Authority Counsel

Dated: _____

**BYLAWS
800 MHz GOVERNANCE COMMITTEE**

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Article 1 Name

Section 1. The name of this body is the 800 MHz GOVERNANCE COMMITTEE, hereinafter referred to as the "Governance Committee."

Article 2. Purpose and Authority

Section 1. It is the purpose of the Committee to oversee implementation and operation of the 800 MHz Countywide Coordinated Communications System (the "System"), including Member Agency compliance with payment schedules, addressing operational issues affecting System operation and site development, reviewing and approving conversion, modification and enhancement plans, approving contract pricing changes, resolving disputes between Member Agencies, operational and fiscal matters necessary for the operation and maintenance of the System, and performing any other responsibilities required to implement the Joint Agreement. The Governance Committee shall be responsible for approving the 800 MHz Project System Operations Budget operating and Reserve Fund that are jointly funded by the Parties to the Joint Agreement.

Section 2. The Governance Committee was established November 23, 2004, and amended June 2, 2015, by the Orange County Board of Supervisors (the "Board") and Parties to the Joint Agreement to facilitate the operation, maintenance and financial management of the 800 MHz CCCS.

Section 3. This Governance Committee will operate under the revised Board authorization of the re-written Joint Agreement to facilitate the operation, maintenance, and financial management of the 800 MHz CCCS established on _____

Article 3. General Operating Mandated Regulations and Statutes

Section 1. The Governance Committee must adhere to all local, state and federal regulations and statutes that may, from time to time, apply.

Section 2. The Committee shall be subject to the provisions of The Brown Act (commencing with Section 54950 of the Government Code) relating to public meetings of local governmental advisory boards.

Section 3. The Governance Committee must comply with the County's non-discrimination and zero tolerance sexual harassment policies.

Section 4. The Governance Committee must comply with the County's Code of Ethics, which outlines the County's clear expectations for behavior in relation to the members' duties as public servants.

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800 MHz GOVERNANCE COMMITTEE

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Section 5. The Governance Committee shall operate strictly within its designated purpose.

Article 4. Membership and Term of Office

Section 1. Appointment. The Committee shall be comprised of nine (9) members, as identified below, and will also be responsible for coordinating with their appropriate associations/agencies on issues involving the appropriate Governing Authorities approvals:

- Four City Managers appointed by the Orange County City Managers' Association
- County Executive Officer, County of Orange, or Designee
- Sheriff-Coroner, or Designee
- Orange County Public Works Resources and Development Management Department Director, or Designee
- Orange County Chief of Police & Sheriffs Association (OCCOPSA) Executive Director, or Designee
- Orange County Fire Chiefs Association (OCFCA) Fire Chief or Designee

Each member must designate and name an alternate as a voting member if member cannot attend.

Section 2. Terms. Committee members shall be appointed for a two (2) year term. Members may serve for multiple additional two (2) year terms upon reappointment to each new term in accordance with Article 4, Section 1 above.

Section 3. Removal. The Governance Committee, by majority vote, may remove members of the Committee any time without cause. In addition, if a committee member misses three (3) consecutive Governance Committee meetings (whether regular or special meetings), said Governance Committee member will be deemed automatically removed without further Governance Committee action.

Section 4. Vacancies. A vacancy on the Governance Committee shall be filled by majority vote of the Governance Committee in accordance with Article 4, Section 1 above. Such vacancy should, if possible, be filled within 30 days of vacancy.

Article 5. Meetings

Section 1. Regular meetings shall be held on a quarterly basis. Governance Committee meetings shall be fixed on the first month of each quarter (January, April, July, and

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October) on the fourth Wednesday at 1:30 PM unless a majority of the Committee members determine that an alternate fixed meeting day and time within the designated months is required to maximize member attendance. At least 72-hours prior to a regular meeting, an agenda shall be posted that contains a brief general description of each item to be covered in the meeting.

Section 2. Special meetings may be held on 24-hour public notice, including a binding agenda with brief general description of items to be covered at the meeting. Any special meeting notice must be publicly posted in accordance with all applicable laws and must be received by Committee members at least 24 hours in advance (Government Code Section 54956).

Section 3. A majority five (5) of the members shall constitute a quorum to conduct business.

Section 4. Only Governance Committee members may vote on items on the Agenda and each member may have only one vote.

Section 5. Governance Committee meetings may be rescheduled or canceled in accordance with the Brown Act. Orange County Sheriff Technology staff shall act as the Clerk of the Board for meeting rescheduling purposes.

Article 6. Officers

Section 1. The officers shall consist of a Chairperson and Vice Chairperson. The elected Chairperson shall conduct the meetings.

Section 2. The elected Vice Chairperson shall conduct regular Governance Committee meetings in the absence of the Chairperson; and do everything necessary to assist the Chairperson in related duties. In the event that both the Chairperson and the Vice Chairperson are absent from the same committee meeting, the remaining Governance Committee members present may appoint one of them to be the Chairperson for that meeting.

Section 3. Elections for Chairperson and Vice Chairperson shall be conducted by the full Governance Committee and shall occur in April of each year. The Chairperson shall call for nominations from the Governance Committee members and the Chairperson will initiate a vote. A majority vote of the Committee members present is required for each candidate to be elected as Chairperson and Vice Chairperson.

Article 7. Staffing

Section 1. Orange County Sheriff Technology staff secretary will provide secretarial support to the Governance Committee. Orange County Sheriff Technology staff secretary shall prepare and publish the Committee's agenda for each meeting. Orange County

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Sheriff Technology staff shall call for attendance at the beginning of each meeting, keep the minutes, and perform other clerical duties as appropriate to the position. He/she shall retain the attendance records including the minutes.

Article 8. Compensation

Section 1. Governance Committee members shall receive no compensation for their service.

Article 9. Amendments. Review, Dissolution and Effective Date

Section 1. This Committee will operate as established by the Board of Supervisors on November 23, 2004 and revised by the Board of Supervisors in _____, 2021

Section 2. These Bylaws shall supersede all previous Bylaws and shall become effective on upon the approval of the Board of Supervisors.

Section 3. These Bylaws shall remain in effect until amended, revised or terminated by the Board of Supervisors and Parties to the Joint Agreement.

Section 4. The Board of Supervisors and Parties to the Joint Agreement may make amendments to the Bylaws at any time.

Section 5. This Governance Committee can be terminated at any time, without cause, by action of the Board of Supervisors and Parties to the Joint Agreement.



Project No:
Project Name:
Project Location:

NEW PARTNER AGENCY RIDER TO JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MEGAHERTZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM

This New Partner Agency Rider (“**NPA Rider**”) is entered into on _____, (“**Effective Date**”), by and between _____ (hereinafter referred to as “**NEW PARTNER AGENCY**”) and the Orange County 800 Megahertz Countywide Coordinated Communications System Governance Committee (hereinafter referred to as “**GOVERNANCE COMMITTEE**”). For the purposes of this agreement, the GOVERNANCE COMMITTEE represents the Partners (hereinafter referred to as “**JOINT AGREEMENT PARTNERS**”) of the Joint Agreement for the Operation, Maintenance and Financial Management of the Orange County 800 Megahertz Countywide Coordination Communications System (hereinafter referred to as “**JOINT AGREEMENT**”) (Section 1.4.1 of the JOINT AGREEMENT). GOVERNANCE COMMITTEE and NEW PARTNER AGENCY may be referred to individually herein as a “**Partner**” or collectively as the “**Partners.**”

RECITALS

- I. WHEREAS, JOINT AGREEMENT PARTNERS entered into the JOINT AGREEMENT in 2020; and,
- II. WHEREAS, NEW PARTNER AGENCY, executed a copy of the JOINT AGREEMENT in accordance with Section 3.2.1 of the JOINT AGREEMENT on _____; and,
- III. WHEREAS, NEW PARTNER AGENCY executed a copy of the New Partner Agency Agreement per Section 3.2.1 of the JOINT AGREEMENT on _____; and,
- IV. WHEREAS, Section 2.1, “Governance Committee Authority”, and Section 3.2.1, “Adding New Partner Agencies”, of the JOINT AGREEMENT grants the GOVERNANCE COMMITTEE the authority to enter into a separate agreement with NEW PARTNER AGENCY to establish additional terms, conditions, and costs for entry into the Countywide Coordinated Communications System (the “CCCS”); and,
- V. WHEREAS, the JOINT AGREEMENT in Section 1.4 “Liability” provides for indemnification only between those Partners listed in Exhibit A of the JOINT AGREEMENT (and would not include NEW PARTNER AGENCY); and,
- VI. WHEREAS, Section 1.4.1 of the JOINT AGREEMENT, “New Agency Liability Rider”, grants the GOVERNANCE COMMITTEE the authority to enter into a Liability Rider that shall, for all intents and purposes, make the NEW PARTNER AGENCY, a Partner in Section 1.4.

VII. WHEREAS, the GOVERNANCE COMMITTEE and NEW PARTNER AGENCY now desire to enter into a separate agreement (this NPA Rider) to establish additional terms and conditions by including NEW PARTNER AGENCY in the indemnity provision of the JOINT AGREEMENT per Section 1.4;

NOW THEREFORE, in consideration of the Recitals above, the receipt of which the Partners acknowledge herein, and which are incorporated herein by this reference, and the mutual covenants and agreements hereinafter contained, the GOVERNANCE COMMITTEE and NEW PARTNER AGENCY do hereby agree as follows:

A. NEW PARTNER AGENCY LIABILITY.

NEW PARTNER AGENCY shall now be included as a Partner as stated in Section 1.4 of the JOINT AGREEMENT.

Except as otherwise expressly set forth herein, all terms and conditions contained in the JOINT AGREEMENT, including any amendments/modifications, are hereby incorporated herein by this reference as if fully set forth herein and shall remain in full force and effect.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Partners have executed this New Partner Agency Rider on the day and year first written above.

GOVERNANCE COMMITTEE

By: _____

Date: _____

NEW PARTNER AGENCY

By: _____

Date: _____

A. LEGACY PARTNER AGENCIES – Partner Agencies that financially contributed to the previous System Upgrade:

Aliso Viejo, Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Dana Point, Fountain Valley, Fullerton, Garden Grove, Huntington Beach, Irvine, La Habra, La Palma, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Los Alamitos, Metronet, Mission Viejo, Newport Beach, Orange, Placentia, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Santa Ana, Seal Beach, Stanton, Tustin, Villa Park, West-Comm, Westminster, Yorba Linda, Orange County Fire Authority, CEO, District Attorney, Health Care Agency, John Wayne Airport, Animal Control, OC Lifeguard, OC Parks, OC Waste & Recycling, OC Public Works, Probation, OC Sheriff, Social Services Agency, Orange County Transportation District, Irvine Valley College Police, Santa Ana Unified School District Police, Saddleback College Police

B. MUTUAL AID AGENCIES

ATF, CA State Parks, California Corrections & Rehabilitation, CHP, Downey Fire, Lake Mission Viejo LG, Loaners, Long Beach Fire, Long Beach PD, Los Alamitos Armed Forces Reserve, LA County Fire, LA Sheriff, San Diego Sheriff Aviation, Santa Fe Springs Fire, Signal Hill PD, DOJ, UCI Irvine, US Marshals, USMC Camp Pendleton Fire

**COUNTY OF ORANGE
CALIFORNIA**

800 MHz CCCS
(Countywide Coordinate Communications System)

STANDARD OPERATING PROCEDURES



**PREPARED AND DISTRIBUTED
BY:**

**ORANGE COUNTY
LEAD AGENCY**

January 2021

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1.0 INTRODUCTION

The 800 MHz Countywide Coordinated Communications System (CCCS) Standard Operating Procedures (SOP) provides National Incident Management System (NIMS) compliant procedures that are applicable to multi-agency, multi-discipline, all-hazard responses throughout the County of Orange. This SOP ensures consistent protocols and formalizes the operation and usage of the 800 MHz Radio System (System). This SOP will be utilized by CCCS emergency response and support personnel, communications operational and technical personnel, local/State/Federal government representatives, non-governmental organizations, and other System users as authorized by 800 MHz CCCS Governance Committee.

All System users shall comply with this SOP.

2.0 PURPOSE

The System is an 800 MHz trunked simulcast radio communications system designed to meet the needs of Orange County law enforcement, fire, lifeguard and public works responders and any other authorized users who are supporting these services.

This SOP addresses procedural and operational aspects of the System to include:

- Operational guidelines.
- Technology specifications and requirements.
- Usage guidelines.
- Training and exercises.
- Maintenance and repair.

2.1 Governance

The CCCS is governed by the 800 MHz CCCS Governance Committee which was established November 23, 2004 and amended June 2, 2015, by the Orange County Board of Supervisors and Parties to the Joint Agreement to facilitate the operation, maintenance and financial management of the 800 MHz CCCS. The Governance Committee is comprised of nine members including four City Managers, and designees from the County Executive Officer, Sheriff-Coroner, Public Works Director, Orange County Chiefs' of Police & Sheriff's Association and Orange County Fire Chief's Association. The Governance Committee responsibilities include the establishment and enforcement of these Standard Operating Procedures.

Additional information on the 800 MHz CCCS Governance Committee membership and responsibilities are documented in the 800 MHz CCCS Governance Committee Bylaws.

2.2 Users Group

The 800 MHz CCCS Users Group meetings occur once each quarter. The Users Group meetings allow for the sharing of information from the Lead Agency (Orange County Sheriff's Department Technology Division) regarding the System operations and any upgrade or enhancement projects proposed or in progress. These meetings also allow for Partner Agencies to discuss current concerns or provide input regarding future enhancements. All Partner Agencies are welcome to participate in the quarterly 800 MHz Users Group meetings.

2.3 800 MHz CCCS Radio System

The 800 MHz CCCS Radio System (System) is an advanced digital radio communications system built to the Association of Public-Safety Communications Officials (APCO) Project 25 (P25) digital radio standards. The System utilizes radio frequencies in the 800 MHz radio spectrum under the rules and regulations of the Federal Communications Commission (FCC). The System consists of the following major components:

- Radio Communications sites located throughout the County (towers, equipment shelters, generators & site security).
- Radio infrastructure (transmitters, receivers, combiners, antennas, etc).
- Radio spectrum in the 800 MHz frequency band and microwave radio frequency spectrum.
- Microwave radio links between the radio sites and the Loma Ridge Master Site.
- Subscriber Units (mobile radios, portable radios, control stations, dispatch consoles).
- System Watch Network Operations Center (NOC).

The System is designed to provide 95% portable radio coverage, 95% of the time within the Orange County operating area.

2.4 Eligible Users

The primary purpose for the System is to support Orange County public-safety and local government agencies' day-to-day operations by providing dependable, interoperable radio communication. Orange County public safety and local government agencies as well as applicable State and Federal government agencies may be eligible for access to the System. System access will be determined by the 800 MHz CCCS Governance Committee in compliance with the 800 MHz CCCS Joint Agreement and with consideration of System capacity.

2.5 Acceptable Usage/Radio Discipline

All System users shall follow these policies.

The System is to be used for day-to-day operations, emergency response calls, incidents, missions and disasters. The System may also be utilized for planned events, training and exercises with consideration of channel capacity and available talkgroups.

This policy clearly defines the discipline for agencies and individuals to follow when using radios on the System. Each Agency is responsible for ensuring their users adhere to proper radio discipline.

Misuse of the System shall be reported to the Lead Agency Director to handle directly with the Department Head of the agency involved. The reporting party's contact information should be provided in the notification. No profanity, playing music, personal conversations or activities not directly related to agency business will be permitted on the System.

All agencies and individuals shall utilize these communications resources professionally and keep radio conversations as concise as possible.

All agencies and individuals utilizing the System must abide by all FCC regulations as stated in Title 47 Part 90 Land Mobile Communications.

3.0 SCOPE

This SOP applies to the operational, technical and usage aspects of the System. It is therefore applicable to any user of the System, and applies to government agencies at the local, County, State and Federal levels, as well as authorized non-government users.

3.1 SOP Approval

This SOP and subsequent revisions require approval of the 800 MHz CCCS Governance Committee after review by the Lead Agency.

3.2 SOP Change Process

Annual Review Requirement

The SOP will be reviewed on an annual basis to assess the need for updates or revisions. The Lead Agency Director or designee will be assigned the task of reviewing the SOP, identifying applicable updates, and submitting a draft of the revised SOP for Governance Committee approval.

Operational Context

The 800 MHz CCCS Governance Committee is charged with approving standards, protocols and procedures for optimal operations between and among the users of the System.

Submitting Change Requests

Requests to delete, add, and/or change adopted standards, policies and/or procedures may be submitted in writing to the Governance Committee at any time. If the requested change is time critical, the Governance Committee may direct a request for immediate consideration to the Lead Agency Director.

Change Request Contents

A written request for any change to the SOP submitted to the Governance Committee shall include:

- A full description of the deletion, addition, or change including section and subsection references.
- The reason for the change (including the potential consequences if the request is not approved).

- A preliminary assessment of impact on other System users and an estimate of associated costs, if any.

The Governance Committee may direct the Lead Agency Director to conduct an assessment to address:

- Technical impact to current and future System performance including which system or subsystems will be or may be affected.
- Operational impact to current and future system performance including effects on System capacity and determination of those systems or subsystems that will be or may be affected.
- Degree of conformance with Governance Committee approved plans and standards.
- Cost impact to current participants.
- Potential alternatives.

The Lead Agency Director shall forward the completed assessment to the Governance Committee along with recommendations including strategies to mitigate negative impacts, if appropriate.

The Governance Committee shall notify all agencies of all requests along with potential impact and invite their comments.

The Governance Committee will approve, deny, or modify the requested SOP change.

If approved, the Governance Committee will incorporate the applicable SOP modifications and inform System users.

Management of Change Process

The Governance Committee Chair will manage this process.

4.0 RADIO SYSTEM MANAGEMENT

4.1 Radio System Architecture

The System is an advanced digital radio communications system built to the Association of Public-Safety Communications Officials (APCO) Project 25 (P25) digital radio standards. The P25 System is a standards based system, and different vendor subscriber radios may be able to access and use it. Due to manufacturer differences outside of the defined P25 standard, not all manufacturer radio features may work with the System. Some radios may interact differently with the existing infrastructure and can potentially exhibit undesirable operational characteristics.

As a result, the following procedures must be followed:

- All manufacturer's radios must be tested and approved by the Lead Agency prior to being used on the System.
- A listing of tested and approved radio models will be maintained by the Lead Agency.

Operational Context

The System is dedicated primarily to public safety agencies, the agencies that support public safety and public utility and service agencies.

Protocol / Standard

The System utilizes the APCO Project 25 Phase 1 digital radio standard for the voice and control channels. The microwave radio system is a digital system that adheres to Telecommunications Industry Association (TIA) / Electronic Industry Alliance (EIA) standards.

4.2 Radio System Management

The Lead Agency is responsible for System administration and the day-to-day management, operation and oversight of the System and for the maintenance of this SOP. While their specific duties are not detailed in this document, their general duties include:

- Monitoring the System and components for normal operations.
- Diagnosing System performance, problems, and developing corrective action recommendations.
- Dispatching appropriate repair services in the event of a malfunction of System equipment.
- Managing the database elements, including subscriber IDs, talkgroup IDs, and the various parameters that relate to their effective operation.
- Working with all agencies and their technical staff to diagnose and resolve problems that involve radio operations, maintenance or repair of the equipment.
- Serving as the point of contact (POC) with equipment manufacturers for issues related to the radio System.
- Providing timely information to System users on issues that arise, or repair/maintenance issues related to System equipment that would affect normal radio operations.
- Monitoring System databases for normal operations and conducting regular database backups.
- Programming of all subscriber radios and dispatch consoles with System access.
- Encryption management including managing and maintaining encryption keyloaders.

The Lead Agency makes decisions on issues related to the day-to-day operation of the System and addresses urgent or emergency operational, maintenance, or repair decisions.

An urgent or emergency situation is one where immediate decision authority is needed to allow the System as a whole, or any of the subsystem components, to continue supporting normal wide-area voice communications services. It is recognized that Lead Agency may have to obtain authorizations from the CCCS Governance Committee to make longer-term or non-emergency capital or repair expenditure decisions.

Due to the complexity and distributed administration and maintenance of the System, problems can typically occur when changes are made to hardware or software. In order to keep all System users informed of any updates, notifications will be sent to all dispatch centers and designated User Agency contacts when the following actions occur:

- Planned maintenance work is being performed on the System that will impact performance or System operations
- Equipment malfunctions or failures that affect System performance or operation
- Configuration changes in equipment or software by any user agency that may impact operations of any other agency

4.3 Network Management

Purpose or Objective

Defines the responsibilities for network management.

Technical Background

The System is comprised of, but not limited to, channel banks, hubs, switches, routers, servers, local area networks, and wide area network links connecting sites together. The network sites are interconnected by usage of microwave radio equipment, fiber, Ethernet or telecom T1 circuits. The radio network is monitored with network management tools provided by the equipment manufacturers and/or other vendors.

The radio System architecture is primarily constructed around the APCO Project 25 standard. The microwave system is composed of industry standard equipment, which also provides flexibility and a large variety of management and diagnostic tools.

The System network is complex. Unusual problems may be difficult to identify and resolve. System documentation shall be kept up to date or it will lose its value in supporting the System network.

The System is protected from all other agency data networks to manage the security and functionality of the System. If there is a connection to another data network, it shall be through a manufacturer specified and configured firewall, and approved by the Lead Agency.

Operational Context

The components of the System are considered as "owned" by the Partnership with responsibility for maintenance of the sites and equipment delegated to the Lead Agency by the authority of the 800 MHz CCCS Governance Committee and the 800 MHz CCCS Joint Agreement. Any required maintenance contractor agreements will be negotiated by the Lead Agency and presented to the 800 MHz CCCS Governance Committee for approval.

The backbone of the System is structured on an integrated network. Any infrastructure hardware and software upgrades or changes that may impact the System require reasonable discussion, approval and oversight by the Lead Agency, and the 800 MHz CCCS Governance Committee.

All maintenance work being scheduled that may affect System performance is preceded by reasonable and appropriate notification to the user agencies.

The configurations for each of the components of the System are documented primarily for the purpose of maintenance, but also affect future planning. The manufacturer provides the original 'as-built' documentation.

The other defined standards for maintenance, documentation, notification, changes, security, and training also pertain to the network portion of the System.

Procedure

The methods for performing detailed System operations are defined in the technical resource manuals and training documentation for the System. The technical resource manuals are classified as 'Restricted Information' and are not available to the general public except by formal written request approved by the 800 MHz CCCS Governance Committee, the Lead Agency and County Counsel.

Management

The Lead Agency is responsible for managing the System network.

4.4 Advanced System Keys

Purpose or Objective

To outline the procedures for the production, and usage of both the Software and Advanced System Keys (ASK) for the System.

Technical Background

A system key allows for the programming of a radio for use on the System and is used to maintain System security. The System key keeps unauthorized units from gaining access to the System. Most radio equipment manufacturers provide a software based system key unique to each trunked radio system. The System key is required for a radio (subscriber unit) to be programmed so that the radio can be recognized by the System and the user can access the System.

Operational Context

The Lead Agency will maintain and safeguard all Master ASKs, regardless of manufacturer and is responsible for the production and issuing of all secondary keys to authorized users. Manufacturers' radios that do not require a system key will not be approved for operation on the System.

An agency using subscriber radios other than the System manufacturer (Motorola) must acquire and provide to the Lead Agency the manufacturer's Master ASK for the 800 MHz System and all necessary software and key hardware to program secondary keys as needed.

The safeguarding of these keys is paramount and should at all times be treated as restricted, public safety sensitive information with access closely guarded.

Management

The Lead Agency Director is responsible for maintaining the security of and access to the System keys.

4.5 Database Management

Purpose or Objective

Defines the aspects and assignment of responsibilities for managing the System's databases.

Technical Background

The management of the System and subsystem databases is assigned to Lead Agency staff with responsibility for the various aspects of the System operations.

The databases contain information for the System and subsystems defining the operational characteristics of:

- Subscriber Radios
- Radio Users
- Talkgroups
- Profiles for Radio Users and Talkgroups
- System portion of the fleet map programming
- System and Subsystem equipment operational parameters
- Security Group structures
- Login User accounts and privileges

The databases contain the operational personality of the entire System. Because of this critical function, the data must be properly managed for System functionality and archived regularly in case of data loss or corruption.

Operational Context

The System databases are partitioned to facilitate the distributed management of the data contained in them. The database management responsibilities of the Lead Agency include the following:

- The Lead Agency is responsible for maintaining and archiving copies of all radio codeplug data and System databases.
- Database backups are made once per week and are stored "off-site" on a backed-up server in the event of a disaster.
- Database restoration will be performed by trained technical staff and only in the event of System software reloading and version changes, System database corruption, or as defined in the Disaster Recovery Plan.
- Database restoration is performed when a non-critical condition exists and if approved by the Lead Agency Director.
- The Lead Agency notifies agencies of any database issues that adversely impact their normal operations.

Procedure

The methods for performing the database operations are defined in the manufacturer's technical resource manuals. The technical resource manuals are classified as 'Restricted Information' and are not available to the general public except by formal written request to the Lead Agency.

The procedure for this standard is at the discretion of the Lead Agency.

Management

The Lead Agency is responsible for managing the data attributes and is responsible for backing up the System databases.

4.6 Subscriber Radio Inventory/Fleetmap

Purpose or Objective

Establishes the policy to ensure all radios activated on the System are properly accounted for, assigned, and managed.

Technical Background

Each radio operating on the System must be assigned a unique 7-digit IUID number allowing the radio to affiliate and communicate on the System. The System's controller provides individual access to the System for each assigned radio.

Operational Context

The Lead Agency manages the subscriber radio inventory and is responsible for assigning and tracking all IUID numbers. Each 7-digit IUID number can only be used with an individual radio and shall not be duplicated or "cloned" to another radio.

IUID management and subscriber radio inventory are critical to the operational integrity of the System. Accurate subscriber radio inventory is also important as this is the basis for the equitable distribution of the costs associated with System operations and maintenance.

Protocol / Standard

The Lead Agency is the only authorized source for IUID assignment and subscriber radio programming. The Lead Agency establishes and maintains the Fleetmap Inventory database and conducts annual inventory verification with each Partner Agency. This annual inventory is also provided to Lead Agency Financial for use in the various budget and billing calculations for Partner Agencies.

Management

The Lead Agency is responsible for IUID issuance and management of the subscriber radio inventory/Fleetmap.

4.7 Lost or Stolen Radio Notifications

Purpose or Objective

Establishes the policy to ensure the System's operational integrity and security by providing users with a procedure for reacting to incidents of missing, lost or stolen radio units.

Each agency shall develop internal guidelines for dealing with incidents of lost, stolen or missing radio equipment, to include notification to the Lead Agency.

Technical Background

The System's controller provides individual access to the System for each assigned radio. The controller provides the ability to disable the radio altogether with the 'inhibit' feature.

The target radio must be turned on and affiliated with the System for the actions to be processed. If the target radio is not active, the requested action can be put into the passive mode. When the target radio does attempt to affiliate with the System, the pending action is initiated.

Operational Context

All agencies are required to make immediate notification to the Lead Agency upon receiving information, notification, or recognition that an assigned radio is misplaced, lost or stolen. Delay in providing notification could result in unauthorized persons causing interference and/or receiving confidential information.

Protocol/Standard

The Lead Agency shall be immediately notified of the situation by a phone call and submission of a Lost/Stolen Radio Report Form.

The request to inhibit a lost/stolen radio must be specified on the Lost/Stolen Radio Report and must be accompanied by a copy of the Police report.

Lost and stolen radio information will be passed on to user agencies and local radio shops in case the radio is located or turned in.

The Lead Agency will invoice the agency for the replacement cost of the radio if owned by the Lead Agency (ie., a loan pool radio).

Management

The Lead Agency is responsible for managing this policy.

4.8 System Management Access

Purpose or Objective

Defines the types and areas of individual access to the management functions of the System.

Technical Background

Every login user of the System has a minimum of one login account and possibly more if multiple levels of access rights are needed for different purposes, such as administrative or general use. Every account can be individually set with the security and application rights needed to meet the needs of each user. All user account IDs shall be unique as the System's

databases do not permit the use of duplicate IDs. The user login aliases are limited to a specific length.

Operational Context

Personnel who log into the systems to use management applications and support tools are referred to as "Login Users". These are technical support staff such as the System Manager, administrators, technicians, etc. This is different than "Radio User" as referred to in other standards. Every user's login ID on the system is unique. Every login user of the System has a user ID that is only for that specific agency's or individual's use. Based on the types of access required an individual may need more than one login ID.

The types of access fall into the following areas:

- System Management
- Infrastructure Maintenance
- Subscriber Administration
- Dispatch Management
- Asset Management

The areas of access are based on the physical locations of the equipment and individual need.

Access to System, Network, and Asset Management terminals will be limited to Lead Agency staff and approved vendors.

Lead Agency may review personnel with System access at any time to ensure that only the appropriate levels of access have been granted based on their currently assigned business needs.

Protocol

Each Login User account must be requested from and approved by the Lead Agency Director. The account will be assigned a login name and access level based on the requirements of the request. Access will be immediately rescinded for any unauthorized actions or change of employment status.

Management

The Lead Agency is responsible for the creation of administrative accounts, designating the areas of access allowed for each account, and the review of access granted.

4.9 Requesting System Access

Purpose or Objective

To establish the procedure for an eligible agency to apply to participate on the 800 MHz CCCS.

Operational Context

The 800 MHz CCCS Governance Committee has determined the requirements and procedure for potential new applicants desiring access to the 800 MHz CCCS. Those procedures are documented in the 800 MHz CCCS Joint Agreement.

Management

The Lead Agency Director is responsible for managing the process of potential new System User applications in accordance with protocols established by the Governance Committee and documented in the 800 MHz CCCS Joint Agreement.

4.10 Alias List Standards**Purpose or Objective**

To establish a standard for the use of Subscriber alias for identifying radio users.

Operational Context

An alias is a common alphanumeric name used to identify a radio, talkgroup, site, etc. rather than referencing the assigned 7-digit IUID number.

The Lead Agency does not maintain alias names for Partner Agencies.

Each Partner Agency shall maintain their own alias database and their alias names will only appear on their local dispatch consoles and subscriber radios.

Management

Each User Agency is responsible for establishing and maintaining any alias lists used by that agency.

4.11 Member Agency Operational Policy Changes**Purpose or Objective**

Defines a process to mitigate negative impact to this SOP, other Member Agencies or the overall operation of the System when Member Agencies make changes to their individual Agency operational policies.

Operational Context

The 800 MHz CCCS Governance Committee is charged with approving standards and determining protocols and procedures for optimal operations between and among the users of the System.

Member Agency operational policies must not be contrary to this established SOP nor should they knowingly impact other Member Agencies in a negative manner. There will be occasions or incidents that might result in the need for a Member Agency to make changes to their operational policies. Member Agencies must ensure that any change made to their internal operational policies harmonizes with the established SOP and fellow Member Agencies.

Protocol

Member Agencies are expected to understand the potential for their policies to impact other Agencies on an integrated communications system. As a result, any Member Agency planning to make changes to their operational policy must take into account the impact on the System. If the operational policy change is likely to have an impact on the System and/or on other

Member Agencies, or, if it is unknown whether the change will have such an impact, the Agency planning to make the change shall submit the planned policy change in writing to the Lead Agency for evaluation.

The Lead Agency will address Member Agency policy change notices with respect to their impact on the System and other Agencies. The Lead Agency will inform the Governance Committee Chair of the decision regarding the policy change if it is determined that the change will impact the System or other Member Agencies.

A written notice of any planned operational policy change submitted to the Lead Agency shall include:

- Description of the policy being changed
- Reason for the planned policy change (including the potential consequences if the request is not approved)
- Preliminary assessment of impact to other System users, and an estimate of any associated costs to implement the request

An assessment shall be conducted by the Lead Agency technical and management staff and shall address:

- Technical impact to the current and future System performance including which systems or subsystems are affected
- Operational impact including capacity impact to current and future System performance
- The degree of conformance with established policies and standards
- Cost impact to current participants
- Potential alternative solutions

The Lead Agency Director shall forward the completed assessment to the requesting Member Agency along with recommendations including ways to mitigate negative impact where applicable. If the assessment reveals a negative impact to the System or to other Member Agencies, the Lead Agency will advise the requesting Agency against enacting the change. The requesting Agency may appeal the decision to the Governance Committee for resolution if desired.

The Governance Committee shall then review the requested policy change and approve, deny or modify the request. If approved or modified, the Governance Committee shall set forth operational and/or financial responsibility as appropriate and notify all affected parties of the decision.

Management

The Lead Agency Director, acting on behalf of the Governance Committee, shall manage this process.

4.12 Infrastructure Equipment Standards

Purpose or Objective

Sets the minimum technical and performance standards for infrastructure equipment operating on or interfacing with the System and establishes a policy preventing premature obsolescence of the same.

Technical Background

The 800 MHz CCCS is an APCO P25 standards-based System constructed by Motorola Solutions, Inc. It consists of radio communications sites utilizing 800 MHz radio spectrum. The Master Site is located at the Loma Ridge Facility where the Lead Agency Radio Microwave Unit is collocated along with the County Emergency Operations Center and the OCSD PSAP/Dispatch Center. Microwave links between the Master Site and the radio sites utilize redundant methods in the construction of the System to provide for a public safety grade of service.

Vendors' equipment often utilizes different operating software and may interact differently with the existing infrastructure which can potentially exhibit undesirable operational characteristics.

It is also possible that new, untested radios, equipment and/or software can exhibit performance and functionality characteristics that are destructive to the performance, capacity and/or security of the System.

Operational Context

Participants desiring to connect or interface with the System any type of fixed equipment such as a radio or console product must receive approval from the Lead Agency. Prior to approval, the System manufacturer must prove equipment compatibility. All equipment must be installed in compliance with all rules, regulations and codes applicable to its operation and location. Industry accepted radio site installation and equipment grounding practices, such as R56 or approved equivalent in effect at the time of installation, shall be used.

Protocol

To ensure the reliability of the System, all infrastructure equipment directly interfaced with the System's core must maintain the same level of software revision.

Requests shall be submitted in writing to the Lead Agency signed by the requesting agency director or department head.

Procedure

The request shall provide an outline of plans the requesting agency has developed for equipment integration. The written request shall indicate the name and contact information for the person designated to lead the project.

The Lead Agency Director will review the request and make the final decision.

If a technical use plan is already in place, the agency shall submit the plan to the Lead Agency for review to ensure compliance and compatibility with CCCS policy, standards and procedures. If a technical use plan is not in place, Lead Agency shall assist the requesting agency in developing a plan. Costs associated with the development of a technical plan are borne by the requesting agency. When the plan is complete it is submitted to the Lead Agency Director, who shall review the plan for compliance and compatibility with CCCS policies and procedures.

Management

The Lead Agency is responsible for management of infrastructure equipment standards and integration.

4.13 Subscriber Equipment Standards**Purpose or Objective**

Sets the minimum technical and performance standards for subscriber radios operating on the System including:

- Establishing a policy to prevent premature obsolescence of subscriber radios.
- Establishing procedures for Lead Agency to measure, test, certify and publish a list of subscriber radios that are approved for use on the System.
- Ensuring that decommissioned subscriber radios are properly deprogrammed before disposal to prevent interference with public safety communications.

Technical Background

The System utilizes digital communication technology with the primary use being voice communications using the APCO P25 Phase 1 protocol with 9600-baud control channels.

Subscriber radios from various vendors often utilize different operating software providing a variety of services, features, functionality and performance to the users. Many of these radios interact differently with the infrastructure and can potentially exhibit undesirable operational characteristic. It is possible that untested radios and/or software can exhibit performance and/or functionality characteristics that are destructive to the overall performance, capacity and/or security of the System. Users are prohibited from using radios or accessories that may be destructive to the System.

Partner Agencies shall deliver any retired radio subscriber equipment to the Lead Agency for decommissioning and deprogramming. Decommissioned radios that are not properly deprogrammed could pose interference issues with public safety communications. Radios removed from the System for decommissioning purposes shall be deprogrammed so as to remove all System related information, ID's, and conventional channels, leaving only an idle frequency of 851.0000 MHz to prevent potential interference issues with public safety communications.

Management

The Lead Agency is responsible for maintaining all testing, managing radio equipment manufacturer initiated submittals, coordinating activities of the test team, and the proper deprogramming of subscriber radios. Any Agency purchasing new subscriber equipment is encouraged to work with the Lead Agency first to ensure the new equipment meets System standards and is properly equipped to operate on the System.

4.14 System Administrator Standards**Purpose or Objective**

Establishes the minimum training standards for System administration and staff. This ensures that System functionality and integrity are maintained by restricting System administrative functions to trained, qualified and authorized personnel only.

Protocol

The Lead Agency is responsible for maintaining System configuration databases for System or subsystem infrastructure, subscriber databases and console configuration databases.

4.15 Dispatch Center Personnel Training

Purpose or Objective

Establishes minimum training standards for the public-safety dispatch center personnel with access to System resources. This ensures that personnel performing communications dispatch operations are properly trained by the Lead Agency.

Operational Context

System functionality and integrity shall be maintained by ensuring that only qualified personnel perform dispatch functions using console equipment connected to the System core.

Protocol/Standard

Public safety dispatch center personnel shall be familiar with all applicable mutual aid requirements, interoperability requirements, trunk system patching and all established SOPs.

Other recommended training that each agency's communications center personnel should have include:

- COML.
- ICS courses 100, 200, 700.B, 800 or others as required by employing agency

Recommended Procedure

This policy does not contain specific training procedures or training modules.

Management

The communications / 9-1-1 center manager within each agency is responsible to ensure personnel with radio console access to resources on the System comply with the following:

- Public safety communications / 9-1-1 center personnel receive the appropriate training before accessing System resources.
- Public safety communications / 9-1-1 center personnel maintain familiarity with features and functions of communications consoles in order to rapidly and effectively

communicate with public safety personnel and are able to identify and establish interoperability solutions when appropriate or directed.

- Only qualified personnel perform dispatch functions on System resources.
- Public safety communications / 9-1-1 center personnel maintain familiarity with all applicable sections of the SOP.

4.16 Incident / Tactical Dispatcher Training

Purpose or Objective

Establishes minimum training standards for those performing incident or tactical dispatch functions with access to System resources. This ensures that System communications incident/tactical dispatcher operations are performed by properly trained dispatch personnel.

Operational Context

System functionality and integrity shall be maintained by ensuring that only qualified personnel perform incident/tactical dispatch functions.

Protocol or Standard

Incident/tactical dispatch personnel shall successfully complete appropriate training on the console system, mobile radios or control stations in the Mobile Command/Communications Units. Appropriate training shall, at a minimum, include formal training either by an incident/tactical dispatch trainer who has completed the training from a qualified instructor or by a qualified radio technical staff member familiar with the Mobile Command/Communications Unit's (MCU) operations.

Incident/tactical dispatch personnel shall be familiar with all applicable mutual aid requirements, interoperability requirements, trunked system patching, gateway and other communications equipment in the MCU as well as all established standard operating procedures.

Other recommended incident/tactical dispatcher training should include:

- COML.
- COMT.
- ICS courses 100, 200, 300, 400, 700.B, 800 or others as required by their employing agency.
- Any other developmental, technical or safety courses deemed necessary by employing agency.

Procedure

This policy does not contain specific training procedures or training modules.

Management

The Communications Center Manager within each agency is responsible to ensure personnel with access to MCU resources on the System comply with the following:

- Incident/tactical dispatch personnel or those acting in that capacity receive the appropriate training before accessing System resources.

- Incident/tactical dispatch personnel maintain familiarity with features and functions of MCU in order to rapidly and effectively communicate with public safety personnel and are also able to identify and establish interoperability solutions when appropriate or directed.
- Only qualified personnel perform incident/tactical dispatch functions on System resources.
- Incident/tactical dispatch personnel maintain familiarity with all applicable sections of the SOP.



4.17 Radio (Subscriber) User Training

Purpose or Objective

Establishes the minimum training standards for radio users, which ensures proper operation of radios on the System.

Operational Context

System functionality and integrity shall be maintained by ensuring that only trained personnel operate radio equipment.

Protocol/Standard

Radio users shall successfully complete appropriate training on assigned radios before being allowed to operate on the System. Appropriate training shall include formal training from a qualified instructor or approved media and, at a minimum, include the following:

- Radio users shall be trained on the technical operation of assigned radios. Training will be required biennial.
- Radio users shall be trained on how to operate the radio within the System along with any special features of the System they will use, e.g., emergency button, call alert, etc.
- Radio users shall be trained on and demonstrate proficiency with all applicable mutual aid and interoperable communications resources and standard operating procedures.
- Radio users shall maintain awareness of the mutual aid, interoperability channels or talkgroups in their radios, as well as how to navigate to them when necessary.
- User agencies will make an effort to conduct ongoing refresher training for radio users periodically following their initial training (e.g., build into in-service training, dispatch centers conduct random tests, roll call training, on-shift training, etc.).

Lead Agency staff assists user agencies in identifying training needs and implementing training programs to meet those needs. The Lead Agency also employs a qualified training officer who is available to provide this training to authorized System users.

Procedure

This SOP does not contain specific training procedures or training modules, however, Lead Agency staff assists with radio user training when requested.

Management

Each User Agency is responsible to ensure that:

- Personnel assigned radios shall receive the appropriate training with emphasis on awareness of and how to navigate to mutual aid and interoperability channels or talkgroups (initial and ongoing refresher training).
- Only trained and qualified personnel shall operate radio equipment.
- Radio users are familiar with sections of the SOP.

4.18 Interoperability and non-CCCS Radio Users

Purpose or Objective

Establishes the minimum training standards for radio users having access to interoperable resources of the System. This ensures the proper operation of radios on the System and safeguards against improper utilization of interoperability resources.

Operational Context

System functionality and operability is maintained by ensuring that only properly trained personnel use the interoperable resources on the System for mutual aid communications. If agencies do not have appropriate training, then communications failure or a degradation of the System resources may occur.

Protocol/Standard

Radio users shall have a demonstrated knowledge of Section 6 Interoperability Standards, and have successfully completed appropriate initial and ongoing refresher training including:

- User training emphasizing:
 - The use of interoperable channels and how to navigate their radio.
 - How a user's radio experiences can be affected by the selected interoperability channel (digital, analog, non-trunked, etc.).
- Dispatch and supervisory training emphasizing:
 - The use of interoperable channels.
 - The use of patching and patch channels.
 - The use of cross band repeaters and gateway devices.
 - The use of RF control stations.
 - How a user's radio experiences can be affected by the selected interoperability channel (digital, analog, non-trunked, etc.).

Radio users with access to interoperable channels must be familiar with all applicable mutual aid and interoperable requirements and procedures.

Procedure

This SOP does not contain specific training procedures or training modules.

Management

The Lead Agency will provide training materials upon request for initial training and ongoing refresher training. Additionally, as resources permit, the Lead Agency will assist user agencies

with developing plans and methods on incorporating ongoing radio refresher training into various activities for the most effective delivery to personnel. The Lead Agency also employs a qualified training officer who is available to provide this training to authorized System users.

Agencies requesting and/or using the interoperable talkgroups are responsible to ensure that:

- The use of mutual aid/interoperability channels and talkgroups is properly coordinated and approved through the Control One.
- Radio users successfully complete appropriate initial and on-going refresher training and demonstrate knowledge of proper communications procedures before being allowed to operate the interoperable resources.
- Radio users are familiar with all applicable interoperable sections of this manual.
- Radio users are familiar with all applicable mutual aid requirements and interoperable SOPs.

4.19 System Upgrade Notification

Purpose or Objective

Establishes notification procedure prior to major System upgrades.

Protocol/Standard

System software upgrades will be performed as needed contingent upon available funding and/or technical requirements. The Lead Agency will be responsible for ensuring that all System user agencies that may be impacted by the upgrade are notified by email and/or other written form.

Recommended Procedure

Planned upgrade procedures will be communicated to all System users as follows:

- At least 30 days prior to a planned major System upgrade that will cause a System or site outage, the Lead Agency will notify all System user agencies that may be impacted by the upgrade.
- The Lead Agency will send an email reminder to all potentially impacted System user agencies a week prior to the System upgrade.
- Control One will communicate upgrade instructions and status to all System users before, during and upon completion of the upgrade.

User agencies must notify the Lead Agency Director in writing if the planned upgrade dates will interfere with any major planned events.

Management

The Lead Agency is responsible for managing System upgrades and the necessary notifications associated with each upgrade.

4.20 In-building Coverage (Bi-Directional Amplifiers)

Purpose or Objective

Establishes policy on usage of Bi-Directional Amplifiers (BDA) and awareness of all locations utilizing BDAs for the purpose of mitigating interference issues.

Technical Background

The System is designed for mobile and portable radio coverage but cannot provide 100% coverage in all places. BDAs are a device that aims to improve radio access within a confined space such as high-density buildings. Although the use of a BDA may improve in-building coverage, it may also create interference issues with the overall System. Tracking the locations of all BDAs will aid in quickly locating offending BDA equipment.

Protocol/Standard

It is not the intent for the Lead Agency or Governance Committee to approve or regulate BDAs. It is important for the Lead Agency to maintain a list of facilities that do have BDAs used with the System.

Any agency or department installing a BDA will provide the Lead Agency with the location of the device prior to installation if possible. This will include the physical address, emergency contact information, building name, location within the building, manufacturer and model number.

It is the responsibility of the equipment/facility owner to comply with all requirements of the FCC, including licensing, location reporting, and interference mitigation.

Recommended Procedure

Agencies installing BDAs will submit to the Lead Agency a list of locations where BDAs are installed that are supplementing the System. BDAs not supplementing the System do not need to be reported. This list will be updated periodically.

Management

The Lead Agency will maintain the list of BDAs supplementing the System. Each agency will maintain a list of BDAs within their jurisdiction along with contact information for the equipment/facility owner to allow access should the BDA interfere with the System.

4.21 Aircraft Radio Installations and Operation

Purpose or Objective

Sets the policy regarding aircraft subscriber radio installation, programming, and operation on the System.

Technical Background

Due to the elevated altitude of operation, aircraft radios have a greater coverage footprint. This allows a radio operated in the air to access sites as far away as 150 to 200 miles, while mobile radios operated in vehicles on the ground typically have ranges limited to 30 to 40 miles. Radios in aircraft operating with the System function slightly different than radios on the ground.

Due to the interference potential from the larger coverage footprint of aircraft operated radios, the FCC rules for operation of these radios limits the output power to help reduce interference, as frequency reuse is applicable in the CCCS and other radio systems.

Installation of aircraft mounted radios is governed by the Federal Aviation Administration (FAA) and permanent installations must be performed by FAA certified personnel.

Operational Context

Subscribers that acquire a large coverage footprint due to high altitude operations need to take into consideration potential interference due to frequency reuse in other systems. This could cause interference to their users. This interference could appear as an interruption, loss of communications, or as tailgating to other talkgroup transmissions on other sites.

Protocol/Standard

All permanently installed aircraft radios shall comply with the FCC 90.423 power output limitation of 10 watts, the Effective Radiated Power (ERP) being no more than 5 watts. Only unity gain antennas will be allowed.

Permanently mounted aircraft radios should be programmed with the following:

- BER threshold of 2.5%

For aircrews that are assigned portable radios, these portable radios should be programmed for the following:

- 2.5% or 2.9% BER threshold

These settings apply for both aircraft installed radios using remote mounted mobile or portable radios and Technisonic-type aircraft control panel mounted avionics packages using internal portable radios.

Procedures for landing zone areas where communications with ground personnel are conducted are recommended on a simplex, non-trunked, channel.

In addition to the SOP training requirement, training for users of aircraft radios shall include a description of the issues surrounding airborne operation of System radios including:

- Issues of potential interference to other systems due to frequency reuse;
- Personnel using portable radios in a limited capacity (observers, guests, etc.) and the potential for FAA and FCC rule violation, and interference.

Recommended Procedure

Installation and programming should be performed as outlined in this section. Operation of Aircraft landing zone coordination should be performed as outlined in this section. In-flight transmissions should be as brief as possible due to the potential interference.

Management

The Lead Agency Director will be responsible for the oversight and compliance of this standard. Due to the potential of interference issues to expand beyond a specific region or into another County, Lead Agency staff should also be notified if any interference is detected and is believed to have originated from a CCCS radio equipped aircraft.

4.22 In-building Coverage

Purpose or Objective

Establishes policy on the approval, usage and regulation of in-building coverage enhancement devices on System frequencies and the tracking of all locations utilizing these devices for the purpose of mitigating interference issues. In-building coverage systems include Emergency Responder Radio Communications Systems (ERRCS), Bi-Directional Amplifiers (BDA), and Distributed Antenna Systems (DAS).

Technical Background

The System is designed for mobile and portable radio coverage but cannot provide 100% coverage in all places. In-building coverage devices aim to improve radio access within a confined space such as high-density buildings. Although the use of in-building coverage devices may improve in-building coverage, it may also create interference issues with the overall System. Tracking the locations of all in-building coverage devices will aid in quickly locating offending equipment.

Protocol/Standard

The Lead Agency must approve and regulate in-building coverage systems on frequencies licensed to the County of Orange. It is important for the Lead Agency to maintain a list of facilities that have in-building coverage devices used with the System.

Any agency or department planning to install an in-building coverage system will submit their plans to the Lead Agency as described in the current OCSD ERRCS Guidelines document. This will include the physical address, emergency contact information, building name, location within the building, manufacturer and model number. The Lead Agency must review and approve operation of the installed in-building coverage system to ensure proper installation and operation and to mitigate any adverse effect on the System.

It is the responsibility of the equipment/facility owner to comply with all requirements of the National Fire Protection Association (NFPA), California Fire Code (CFC) and Federal Communications Commission (FCC) including licensing, location reporting, and interference mitigation.

Recommended Procedure

Agencies planning to install an in-building coverage system shall contact the Lead Agency for guidance and to begin the approval process. All agencies shall submit to the Lead Agency a list of locations where BDA, DAS or other ERRCS systems are installed that are supplementing the System. In-building coverage devices not supplementing the System do not need to be reported. This list will be updated periodically.

Management

The Lead Agency will manage the In-Building Coverage policy and maintain the list of in-building devices supplementing the System. Each agency will maintain a list of in-building coverage devices within their jurisdiction along with contact information for the equipment/facility owner to allow access should the equipment interfere with the System.

5.0 CONFIGURATIONS AND ALLOCATION

5.1 Zone and Talkgroup Naming Standards

Purpose or Objective

A well-defined method of naming radio programming zones and talkgroups/channels aids in user interoperability by allowing all users to understand the designated use of individual talkgroups/channels and how to find those talkgroups/channels in their radio.

Operational Context

In addition to agency-specific zones and talkgroups, all System users have certain talkgroups/channels programmed into their radios that are common to all System users to allow for operational interoperability. The ability to quickly locate these common talkgroups/channels for interoperability requires a uniform programming methodology to place the talkgroups/channels in specific zones in all radio on the System.

Protocol/Standard

The Lead Agency, in conjunction with User Agencies, and with the authority of the Governance Committee has established the zone and talkgroup naming structure used by all System users. The zone/talkgroup/Channel names and radio template structure is provided in the Official Communications Handbook (Radio Code Book) for each System Discipline (Law, Fire, Lifeguard/Marine Safety, Public Works).

Requests for additional zones or talkgroups must be submitted to the Lead Agency for consideration and analysis as to their potential impact on the System.

Management

The Lead Agency shall maintain the Official Communications Handbook and associated records related to zone and talkgroup/channel naming.

5.2 Radio IUID Allocation

Purpose or Objective

Allocates radio Item Unit Identification number (IUID) ranges for the individual agencies. This allows the Lead Agency to manage the pool of IUIDs as radio users and console positions are configured. This simplifies the management of the IUIDs and provides an easier indication of what IUIDs belong to which agency in the event that a radio user alias is not available.

Technical Background

These IUIDs are the same IUIDs that users type in for call alert pages. Also, these are the IUIDs that are displayed on the subscriber radios if the "ID Display" feature is enabled. These IUIDs are also displayed at the console if the console alias feature is not available.

Operational Context

The Lead Agency will allocate radio IUID ranges to agencies based on the number of units the agency will have active on the System and will be shown on the master agency IUID list.

Protocol/Standard

Only radio IUIDs allocated to an individual agency can be used in the programming of that agency's radios and consoles. The Lead Agency is responsible for the programming of all radios on the System.

Procedure

The Lead Agency maintains the master list of IUID distribution and will allocate IUIDs to agencies based on each agency's radio count and need. If an agency requires additional IUIDs beyond the initial allocation, a request shall be made to the Lead Agency. The Lead Agency will evaluate the request and conduct an analysis to determine impact to the System. Upon completion of the analysis, the Lead Agency may approve or deny the request, or ask for additional information.

Management

The Lead Agency manages the IUID ranges for day-to-day activities, and manages the IUID ranges for reserve or future allocation.

5.3 Fleetmap Standards

Purpose or Objective

Defines the process used to document the Fleetmap information for the effective management of the System.

System Fleetmap configuration information is classified as 'Restricted Information' and is not released to the public.

Technical Background

The Fleetmap is parameter information programmed into the System infrastructure and into the subscriber radios to control how those radios perform on the System.

The Fleetmap spreadsheet is a documented matrix of the talkgroups in the System and the departments or agencies that use and control user access to these talkgroups. The Fleetmap contains the following information:

- Talkgroup Name – Name of the talkgroup as it is programmed into the System.
- Talkgroup Alias – Abbreviated naming of the talkgroup to fit within the 8 or 14 character radio display.
- Talkgroup ID – Numerical designation of the talkgroup in decimal and/or hexadecimal.
- Failsoft Channel – The System channel designated for the talkgroup when in the failsoft mode.
- Owner – The primary user agency with access control of the talkgroup.
- Priority – Priority level of the talkgroup.
- On Console – If the talkgroup is available as a console resource.
- Trunked Alternate – A talkgroup to be used when the user's primary system is unavailable.

Operational Context

The Lead Agency will establish and manage the Fleetmap database information for all users of the System.

Protocol/Standard

A detailed matrix is maintained by the Lead Agency on the System database. Each agency's radio representative maintains a Fleetmap spreadsheet containing data on their talkgroups and the users for whom they are responsible.

Procedure

If an individual agency desires to make updates and changes to their Fleetmap standards, the changes shall be requested through the Lead Agency.

- The Lead Agency will evaluate any requests for changes and conduct an analysis to determine its feasibility and impact on the System.
- The Lead Agency will decide if the request will be approved or denied and proceed accordingly with notification to the requesting agency.

The disclosure of the Fleetmap configuration information, including talkgroup IDs, user IDs, user privileges and other related System information could substantially jeopardize the security of the System. This disclosure makes it more susceptible to sabotage and unauthorized access to the contents of confidential voice and data communications. Therefore, the master Fleetmap data shall be classified as 'Restricted Information' and is not available to the general public except by formal written request to the 800 MHz CCCS Governance Committee.

Management

The Lead Agency manages the Fleetmap and System programming for all agencies.

5.4 Subscriber Template Management

Purpose of Objective

Defines the process that is used to document the radio subscriber template information for the effective management of the System. The System contains a large number of talkgroups to support the various agencies that subscribe to the System. Subscriber template configuration information is classified as 'Restricted Information' and is not released to the general public.

Technical Background

The subscriber template is parameter information programmed into the individual subscriber radios to control how those radios perform on the System.

An agency's subscriber template is developed and maintained by the Lead Agency with the input of each agency's radio representative. This is to ensure the agency gets the talkgroups, features, and functionality desired from the radios, while maintaining the overall functionality and integrity of the System.

The radio subscriber template is usually specific to a particular agency, but an agency can elect to have different versions of the template based on the department's needs and operations.

The templates normally contain the following information:

- Radio Configuration – Specific information related to a particular model of radio, including but not limited to: button assignment, display options, menu items, and other radio wide parameters.
- Conventional – Personality information that determines the radio's operation in the conventional mode such as frequencies, tones, and signaling options.
- Trunking – Identifies System and talkgroup specifics that the subscriber radio has access to, as well as System and unit-specific ID numbers relating to the radios operation.
- Scan – Defines the limits and lists of the subscriber radio's scan function, when equipped.
- Zone Assignment – Where talkgroups are combined into specifically labeled 'zones' within the radio that represent or reflect operations of a particular agency or operation. The zone designation reflects an acronym, which should easily identify the zone as belonging to a particular agency.

Operational Context

The Lead Agency creates and manages all subscriber templates to ensure uniformity and proper operation on the System.

Protocol/Standard

User Agencies may have multiple subscriber templates based upon their operational needs. The Lead Agency shall maintain a subscriber template spreadsheet for each of the agency's template versions.

The Lead Agency will work with each user agency to develop the subscriber templates for that agency. All subscriber template creation and modification shall be done by the Lead Agency. The Lead Agency shall maintain all associated documentation for each subscriber template.

Procedure

If individual agencies desire to make updates and/or changes to their subscriber templates, those change requests shall be submitted to the Lead Agency for review. The Lead Agency will approve or deny the request after reviewing impact to the System and other users. If approved, the costs for template change and subsequent reprogramming of subscriber radios will be borne by the requesting agency.

The disclosure of the subscriber template configuration information, including talkgroup IDs, user IDs, user privileges and other related System information could substantially jeopardize the security of the System. This disclosure makes it more susceptible to tampering, sabotage, unauthorized use, jamming, hacking, unauthorized access to the contents of confidential voice and data communications. Therefore, the subscriber template spreadsheets shall be classified as 'Restricted Information' and are not available to the general public except by formal written request to the 800 MHz CCCS Governance Committee.

Management

The Lead Agency manages all subscriber templates and programming for all agencies and maintains records of the process. Access is strictly controlled and is considered 'Restricted Information'.

5.5 Talkgroup Assignments

Purpose or Objective

Defines the assignment/usage of agency-specific, common and interoperable/mutual aid talkgroups and resources, and provides a standard so that the Lead Agency will have a firm guideline on allowing particular talkgroups programmed into radios.

Operational Context

Talkgroups are considered assigned by the agency for which the talkgroup was specifically created. The process for pre-defined sharing authorizations is explained in Section 5.6.

Recommended Protocol/Standard

There are three types of talkgroups that are programmed into the System:

- **Agency-Specific** – Created for, and controlled by, individual agencies for their day-to-day operations. These talkgroups cannot be accessed by other System users without express permission granted by the assigned agency. The process for obtaining this permission is outlined in Section 5.6.
- **Common Resources** – Talkgroups/channels created for common use among discipline specific agencies (law, fire, general) as needed. These talkgroups/channels are not controlled by any individual agency but are available for use by all Partner Agencies and are coordinated by the Control One.

- **Interoperable/Mutual Aid Resources** – These talkgroups/channels are established interoperable or mutual aid resources available to all System users based upon specific discipline (law, fire, general) and allow communications with non-CCCS System agencies as needed. These talkgroups/channels include the ability to be patched to non-800 MHz resources for greater interoperability. These talkgroups/channels are coordinated locally through the Control One.

Procedure

- The Lead Agency will control all talkgroup generation and access parameters. Agencies shall immediately notify the Lead Agency when changes to an agency-specific talkgroup are required or the talkgroup is no longer required.

Management

The Lead Agency is responsible for the management of the Talkgroup Ownership policy.

5.6 Talkgroup Sharing

Purpose or Objective

Defines how System Partner Agencies can permit other agencies to access to their agency-specific talkgroups.

Technical Background

Radios must be P25 compliant and compatible with the System. Refer to Section 4.13 of this SOP for additional details on subscriber equipment standards.

Operational Context

Partner agencies have the authority and control to define who is allowed access to their agency-specific talkgroups/channels. This process is accomplished with a formal written request to the Lead Agency from the requesting agency which is passed to the agency-specific talkgroup owner for approval. The request should include the specific talkgroup name desired and the intended purpose and potential users of the talkgroup.

Protocol/Standard

Agency-specific talkgroups/channels shall not be programmed into any other radios without the written permission from the controlling agency. Documented written approval letters shall be maintained by the Lead Agency for each talkgroup sharing agreement.

Procedure

The Lead Agency working with the talkgroup 'owner' will process the request and, upon approval, make the necessary modifications to the requesting agency template. The Lead Agency will maintain all supporting documentation regarding the requested change. All costs associated with the template change and reprogramming will be borne by the requesting agency.

Management

The Lead Agency is responsible for the management of this procedure.

5.7 Talkgroup and Radio User Priorities

Purpose or Objective

Establishes varying priority levels for talkgroups to assure the most critical talkgroups on the System are granted a channel as quickly as possible when the System is experiencing busy conditions.

Technical Background

The System priorities can be managed both at the radio user level and at the talkgroup level.

Operational Context

Priority levels in the System are managed at the talkgroup level. The goal is to distribute priorities across the System talkgroups in a way that maximizes the ability for critical groups to communicate and minimizes the number of talkgroups with high priority.

5.9 Failsoft Assignments

Purpose or Objective

Creates and assigns System resources in a manner which maximizes System utility to users consistent with each user's mission and needs for radio communications during certain System failure situations.

Technical Background

When the System's main controllers detect certain failure conditions in the radio System, all available channels revert from a trunking mode into a conventional repeater type of operation that is given the term 'failsoft'. During failsoft, talkgroups are assigned to a specific radio channel (frequency) if so programmed, which allows the users to continue voice communication while repairs are made to the System.

There are a limited number of channels available in the System, which results in a number of talkgroups being combined on each channel while in failsoft. This requires the radio users to share those channels between numerous agencies. This congestion of radio traffic happens only during the failsoft condition.

If a talkgroup is not given a failsoft assignment, radios using that talkgroup will hear the low pitched 'out-of-range' tone when the System is in failsoft, and will not be able to communicate on that talkgroup.

Operational Context

The radio programming template failsoft assignments are configured to balance the ability for users to achieve an acceptable level of communications while maintaining the individual agency's privacy when possible. While in the failsoft condition, effected radios will display the

word 'FAILSOFT' on the radio display and emit a short high-pitched tone every 10-15 seconds to indicate to the user that normal trunked operation is unavailable.

Protocol/Standard

It is the policy of the Lead Agency to provide a failsoft assignment for every 'primary' talkgroup on the System to prevent loss of communications for users. Failsoft channel assignments are based on the needs of System users consistent with each user's mission and need for radio communications.

The Lead Agency makes determinations concerning Failsoft channel assignments.

During a Failsoft condition, dispatchers may need to announce instructions to radio users and remind them that operations may be combined among several agencies and to implement radio discipline to reduce radio traffic.

Management

The Lead Agency is the responsible authority for failsoft assignments and management. Agencies desiring additional information on failsoft assignments may request the information from the Lead Agency.

5.10 Scanning

Purpose or Objective

Identifies operational procedures and responsible authorities governing scanning System talkgroups.

Technical Background

The network infrastructure and subscriber units are configured to permit managed user scanning of talkgroups. Including a talkgroup in a non-priority scan list does not necessarily result in the user hearing traffic on that talkgroup. Talkgroups are only active if there is at least one user affiliated who has the talkgroup of interest as their selected channel.

Subscriber units can scan a talkgroup, a talkgroup in another zone, or another trunked radio system if compatible. An entire radio can be set up as receive only.

Operational Context

Scanning by multiple subscriber units can quickly overwhelm a trunked radio system creating system busies. As a result, scanning on the System has been limited to the Fire Services as a legacy feature allowing scanning of their Dispatch Talkgroup and primary tacticals.

Protocol/Standard

Before scanning and/or monitoring of System talkgroups is allowed, permission must be obtained from the Lead Agency and the agency 'owning' the talkgroup. Scanning must also be approved by the requestor's agency in their template design.

Scanning can only be enabled in the programming template by the Lead Agency.

Management

The Lead Agency is responsible for authorizing, programming and managing scanning in subscriber templates.

5.11 Emergency Button

Technical Background

The emergency button feature allows a radio user to send an emergency notification by pressing a button on the radio. The notifications audibly and visually alert dispatch console positions that have the initiating radio's talkgroup in their active configuration. Other subscriber radios on the same talkgroup also receive the emergency notification once the 'emergency' radio is keyed which will display the IUID (or alias if available) of the radio generating the emergency.

Emergency calls are also automatically assigned the highest priority available by the System controller and are the first available from the queue if the System is in a busy situation.

Operational Context

The orange button on a portable or mobile radio will be programmed with the emergency feature for all agencies. Each agency should establish their own policy on how this feature might be used, taking into consideration how it will impact the System and other users including the Control One. The emergency feature can be used to alert dispatch and other users of an emergency situation and simultaneously allow the activated radio to have priority over other subscriber radios on the same talkgroup.

Protocol/Standard

The use of the emergency button as an emergency signaling option shall be available to any agency on the System, subject to certain conditions and provisions including:

- Agencies must provide training to all users to ensure the safe and effective use of this feature. The Lead Agency can also provide training and training materials.
- It is the individual agency's responsibility to determine how an emergency alarm will be deployed for their operation and the subsequent response to the alarm.
- If a user is temporarily assigned a radio other than their normal issued equipment, it is essential that their designated monitoring point be made aware of the radio identification to cross-reference it to the correct user in the event an emergency button activation occurs.
- All agencies implementing the emergency feature shall have a plan in place to respond to emergency button activation.

All emergency button response plans must include the following:

- An established radio monitoring point with the necessary console hardware/software to receive, display and acknowledge the alert.
- Established monitoring point must be capable of identifying which radio user pushed the button and capable of responding to the user in need. (Dispatch Center or Control One)

- In the event that the monitoring point is not the same agency as the radio user, an agreement on policy, monitoring, use, and response, shall be in place among the agencies.
- Established monitoring points shall be available during any/all hours that personnel are using the System, or have an established after-hours arrangement with another monitoring point.
- No dispatcher shall clear an emergency without ascertaining what action is necessary to handle said emergency and taking the appropriate actions to do so.

Control One receives all emergency button activations and will contact originating radio user's agency for follow-up when activations occur on common/interoperable talkgroups that are not assigned specifically to the agency in question.

Management

The Lead Agency will manage the overall Emergency Button policy. Agencies desiring to use the emergency key function shall coordinate with agency resources that receive the emergency calls. The receiving agencies shall have an appropriate plan in place and documented as to the process to handle the emergency calls.

5.12 Encryption

Purpose or Objective

Establishes guidelines for the use of encryption on the System.

Technical Background

Encryption is an option on digital radio equipment that must be specially ordered and manually configured. System users may or may not be capable of encryption depending on their equipment configuration and operational needs. AES is the approved standard for encryption on the System.

Operational Context

The use of encryption in the System is strapped to the specific talkgroups determined by the System users to provide secure communications. Encryption is not a feature that can be enabled or defeated at the user level. Each talkgroup is pre-determined to be either encrypted or clear and is programmed as such in the subscriber template.

Radios transmitting with encryption cannot be heard by non-encrypted radios.

An encrypted talkgroup that is patched to a non-encrypted talkgroup or channel is no longer considered secure communications as the encrypted audio is decrypted when pushed over the patched non-encrypted talkgroup/channel. Likewise, audio fed to an internet streaming application will not be secure.

Protocol/Standard

Only the Lead Agency is authorized to program encryption into radios on the System.

Each agency shall determine if encryption will be used on its own agency-specific talkgroups.

Certain common/interoperable talkgroups allocated to specific disciplines such as law/fire will be encrypted in all System radios. Non-encrypted common/interoperable talkgroups will also be available to System users who do not have encrypted radios.

Care should be taken when assigning encrypted talkgroups to incident communications to ensure all applicable users have encrypted radios.

Management

The Lead Agency manages the encryption policy and the programming of encryption into all radios on the System.

6.0 INTEROPERABILITY STANDARDS

6.1 Interoperable Communications Requirements

Purpose or Objective

Establishes a minimum requirement for interoperable communications resources for all radios using the System.

Technical Background

For the purpose of this document, the terms 'mutual aid' and 'interoperability' will be used interchangeably. The term 'channel' will refer to a conventional resource.

The planners of the System recognized the need to make common interoperable talkgroups available to all subscribers primarily for interagency and incident command communications. Therefore, in addition to agency-specific talkgroups, the System also provides talkgroups that are common to like-disciplined agencies (law, fire, public works, lifeguard) as well as talkgroups that are available to all System users to provide interoperability between disciplines.

In addition to common System talkgroups, subscriber radios will also be programmed with local, state and national conventional interoperable channels. Most of these conventional interoperable channels are not encrypted but there are a few 700MHz encrypted channels available in encryption-capable radios.

Operational Context

Interoperable talkgroups & channels are used when there is a need to coordinate activities between different agencies and/or personnel assigned to work an event. Efforts should be made to utilize the lowest level of interoperable talkgroup/channel first if possible. For example, OC law agencies needing to coordinate with other law agencies should use the CCCS law interoperability talkgroups/channels before considering national level interoperable channels. If the coordination includes agencies that do not have access to the CCCS interoperable law talkgroups, statewide or national interoperable channels would be selected.

Additional information on the operational use of these interoperable talkgroups/channels can be found in the 'Official Communications Handbook' (Radio Code Book).

Protocol/Standard

All radios will be programmed to include the 'general use' interoperable talkgroups and channels located in specific zones in the radio template. These talkgroups and channels will be programmed into predetermined specific zones in all System radios to provide uniformity in programming for ease of locating the talkgroups/channels when needed.

Radio templates will also include discipline-specific interoperable talkgroups (ie. Orange, Gray, Black talkgroups for Law) in templates for all like-discipline agencies (law, fire, lifeguard, public works). These discipline-specific interoperable talkgroups/channels will be programmed into predetermined specific zones in all like-disciplined agency radios to provide uniformity in programming and ease of use.

Additional information on the location of these interoperable talkgroups/channels in the radio programming templates can be found in the 'Official Communications Handbook' (Radio Code Book) for each discipline.

Procedure

Coordination of all interoperable talkgroups and channels in Orange County is managed by the Control One. Any agency requiring interoperable talkgroups or channels should contact Control One for assistance with selecting and reserving these resources to meet their needs.

Management

The Lead Agency is responsible for managing this policy and ensuring interoperable channels are available and operational.

The Countywide Coordinated Communication Center (Control One) is responsible for managing the assignment and use of the interoperable talkgroups and channels in Orange County.

6.2 Radio Console Patching of Talkgroups/Channels**Purpose or Objective**

Establishes policy for use of a console patch between System talkgroups and/or other resources on the dispatch console.

Technical Background

Most public safety communications/9-1-1 centers have the capability to initiate a console patch but patches that include a common System resource shall be accomplished on a console at Control One. Console patches can be established between multiple System talkgroups and/or between a System Talkgroup and a non-System resource. The resources can be conventional or trunked but must be an existing radio resource on the dispatch console.

Patches can be established without a radio dispatch console by using a deployable audio gateway, such as an ACU-1000. Approval is required prior to creating any patch. A talkgroup can only be in one patch at a time. A conventional channel can only be in one patch at a time.

Great care must be used in deciding what talkgroups and other resources can be patched together as a patch can have an unexpected consequential impact on other System resources.

The patch shall be monitored for continued coordination through Incident Command and/or dispatch personnel.

Operational Context

Console Patches should only be used when there is an operational need for communications between personnel that cannot be accomplished using common communications resources. Use of conventional resources in a patch must be in compliance with the rules governing mutual aid channel usage. Console patching will only be permitted when approved by agency Watch Commander/Incident Commander and after notification to the Control One supervisor.

A patch involving agency-specific talkgroups/channels can be initiated on the local agency's console with approval by that agency's Watch Commander.

Any patch involving a common System resource should be initiated by Control One.

Protocol/Standard

Each agency must develop written console patch and/or gateway device patch procedures addressing their unique operation and resource capabilities. These procedures shall be consistent with this policy. All communications center personnel shall receive initial and continuing training on the use of this procedure.

Procedure

When an incident requires interagency coordination that is not available on a common talkgroup or channel, a request for a patch can be initiated. If the desired resource to be patched is a local agency resource and their agency-specific talkgroup/channel, the requesting agency can initiate the patch on their local console with their Watch Commander's approval and notification to Control One.

If the desired resource to be patched is a common System resource, the patch request must be directed to Control One after obtaining local agency Watch Commander approval. Control One will then initiate the patch from their console.

Before initiating a System patch, check to make sure the radio resource being patched is not already being used by another agency.

Radio console patches shall be used only if other suitable means for interagency communicating are unavailable or insufficient.

Any time a console patch has been established, someone in the requesting agency's communications center must continually monitor the patch to address and mitigate communications problems.

Management

The Lead Agency is responsible for managing this policy. All agencies electing to use console patching are responsible for establishing and managing internal patch procedures and complying with this policy.

6.3 Use of the Statewide and National Interoperability Channels

Purpose or Objective

Defines the procedures for the use of the conventional Statewide and National interoperable radio channels for communications between radio users of disparate radio systems and/or different frequency bands.

Technical Background

The FCC has designated certain VHF, UHF, 700 MHz & 800 MHz frequency pairs to be used exclusively for conventional interoperable communications between public safety radio users. Each frequency band includes a calling/hailing channel to be used in contacting the coordination center for the local operational area. Additionally, each frequency band includes channels for tactical operations in both repeater and direct "talkaround" modes. In the Orange County Operational Area, these channels are coordinated by the Control One.

All CCCS Partner Agency radios include many of the 700 MHz and 800 MHz interoperability channels in their standard radio programming template. Additional information on these channels, including channel names and general use, can be found in the discipline specific Orange County Official Communications Handbook (Radio Code Book) available to Partner Agencies through the Lead Agency.

The Lead Agency also maintains repeater systems with Interoperable channels in the VHF and UHF frequency bands which are available to CCCS Partner Agency users through a gateway patch on the Control One radio console. This allows CCCS radio users to be patched to a non-800 MHz radio system for interoperable communications with the users of that system.

Operational Context

These designated interoperable communications resources can be used for day-to-day interagency coordination, for urgent or emergency mutual aid situations, and/or for other purposes where coordination between radio users on separate 800 MHz radio systems or non-800 MHz radio systems must communicate to perform assigned duties.

These channels shall not be used for regular communications between radio users with full access to the CCCS, except when authorized and assigned by Incident Command.

Protocol/Standard

The 700 MHz and 800 MHz interoperability channels are programmed into the radio template of all CCCS subscriber radios. These channels may be used when traveling outside the coverage area of the CCCS System and are used to communicate with another 800 MHz radio system with base and/or mobile radios on those channels.

Control One shall monitor the interoperability hailing/calling channels at all times.

Procedure

When an incident requires the use of a Statewide or National 700 MHz or 800 MHz interoperability resource, the requesting unit or agency will contact Control One to request the assignment of an interoperable tactical channel. Control One will assign an appropriate channel and monitor for any issues.

When an incident requires the use of a Statewide or National VHF or UHF interoperability resource, the requesting unit or agency will contact Control One to request the assignment of a tactical radio channel in the appropriate frequency band. Control One will initiate a patch between the requested VHF or UHF resource and the 800 MHz talkgroup/channel used in the patch.

Control One shall monitor all interoperability hailing/calling channels 24/7 to provide immediate assistance when requested.

Management

The Lead Agency will manage this policy and the coordination and maintenance of interoperable radio resources in Orange County.

CCCS agencies are responsible for providing training to their personnel on the proper use of these Statewide and National Interoperable communications resources.

6.4 Control Station Usage on Interoperability Channels

Purpose or Objective

Establishes procedures for the use of control stations for gateway patching.

Technical Background

A control station is a radio that is set up like a portable or mobile radio, typically with a limited number of talkgroups or conventional radio channels. It can be connected to a radio console or used stand alone.

A control station can function on only one talkgroup or conventional channel at a time.

Use of a control station with a radio console to patch System resources can have a wide area impact. This type of patch can be easily accomplished, but may take up multiple trunked radio channels, causing the System to experience busies or possibly create radio interference. Control station usage must comply with parameters listed on the agency's FCC license.

Operational Context

There are a number of uses for control stations including:

- Installed at an agency that does not have a dispatch console to communicate with a conventional repeater or trunked radio system.
- Connected to a dispatch console at a communications center.

- Installed in a Mobile Communications Unit/Vehicle.
- Installed at an Incident Communications Center or Command Post.

Protocol/Standard

Radio control stations are permissible in the following circumstances:

- Connected to a radio console to be used to access the System by non-System user agencies for interoperability purposes.
- Installed in a MCU/MCV.
- Installed temporarily in an Incident Communications Center or Command Post.
- Connected to a radio console to be used to access the System by user agencies for interoperability purposes.
- Used with an audio logger to record transmitted or received audio.

All communications personnel performing the dispatch function shall be trained on the usage and constraints of the control station. They should receive continued training to maintain proficiency and understanding of the procedures.

A radio technician, COMT or other authorized person shall be involved in the configuration, installation and testing of control stations, whether a temporary or permanent installation.

Limitations

- Control stations should not be used to patch a System talkgroup to another System talkgroup except when approved by the Communications Center Supervisor and the Control One Supervisor.
- Control station antennas must not exceed 20' in height. If an antenna requires more height than 20' to access the System or mutual aid repeater, then a FCC license is required.
- No control station antenna may exceed 200' in height.
- Control stations should use Yagi (directional) antennas when possible.
- Antennas should use the lowest gain possible.
- Control station power should be kept as low as possible.

Procedure

Any agency wanting to use one or more control stations at the same location is only permitted to use that configuration if the design is compliant with this SOP. The process for obtaining permission is to submit a written request for control station usage to the Lead Agency Director.

- The request shall describe the location, desired talkgroups/channels, antenna height, power, antenna type, antenna gain and feed line type of each control station.
- The Lead Agency may approve, deny or request modifications to the request.

Management

The Lead Agency will manage this policy.

Each Dispatch Agency Manager will ensure their personnel are properly trained on the use of control stations for gateway patching.

6.5 Required Monitoring of Interoperability Channels

Purpose or Objective

Establishes procedures for monitoring mutual aid/interoperability channels at communications centers and command posts.

Operational Context

Monitoring of mutual aid channels is imperative for the benefit of users needing assistance. Many channels have been identified to use for interoperability but not all of them will be monitored when not in use. Due to the fact that these Statewide and National interoperable channels do not belong to any one agency, there is no channel 'owner' monitoring them. As a result, a designated monitoring center should be established in each Operational Area.

Protocol/Standard

Control One is the designated monitoring center in Orange County for all Statewide and National interoperability calling/hailing channels available. Control One will monitor and respond to any unit requesting assistance on the calling/hailing channel and assign an appropriate tactical channel as necessary.

Dispatch Centers are responsible for monitoring any Statewide or National Interoperable channel assigned to them for an incident. The local Dispatch Center will monitor and respond to any communications traffic on the assigned interoperable channel until the completion of the incident.

Once the incident has been terminated and the interoperable resource is no longer needed, the Dispatch Center will notify Control One and release their responsibility for monitoring the tactical channel.

Management

The Lead Agency will manage this policy. The Emergency Communications Coordinator will work with Control One to identify specific interoperable channels to be monitored 24/7 by Control One.

Each Dispatch Agency Manager will ensure their personnel are properly trained on the use of Statewide and National interoperability resources.

7.0 MAINTENANCE RESPONSIBILITIES

7.1 System Maintenance

Purpose or Objective

Defines the System maintenance responsibilities and roles. The maintenance levels for the 800 MHz Radio System and its subsystems shall be set to a standard to protect the overall functionality and integrity of the System for all users.

Operational Context

The 800 MHz CCCS System is a complex network of radio sites and equipment that require highly trained engineering and technical personnel to constantly monitor the System and intervene as required to prevent System failure and quickly restore the System should any equipment experience failure. The CCCS Governance Committee has designated the Lead Agency as the primary agency responsible for the maintenance of the System. Agreements between the Lead Agency and maintenance contractors are at the Lead Agency's discretion, but the Lead Agency is ultimately responsible for the System maintenance.

Recommended Procedure

Any maintenance issues affecting the System will be addressed and resolved by the Lead Agency. The Lead Agency may, at its discretion, involve contract vendors in the process as necessary.

For emergency and urgent repairs, the Lead Agency may request and expect cooperation from support resources (e.g. – support staff and/or parts) from other agencies to restore equipment/systems to normal operation.

For day-to-day maintenance, the Lead Agency or its contract vendor shall maintain the equipment.

Repair of any equipment not normally maintained by the Lead Agency requires the notification and consent of the owning agency.

The Lead Agency and/or their contracted service providers are responsible for:

- FAA registrations, FCC ASR registrations and FCC licenses, ensuring that equipment is properly licensed and copies of the licenses are posted at the sites as required by regulations.
- Maintaining equipment within the limits of County of Orange FCC licenses.
- Notifying the responsible personnel of equipment and location issues that require attention.
- Managing the inventory of the radio subscriber and infrastructure equipment.
- Ensuring that equipment at the tower sites that is not part of the System inventory shall be clearly labeled to indicate agency ownership.
- Routine equipment maintenance logs are kept at the sites.
- Maintaining current copies of all as-built documentation at each site and at the Lead Agency office. Lead Agency is responsible for ensuring the accuracy of all as-built data related to the infrastructure equipment and any changes shall be immediately documented. Lead Agency shall distribute the updated information as required.
- Coordinating, implementing and/or overseeing configuration changes affecting the System infrastructure.

- Any work being scheduled affecting the System and/or subsystems performance and reasonable notification to the System's users of same.
- Ensuring all technicians assigned to work on System equipment have successfully completed appropriate training on the equipment. Training requirements are referenced in the training section of the SOP.
- Following a preventive maintenance plan as defined in the preventative maintenance section of the manufacturers' manuals.
- Maintaining a list of the qualifications and contact information of technical staff in the event of an emergency.
- Maintaining a list of the available spare parts/equipment pertaining to the System and subsystems.
- Ensuring any equipment upgrades or changes affecting normal operations of the System are discussed and approved by the Governance Committee.
- Determining how critical an equipment failure is operationally, determining the appropriate action, and escalating or de-escalating the repair process as needed.

Management

The Lead Agency is responsible for managing the maintenance of the System equipment and sites and managing the repair responsibilities in emergency situations.

7.3 Maintenance / Repair Notifications

Purpose or Objective

Defines the procedure for notifications of scheduled and unanticipated maintenance activities having an impact on normal System operations, System interruptions, and System outages.

It is the policy of the Lead Agency to provide guidelines for user notifications for any maintenance actions having a potential for System interruptions.

Technical Background

Typically, equipment functionality can change when hardware and software configuration alterations or other maintenance activities are performed. Advanced notification of planned maintenance activities that impact the normal operation of the System allows user agencies and subscribers to make preparations as needed. Notification will also be made to user agencies when a catastrophic failure happens.

If the notification process is difficult and lengthy, it can become a barrier to making notification to user agencies.

Failure to make proper notification to user agencies can result in unneeded confusion, disruption or loss of public safety communications, and possible compromise of any special operations communications.

Operational Context

Affected agencies shall be notified of maintenance activities that impact their subscribers on the System. Agency notification of radio maintenance activities to their individual subscribers is at the discretion of the user agency's designated representative.

Protocol / Standard

The Lead Agency is responsible for monitoring the System on a 24-hour basis, through various methods including on-site staff in the System Watch unit. Maintenance activities, planned or unplanned, that could impact the subscribers usage of the System requires notification to the affected agency's radio representatives.

In the event of planned maintenance, all efforts should be made to conduct this type of activity during off-peak hours where radio utilization is as low as possible. If an emergency or high priority incident is in progress at the time of scheduled maintenance, it may be necessary to reschedule or delay the maintenance until the situation has stabilized and can be safely moved to alternate talkgroups or channels.

Procedure

A reasonable advance notice shall precede planned maintenance activities that affect the agencies using the System. The notification methods shall be by phone, e-mail, radio, or any combination of the same. The notification will consist of:

- The type of planned maintenance activity.
- When the maintenance will be conducted.
- The amount of time anticipated to complete the activity.
- The anticipated impact to the System and subsystems.

If a known activity has a significant operational impact upon any specific agency, a confirmation of receipt of notification shall be obtained. It is the responsibility of the Lead Agency to ensure that all affected users are notified will in advance of any such operations. Whenever possible, these operations shall be scheduled when the normal radio traffic is slowest.

Prior to commencing the maintenance operation, personnel from the Lead Agency shall coordinate with Control One to contact each affected dispatch center's supervisor for a last minute situational briefing.

Once maintenance operations begin, if dispatch operations recognize a need to terminate the operation, or if unexpected problems occur, a communications supervisor must call Control One to have the technical staff notified of the situation.

Unanticipated maintenance or equipment failures affect the agencies on the System and require notification to the affected agency's radio representative.

Upon notification of an equipment outage, Lead Agency technical staff is expected to:

- Determine the impact of the impairment to the operation of the System. A minor failure is something that either does not affect or minimally affects user functionality. A major failure is something that seriously affects or risks user functionality of the System.

- Determine if there are internal or external factors that alter the priority of System impairment, such as weather, subscriber loading unique public safety activities or impending events, etc.
- Determine if manual intervention is required. A serious failure requires initiating repair processes regardless of the time of day. Minor failures can wait until normal business hours or other convenient time before repair. The determination is at the discretion of the Lead Agency, and shall be based on internal System functionality and external subscriber needs.
- Determine if additional external resources are required.

Once the operation or repairs are complete, Lead Agency personnel shall contact Control One for an update and user feedback.

When requested by the Governance Committee, the details of the recovery processes may be reviewed for improvements.

Management

The Lead Agency is responsible for maintaining this policy and ensuring representatives from all affected agencies are notified as appropriate. Each agency's radio representatives are responsible for notifications within their respective agencies.

7.4 System Coverage

Purpose or Objective

Establishes the requirements for regular outdoor testing and verification of System signal quality and coverage.

Technical Background

Signal coverage of the System fluctuates constantly and is influenced by many conditions including but not limited to:

- Terrain.
- Weather.
- Vegetation.
- Building Construction.
- Equipment Condition.
- Location.

Regular sampling of signal quality and strength at pre-designated locations will help to confirm adequate coverage, or if a problem might have developed in certain locations due to changes in one of the above conditions.

Operational Context

Periodic coverage testing is a critical component of System operation and maintenance, and will continue toward identifying and mitigating any signal coverage issues, including any potential effects of new building construction and development.

Protocol / Standard

Lead Agency staff performs comprehensive signal coverage test to evaluate the System's signal strength and quality across the service area. The locations and number of individual test points shall be based on the area's building density and known areas of poor coverage.

The results of each test will be compared to previous results and monitored for signal degradation. Test results will be stored on a shared data server for historical comparisons.

Management

The Lead Agency Director oversees the process, evaluates the results, develops remediation strategies, and reports significant findings to the Governance Committee.

7.5 Repair Parts Inventory**Purpose or Objective**

Establishes an inventory control procedure for infrastructure and subscriber repair parts.

It is the policy of the Lead Agency to ensure that planning is in place and available resources identified to expedite the recovery of the System and related components in the case of disaster, catastrophic failure or other major incident that affects operations of the System.

Operational Context

Lead Agency will maintain an inventory of spare parts for regular repairs to the System and subscriber radios.

Protocol / Standard

The spare parts inventory for infrastructure and subscriber units shall be kept at Lead Agency facilities for ready access when needed.

Management

The Lead Agency maintains and manages the repair parts inventory.

7.6 Disaster Recovery**Purpose or Objective**

Establishes the minimum requirements for a System disaster recovery plan.

It is the policy of the Governance Committee and Lead Agency to ensure that planning is in place and resources identified and available to expedite the recovery of the System and related components in the case of disaster, catastrophic failure or other major incident that affects operations of the System.

Operational Context

Lead Agency personnel will maintain a comprehensive plan for restoration of the System during times of disaster. If the Operational Area EOC is activated, the Emergency Communications

Coordinator (ECC) must be notified of any System problem so that it can be logged into WebEOC.

Management

The Lead Agency maintains and manages the Disaster Recovery Plan.

8.0 SITE AND SYSTEM SECURITY

8.1 Site Security

Purpose or Objective

Establishes the minimum requirement to provide site security and protect the integrity of the System's radio towers equipment shelters and equipment.

Technical Background

Security measures have the overall benefit of protecting the functionality, integrity and operation of the System. Details of specific security measures cannot be placed within a public document as this would compromise measures used in monitoring and maintaining security.

Operational Context

The physical security of equipment, facilities, and structures making up the core of the radio System infrastructure is paramount to the reliability and availability of communications carried on the System. Each site is within a fenced, gated and locked compound, with shelter entry monitored and reported to a central monitoring point. A remote controlled camera systems are installed and monitored for any unauthorized entry or security concerns.

Protocol / Standard

Access to the sites are tightly controlled and entry to those sites is granted only to those personnel with proper authorization from the Lead Agency. All personnel requiring site access must be accompanied by Lead Agency staff. Unaccompanied access to any System site is not authorized. Entry alarms for the remote sites are received at Systems Watch and sent immediately to Lead Agency technical support staff.

Procedure

Notification to Lead Agency Technical staff and Systems Watch is required of all agencies and vendors prior to gaining site access. Any person requiring access to the tower sites for any reason shall have full clearance from the Lead Agency and be accompanied and monitored by Lead Agency personnel while on site. Law enforcement personnel will be immediately notified and dispatched to any site with unexpected or unexplained alarms or unidentified personnel viewed remotely from the camera systems.

Any agency or vendor requiring access to any tower site or equipment location shall make immediate notification to the Lead Agency of urgent issues such as discharged employees or cancelled contracts.

When a site has been vandalized or broken into, the jurisdictional law enforcement agency should be notified. The person who discovers the event has the responsibility to preserve the crime scene and not contaminate it. He/she should have Systems Watch log the time when the event was discovered and any other pertinent information relating to the site/scene. Systems Watch should notify the appropriate local law enforcement agency as well as the Orange County Sheriff's Department Watch Commander and Control One. Other agencies may be notified if they own equipment at the site. Lead Agency will notify all affected agencies as soon as possible.

When the site is off the air due to a crime, the technician should refrain from making entry unless permission has been given by the Lead Agency Director due to extreme circumstances taking place that requires coverage from the site.

If a radio technician should arrive at a site and an unauthorized vehicle or person is on the property, they should back off, notify Systems Watch and call 911. The technician should give the 911 call taker the street address and advise them of the situation. If there is no cell service on site, the technician should radio the information to Systems Watch and request law enforcement response. Systems Watch personnel should immediately contact the appropriate law enforcement agency to request response. Systems Watch personnel will also notify Lead Agency supervisors and management. At no time should the technician put themselves at risk of harm.

If a technician has to respond to a vandalized remote site after normal business hours, it is recommended for safety reasons that a minimum of two persons respond to the site. Law enforcement may be requested to go to the site with the technician.

Management

The Lead Agency Director is responsible for managing this procedure.

8.2 Network Operational Security

Purpose or Objective

Establishes the specific security measures for System and subsystem equipment and to define site security policy.

Technical Background

Security measures have the overall benefit of protecting the functionality, integrity and operation of the System. Details of specific security measures cannot be placed within a public document as this would compromise measures used in monitoring and maintaining security.

Protocol / Standard

All items identified as 'Restricted Information' will be maintained in secure areas within the control of the Lead Agency and is not available outside of the Lead Agency except by formal written request.

Technical information that can compromise System security is considered 'Restricted Information'.

The System's network is protected from other data networks by isolation or by using System manufacturer specified and configured firewall with the approval of the Lead Agency.

All remote access points to the System are kept secure and are coordinated with the Lead Agency.

Passwords protect the System and subsystem equipment for the purpose of preventing unauthorized access to equipment. The Lead Agency issues and manages the passwords.

User login accounts are protected with passwords providing an appropriate level of protection. If a password is suspected of being compromised, it must be immediately updated or the user account will be disabled pending resolution.

External devices (computers, modems, routers, data storage, etc.) shall not be connected to the System network, computers, or consoles without the approval of the Lead Agency Director. Any such device must also be supplied, supported, and maintained by the user Agency's Information Technology department or service provider to ensure the most current device security software and virus protection is in place.

At no time will any personally owned device be connected to any port or connector on the System. Any such action may result in the immediate revocation of access privileges for the offender and/or agency.

It is recommended that computers used for programming or maintenance not be connected to the internet to help reduce possibility of virus infection.

A 'Group Policy' shall be implemented on the System to prevent the use of external USB ports on all dispatch consoles.

Procedure

All agencies, contractors, and personnel that require access to Lead Agency controlled sites, equipment or networks must pass a comprehensive background check before access is allowed and must be accompanied by Lead Agency staff while on site.

Violations of System security policy or procedures may jeopardize the System and result in the loss of a technician's, agency's or vendor's privileges to access the System.

System documentation is classified as 'Restricted Information'.

Management

The Lead Agency Director is responsible for the network, equipment, and site security of the System.

8.3 Software, Firmware and Document Security

Purpose or Objective

Establishes the minimum security measures and procedures to protect the integrity of the System software and programming.

Technical Background

The documentation, service and technical manuals, databases, spreadsheets and software of the System contain critical operational and technical information that could compromise the System if obtained by unauthorized personnel and is classified as 'Restricted Information'.

Operational Context

The documentation and software of the System changes as the System evolves. Those changes and revision must be documented and maintained in a central location for quick and easy access for the technical support staff.

Protocol Standard

In the best interest of public safety, all documentation, service and technical manuals, databases, spreadsheets and software of the System are considered 'Restricted Information'.

Software relating to the programming of any System component shall only be installed on authorized government owned computers or Lead Agency authorized contractors' computers.

Procedure

All items identified as 'Restricted Information' will be maintained in secure areas within the control of the Lead Agency Director. These items will only be shared with those who require knowledge of it for operational purposes. This information is not available to anyone outside of the Lead Agency. An exception may be made with a formal written request and approval from the Governance Committee. This information is not to be released to any personnel who do not have a legitimate and appropriate need for it.

Management

The Lead Agency Director is responsible for managing this procedure.

9.0 APPENDIX

9.1 Lead Agency Contact Information

Normal Working Hours – Monday-Friday 7:30AM – 4:30PM

Customer Service – 714-704-7999

- Radio repair request
- Radio programming request
- Radio/accessories purchase request
- Dispatch console repair request

Systems Watch – 714-628-7020

- Lost/Stolen radio notification
- Radio deactivation
- Radio transmission history/statistics

After Normal Working Hours

Systems Watch – 714-628-7020

- Lost/Stolen radio notification
- Radio System coverage issues
- Emergency radio repair requests
- Emergency dispatch console repair requests

Control One – 714-834-7008

- Operational issues
- Request restricted talkgroup assignment
- Interoperability assistance
- Emergency radio or console repair requests

Physical Address:OCSD/Technology Division – Administration & Radio Repair

840 N. Eckhoff St.
Suite 104
Orange, CA 92868

9.2 Glossary – Definitions and Acronyms

Item/Acronym	Definition
700MHz	For Public Safety LMR, digital P25 voice radio channels between 769/775 MHz and 799/805 MHz. Channels have 30 MHz separation between Tx & Rx when repeated. FCC designated low power channels can be used analog voice.
7CALL / 7TAC	Nationwide 700 MHz Calling and Tactical channels
800MHz	For Public Safety LMR, analog or digital voice or data radio channels between 806/816 and 851/860 MHz. Channels have 45 MHz separation between Tx & Rx when repeated.
8CALL / 8TAC	Nationwide 800 MHz Calling and Tactical channels
ACU-1000	An audio gateway device capable of connecting disparate radio systems, channels, or talkgroups together during on-scene operations, similar to a console patch between talkgroups
AES	Advanced Encryption Standard
Alias	A common alphanumeric name used to identify a radio, talkgroup, site, etc. rather than referencing the assigned 6 digit ID number
ANSI	American National Standards Institute
APCO	Association of Public-Safety Communications Officials
APCO P25	A public-safety digital radio standard

Item/Acronym	Definition
ASK	Advanced System Key
BDA	Bi-Directional Amplifier, relays radio signals into and out of a building
BER	Bit Error Rate
CCCS	Countywide Coordinated Communications System
Channel	A pair of frequencies, transmit and receive, that are used for a single communications path
Channel Bank	A device that combines multiple data and/or audio inputs into TDMA format so that it can be transmitted over microwave or T1 circuit and shared between transmitter sites
Code plug	The file containing a specific radio's programming parameters
COMC	Communications Coordinator
COML	Communications Unit Leader
COMT	Incident Communications Technician
Console Patching	Ability to connect channels via dispatch consoles
Consolette	A mobile radio mounted into a case with power supply and converted for desk-top use
Control Station	An installed radio unit, sometimes a mobile radio, normally found at a desk or common work area indoors or directly connected to a console or other fixed transmitting location
DAS	Distributed Antenna System, relays radio signals into and out of a building
Digital radio	Digital radios turns sound (by signal processing) into patterns of digits (numbers) rather than the radio waves which are used for analog transmissions.
Dispatch Console	A fixed radio operator position with multiple radio resources and features that can access any subset of talkgroups and/or conventional channels
ECC	Emergency Communications Coordinator
EIA	Electronic Industry Alliance
EMS	Emergency Medical Services
EOC	Emergency Operations Center
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
Fixed	Radio equipment that is installed at a radio site or dispatch center
Fleetmap	The master spreadsheet plan of the talkgroups, zones, Failsoft assignments, alias information and other pertinent System and radio programming
FM	Frequency Modulation
Gateway	A device that allows two or more radio or voice devices to be connected together
IAP	Incident Action Plan

Item/Acronym	Definition
IC	Incident Command
ICALL	Calling Channel for ITAC
ICC	Incident Communications Center
ICP	Incident Command Post
ICS	Incident Command System
ICS 205	Incident Radio Communications Plan
ICS 217	Communications Resource Availability Worksheet
ID	Identification
Infrastructure	All of the fixed electrical and mechanical equipment, towers and building structures, generators, transmitters, controllers, antennas, microwave and ancillary equipment that comprise the operational backbone of the radio System
Inter-agency	Located or occurring between two or more agencies
Interoperability	The ability of Public Safety responders to share information via voice and data communications systems on demand, in real time, when needed, and as authorized.
Interoperable	Ability of a system to use the parts or equipment of another system
ITAC	Conventional mutual aid channel 800 Mhz
ITS	Information Technology Services
IUID	Item Unit Identification number is a unique number assigned to each individual subscriber radio authorized to have access to the System.
Lead Agency	Agency primarily responsible for maintenance, management, operation and enhancement of the CCCS System. The CCCS Governance Committee has designated the Orange County Sheriff Department Technology Division as the Lead Agency.
LMR	Land Mobile Radio
Logging	The act of recording radio conversations for replay as required
MCC	Mobile Communicaiton Center
MCU	Mobile Communications Unit
MCV	Mobile Communications Vehicle
MHz	Abbreviation for megahertz. 5 MHz = 5,000,000 Hz or 5,000 kHz. A unit of measure for the number of times a frequency makes one complete cycle in one second
Mission Critical	For mission critical applications, users have an expectation of "immediate" communication with their dispatch or command center and little to no end-to-end audio delays.
Mobile Radio	A vehicular mounted radio with an power source and antenna
Mutual Aid	Personnel, equipment, or services provided to another jurisdiction

Item/Acronym	Definition
NECP	National Emergency Communications Plan
NGOs	Non-Governmental Organizations
NIMS	National Incident Management System
OCCOPSA	Orange County Chiefs of Police and Sheriff's Association
OTAP	Over the Air Programming
OTAR	Over the Air Rekeying
P25	A suite of standards for digital radio communications for use by federal, state and local public safety agencies in North America to enable them to communicate with different vendor radio systems using a common platform
Patch	Electrically connecting two or more radio channels or talkgroups so that those users of those separate resources are able to communicate with each other
POC	Point of Contact
Portable	A lightweight, completely self-contained radio unit usually worn on user's belt
Public Safety	An agency, department, or individual directly involved with the health, safety, and/or security of the public including, but not limited to police, fire, emergency management, and medical personnel and responders
Public Service	An agency, department, or individual involved with providing non-emergency type services to the public including, but not limited to utilities, transportation, education, and other governmental services, supporting public safety
Restricted Information	Documentation, service and technical manuals, databases, spreadsheets and software of the System containing critical operational and technical information that could compromise the System if obtained by unauthorized personnel. All items identified as 'Restricted Information' will be maintained in secure areas within the control of the Lead Agency and is not available outside of the Lead Agency except by formal written request.
RF	Radio Frequency
SCIP	Statewide Communications Interoperability Plan
SEOC	State Emergency Operations Center
Simplex	Radio to radio communications on one frequency. Also called Direct
Simulcast	A type of radio communications in which voice communications are transmitted from multiple radio sites and can be received simultaneously by field units to provide wide area coverage
Site	The physical location of an antenna tower, equipment shelter and radio System infrastructure equipment
SOP	Standard Operating Procedure
SOW	Site on Wheels
Subscriber Unit	A mobile, hand held or control station radio used on a trunked radio system
System User	An individual operating a radio authorized to access the System.

Item/Acronym	Definition
System Watch	Lead Agency unit responsible for 24/7 monitoring of CCCS and responding to any System issues. This includes notifications, troubleshooting, callouts, repair, etc., resulting in System restoration.
TAC	Tactical on scene operation
Talk Around	Radio to Radio communications on one frequency, usually the same frequency on which a repeater transmits. Similar to Direct or Simplex
Talkgroup	Term usually used with trunked radio systems. A talkgroup is a predefined list of radios/users assigned a unique ID which allows them to communicate with each other over a trunked radio system.
Talkgroup Alias	Abbreviated naming of the talkgroup to fit within the 8 or 14 character radio display
Talkgroup Failsoft Channel	The system channel designated for a talkgroup when in the failsoft mode
Talkgroup ID	Numerical designation of the talkgroup in decimal and/or hexadecimal
Talkgroup Name	Name of the talkgroup as it is programmed into the system
TIA	Telecommunications Industry Association
Trunking/Trunked	The automatic and dynamic sharing of a number of communications channels between large numbers of radio users
UHF	Ultra High Frequency – Range of 300 to 3,000 MHz for public safety LMR usually refers to two bands. 380 to 460 MHz (low) and 460 to 512 MHz (high).
UPS	Uninterruptible Power Source – a battery back-up device that provides emergency power to connected equipment when utility power is not available.
User Agency	An agency authorized to operate a radio on the System.
VHF	Very High Frequency – For public safety LMR, usually refers to VHF High Band with a range of 136 to 164MHz. VHF Low Band has a frequency range below 100MHz.
Zone	An area in the radio / template containing positions for 16 individual talkgroups or conventional radio channels which is normally labeled by an acronym that closely represents the owner agency



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

10.

FROM: Matt Burton, Director of Finance and Administrative Services

DATE: 09/26/2022

SUBJECT: Approve Continuing Appropriations, Revenues and Transfers from FY 2021-22 to FY 2022-23

RECOMMENDATION

1. Authorize the appropriation of \$3,040,288 in FY 2022-23 for the carryover of continuing appropriations from FY 2021-22, as detailed in Attachment A; and
2. Authorize the appropriation of \$2,647,136 in FY 2022-23 for the carryover of encumbrances at June 30, 2022, as detailed in Attachment B; and
3. Authorize the continuation of operating transfers totaling \$1,340,437 and estimated grant revenue totaling \$306,437 from FY 2021-22 to FY 2022-23, as detailed in Attachment C to support carryover appropriations.

DISCUSSION

Each fiscal year, the City Council adopts an annual budget for the period of July 1 through June 30. At the end of each fiscal year, there are typically activities and purchases in progress which have not been completed. The budget for those activities lapse at fiscal year end unless the City Council re-establishes the budget in the subsequent year. At the end of each year, an analysis is performed to determine which budgeted activities need to be carried over to the new fiscal year. Open purchase orders and programs/projects for which a purchase order has not yet been issued, but are expected to be completed in the new fiscal year, are requested to be re-appropriated from prior year resources to complete the activities of the prior year budget. Operating transfers and other revenues specific to the proposed continuing appropriations are also requested to be re-budgeted to properly allocate program/project resources.

The carryover, or re-budgeting, of encumbrances and continuing appropriations represents previously approved purchases, plans, or projects. In many cases, preliminary work has been performed in association with the plans or projects. If the proposed encumbrances and continuing appropriations were not carried over into FY 2022-23, sufficient appropriations would not exist in the current year budget to fund both the continued projects and the new

projects approved in the FY 2022-23 budget.

BUDGET IMPACT

The recommended carryover, or re-budgeting, of encumbrances and continuing appropriations represents previously approved purchases and projects contained in the FY 2021-22 budget. Projected fund balance amounts included in the FY 2022-23 budget are not impacted since the carried over activities have been budgeted previously and were expected to be expended prior to June 30, 2022.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

Attachment A - Continuing Appropriations from FY 2021-22 to FY 2022-23

Attachment B - Carryover Encumbrances from FY 2021-22 to FY 2022-23

Attachment C - Continuing Transfers and Revenue from FY 2021-22 to FY 2022-23

**CITY OF CYPRESS
CONTINUING APPROPRIATIONS
FROM FISCAL YEAR 2021-22 TO FISCAL YEAR 2022-23**

<u>PURPOSE/DESCRIPTION</u>	<u>ACCOUNT CLASSIFICATION</u>	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>
<u>GENERAL FUND</u>			
City Manager Contingency	Contingency	111-20111.4130_100	\$ 220,777
Election Advertising - City Clerk	Advertising	111-20116.4150	4,288
Electronic Budget Book Solution	Computer Hardware/Software	111-40142.4116	25,000
Training - Human Resources	Contract Services	111-40151.4187_019	6,000
Project Management Services - Planning	Professional Services	111-60191.4187_100	21,000
Inspection Services - Public Works	Professional Services	111-70261-7261.4189_01	9,504
Pandemic Support - Business Recovery Program	Contributions/Donations	111-20117.4163	319,477
TOTAL GENERAL FUND			\$ 606,046
<u>GENERAL FUND GRANTS FUND</u>			
OTS Grant - Police	Salaries - Overtime	114-50183.4003_014	\$ 32,500
OTS Grant - Police	Training	114-50183.4180	1,536
OTS Grant - Police	Other Contract Services	114-50183.4188_005	1,650
OTS Grant - Police	Supplies	114-50183.4103_004	781
CDBG Housing Rehabilitation	Loans - CDBG Housing Rehabilitation	114-66195.4170	100,282
TOTAL GENERAL FUND GRANTS FUND			\$ 136,749
<u>TRAFFIC MITIGATION ASSESSMENT FUND</u>			
Street Widening for Lexington Park	Public Works Construction	234-80100-8013.4186	\$ 212,792
TOTAL TRAFFIC MITIGATION ASSESSMENT FUND			\$ 212,792
<u>ROAD MAINTENANCE AND REHABILITATION FUND</u>			
Orange Avenue Slurry Seal - OC Sanitation District	Public Works Construction	239-80100-8012.4186	\$ 147,000
TOTAL TRAFFIC MITIGATION ASSESSMENT FUND			\$ 147,000
<u>LIGHTING DISTRICT FUND</u>			
Katella OCTA Traffic Signal Synchronization	Public Works Construction	251-80200-8021.4186	\$ 27,600
Traffic Signal Timing Project	Public Works Construction	251-80200-8021.4186	216,000
Upgrade Traffic Software/Components	Public Works Construction	251-80200-8021.4186	260,000
TOTAL LIGHTING DISTRICT FUND			\$ 503,600
<u>SEWER FUND</u>			
Sewer System Improvements-Various	Public Works Construction	321-80400.4186	\$ 150,000
Sewer Lateral Replacement - Police Dept.	Public Works Construction	321-80400.4186	237,000
TOTAL SEWER FUND			\$ 387,000
<u>CAPITAL PROJECTS FUND</u>			
Civic Center Security Enhancements	Public Works Construction	415-80600-8061.4186	\$ 105,000
Cypress Branch Library Lease Improvements	Public Works Construction	415-80600-8061.4186	226,920
Police Department Vehicle Access Gate	Public Works Construction	415-80600-8061.4186	53,000
City Hall East Wing Carpet/Blinds	Public Works Construction	415-80600-8061.4186	75,000
Workstation Replacement - City Hall East Wing	Public Works Construction	415-80600-8065.4186	75,000
TOTAL CAPITAL PROJECTS FUND			\$ 534,920
<u>CAPITAL REPLACEMENT FUND</u>			
Mobile Data Computer Replacement - Police	Computer Hardware/Software	721-95200.4305_300	\$ 250,000
Storm Drainage Pump Station Software Upgrade	Computer Hardware/Software	721-95200.4307_300	75,000
PD SWAT Ballistic Vests (4)	Equipment - Police	721-95300.4305_200	14,787
Digital Plan Review Workstations - PW	Computer Hardware/Software	721-95200.4306_300	7,808
Online Zoning and Land Planning System	Computer Hardware/Software	721-95200.4306_300	85,000
Financial Accounting System Enhancements	Finance Software System	721-95200.4304_320	64,586
Vehicle Upfitting (4)	Vehicles	721-95500.4307_400	15,000
TOTAL CAPITAL REPLACEMENT FUND			\$ 512,181
GRAND TOTAL-CARRYOVER APPROPRIATIONS			\$ 3,040,288

**CITY OF CYPRESS
CARRYOVER ENCUMBRANCES
FROM FISCAL YEAR 2021-22 TO FISCAL YEAR 2022-23**

PO	VENDOR	DESCRIPTION	ACCOUNT NUMBER	AMOUNT
GENERAL FUND - 111				
2022-733	1413 Consulting	Property Room Audit	111-50161.4189_100	\$ 14,900
2022-542	Motoport	Motorcycle Jackets(2)	111-50173.4113	1,480
2021-415	Veronica Tam & Associates	2021-29 Housing Element Update Preperation	111-60192.4189_007	35,829
2021-453	LSA Associates	Initial Study/Mit Neg Dec for Housing Element Update	111-60192.4189_007	8,531
2022-598	LSA Associates	Environmental Impact Report for Housing Element	111-60192.4189_007	308,034
2022-599	Annealta Group	Housing Element Supplemental Planning Services	111-60192.4189_007	71,610
2022-785	LSA Associates	Initial Study/Mit Neg Dec for Business Park Modernization	111-60192.4189_007	60,300
2022-786	Casc Engineering and Consulting	Business Park Modernization	111-60192.4189_007	199,916
2022-421	Willdan Engineering	Neighborhood Preservation Pilot Program	111-60193.4187_100	160,730
2021-708	Michael Balliet Consulting	On-Call Solid Waste Consulting Services	111-70720.4189_100	14,548
TOTAL GENERAL FUND				\$ 875,878
GENERAL FUND GRANTS - 114				
2022-583	U S Armor Corporation	Police Ballistic Vests(9)	114-50183.4113	\$ 2,618
TOTAL GENERAL FUND GRANTS				\$ 2,618
TRAFFIC MITIGATION ASSESSMENT FUND - 234				
2020-507	Community Works Design Group	Final Design of LARC Park, Project 225	234-80100-8013.4186	\$ 3,238
2021-439	Griffin Structures	Construction Inspection-Lexington Park	234-80100-8013.4186	411
2020-507	Community Works Design Group	Final Design of LARC Park, Project 225	234-80200-8021.4186	1,169
TOTAL TRAFFIC MITIGATION ASSESSMENT FUND				\$ 4,818
MEASURE M FUND - 236				
2022-450	Iteris	Traffic Camera Infrastructure Upgrades(11)	236-80200-8021.4186	\$ 8,110
2022-453	Yunex, LLC	Traffic Camera Upgrades(11)	236-80200-8021.4186	61,735
TOTAL ROAD MAINTENANCE AND REHAB FUND				\$ 69,845
ROAD MAINTENANCE AND REHAB FUND - 239				
2021-645	Nichols Consulting	Pavement Management Program	239-80100-8011.4186	\$ 4,300
2022-779	TRC	Inspect/Street Rehabilitation	239-80100-8012.4186	19,624
2022-782	American Asphalt South	Construct/Street Rehabilitation	239-80100-8012.4186	167,238
TOTAL ROAD MAINTENANCE AND REHAB FUND				\$ 191,162
LIGHTING DISTRICT #2 FUND - 251				
2022-436	Crosstown Electrical & Data Inc	Install LED Illuminated Street Signs	251-80800-8081.4186	\$ 11,050
2022-694	Yunex, LLC	Install Street Lights(3)	251-70223.4187_024	18,639
TOTAL LIGHTING DISTRICT #2 FUND				\$ 29,689
ASSET SEIZURE FUND - 283				
2022-709	All American Sign Co	PD Digital Flag Art Work	283-50189.4103_004	\$ 730
TOTAL ASSET SEIZURE FUND				\$ 730
SEWER FUND - 321				
2020-379	AKM Consulting Engineers	Sewer System Management Plan Update and Audit	321-70219.4189_100	\$ 30,127
2022-666	AKM Consulting Engineers	Sewer System Management Plan Audit	321-70219.4189_100	37,970
2022-470	AKM Consulting Engineers	Design/Civic Center Sewer	321-80400-8041.4186	42,028
2022-482	Pipe Tec, Inc	Construct/Sewer System Evaluations	321-80400-8041.4186	32,426
TOTAL SEWER FUND				\$ 142,551

**CITY OF CYPRESS
CARRYOVER ENCUMBRANCES
FROM FISCAL YEAR 2021-22 TO FISCAL YEAR 2022-23**

PO	VENDOR	DESCRIPTION	ACCOUNT NUMBER	AMOUNT
CAPITAL PROJECTS FUND - 415				
2022-634	Onyx Paving Company, Inc	Construct/Residential Street Rehabilitation	415-80100-8011.4186	\$ 181,168
2022-779	TRC	Inspect/Rsidential Street Rehabilitation	415-80100-8011.4186	26,013
2022-782	American Asphalt South	Construct/Street Rehabilitation	415-80100-8011.4186	221,688
2022-778	TRC	Inspect/Concrete Rehabilitation	415-80500-8051.4186	30,168
2022-780	CJ Concrete Construction, Inc	Construct/Concrete Rehabilitation	415-80500-8051.4186	326,080
2021-224	David Volz Design	Design/Katella Avenue Median Restoration	415-80500-8052.4186	11,500
2021-753	Marina Landscape Inc	Construct/Katella Ave Median Restoration	415-80500-8052.4186	119,985
2018-589	Robert Borders & Assoc	Police Department Seismic Retrofit/EOC Modernazation	415-80600-8061.4186	7,530
2021-471	Interlog Construction	PD Seismic Retrofit, EOC and Modernization, Project 126	415-80600-8061.4186	11,302
2021-493	Robert Borders & Assoc	Design Support-PD Seismic Retrofit	415-80600-8061.4186	6,903
2022-334	Tangram Interiors	PD Workstations and Seating	415-80600-8061.4186	23,084
TOTAL CAPITAL PROJECTS FUND				\$ 965,421
CITY CENTRAL SERVICES FUND - 711				
2022-606	Fred Guys Auto Body & Paint	Replace Front Bumper and Right Fender - Unit 610	711-70621-7634.4156_150	\$ 5,393
TOTAL CITY CENTRAL SERVICES FUND				\$ 5,393
INFORMATION SYSTEMS FUND - 713				
2022-266	ADS Consulting Group Inc	Disaster Recovery Planning and Testing	713-40605.4189_015	\$ 14,667
TOTAL INFORMATION SYSTEMS FUND				\$ 14,667
CAPITAL REPLACEMENT FUND - 721				
2022-348	MVP Security Systems, Inc	ID Badge and Access Credential Modernization	721-95100.4304_100	\$ 6,555
2022-524	MVP Security Systems, Inc	Security Camera and Door Access Installation at PD	721-95200.4305_300	29,523
2022-225	National Auto Fleet Group	PD Vehicles (4) and Public Works Vehicles (2)	721-95500.4307_400	226,920
2022-707	Data Safety Supply	Marked Police Vehicle Upfitting - Unit 619	721-95500.4307_400	20,309
2022-723	National Auto Fleet Group	Marked Police Vehicle - Unit 616	721-95500.4307_400	61,059
TOTAL CAPITAL REPLACEMENT FUND				\$ 344,366
TOTAL CITY				\$ 2,647,136

**CITY OF CYPRESS
CONTINUING OPERATING TRANSFERS AND GRANT REVENUE
FROM FISCAL YEAR 2021-22 TO FISCAL YEAR 2022-23**

OPERATING TRANSFERS:

FROM	TO	AMOUNT
111 General Fund	721 Equipment Replacement Fund	\$107,271
232 Gas Tax 2106 Fund	415 City Capital Projects Fund	281,485
238 Gas Tax 2103 Fund	239 RMRA Fund	250,000
261 Storm Drainage Fund	721 Equipment Replacement Fund	75,000
416 Infrastructure Reserve Fund	415 City Capital Projects Fund	459,920
731 Technology Master Plan	713 Information Systems Fund	4,667
731 Technology Master Plan	721 Equipment Replacement Fund	110,934
760 General Liability Insurance Fund	721 Equipment Replacement Fund	51,160
TOTAL OPERATING TRANSFERS		<u>\$1,340,437</u>

GRANT REVENUE:

FUND	ACCOUNT	SOURCE	AMOUNT
111 General Fund	111-99999.3525	CA Corrections Law Enf. (Homelessness)	37,833
111 General Fund	111-99999.3525	State LEAP Grant - Planning	48,037
111 General Fund	111-99999.3525	State Tobacco Grant - PD SRO	56,935
114 General Fund Grants	114-66195.3572	Community Development Block Grant	102,082
114 General Fund Grants	114-50183.3525	OTS Public Safety Grant - PD	55,838
114 General Fund Grants	114-50183.3525	Bulletproof Vest Program - PD	5,712
TOTAL GRANT REVENUE			<u>\$306,437</u>



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

11.

FROM: Matt Burton, Director of Finance and Administrative Services

DATE: 09/26/2022

SUBJECT: Approve Supplemental Appropriations and Increases to Estimated Revenues and Transfers for FY 2021-22

RECOMMENDATION

1. Approve FY 2021-22 supplemental appropriations of \$547,681 and increase estimated revenues by \$730,781 for the City; and
2. Approve FY 2021-22 supplemental appropriations of \$2,500 for the Cypress Recreation and Park District; and
3. Approve a \$1,106,889 transfer from the Park District to the City's Infrastructure Fund as partial payment on the outstanding Repayment Agreements and Promissory Notes between the District and the City.

SUMMARY

Each year when the Budget is prepared, certain programs are budgeted based on best available estimates but are subject to occurrences not known at the time of preparation. In many cases, these factors are out of the City's control and the final budget impact is not known until the end of the fiscal year. Once the exact impact is known, the City Council may approve additional appropriations and establish the final Amended Budget to ensure budgetary compliance at fiscal year-end.

The attached adjustments to the FY 2021-22 budget are expected to be the final amendments of the fiscal year and will be used for year-end financial reporting.

DISCUSSION

General Fund

Based on the preliminary analysis of FY 2021-22 expenditures, the General Fund will be under total adopted appropriations by approximately \$2.9 million. Despite these savings, and as is often the case, a few General Fund programs exceeded budget.

Building Division

The Community Development Building division exceeded its contract inspections and plan checking budget due to higher levels of building activity than projected in the budget. Forecasting the division's annual contract costs is difficult due to many outside factors, including the economy's impact on local development activity. Therefore, revenue and expenditure projections associated with development activity are historically estimated prudently and actual receipts and disbursements can fluctuate significantly from year to year. The higher activity levels experienced in FY 2021-22 resulted in more revenues (fees) and additional contract costs.

Public Works Engineering Division

The Public Works Engineering Division exceeded its budget for contract inspection services for plan checks and permits. Similar to the Building Division, contract costs for inspection services tend to fluctuate from year to year due to a variety of factors. The additional activity levels this past year resulted in the receipt of additional fee revenues which offset the higher costs.

Other Funds

The Supplemental Law Enforcement Special Revenue Fund exceeded budget due to receiving \$32,281 more in State grants than anticipated. The City uses these grant amounts, approximately \$160,000 annually, to pay for a Police Services Officer and a portion of a Police Officer. The additional appropriation is fully offset by a \$32,281 increase to revenues.

The Lighting District Fund exceeded its budget for street lighting by \$121,600 due to higher electricity costs. The overage is attributed to significant rate adjustments by Southern California Edison which went into effect in 2021. The new rates are approximately 20 percent higher than the previous rates and additional rate increases are anticipated in future years.

The Corporate Center Maintenance District Fund, which assesses property owners to pay the costs associated with maintaining the Stanton Channel Berm, exceeded its budget for water by \$15,300. Another dry winter, combined with higher water rates, caused the budget overage.

The Low and Moderate Housing Asset Fund, which is restricted to use on eligible housing activities benefiting low and moderate income residents, exceeded its budget by \$32,300. The overage is primarily due to the need to spend additional staff time administering the forgivable loan program resulting from processing changes by the County and the City's loan consultant. These additional costs are offset by salary savings in the General Fund.

The City Central Services Internal Service Fund, which accounts for the repair and maintenance of facilities and vehicles, exceeded budget by \$88,800. The overage is

attributable to the significant gasoline price increases experienced in the past year, and its impact on fueling costs for the City's fleet of vehicles.

Recreation and Park District

CRPD Central Services Internal Service Fund

The costs to maintain the District's vehicles exceeded budget by \$2,500. The overage is a result of higher fuel costs and utilizing more City fleet maintenance labor hours than initially estimated.

Park Development Fund

The Park Development Fund receives fees from developers of housing units that are required to be used for the construction of park improvements. The City has previously loaned the District nearly \$12.3 million for the construction of Lexington Park, which will be repaid from available Park Development fees. In February, \$4.8 million of available park development fees were applied against the outstanding loan balance. An additional \$1.1 million in park development fees were received in FY 2021-22 and it is recommended these amounts be transferred to the City to further pay down the loan. The additional \$1.1 million repayment results in \$6.4 million remaining on the loan at June 30, 2022.

BUDGET IMPACT

This action provides budgetary compliance for costs already incurred relating to situations not anticipated when the budget was approved; therefore, there is no fiscal impact as a result of this action.

The appropriation requests of \$547,681 for the City and \$2,500 for the District, summarized in Attachment A, will cover operating program expenditures which exceeded budget estimates. These supplemental appropriations for the City are more than offset by increases of \$730,781 to estimated revenues for building and engineering fees, and other grants which are also summarized in Attachment A.

The authorization for the District to repay \$1.1 million results in additional cash balances being available for future infrastructure needs of the City.

LEGAL REVIEW

None required.

APPROVED BY:

Peter Grant, City Manager

Attachments

Attachment A - FY 2021-22 Supplemental Appropriations, Estimated Revenue and Transfer Adjustments

**CITY OF CYPRESS
SUPPLEMENTAL APPROPRIATIONS, ESTIMATED REVENUE AND TRANSFER ADJUSTMENTS
FOR FISCAL YEAR 2021-22**

<u>PURPOSE/DESCRIPTION</u>	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>
SUPPLEMENTAL APPROPRIATIONS - CITY		
<u>GENERAL FUND</u>		
Inspection Services - Building	111-65243-6243.4189_010	\$ 69,700
Inspection Services - Electrical	111-65243-6244.4189_010	47,100
Inspection Services - Plumbing/Heating	111-65243-6245.4189_010	28,500
Building Plan Checks	111-65247.4189_006	65,700
Inspection Services - Engineering Plan Check	111-70261-7261.4189_010	46,400
TOTAL GENERAL FUND		<u>\$ 257,400</u>
<u>SUPPLEMENTAL LAW ENFORCEMENT FUND</u>		
Salaries - Regular	301-50181.4001	\$ 15,337
Fringe Applied	301-50181.4006	16,944
TOTAL SUPPLEMENTAL LAW ENFORCEMENT FUND		<u>\$ 32,281</u>
<u>LIGHTING DISTRICT FUND</u>		
Electricity	251-70223.4200	\$ 121,600
TOTAL LIGHTING DISTRICT FUND		<u>\$ 121,600</u>
<u>CORPORATE CENTER MAINTENANCE DISTRICT FUND</u>		
Water	271-70239.4202	\$ 15,300
TOTAL CORPORATE CENTER MAINTENANCE DISTRICT FUND		<u>\$ 15,300</u>
<u>LOW AND MODERATE HOUSING ASSET FUND</u>		
Salaries - Regular	471-62198.4001	\$ 15,500
Fringe Applied	471-62198.4006	16,300
Contract Services	471-62198.4187_100	500
TOTAL LOW AND MODERATE HOUSING ASSET FUND		<u>\$ 32,300</u>
<u>CITY CENTRAL SERVICES INTERNAL SERVICE FUND</u>		
Fuel - City Vehicles	711-70621-7621.4106	\$ 12,300
Fuel - Police Vehicles	711-70621-7634.4106	74,000
Salaries - Regular	711-70621-7635.4001	900
Fringe Applied	711-70621-7635.4006	950
Fuel - CRPD Vehicles	711-70621-7635.4106	650
TOTAL CITY CENTRAL SERVICES INTERNAL SERVICE FUND		<u>\$ 88,800</u>
TOTAL SUPPLEMENTAL APPROPRIATIONS - CITY		<u>\$ 547,681</u>

**CITY OF CYPRESS
SUPPLEMENTAL APPROPRIATIONS, ESTIMATED REVENUE AND TRANSFER ADJUSTMENTS
FOR FISCAL YEAR 2021-22**

<u>PURPOSE/DESCRIPTION</u>	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>
SUPPLEMENTAL APPROPRIATIONS - CYPRESS RECREATION AND PARK DISTRICT		
<u>CRPD CENTRAL SERVICES INTERNAL SERVICE FUND</u>		
Contract Services	715-90661.4188_200	\$ 2,500
TOTAL SUPPLEMENTAL APPROPRIATIONS - CYPRESS RECREATION AND PARK DISTRICT		<u>\$ 2,500</u>
ESTIMATED REVENUES - CITY		
<u>GENERAL FUND</u>		
Building Permits	111-65241.3200	\$ 263,600
Plumbing/Heating Permits	111-65241.3201	51,300
Electrical Permits	111-65241.3202	110,300
Plan Check Fees - Building	111-65241.3620	221,500
Engineering and Inspection Fees	111-70201.3621	51,800
TOTAL GENERAL FUND		\$ 698,500
<u>SUPPLEMENTAL LAW ENFORCEMENT FUND</u>		
Grants - Miscellaneous	301-99999.3525	\$ 32,281
TOTAL SUPPLEMENTAL LAW ENFORCEMENT FUND		\$ 32,281
TOTAL ESTIMATED REVENUES - CITY		<u>\$ 730,781</u>
TRANSFERS		
<u>PARK DEVELOPMENT FUND</u>		
Transfer to CRPD General Fund	213-99999.4501_212	<u>\$ 1,106,889</u>
<u>INFRASTRUCTURE FUND</u>		
Transfer from CRPD General Fund	416-99999.3901_212	<u>\$ 1,106,889</u>



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

12.

FROM: Matt Burton, Director of Finance and Administrative Services

DATE: 09/26/2022

SUBJECT: Approve Cypress Recreation and Park District Continuing Appropriations from FY 2021-22 to FY 2022-23

RECOMMENDATION

1. Appropriate \$1,438,195 in FY 2022-23 for items encumbered at June 30, 2022 as detailed in Attachment A; and
2. Appropriate \$699,282 in FY 2022-23 for the carryover of continuing appropriations as detailed in Attachment A; and
3. Authorize the continuation of operating transfers to FY 2022-23 totaling \$105,243 as detailed in Attachment A.

DISCUSSION

There are typically District activities and purchases in progress at the end of a fiscal year, the majority of which relate to capital projects. An analysis of the prior year budget is performed to determine which activities need to be carried over to the new fiscal year. Open purchase orders and programs/projects expected to be completed in the new fiscal year are recommended for re-appropriation from prior year resources. Additionally, revenues and operating transfers related to the continuing appropriations may also be recommended for re-budgeting to properly allocate program/project resources.

The appropriations associated with each budget lapse at fiscal year-end unless the City Council re-establishes the appropriation. The carryover, or re-budgeting, of encumbrances and continuing appropriations represents previously approved purchases, plans, or projects as summarized in Attachment A. If the proposed encumbrances and continuing appropriations were not carried over into FY 2022-23, sufficient appropriations would not exist to fund both the continued projects and the new projects approved in the FY 2022-23 budget.

BUDGET IMPACT

The recommended carryover, or re-budgeting, of encumbrances and continuing appropriations represents previously approved purchases and projects included in the FY 2021-22 budget. Projected fund balance amounts included in the FY 2022-23 budget are not impacted since the carried over activities have been budgeted previously and were expected to be fully expended prior to June 30, 2022.

LEGAL REVIEW

None required.

APPROVED BY:

Peter Grant, City Manager

Attachments

Attachment A - CRPD Carryovers from FY 2021-22 to FY 2022-23

CYPRESS RECREATION AND PARK DISTRICT

CARRYOVER ENCUMBRANCES FROM FISCAL YEAR 2021-22 TO FISCAL YEAR 2022-23

<u>VENDOR (PO NUMBER)</u>	<u>ACTIVITY</u>	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>
<u>GENERAL FUND</u>			
Community Works Design (2020-507)	Final Design/Lexington Park	212-80700-8071.4186	\$ 25,363
Horizons Construction (2021-435)	Construct/Lexington Park	212-80700-8071.4186	206,642
Griffin Structures (2021-439)	Construction Inspection/Lexington Park	212-80700-8071.4186	7,812
Speedy Fix (2021-740)	City-wide Park Enhancements	212-80700-8071.4186	2,040
BOA Architecture (2022-437)	Design/HVAC Replacement/Community Cent	212-80700-8071.4186	4,500
Moore laconfano Goltsman (2022-630)	Design/Arnold Cypress Park Rehabilitation	212-80700-8071.4186	884,420
BOA Architecture (2022-702)	Design/Roof Replacement/Community Cente	212-80700-8071.4186	7,500
BOA Architecture (2022-720)	Design/Senior Center Improvements	212-80700-8071.4186	36,200
Griffin Structures (2022-783)	Review/Arnold Cypress Park Rehabilitation	212-80700-8071.4186	85,550
	TOTAL-GENERAL FUND		\$ 1,260,027
<u>CAPITAL REPLACEMENT FUND</u>			
Century Industries (2022-566)	Showmobile Replacement	725-95300.4310_400	\$ 178,168
	TOTAL-CAPITAL REPLACEMENT FUND		\$ 178,168
	TOTAL-CARRYOVER ENCUMBRANCES		\$ 1,438,195

CARRYOVER APPROPRIATIONS FROM FISCAL YEAR 2021-22 TO FISCAL YEAR 2022-23

<u>PURPOSE</u>	<u>ACTIVITY</u>	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>
<u>GENERAL FUND</u>			
Senior Center Interior Improvements	Capital Project - Park Facilities	212-80700-8071.4186	\$ 286,000
City-Wide Park Enhancements	Capital Project - Park Facilities	212-80700-8071.4186	200,000
Additional Design/Review - Arnold Cypres	Capital Project - Park Construction	212-80700-8071.4186	111,450
Lexington Park Construction	Capital Project - Park Construction	212-80700-8071.4186	100,000
	TOTAL-GENERAL FUND		\$ 697,450
<u>CAPITAL REPLACEMENT FUND</u>			
Showmobile Accessories	Capital Outlay - Vehicles	725-95300.4310_400	\$ 1,832
	TOTAL-CAPITAL REPLACEMENT FUND		\$ 1,832
	TOTAL- CARRYOVER APPROPRIATIONS		\$ 699,282

CARRYOVER TRANSFERS FROM FISCAL YEAR 2021-22 TO FISCAL YEAR 2022-23

<u>PURPOSE</u>	<u>Funds</u>	<u>ACCOUNT NUMBERS</u>	<u>AMOUNT</u>
Showmobile Replacement	CRPD General Fund to Capital Replacement	212-99999.4501_725 725-99999.3901_212	\$ 105,243
	TOTAL-CARRYOVER TRANSFERS		\$ 105,243



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

13.

FROM: Douglas Dancs, Director of Public Works

DATE: 09/26/2022

SUBJECT: Approve the Purchase of a Replacement Forklift for Public Works

RECOMMENDATION

Approve the \$33,280.51 purchase of a replacement forklift for Public Works from Doosan through Sourcwell cooperative purchasing.

DISCUSSION

The FY 2022-23 Budget includes the replacement of a forklift that has reached the end of its useful life. The forklift is used for unloading deliveries and supplies on multi-tiered shelving as well as moving pallets of materials. Public Works will purchase the forklift from Doosan via the Sourcwell cooperative purchasing program.

Municipal Code Section 21A-10(e) allows the use of cooperative purchasing programs as a more efficient and cost-effective method of procurement due to receiving volume-type pricing. Such cooperative agreements provide the same terms and prices offered to other government agencies through a competitive bid process.

The purchase price for the forklift is \$33,280.51 and once the purchase is initiated, it is expected to be delivered and put into service in early 2023.

BUDGET IMPACT

The FY 2023-23 Budget for capital outlay includes sufficient appropriations for the replacement of the forklift.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

Cost Estimate
Cost Summary



Doosan
2475 Mill Center Pkwy
Buford, GA 30518



Ship To: City of Cypress Public Works
5285 Cypress Street
Cypress, CA 90630

Telephone:
Attention: Thomas Murray

Date: 6/30/2022
Quotation: CC 01914
Prepared By: Conner Cameron

We are pleased to submit the following quotation for your consideration.

(1) Doosan G30E-7 LP HMC 2.4L Engine 6,000 lb. Capacity

Features specific to your configuration

UL Rating	UL Rated Type LP
Brakes	Oil-Cooled Disc Brakes
Tires	Single Pneumatic 8.15-15 12PR Drive / 6.50-10 10PR Steer
Mast	3-Stage Full Free Triple Wide View MFH 189" OAL 86" FFH 57"
Tilt Cylinders	6° Forward / 5° Back
Sideshifter	Hang-On 44" Wide - Class III
Carriage	Hook Type 44" Wide - Class III
Forks	Hook Type - Pallet - 1.8" x 5" x 41"
Load Backrest	46" Wide x 47" High
Overhead Guard	Standard Height - 86"
Hydraulic Lines	3-Way For Sideshifter
Hydraulic Control Valve	3 Section with 3 Levers
Mirrors	Large Rear View Mirrors
Seat	Vinyl Suspension Seat
Seat Belt	Orange
Direction Control	Standard - Lever Direction Control
Grab Bar	Rear Grab Bar with Horn Button
LP Tank Cradle	Standard Mounting
Warning Device	Back-Up Alarm (Outside Mount)
Front Work Lights	(2) Front Flood Lights - LED
Rear Work Lights	(1) Rear Floodlight - LED
Warranty	Doosan Assurance - Standard 2 Year / 3,000 Hour, Powertrain 3 Year / 6,000 Hour, OCDB 5 Year / 10,000 Hour

Other Equipment & Accessories
Via SQ Custom Color- White

Standard Equipment

HMC 2.4L Engine

Power into the Future

Power Shift Transmission
Oil Cooled Disc Brakes
Power Steering
Tiltable Steering Column
Engine Shutdown
Dual Element Air Cleaner
LP Tank Mounting
Tilt Cylinder Covers
Counterweight

MSRP	\$68,174.00
53% DISCOUNT	-\$36,132.22
Freight	+\$2,095.00
Custom color (white)	+\$1,750.00
Additional Disc	-\$5,000.00
TAX 7.75%	+\$2,393.73

TOTAL \$33,280.51
Sourcewell 091520-DIV

Terms and Conditions

F.O.B: Delivered

Prices are inclusive of any sales or use taxes currently in force. Actual sales taxes may vary depending on future changes by any federal, state, or local governments. Lease offerings are subject to credit approval.

Some operations and configurations may Void UL.

Performance and specifications stated are based on specific testing and operating conditions. Actual performance and specifications may vary based on application, option configuration, operating conditions, and environmental factors.

Conditions subject to change to those in effect at time of delivery.

Your signature on this proposal institutes a firm order.

This proposal is valid for 90 days from date of proposal unless otherwise stated.

Proposal Authorization:

Signed and accepted on behalf of:
City of Cypress Public Works

Signed and accepted on behalf of:
Doosan

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

Power into the Future

Cost Breakdown Summary

Make/Model	Price Per Unit	Total Price
Doosan G30E-7 Fork Lift	\$30,886.78	\$30,886.78
Sales Tax	\$2,393.73	\$2,393.73
Total		\$33,280.51



CITY OF CYPRESS
CITY COUNCIL REPORT

City Council Regular

14.

FROM: Alisha Farnell, City Clerk

DATE: 09/26/2022

SUBJECT: Proclaim the Month of September 2022 as Childhood Cancer Awareness Month

RECOMMENDATION

Proclaim the month of September 2022 as Childhood Cancer Awareness Month.

DISCUSSION

At the September 12 City Council meeting, Mayor Pro Tem Hertz-Mallari requested a proclamation be added to the September 26 agenda in honor of Childhood Cancer Awareness Month. There were no objections to the request.

A proclamation has been prepared for the Mayor's signature and is attached for consideration.

BUDGET IMPACT

None.

LEGAL REVIEW

None.

APPROVED BY: Peter Grant, City Manager

Attachments

Proclamation

**CHILDHOOD CANCER AWARENESS MONTH
SEPTEMBER 2022**

WHEREAS, childhood cancer is the leading cause of death by disease in children; and

WHEREAS, one in 285 children in the United States will be diagnosed with cancer by their 20th birthday; and

WHEREAS, 46 children per day or 16,790 children per year are diagnosed with cancer in the U.S.; and

WHEREAS, there are approximately 40,000 children on active treatment at any given time; and

WHEREAS, two-thirds of childhood cancer patients will have chronic health conditions as a result of their treatment toxicity, with one quarter being classified as severe to life-threatening; and

WHEREAS, in the last 20 years only four new drugs have been approved by the FDA to specifically treat childhood cancer; and

WHEREAS, the National Cancer Institute recognizes the unique research needs of childhood cancer and the associated need for increased funding to carry this out; and

WHEREAS, hundreds of non-profit organizations at the local and national level are helping children with cancer and their families cope through educational, emotional and financial support; and

WHEREAS, researchers and healthcare professionals work diligently dedicating their expertise to treat and cure children with cancer; and

WHEREAS, too many children are affected by this deadly disease and more must be done to raise awareness and find a cure; and

NOW, THEREFORE, I, Paulo M. Morales, Mayor of the City of Cypress, along with my fellow Council Members, do hereby proclaim the month of September 2022, as **CHILDHOOD CANCER AWARENESS MONTH** in the City of Cypress.

PAULO M. MORALES
MAYOR OF THE CITY OF CYPRESS
Dated: September 26, 2022



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

15.

FROM: Alisha Farnell, City Clerk

DATE: 09/26/2022

SUBJECT: Proclaim the Week of October 9-15, 2022 as Fire Prevention Week

RECOMMENDATION

Proclaim the week of October 9-15, 2022 as Fire Prevention Week.

DISCUSSION

Periodically, the City receives requests to publicly declare, recognize, observe, or promote awareness of a special event. As the City's past practice has established, routine and/or internal proclamation requests are placed on an agenda for consideration by the City Council. Any new proclamation requests are forwarded to the City Council and a Council Member may request the proclamation be added to a future agenda in accordance with City Council policy.

The City Clerk received a routine request from Orange County Fire Authority requesting the City Council officially proclaim the week of October 9-15, 2022 as Fire Prevention Week. A proclamation has been prepared for the Mayor's signature and is attached for consideration.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

Proclamation

**FIRE PREVENTION WEEK
OCTOBER 9 – 15, 2022**

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk from fire; and

WHEREAS, working smoke alarms in the home can reduce the risk of dying in a fire by more than half. An average of 358,500 homes experience a structural fire each year; and

WHEREAS, more than one third of home fire deaths occur in homes with no smoke alarms. The risk of dying in reported home structure fires is 55 percent lower in homes with working smoke alarms; and

WHEREAS, in 2019, California was in the top three states in the U.S. with the largest number of fire deaths; and

WHEREAS, Orange County residents should install working smoke alarms on every level of the home, in the hallway outside the sleeping areas, and in each bedroom, check their smoke alarms monthly, replace batteries regularly, replace smoke alarms every 10 years and create and practice their home escape plans; and

WHEREAS, Orange County residents are responsive to public education and outreach measures and can take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2022 Fire Prevention Week theme, “Fire won’t wait. Plan your escape” effectively serves to remind us to educate everyone about simple but important actions they can take to keep themselves and those around them safe from home fires.

NOW, THEREFORE, the City Council of the City of Cypress does hereby proclaim the week of October 9-15, 2022, as **FIRE PREVENTION WEEK** throughout the City of Cypress and urges residents to plan and practice a home fire escape so that everyone knows what to do when the smoke alarm sounds. The City Council also encourages residents to support the many public safety activities and efforts of the Orange County Fire Authority during Fire Prevention Week 2022.

PAULO M. MORALES
MAYOR OF THE CITY OF CYPRESS
Dated: September 26, 2022



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

16.

FROM: Matt Burton, Director of Finance and Administrative Services

DATE: 09/26/2022

SUBJECT: Receive and File the Investment Report for the Month Ended August 31, 2022

RECOMMENDATION

Receive and file the attached investment reports.

DISCUSSION

California Government Code Section 53607 and Cypress Municipal Code Section 2-18(f) requires the submission of a monthly investment report to the City Council. As of August 31, 2022, the City had \$183.5 million (current market value) in cash and investments and the interest return (yield) on the public funds investments was 1.40%. As required by the Government Code, all investments are in conformity with the City's investment policy and sufficient cash flows are available to meet the next six months of estimated expenditures.

The attached Summary of Cash and Investments presents the investments held by the City of Cypress as August 31, 2022. The Investment Reports consist of the following five summaries:

1. Summary of Cash and Investments - Provides the total portfolio of the City.
2. Changes in Cash and Investments - Provides a two-month cash flow analysis by fund type. These separate fund types allow for restricted monies to be segregated and tracked separately. The total ending amount agrees to the current market value shown in the Summary of Cash and Investments.
3. Investments at Market Value by Maturity Date - Provides a list of investments by maturity date, and an indication of the liquidity (ability to turn into cash) of the investments. The California Government Code restricts the type of investments eligible for public funds. The City's Investment Policy further defines permitted investments. These restrictions in investment types and the terms of allowable investments result in limited yields on City investments.
4. Interfund Investments - Shows the amount of loans between City funds. There is a loan outstanding from the Infrastructure Reserve Fund to the Cypress Recreation and Park District General Fund related to the construction of Lexington Park.

5. Summary of Cash and Investments Held by Fiscal Agent and In Trust - Shows the investments held by fiscal agents for the benefit of bondholders of City-issued debt as well as investments held in trust by the Public Agency Retirement Services (PARS) for offsetting unfunded pension liabilities. The amounts held by fiscal agents are restricted to making future debt service payments and the pension trust amounts can only be used for future pension obligations. The legal restrictions on the allowable investment types are less restrictive than those in the City's portfolio, which provides the potential for higher yields to be earned on investments held by fiscal agents and in the pension trust.

As mentioned previously, the City had \$183.5 million (current market value) in cash and investments at August 31, 2022. The investments included Federal Agencies Debt (\$31.6 million) and Investment Pools (\$145.6 million). The City's bank accounts held \$6.3 million on August 31, 2022.

The majority of the investment portfolio is with the State Investment Pool (Local Agency Investment Fund or LAIF) in which the State's investment experts provide a diversified investment pool for local agencies to invest. By using the combined size of the participating cities and agencies, the State Pool can provide better yield, liquidity and investment knowledge than otherwise would be available to a single entity. The City has also invested in CalTRUST, which is a joint powers authority (JPA) investment pool option for public agencies. Expanding the pooled investment options provides flexibility and liquidity until market yields increase.

The amount of cash in the City's checking accounts fluctuates based on the maturity of investments, daily cash receipts, and when vendors and employees are paid. The daily balances maintained in the checking accounts provide credits which offset monthly bank charges. In addition to the Federal Depository Insurance Corporation (FDIC) which insures the first \$250,000, excess checking deposits are secured by banks, government, or mortgage securities valued between 110% and 150% of the deposits.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY:

Matt Burton, Director of Finance & Administrative Services

Attachments

Investment Report for the Month Ended August 31, 2022

City of Cypress

Summary of Cash and Investments

As of August 31, 2022

Type	Description	Bank/Agent	Investment Date	Maturity Date	Interest Rate	Carrying Value	Current Market Value (2)
(1) Ckg	General Operating Account	Bank of the West		9/1/2022	-	\$ 6,225,733.84	\$ 6,225,733.84
Pool	Local Agency Investment Fund	State Treasurer		9/1/2022	1.276	62,000,000.00	61,201,775.67
Pool	Local Agency Investment Fund	State Treasurer		9/1/2022	1.276	62,000,000.00	61,201,775.67
Pool	CalTRUST Short Term Fund	CSAC Finance		9/1/2022	1.920	1,997,352.68	1,997,352.68
Pool	CalTRUST Medium Term Fund	CSAC Finance		9/1/2022	1.560	21,201,044.07	21,201,044.07
FFCB	Federal Farm Credit Bank	Bank of the West	3/22/2021	3/17/2025	0.700	4,000,000.00	3,709,400.00
FHLB	Federal Home Loan Bank	Bank of the West	5/27/2021	2/27/2025	0.660	3,000,000.00	2,779,860.00
FHLB	Federal Home Loan Bank	Bank of the West	4/28/2022	4/19/2024	2.150	3,000,000.00	2,949,870.00
FHLB	Federal Home Loan Bank	Bank of the West	5/9/2022	11/9/2023	1.750	5,000,000.00	4,941,500.00
FHLB	Federal Home Loan Bank	Bank of the West	5/16/2022	2/16/2024	2.650	4,500,000.00	4,424,895.00
FHLMC	Freddie Mac	Bank of the West	7/28/2022	12/30/2024	3.350	4,000,000.00	3,969,240.00
TSY	US Treasury Bill	Bank of the West	4/28/2022	6/30/2023	1.375	4,968,686.11	4,914,843.75
TSY	US Treasury Bill	Bank of the West	7/28/2022	2/15/2024	2.750	3,987,896.83	3,959,840.00
Ckg	Worker's Comp Account	Bank of the West		9/1/2022	-	50,000.00	50,000.00
Ckg	Liability Account	California Bank & Trust		9/1/2022	-	8,500.00	8,500.00
						<u>\$ 185,939,213.53</u>	<u>\$ 183,535,630.68</u>

Average Weighted Yield to Maturity: 1.40%

Average Weighted Days to Maturity: 107.61

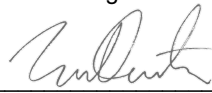
(1) Negative cash balance (if any) shown due to checks being issued at month end, transfer to cover checks not made until early in the following month.

(2) Current market value of securities with maturities in excess of 12 months (if any) are provided by third-party safekeeping agents.

I certify that this report reflects all Government Agency pooled investments and is in conformity with the Investment Policy of the City of Cypress. A copy of this Investment Policy is available at the Office of the Finance Director.

The Investment Program herein shown provides sufficient cash flow liquidity to meet six months estimated expenditures.

Signed: _____



Finance Director

City of Cypress

Changes in Cash/Investments

		6/30/2022	+RECEIPTS	(DISBURSEMENTS)	7/31/2022	+RECEIPTS	(DISBURSEMENTS)	8/31/2022
GENERAL								
111/114	GENERAL FUND/GENERAL FUND-GRANTS	\$ 23,487,386	\$ 9,346,203	\$ (3,985,083)	\$ 28,848,506	\$ 2,651,908	\$ (3,217,140)	\$ 28,283,274
SPECIAL REVENUE								
115	PANDEMIC RELIEF	662	5,861,638	(5,856,024)	6,276	-	-	6,276
212	CRPD-GENERAL FUND	13,723,616	187,332	(489,439)	13,421,509	124,715	(343,588)	13,202,636
213	CRPD-PARK DEVELOPMENT	1,106,893	1,569	-	1,108,462	702,758	-	1,811,220
221	TRAFFIC SAFETY	(5,991)	5,989	-	(2)	4,898	-	4,896
230	STREETS	5,810,224	393,331	(49,548)	6,154,007	219,413	(11,923)	6,361,497
251	LIGHTING DISTRICT #2	5,556,518	30,157	(170,891)	5,415,784	4,286	(99,769)	5,320,301
261	STORM DRAIN	1,195,852	44,012	(47,746)	1,192,118	33,158	(31,761)	1,193,515
262	PLANNED LOCAL DRAINAGE FACILITY	1,048,694	1,487	-	1,050,181	121	-	1,050,302
271	CORP CNTR MAINT DISTRICT #1	170,455	-	(6,307)	164,148	-	(4,135)	160,013
280	ASSET SEIZURE	1,072,544	2,367	(13,942)	1,060,969	44,371	(6,313)	1,099,027
291	CABLE TV FRANCHISE AGREEMENT	684,345	1,408	-	685,753	17,980	-	703,733
301	SUPPLEMENTAL LAW ENFORCEMENT	8,597	72	(16,100)	(7,431)	6	(9,187)	(16,612)
321	SEWER FUND	6,549,541	152,234	(30,669)	6,671,106	169,810	(47,900)	6,793,016
471	LOW AND MODERATE HSG ASSET	57,049	883	(8,456)	49,476	605	(6,360)	43,722
CAPITAL PROJECTS								
415	CITY CAPITAL PROJECTS	17,838,428	-	(184,192)	17,654,236	-	(403,931)	17,250,305
416	INFRASTRUCTURE RESERVE	66,385,445	117,805	-	66,503,250	9,616	-	66,512,866
TRUST AND AGENCY								
462	SUCCESSOR AGENCY TO RDA	225,185	319	-	225,504	438,926	-	664,430
600	TRUST AND AGENCY	1,494,186	156,550	(122,723)	1,528,013	21,541	(72,273)	1,477,281
611	BUSINESS ASSESSMENT DISTRICT	20,006	14,676	(29,296)	5,386	2	-	5,388
612	CFD #1 ASSESSMENT DISTRICT	153,575	-	-	153,575	-	-	153,575
620	REC & COMM SERVICES FOUNDATION	19,635	1,021	-	20,656	2	-	20,658
INTERNAL SERVICE								
710	CENTRAL SERVICES	3,687,711	222,533	(448,031)	3,462,213	222,186	(175,702)	3,508,697
720	CAPITAL REPLACEMENT	15,437,647	64,881	(28,915)	15,473,613	64,858	(49,525)	15,488,946
730	TECHNOLOGY IMPROVEMENT	2,289,081	-	-	2,289,081	-	-	2,289,081
750	EMPLOYEE BENEFITS	5,355,718	1,587,655	(6,243,212)	700,161	1,089,557	(698,783)	1,090,935
760	LIABILITY SELF INSURANCE	3,166,816	51,128	(450,437)	2,767,507	51,128	(3,500)	2,815,135
770	WORKERS COMP SELF INSURANCE	2,389,998	91,846	(196,137)	2,285,707	55,672	(86,128)	2,255,251
OTHER								
811/812	WESTCOMM JPA	3,595,984	1,197,404	(628,318)	4,165,070	72,236	(251,039)	3,986,267
		<u>\$ 182,525,801</u>	<u>\$ 19,534,500</u>	<u>\$ (19,005,466)</u>	<u>\$ 183,054,835</u>	<u>\$ 5,999,753</u>	<u>\$ (5,518,957)</u>	<u>\$ 183,535,631</u>

City of Cypress

INVESTMENTS AT MARKET VALUE BY MATURITY DATE

As of August 31, 2022

Investments	1 day to 180 days	181 days to 1 year	1 year to 2 years	2 years to 3 years	3 years to 4 years	4 years to 5 years	5+ years	Totals	Percent
CASH	\$ 6,284,234	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,284,234	3.42%
FFCB	-	-	-	3,709,400	-	-	-	3,709,400	2.02%
FHLB	-	-	12,316,265	2,779,860	-	-	-	15,096,125	8.23%
FREDDIE MAC	-	-	-	3,969,240	-	-	-	3,969,240	2.16%
JPA POOL	23,198,397	-	-	-	-	-	-	23,198,397	12.64%
STATE POOL	122,403,551	-	-	-	-	-	-	122,403,551	66.69%
TSY	-	4,914,844	3,959,840	-	-	-	-	8,874,684	4.84%
Totals	\$ 151,886,182	\$ 4,914,844	\$ 16,276,105	\$ 10,458,500	\$ -	\$ -	\$ -	\$ 183,535,631	100.00%
Percent	82.76%	2.68%	8.87%	5.70%	0.00%	0.00%	0.00%	100.00%	

CITY OF CYPRESS INTERFUND INVESTMENTS

As of August 31, 2022

Note No.	Note Outstanding		Issue Date	Maturity Date	Interest Rate	Authorized Amount	Note Principal Outstanding
	To	From					
2	CRPD	City	02/08/21	06/30/25	LAIF	\$ 12,800,000	\$ 7,472,149

Total Interfund Investments

\$ 7,472,149

The City Infrastructure Reserve Fund issued a \$12.8 million promissory note to the Cypress Recreation and Park District General Fund to pay for the construction of Lexington Park. Repayment by the Cypress Recreation and Park District will be made from future park development fees. In February 2022, \$4,785,916 was paid against the note.

City of Cypress
Summary of Cash and Investments Held In Trust and By Fiscal Agent

As of August 31, 2022

Fund	Type	Issuer	Maturity Date	One Year Return *	Cost Amount	Current Market Value
<i>PARS Public Agencies Post-Employment Benefits Trust</i>						
<i>Trustee: Public Agency Retirement Services (PARS)</i>						
Section 115 Trust	Pension Trust	Various	Open	-11.49%	<u>\$ 18,790,000.00</u>	<u>\$ 20,424,272.68</u>
			Total		<u><u>\$ 18,790,000.00</u></u>	<u><u>\$ 20,424,272.68</u></u>
<i>Cypress Business and Professional Center Assessment District No. 1 - 1998 Improvement Bonds</i>						
<i>Trustee: U.S. Bank Corporate Trust Services</i>						
Redemption Fund	Money Market	First American	Open	n/a	\$ 14,650.28	\$ 14,650.28
Reserve Fund	Money Market	First American	Open	n/a	<u>160,337.80</u>	<u>160,337.80</u>
			Total		<u><u>\$ 174,988.08</u></u>	<u><u>\$ 174,988.08</u></u>

* 12-month period ending with the current month.



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

17.

FROM: Matt Burton, Director of Finance and Administrative Services

DATE: 09/26/2022

SUBJECT: Approve Register of Warrants, Transfers, and Wires Issued for the Period of August 27, 2022 through September 9, 2022

RECOMMENDATION

Approve the attached payment register summarized below for the period of August 27, 2022 through September 9, 2022:

- Electronic Funds Transfers 11776 through 11818
- Warrants 60457 through 60557
- Payroll Transfers W1483

DISCUSSION

Payments to vendors for goods and services received and/or rendered are initiated and approved by the requesting department in accordance with proper purchasing guidelines. Processing of these payments occurs centrally in the City's Finance Department with payments issued bi-weekly. A register listing of these payments is then presented to the City Council for approval. This register also includes any Electronic Funds Transfers (EFT), outgoing payroll transfers or wires issued since the previous register was presented to the City Council. Voided Payments (if any) are also identified.

All payments are processed on the City's financial management software system. This system generates a payment batch register, sorted by warrant number (or EFT/Wire number), and presents the invoice amount and a description of the payment issued.

BUDGET IMPACT

Total warrants, transfers, and wires issued (net of any voided payments) during the period of August 27, 2022 through September 9, 2022 are \$1,726,055.70.

LEGAL REVIEW

None required.

APPROVED BY:

Peter Grant, City Manager

Attachments

Payment Register for the Period 08-27-22 through 09-09-22

**City of Cypress
Payment Register
08/27/22-09/09/22**

EFT/ Warrant Number	Vendor	Payment Amount	Description	Invoice	Invoice Amount
11776	145 - AUSTIN, CHERYL	\$ 113.04			
			W/C Retiree Health Care Benefits 8/22	8/22	\$ 56.52
			W/C Retiree Health Care Benefits 9/22	9/22	\$ 56.52
11777	128744 - AYRES, RICHARD	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11778	102038 - BALDWIN, DARRELL	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11779	102087 - BISH, EDWARD	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11780	100101 - BRUCE, THOMAS M	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11781	129695 - COTE, ROBERT	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11782	128938 - COX, RODNEY	\$ 95.03			
			Retiree Health Care Benefits 9/22	9/22	\$ 95.03
11783	104003 - ESSEX, CLARE	\$ 403.04			
			Retiree Health Care Benefits 9/22	9/22	\$ 403.04
11784	128044 - FORNISS, DANIEL	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11785	129816 - FOSTER, SCOTT	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11786	112129 - HERNANDEZ, ALEX	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11787	109393 - IDOM, MIKE	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11788	100667 - LASSALLE, ISMAEL	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11789	123656 - MANUEL, DEAN	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11790	129700 - MCSHANE, CHRIS	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11791	2017 - MINIKUS, SCOTT	\$ 286.18			
			Reimb/Medical Premiums 9/22	9/22	\$ 286.18
11792	128832 - MORALES, PAULO	\$ 751.22			
			Reimb/Medical Premiums 9/22	9/22	\$ 751.22
11793	122 - MORROW, RICHARD L	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11794	129501 - MOUNT, ERIC	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11795	129608 - OLSON, JAMES	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00

**City of Cypress
Payment Register
08/27/22-09/09/22**

EFT/ Warrant Number	Vendor	Payment Amount	Description	Invoice	Invoice Amount
11796	129865 - PARKER, MARK	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11797	128784 - RAMSEY, KENNETH	\$ 125.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 125.00
11798	119027 - RAMSEY, STEVE	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11799	195 - SHACKELFORD, DOREEN	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11800	196 - SOIFER, DAVID	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11801	180 - SWIFT, JEFF	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11802	1024 - VALLEY VISTA SERVICES, INC	\$ 221,883.23			
			Waste Disposal Fee 7/22	7/22	\$ 221,883.23
11803	127 - VENESKI, PATRICK	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11804	105121 - VIGIL, FELIX	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11805	129666 - WALQUIST, BRIAN	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11806	40 - WARLAND INVESTMENTS COMPANY	\$ 37,500.00			
			Development Assistance 9/22	9/22	\$ 37,500.00
11807	122756 - WINTERSOLE, MICHAEL	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11808	112204 - WONG, JEFFREY	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11809	342 - WU, ALEX	\$ 300.00			
			Retiree Health Care Benefits 9/22	9/22	\$ 300.00
11810	2133 - BARRERA, CARMEN	\$ 108.00			
			Refund/Duplicate Payment/Permit #BS-22-782	Rfd 9/2/22	\$ 108.00
11811	100505 - CITY OF CYPRESS-WORKERS COMP	\$ 1,686.15			
			W/C Claims/Prof Svcs/#25444-25469	Reimb 8/26/22	\$ 1,686.15
11812	100505 - CITY OF CYPRESS-WORKERS COMP	\$ 9,106.88			
			W/C Claims/Medical/#25444-25469	Reimb(A) 8/26/22	\$ 9,106.88
11813	100505 - CITY OF CYPRESS-WORKERS COMP	\$ 16,497.09			
			W/C Claims/Perm Disability/#25444-25469	Reimb(B) 8/26/22	\$ 16,497.09
11814	100505 - CITY OF CYPRESS-WORKERS COMP	\$ 11.91			
			W/C Claims/Temporary Disability/#25444-25469	Reimb(C) 8/26/22	\$ 11.91
11815	116005 - PERS/PUBLIC EMPLOYEES RETIREMENT SYS	\$ 153,710.06			
			Med Insurance/City & Dist 9/22	16905259	\$ 153,710.06
11816	116005 - PERS/PUBLIC EMPLOYEES RETIREMENT SYS	\$ 12,561.54			
			Med Insurance/West Comm 9/22	16905390	\$ 12,561.54

**City of Cypress
Payment Register
08/27/22-09/09/22**

EFT/ Warrant Number	Vendor	Payment Amount	Description	Invoice	Invoice Amount
11817	1608 - ALARM PROGRAM SYSTEMS, LLC	\$ 2,212.38			
			PD Svc/Alarm Permit & False Alarm Collections 7/22	7/22	\$ 2,212.38
11818	119029 - CALIFORNIA DEPT OF TAX AND FEE ADMINISTRATION	\$ 936.00			
			Flat Rate Fuel Tax 10/1/22-9/30/23	2022-23	\$ 936.00
60457	639 - 10-8 RETROFIT, INC	\$ 300.79			
			Repair/Gun Lock/Unit #626	18735	\$ 300.79
60458	1346 - A1 TEST ONLY & SMOG	\$ 70.00			
			Svc/Smog Test/Unit #117	1161525 8/11/22	\$ 35.00
			Svc/Smog Test/Unit #164	1250475 8/13/22	\$ 35.00
60459	290 - AC EXCHANGE AUTO	\$ 851.14			
			Svc/Air Conditioner/Unit #102	049801	\$ 155.82
			Svc/Air Conditioner/Unit #136	049877	\$ 695.32
60460	106914 - ADMINISURE	\$ 3,376.00			
			Workers Comp Claims Admin 9/22	15317	\$ 3,376.00
60461	100681 - ADVANCED ALARM & FIRE INC	\$ 415.00			
			Svc/Monitor Alarms/Civic Center & Comm Center & Sr Center 8/22	891537	\$ 415.00
60462	991 - ADVANCED BATTERY SYSTEMS INC-ABS	\$ 3,321.84			
			Electric Vehicle Batteries(9)/Unit #803 8/22	10023920	\$ 3,321.84
60463	130335 - AKM CONSULTING ENGINEERS	\$ 14,596.00			
			Design/Sewer Rehab/Civic Center 3/22	11565	\$ 14,205.00
			Design/Sewer Systems Mgmt Plan Update & Audit 7/22	0011787	\$ 391.00
60464	100723 - ALESHIRE & WYNDER, LLP	\$ 27,809.75			
			Legal Svc/CA Aware 7/22	69867	\$ 4,115.00
			Legal Svc/Code Enforcement 7/22	69861	\$ 277.50
			Legal Svc/Engineering 7/22	69859	\$ 102.50
			Legal Svc/General Admin 7/22	69855	\$ 4,304.00
			Legal Svc/HR 7/22	69857	\$ 3,450.00
			Legal Svc/Makkouk 7/22	69863	\$ 932.75
			Legal Svc/Planning 7/22	69858	\$ 2,275.50
			Legal Svc/Police 7/22	69860	\$ 697.00
			Legal Svc/Refuse 7/22	69862	\$ 50.00
			Lit Svc/Chaney 7/22	69865	\$ 8,077.50
			Lit Svc/CVRA Challenge 7/22	69864	\$ 2,202.00
			Lit Svc/Estrada 7/22	69866	\$ 315.00
			Lit Svc/General Admin 7/22	69856	\$ 1,011.00
60465	122455 - ALL AMERICAN SIGN CO, INC	\$ 72.67			
			Banner(1)/Cypress Arnold Park 8/8	52694	\$ 72.67
60466	110130 - ANDERSEN'S DOOR SERVICE, INC	\$ 636.00			
			Svc/Roll Up Gate/PD 7/26	6061	\$ 636.00

City of Cypress
Payment Register
08/27/22-09/09/22

EFT/ Warrant Number	Vendor	Payment Amount	Description	Invoice	Invoice Amount
60467	1619 - ARDURRA GROUP, INC-ANDERSON PENNA PARTNERS	\$ 6,268.25	Inspect/Sewer Rehab 7/22	127552	\$ 1,396.25
			Inspect/Various Non-CIP Engineering Permits 7/22	127551	\$ 1,672.00
			Svc/City Engineer 7/22	126994	\$ 3,200.00
60468	110860 - AT&T	\$ 462.77	Cell Svc/Maint 8/22	8/22(C)	\$ 53.73
			Cell Svc/PD 8/22	8/22(B)	\$ 236.12
			Svc/Planning iPads 8/22	8/22(D)	\$ 86.46
			Wireless Svc/Myra Pump Station #2 8/22	8/22(E)	\$ 86.46
60469	110860 - AT&T	\$ 28.85	9391033696-PD Phone Svc 8/22	8/22(F)	\$ 28.85
60470	110860 - AT&T	\$ 1.65	East Wing Fax Line 8/22	8/22(A)	\$ 1.65
60471	252 - AUTO ZONE, INC	\$ 376.17	Replace/Battery/Unit #671	5521631643	\$ 158.66
			Replace/Battery/Unit #695	5521640291	\$ 158.66
			Replace/Pulleys(2)/Unit #671	5521628191	\$ 58.85
60472	109354 - B & M LAWN & GARDEN, INC	\$ 74.89	Throttle Cables(2) 8/10	561928	\$ 74.89
60473	630 - BATTERY SYSTEMS INC	\$ 747.84	PD Vehicle Batteries(4) 7/21	7795757	\$ 610.18
			Vehicle Battery(1) 8/16	7861493	\$ 137.66
60474	1822 - BENEFITS COORDINATORS CORPORATION BCC	\$ 9,947.70	Insurance/Dental & Vision/City & Dist 9/22	B06H44	\$ 9,947.70
60475	1484 - BONANNI DEVELOPMENT	\$ 17,590.00	Refund/Public Improvements/4620 Lincoln	Rfd 9/2/22	\$ 17,590.00
60476	100033 - BREA, CITY OF	\$ 562.00	Dues/OC City Managers Assoc/PG 7/1/22-6/30/23	Dues 2022-23	\$ 432.00
			Reg/OC City Managers Assoc Holiday Luncheon/PG & AF	Reg/Holiday	\$ 130.00
60477	2090 - CHARTER COMMUNICATIONS HOLDINGS LLC SPECTRUM	\$ 2,913.85	Svc/Internet Access 8/15-9/14	8/15/22-9/14/22	\$ 1,534.97
			W/C Svc/CAD/RMS Ethernet Connection 8/4-9/3	0026082080522	\$ 1,378.88
60478	191 - CI TECHNOLOGIES, INC	\$ 1,500.00	PD Software Maint/IA Pro Blue Team 8/1/22-7/31/23	10283	\$ 1,500.00
60479	1501 - CJ CONCRETE CONSTRUCTION, INC.	\$ 237,539.42	Construct/Concrete Rehab 7/22	6371	\$ 237,539.42
60480	110067 - COMLINK LASER CARE	\$ 329.65	Toner(1)/PD 8/25	74258	\$ 107.36
			Toner(1)/PD 8/29	74268	\$ 110.95
			Toner(1)/Toner 8/29	74267	\$ 111.34
60481	115003 - COUNTY OF ORANGE	\$ 4,199.00	Parking Violations 7/22	7/22	\$ 4,199.00

**City of Cypress
Payment Register
08/27/22-09/09/22**

EFT/ Warrant Number	Vendor	Payment Amount	Description	Invoice	Invoice Amount
60482	115003 - COUNTY OF ORANGE	\$ 1,855.00			
			PD Svc/Automated Fingerprint Identification System 8/22	SH62643	\$ 1,855.00
60483	115003 - COUNTY OF ORANGE	\$ 2,209.02			
			PD Svc/OC Automated Telecommunication System 7/22	SH62702	\$ 1,104.51
			PD Svc/OC Automated Telecommunication System 8/22	SH62869	\$ 1,104.51
60484	1622 - DANIELS TIRE SERVICE, INC	\$ 474.46			
			PD Vehicle Tires(4) 8/2	200451145	\$ 474.46
60485	16 - DASH MEDICAL GLOVES, INC	\$ 490.90			
			PD Exam Gloves(4K) 8/15	1269378	\$ 490.90
60486	116854 - DATA TICKET INC-MSB	\$ 1,033.19			
			Parking Citation Processing 7/22	141196	\$ 1,033.19
60487	1158 - DIRECTV	\$ 182.24			
			W/C Svc/Satellite TV 8/25-9/24	006762204X220826	\$ 182.24
60488	345 - DISCOUNT TIRE STORE	\$ 149.70			
			Svc/Wheel Alignment/Unit #640	30028255	\$ 60.00
			Svc/Wheel Balance/Unit #639	30027735	\$ 89.70
60489	1296 - EDCO CNG	\$ 1,546.92			
			Natural Gas(554.45 Gls)/Sweepers(2)/Sewer Truck(1) 8/1-8/15	8182022-6	\$ 1,546.92
60490	2054 - FAST UNDERCAR BM INDUSTRY INC	\$ 147.88			
			Replace/Ignition Coil/Unit #113	27EY3451	\$ 147.88
60491	1115 - FRONTIER	\$ 424.41			
			7148996947 - Phone Svc/Sewers 8/22	8/22(B)	\$ 57.92
			W/C Phone Svc/5624931036 8/22	8/22(A)	\$ 75.45
			W/C Svc/Circuit Line 8/13-9/12	8/13/22-9/12/22	\$ 291.04
60492	1114 - FRONTIER COMMUNICATIONS OF CA	\$ 1,209.12			
			W/C Svc/Priority Radio Line 8/5-9/4	7002Z403S22217	\$ 1,209.12
60493	2124 - GAMETRUCK DIVERSIFIED OPPORTUNITIES INC	\$ 700.00			
			Rent/Video Game Truck/Day Camp 8/3	12541	\$ 700.00
60494	1596 - GARON WYATT INVESTIGATIVE SERVICES	\$ 1,550.00			
			PD Svc/Background Investigation(1) 8/10	2022BG5	\$ 1,550.00
60495	119018 - GOLDEN STATE WATER COMPANY	\$ 23,528.72			
			Svc/Parks Landscaping 7/22	7/22(I)	\$ 4,351.93
			Svc/Parkway Maint 7/22	7/2(K)	\$ 15,482.99
			Svc/Stanton Channel Berm 7/22	7/22(J)	\$ 3,693.80
60496	1464 - HANLEY CHESS ACADEMY	\$ 1,307.80			
			Instruct/Chess 8/9-8/30	8/30/22	\$ 982.80
			Instruct/Chess Tournaments 8/20	8/20/22	\$ 325.00
60497	1171 - HDL COREN & CONE	\$ 3,556.25			
			Svc/Property Tax Audit 7/1/22-9/30/22	SIN019895	\$ 3,556.25
60498	1493 - IMPERIAL SPRINKLER SUPPLY	\$ 3,897.27			
			Irrigation Backflows(3) 8/11	5242058-00	\$ 3,897.27

**City of Cypress
Payment Register
08/27/22-09/09/22**

EFT/ Warrant Number	Vendor	Payment Amount	Description	Invoice	Invoice Amount
60499	103024 - JHM & CARSON SUPPLY	\$ 534.03			
			Grass Seed(50 Lbs) 8/24	80594/3	\$ 269.38
			Irrigation Key(1)/Valve(1)/Pinewood Park 8/18	80430/3	\$ 110.05
			Irrigation Pop-Up Sprinkler Heads(12)/Various Parks 8/2	79868/3	\$ 154.60
60500	111014 - KENNYS MUFFLER SERVICE	\$ 1,377.50			
			Replace/Catalytic Converter/Unit #113	18942	\$ 1,377.50
60501	1294 - KIM TURNER, LLC	\$ 149.00			
			W/C Reg/Courtroom Testimony/TT 10/22	1419	\$ 149.00
60502	271 - LEVERAGE INFORMATION SYSTEMS, INC	\$ 1,634.11			
			PD CCTV Software Maint 7/1/22-6/30/23	2232696	\$ 1,634.11
60503	122069 - LIEBERT CASSIDY WHITMORE	\$ 611.50			
			Legal Svc/HR Matter #CY020-00001 7/22	223037	\$ 611.50
60504	933 - LSA ASSOCIATES, INC	\$ 15,377.75			
			Consult/Enviro Impact Report/Business Park Modernization 7/22	184270	\$ 346.50
			Consult/Housing Element/Enviro Impact Report 7/22	184062	\$ 15,031.25
60505	109220 - MANHATTAN STITCHING CO, INC/BRENDAN SCREEN PRIN	\$ 2,303.16			
			PD Shirts(475)/PACE 8/8	90067	\$ 2,303.16
60506	110781 - MARQUEZ, JULIE	\$ 24.00			
			Meals/How to Recruit Volunteers 8/16-8/17	Reimb 9/2/22	\$ 24.00
60507	300 - MARSHALL, BROOK	\$ 24.00			
			Meals/Active Shooter Response 8/15-8/16	Reimb 9/2/22	\$ 24.00
60508	113056 - MCMASTER CARR SUPPLY CO	\$ 84.28			
			Eye Bolts(4)/Trailer Unit #207	83009934	\$ 69.90
			Lever Actuators(2)/Unit #803 8/22	83490109	\$ 14.38
60509	1363 - MOBILE WIRELESS, LLC	\$ 5,198.00			
			W/C Software Maint/CAD/RMS VPN Connection 5/2/22-5/2/23	4945	\$ 5,198.00
60510	1445 - MVP SECURITY SYSTEMS, INC.	\$ 400.00			
			Svc/Security Cameras/Comm Center 8/4	2022	\$ 400.00
60511	129724 - NAPA AUTO PARTS/SO CAL AUTO & TRUCK PARTS INC	\$ 615.03			
			Brake Rotors(4)/Brake Pad(1)/Oil Filters(3)/Misc 8/22	417822	\$ 615.03
60512	985 - NATIONAL AUTO FLEET GROUP	\$ 23,739.49			
			PD Chevy Malibu(1)/Unit #655 8/16	WC9215	\$ 23,739.49
60513	50 - NATIONAL UNION FIRE INSURANCE COMPANY	\$ 910.00			
			Accident Insurance/Volunteers 9/4/22-9/4/23	2022-23	\$ 910.00
60514	2091 - NICHOLAS ROTHERHAM	\$ 422.50			
			Instruct/Football 7/25-8/22	8/22/22	\$ 422.50
60515	108944 - OFFICE DEPOT	\$ 690.83			
			Supplies/Citywide 8/22	9/2/22	\$ 690.83
60516	492 - PAUL'S CAR WASH & LUBE CENTER-FIRESTONE HAND WASH	\$ 679.37			
			Svc/Car Wash/PD(63)/PW(1) 7/22	2148	\$ 679.37
60517	1970 - PERFORMANCE PICKLEBALL, LLC	\$ 780.00			
			Instruct/Pickleball 8/10-8/31	8/31/22	\$ 780.00

**City of Cypress
Payment Register
08/27/22-09/09/22**

EFT/ Warrant Number	Vendor	Payment Amount	Description	Invoice	Invoice Amount
60518	100870 - POSTMASTER -CYPRESS POST OFFICE	\$ 3,325.00			
			Postage/City & Recreation Newsletter 10/22	9/2/22	\$ 3,325.00
60519	1770 - PREMIER PIPE INC/FAZE 1 CORP	\$ 900.00			
			PD Emergency Svc/Video Sewer Line 8/8	8/8/22	\$ 900.00
60520	1216 - REC1-CIVICPLUS, INC	\$ 13,574.63			
			Software Maint/Rec1 Online Registration 9/1/22-8/31/23	236935	\$ 13,574.63
60521	1322 - REMARKABLE ENTERTAINMENT	\$ 644.00			
			Rent/Movie Projection Screen/Movie on the Green 9/16	722	\$ 644.00
60522	1780 - RICHARD FISHER ASSOCIATES	\$ 11,422.50			
			Inspect/Landscape Services 7/22	4507	\$ 11,422.50
60523	109096 - S.C. SIGNS & SUPPLIES, LLC	\$ 1,447.63			
			Reflective Markers(25) 8/4	229459	\$ 484.88
			Sign Post Caps(15) 8/4	229460	\$ 234.36
			Street Name Signs(8) 8/4	229458	\$ 728.39
60524	119141 - SANTA ANA RIVER FLOOD PROTECTION AGENCY	\$ 1,300.00			
			Dues/Santa Ana River Flood Protection Agency 2022-23	Dues 2022-23	\$ 1,300.00
60525	1982 - SITEIMPROVE, INC	\$ 9,408.06			
			Svc/Website Accessibility 8/2/22-8/1/23	US-9179	\$ 9,408.06
60526	1971 - SMITH, ADRIAN	\$ 995.00			
			Tuition/Network Security/Fall 2022	Tuit 9/2/22	\$ 995.00
60527	119016 - SO CAL EDISON	\$ 3,270.73			
			700003851853 Svc/Parkways 7/22	7/22(D)	\$ 522.43
			700134894611 - Svc/Traffic Signal 8/22	8/22	\$ 77.46
			700564248438 Svc/Traffic Signals 7/22	7/22(E)	\$ 2,670.84
60528	119017 - SO CAL GAS CO	\$ 46.97			
			08131074000 Svc/Storm Drain 8/22	8/22	\$ 14.30
			14011061398 Svc/Storm Drain 8/22	8/22(B)	\$ 15.29
			16111070716 Svc/Storm Drain 8/22	8/22(A)	\$ 17.38
60529	543 - SORVILLO, BRYAN	\$ 6,935.50			
			Instruct/Group Tennis 8/1-8/26	8/26/22	\$ 6,935.50
60530	127941 - SOUTH COAST AIR QUALITY MGT DISTRICT	\$ 620.61			
			Fee/AQMD/Generator/PS #6 2022-23	4040131	\$ 468.76
			Fee/Generator Emissions/PS #6 2022-23	4042442	\$ 151.85
60531	1591 - SOUTHERN CALIFORNIA NEWS GROUP	\$ 5,208.52			
			Pub Notice/Election(5 Languages) 7/15	0011548496	\$ 4,287.60
			Pub Notice/Statement of Qualification/Affordable Housing Program	0011549538	\$ 920.92
60532	116238 - STAPLES BUSINESS ADVANTAGE	\$ 609.34			
			Supplies/Citywide 8/22	9/2/22	\$ 609.34
60533	108964 - STAPLES CREDIT PLAN-WEST COMM	\$ 67.96			
			W/C Copy Paper(10 Rms) 8/10	3119719831	\$ 67.96
60534	588 - THE COUNSELING TEAM INTERNATIONAL	\$ 1,000.00			
			PD Svc/Employee Counseling 7/22	83118	\$ 1,000.00

City of Cypress
Payment Register
08/27/22-09/09/22

EFT/ Warrant Number	Vendor	Payment Amount	Description	Invoice	Invoice Amount
60535	107127 - THE FLAG FACTORY	\$ 540.75	US Flags(2)/CA Flags(2)/POW Flags(2) 8/10	30806	\$ 540.75
60536	130138 - TIMNEY, MATTHEW	\$ 290.00	Advance/Executive Development Course 9/12-9/16	Adv 9/12-9/16	\$ 290.00
60537	105052 - TOPAZ ALARM CORP.	\$ 225.00	Monitor Pumps 7/22	139280	\$ 60.00
			Monitor Pumps 8/22	139502	\$ 60.00
			Monitor Pumps 9/22	139719	\$ 105.00
60538	1963 - TOTAL COMPENSATION SYSTEMS, INC	\$ 1,440.00	Svc/Post Employment Benefit Actuarial Valuation #2 6/30/22	10690	\$ 765.00
			W/C Svc/Post Employment Benefit Actuarial Valuation #2 2021-22	10714	\$ 675.00
60539	2070 - TWIST AND SHOUT EVENTS, INC	\$ 495.00	Perform/Face Painting/Day Camp 7/13	046271061893277	\$ 495.00
60540	128063 - U S ARMOR CORPORATION	\$ 648.57	PD Ballistic Vest(1)/NPanela 8/9	38651	\$ 648.57
60541	1139 - UNIFIRST CORP	\$ 578.62	Uniforms/Mats/Mops/Towels 7/22	7/22	\$ 578.62
60542	122831 - VERA, SIMON	\$ 50.00	Reimb/Class B License 8/5	9/2/22	\$ 50.00
60543	129595 - VERIZON WIRELESS - CA	\$ 88.18	Cell Svc/Rec 8/22	8/22	\$ 88.18
60544	128320 - WEST-LITE SUPPLY CO INC	\$ 1,559.61	Lamps(15)/Fluorescent Lamps(60) 8/12	77796C	\$ 638.47
			Lamps(180)/LED Lamps(2)/Ballasts(10) 7/25	77624C	\$ 921.14
60545	101980 - WORTHINGTON FORD	\$ 1,963.70	Alternator(1)/Motor & Fan Assembly(1)/Misc 7/6	5149881	\$ 660.70
			Handles(2) 8/3	5151863	\$ 11.77
			Relays(2) 8/18	5153001	\$ 5.02
			Replace/Drive Shaft/Unit #664	126320/1	\$ 988.95
			Solenoids(2)/Gaskets(4)/Valve(1) 7/27	5151259	\$ 297.26
60546	423 - YORBA REGIONAL ANIMAL HOSPITAL & PET RESORT	\$ 1,876.94	PD Emergency Vet Svc/Kubo 7/15	978661904	\$ 1,757.84
			PD Vet Svc/Kubo 7/29	978665684	\$ 119.10
60547	887 - YU, ANGUS	\$ 24.00	Meals/Active Shooter Response 8/15-8/16	Reimb 9/2/22	\$ 24.00
60548	1974 - YUNEX LLC	\$ 11,477.39	Repair/Street Lights 7/22	5620040688	\$ 2,309.00
			Repair/Traffic Signals 7/22	5620040634	\$ 4,848.25
			Svc/Street Light Survey 7/22	5610281374	\$ 189.07
			Traffic Signal Maint 7/22	5610281455	\$ 4,131.07
60549	0 - COMMUNITY OF THE WORD	\$ 300.00	Refund/Facility Deposit/Contract #6259	Rfd 9/2/22	\$ 300.00

City of Cypress
Payment Register
08/27/22-09/09/22

EFT/ Warrant Number	Vendor	Payment Amount	Description	Invoice	Invoice Amount
60550	0 - CRUZ, JENNIFER	\$ 100.00			
			Refund/Facility Deposit/Contract #6328	Rfd 9/2/22	\$ 100.00
60551	0 - CYPRESS INFLUENCE CHURCH	\$ 300.00			
			Refund/Facility Deposit/Contract #6236	Rfd 9/2/22	\$ 300.00
60552	0 - FULTON, OCTAVIA	\$ 300.00			
			Refund/Facility Deposit/Contract #5903	Rfd 9/2/22	\$ 300.00
60553	0 - MOSLEY INSURANCE & FINANCIAL SERVICES	\$ 300.00			
			Refund/Facility Deposit/Contract #5827	Rfd 9/2/22	\$ 300.00
60554	0 - PETERSON, DIANA	\$ 47,000.00			
			Refund/Recycling Deposit/10711 Walker Street	Rfd 9/2/22	\$ 47,000.00
60555	0 - SHAFIQUE, AHMAD	\$ 300.00			
			Refund/Facility Deposit/Contract #6307	Rfd 9/2/22	\$ 300.00
60556	0 - WASHINGTON, RUFUS	\$ 100.00			
			Refund/Facility Deposit/Contract #6146	Rfd 9/2/22	\$ 100.00
60557	110127 - SCPSD-SO CAL PUBLIC SAFETY DISPATCHERS	\$ 50.00			
			W/C Dues/Public Safety Dispatchers 7/1/22-6/30/23	Dues 2022-23	\$ 50.00
59992	110127 - SCPSD-SO CAL PUBLIC SAFETY DISPATCHERS	\$ (50.00)			
			W/C Dues/Public Safety Dispatchers 7/1/22-6/30/23	Dues 2022-23	\$ (50.00)
Total EFTs		\$ 465,786.75			\$ 465,786.75
Total Warrants		564,542.87			564,542.87
Transfer to Payroll (W1483)		695,726.08	Payroll 08/19/22-09/02/22		695,726.08
Grand Totals		\$ 1,726,055.70			\$ 1,726,055.70



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

18.

FROM: Paulo Morales, Mayor

DATE: 09/26/2022

SUBJECT: Adopt a Resolution Censuring Council Member Marquez for Violations of California Education Code § 7054, the City of Cypress Code of Ethics, and the City of Cypress Civility, Conduct and Governance Policy

RECOMMENDATION

Adopt a Resolution censuring Council Member Marquez for violations of California Education Code § 7054, the City of Cypress Code of Ethics, and the City of Cypress Civility, Conduct and Governance Policy.

DISCUSSION

On (or about) September 7, 2022 and September 8, 2022, Council Member Marquez inappropriately used her office as a City of Cypress Council Member to secure the opportunity to speak to Cypress High School students. As the attached Resolution establishes, Council Member Marquez's actions at Cypress High School were illegal, resulted in complaints from parents and students, brought disrepute to the City, strained the relationship between the City and Cypress High School and the City and Anaheim Union High School District, and undermined the community's confidence in the City, the City Council and the November 2022 election.

Resolution of Censure

A resolution of censure may be approved by a majority of the City Council and may contain the penalties described below. Upon a motion to approve a resolution of censure, all Council Members present shall immediately vote on the motion and state whether they agree that the identified speech, actions, or behavior constitutes a violation of the adopted rules of decorum or the Civility, Conduct and Governance policy and justifies a vote of censure. If a majority of the Council Members present vote for censure, then that vote shall be duly noted by the City Clerk and the subject of that vote shall have two minutes to make a rebuttal stating why the vote should be overturned. After such rebuttal, any Council Member shall be entitled to make a motion to overturn the vote of censure. If such motion is approved by a majority vote of those Council Members present, then the City Clerk shall remove such censure from the record. Motions to overturn a vote of censure may only be made at the meeting at which the vote of censure was made. There is no other administrative remedy to a vote of censure

other than the two-minute rebuttal. If not so overturned, the resolution of censure shall be adopted.

Fines for Censure

Any Council Member who is censured by the City Council shall be subject to a \$100 fine per censure. Such fine(s) shall be paid to the City Clerk within 30 days of the date imposed. Failure to pay such fine(s) within 60 days shall give rise to a civil action by the City for collection, or shall be deducted or offset from the Council Member's compensation or per diem entitlements.

Revocation of Special Privileges

Any Council Member who is censured by the City Council shall be subject to revocation of his/her committee assignments, regional boards and commissions, and community-generated board/committee appointments; suspension of official travel, conference participation, access to a City credit card, City Council salary, stipends and benefits, and ceremonial titles.

BUDGET IMPACT

None.

LEGAL REVIEW

The City Attorney has reviewed attached Resolution of Censure.

APPROVED BY: Peter Grant, City Manager

Attachments

Resolution of Censure - Council Member Marquez
CCGP including Code of Ethics

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
CALIFORNIA, CENSURING COUNCIL MEMBER FRANCES MARQUEZ FOR
VIOLATIONS OF CALIFORNIA EDUCATION CODE §7054, THE CITY OF
CYPRESS CODE OF ETHICS, AND THE CITY OF CYPRESS CONDUCT
CIVILITY, CONDUCT AND GOVERNANCE POLICY

WHEREAS, it is the duty of all Council Members to act in the public's interest; respect good governance processes; and perform their duties professionally and ethically; and

WHEREAS, the laws of the State of California; the City of Cypress Charter; the City of Cypress Code of Ethics; and the City of Cypress Civility, Conduct and Governance Policy establish legal and other obligations on Council Members' behavior, conduct, and compliance with requests and direction from City management; and

WHEREAS, on (or about) September 7, 2022 and September 8, 2022, Council Member Marquez violated laws of the State of California, the City of Cypress Code of Ethics, and the City of Cypress Civility, Conduct and Governance Policy; and

WHEREAS, on (or about) September 7, 2022 and September 8, 2022, Council Member Marquez used her office as a City of Cypress Council Member to secure the opportunity to speak to Cypress High School students; and

WHEREAS, prior to meeting with students at Cypress High School, Council Member Marquez was provided guidance by Cypress High School regarding permissible and impermissible topics; and

WHEREAS, Council Member Marquez ignored the guidance provided by Cypress High School; and

WHEREAS, Council Member Marquez's actions prompted at least one Cypress High School instructor to revisit the guidance about permissible and impermissible topics with Council Member Marquez; and

WHEREAS, Anaheim Union High School District has characterized Council Member Marquez's actions as unacceptable; and

WHEREAS, Anaheim Union High School District was sufficiently troubled by Council Member Marquez's actions that it revoked her access to Cypress High School students; and

WHEREAS, the City Council has received numerous and consistent complaints from residents about Council Member Marquez's actions at Cypress High School; and

WHEREAS, students and parents reported that Council Member Marquez's presentation "started out about politics and running for office, but quickly changed to how nobody gets along, how everybody is out to get her, how the City is being sued due to redistricting, and how the City Council is going against what the residents want"; and

WHEREAS, students and parents reported that Council Member Marquez's presentation was "one sided and negative towards the rest of the City Council"; and

WHEREAS, Council Member Marquez also brought two candidates for local elected office with her to Cypress High School; and

WHEREAS, students and parents reported that Council Member Marquez and the candidates handed out campaign flyers and cards promoting the candidates, asked students to take the cards home and discuss them with their parents, to not throw them away because they were expensive, and offered students service hours in exchange for working on behalf of the candidates; and

WHEREAS, students and parents reported that it is obvious to them that the purpose of Council Member Marquez's class visits was not to teach about the importance of voting and the voting system, but to promote the candidates and her agenda; and

WHEREAS, when the Mayor asked Council Member Marquez about the parent's and student's complaints at the September 12, 2022 City Council meeting, Council Member Marquez was not forthcoming about her actions at Cypress High School or the content of her presentation and denied what the students and parents reported; and

WHEREAS, Council Member Marquez, who routinely recounts her decades long involvement in government and politics, is or should be aware of the illegal and inappropriate nature of her actions; and

WHEREAS, Council Member Marquez failed to adhere to guidance from Cypress High School or consult the City Manager or City Attorney regarding the nature and purpose of her visit to Cypress High School; and

WHEREAS, Council Member Marquez's actions brought disrepute to the City, strained the relationship between the City and Cypress High School, and strained the relationship between the City and Anaheim Union High School District; and

WHEREAS, Council Member Marquez's actions created the impression that Cypress High School and Anaheim Union High School District share her views on issues before the City Council and endorse the two candidates for local office who accompanied her; and

WHEREAS, Council Member Marquez's actions have undermined students' and parents' confidence in the City and the democratic election process; and

WHEREAS, California Education Code §7054 prohibits the use of school district or community college district funds, services, supplies, or equipment for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district; and

WHEREAS, a violation of California Education Code §7054 is punishable by imprisonment in jail not exceeding one year or by a fine not exceeding one thousand dollars (\$1,000), or by both, or imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or two or three years; and

WHEREAS, Council Member Marquez violated the following elements of the City of Cypress Code of Ethics (attached): E1, E2, E3, E10, and E12

WHEREAS, Council Member Marquez violated the following elements of the City of Cypress Civility, Conduct and Governance Policy (attached): C2, C3, C6, C8, C9, C13, C15, C18, C19, and G10; and

WHEREAS, Council Member Marquez violated California Education Code §7054, the City of Cypress Code of Ethics, and the City of Cypress Civility, Conduct and Governance Policy when she used her office to secure access to students at Cypress High School; misrepresented issues before the City Council; denigrated other Council Members; and participated in political campaigning during the school day at Cypress High School; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CYPRESS DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. The recitals set forth above are incorporated herein by this reference.

Section 2. The City Council finds that Council Member Marquez intentionally violated California Education Code §7054, the City of Cypress Code of Ethics, and the City of Cypress Civility, Conduct and Governance Policy.

Section 3. The City Council formally censures Council Member Marquez for the reasons stated herein.

Section 4. The City Council directs Council Member Marquez to issue a formal, written apology to Anaheim Union High School District and Cypress High School no later than seven days after this Resolution is approved.

Section 5. The City Council revokes Council Member Marquez's appointment to the Orange County Council of Governments General Assembly (Alternate), the Southern California Association of Governments General Assembly (Alternate), and the City of Cypress Veteran Recognition Ad Hoc Subcommittee.

Section 6. As authorized by Ordinance 1193, the City Council imposes a \$100 fine on Council Member Marquez. The fine shall be paid to the City Clerk within 30 days of the date imposed.

Section 7. As authorized by Ordinance 1193, the City Council suspends Council Member Marquez's City Council salary and stipend for 90 days effective October 1, 2022.

This Resolution shall be effective upon its adoption. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED and ORDERED by the City Council of the City of Cypress, California at a regular meeting held on ____ day of September, 2022.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS

I, Alisha Farnell, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the said City Council held on the ____ day of September, 2022, by the following roll call vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

CITY CLERK OF THE CITY OF CYPRESS



CITY OF CYPRESS

CIVILITY, CONDUCT AND GOVERNANCE POLICY

Adopted February 28, 2022

City Council

Paulo Morales, Mayor
Anne Hertz-Mallari, Mayor Pro Tem
Frances Marquez, Council Member
Scott Minikus, Council Member
Jon Peat, Council Member

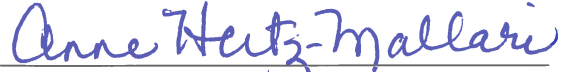
Civility, Conduct and Governance Policy

SIGNATURE PAGE

We have reviewed and agree to follow the Civility, Conduct and Government Policy in order to support a positive and productive working relationship among the Cypress City Council, City Manager, City staff, and the community. We shall review the Policy annually.



Paulo Morales, Mayor



Anne Hertz-Mallari, Mayor Pro Tem

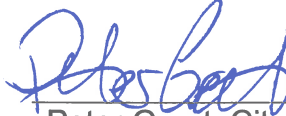


Scott Minikus, Council Member

Frances Marquez, Council Member



Jon Peat, Council Member



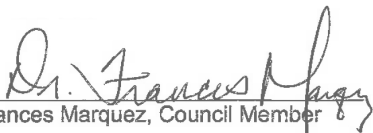
Peter Grant, City Manager

Civility, Conduct and Governance Policy

SIGNATURE PAGE

We have reviewed and agree to follow the Civility, Conduct and Government Policy in order to support a positive and productive working relationship among the Cypress City Council, City Manager, City staff, and the community. We shall review the Policy annually.

44 "I agree to sign this policy so long as it does not interfere in any way with my ability as an elected official to use all the powers the voters of Cypress empowered me to use when they voted for me."


Frances Marquez, Council Member

FILE

11

Council Member Marquez signed the policy on March 28, 2022, after the March 8, 2022 deadline established by the City Council.

Council Member Marquez also added the hand written statement that appears above.

The statement was not approved, adopted or authorized by the City Council.

Civility, Conduct and Governance Policy

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Civility, Conduct and Governance Policy

PURPOSE

The City of Cypress is committed to the democratic process, individual rights of expression, robust debate, and tolerance for disparate views. Adopting a civility, conduct and governance policy that establishes rules of decorum and principles of civility applicable to all public meetings and in all interactions in the workplace helps ensure that civic engagement and local democracy continue to flourish in Cypress.

The Civility, Conduct and Governance Policy (the Policy) is intended to promote mutual respect, civility, and orderly conduct among elected and appointed City officials, City staff, and our community. The Policy is not intended to deprive any person of his/her right to freedom of expression, but to promote, to the extent possible and reasonable, open dialogue and positive communications while discouraging intimidating, demeaning, volatile, hostile or aggressive actions.

In order to safeguard participatory democracy in Cypress, all elected officials, appointed officials and City employees are expected to adhere to the standards of conduct established in the Policy.

The Policy is a framework for effective governance and involves ongoing discussions and agreements about unity of purpose, roles, responsibilities, norms and protocols that enable the City Council and City Management team to continue to perform its responsibilities in a way that best benefits Cypress.

The City Council and City Management must function together as a governance leadership team to effectively serve our community. Agreed-upon behaviors and operating protocols support consistent behaviors and actions among team members. The Policy ensures a positive, productive working relationship among Council Members, the City Manager, City staff, and our community. The Policy is developed for, and by, the governance team and may be modified as needed.

The Policy shall be:

- Signed by Council Members and posted on the City website.
- Signed by Commissioners.
- Provided to candidates for election to the City Council and reviewed in City Council candidate orientations.
- Provided to applicants for appointment to commissions.
- Reviewed by the City Council annually for self-evaluation, discussion, and revision (if appropriate) as a new business item.
- Reviewed by the City Council for self-evaluation, discussion, and revision (if appropriate) as a new business item within 60 days of new member joining the City Council or the appointment of a new City Manager or City Attorney.

For the purposes of this Policy, "Mayor" refers to the chair of any public meeting or meeting of a City Council authorized Commission, Board or Subcommittee and "City Council" also refers to all Commissions, Board or Subcommittees.

Civility, Conduct and Governance Policy

MISSION STATEMENT

The City of Cypress, in partnership with the community, sustains and enhances our safe, attractive and quality environment in which to live, work and play.

VISION STATEMENT

Cypress, an engaged and diverse community, will honor the past and embrace sustainable growth for families and businesses to prosper.

CORE VALUES/GUIDING PRINCIPLES

The City of Cypress values...

Integrity

Accountability

Transparency

Fiscal prudence

Teamwork

Responsiveness to the community

Civility, Conduct and Governance Policy

CIVILITY & CONDUCT PROTOCOLS

In interactions with each other, City staff and the community, Council Members will:

- C1. Be respectful; especially when there is disagreement.
- C2. Be honest and truthful.
- C3. Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments; and refrain from inciting inappropriate behavior and derogatory comments.
- C4. Make our community feel welcome; and strive to make people feel heard by listening carefully, asking clarifying questions, and seeking to understand.
- C5. Role model good leadership by being professional, demonstrating effective leadership for our community, and adhering to this Policy.
- C6. Confront challenging topics directly and resolve conflicts directly.
- C7. Keep an open mind; be willing to change views with new information, data, etc.
- C8. Be accountable and responsible for their actions and words, even when it is uncomfortable to do so. This includes apologizing when a Council Member's behavior falls short of the Policy's aspirational standards.
- C9. Be open to constructive feedback.
- C10. Present problems in a way that promotes discussion and resolution.
- C11. Credit others' contributions to moving our community's interests forward.
- C12. Treat City staff professionally and refrain from publicly criticizing employees.
- C13. Maintain one voice once the decision is made; and not disparage or undermine the City Council's decision.
- C14. Assume good intentions and not pre-judge others.
- C15. Debate the facts of the situation and avoid personalities and personal attacks.
- C16. Endeavor to resolve interpersonal issues between Council Members outside of a City Council meeting and not permit interpersonal issues to impact the governance team.
- C17. Explain disagreement in a way that focuses on the merits of an issue and recognizes that reasonable people of differing interests/good intentions can disagree on what is best for our community.
- C18. Act in a manner that reflects the belief that Council Members, City staff and others who serve the City are on the same team in service to our community, even though we have different roles.
- C19. Fact-check information with colleagues, the City Manager, the City Attorney and others.

Civility, Conduct and Governance Policy

- C20. Make themselves available for one-on-one conversations about the values in this Policy.

GOVERNANCE PROTOCOLS

To promote a positive governance team culture, Council Members will:

- G1. Prepare for and engage in meetings.
- G2. Debate the merits of decisions with fellow Council Members.
- G3. Make decisions based on their sense of our community's best interests. Remaining mindful of the nonpartisan nature of city, county, school and judicial offices provided for in California's Constitution.
- G4. Work collaboratively to improve Cypress' quality of life and promote our community's best interests.
- G5. Consider the larger picture and gather community input to make the best decision.
- G6. Consider the short-, medium-, and long-term effects of decisions.
- G7. Be prepared to make unpopular decisions when our community's best interests requires it.
- G8. Attempt to build consensus through dialogue. When this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority.
- G9. Be fair, impartial, and unbiased when voting on quasi-judicial actions and provide fair and equal treatment for all persons and matters.
- G10. Explain the official positions of the City to the best of their ability when authorized to do so.
- G11. Be clear in stating personal views and make it clear that those views may not represent the City's position; and not commit the City to an action/position without City Council or City Manager approval.
- G12. Preserve order and decorum during meetings.
- G13. Keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves.
- G14. Alert the City Manager or City Attorney in advance when asking questions about an agenda item so City staff can be prepared to provide the most complete answer to inform the City Council and our community.
- G15. Act on the understanding that Council Members are part of a group decision-making process and that the City Manager and City Attorney take direction from City Council collective action.

Civility, Conduct and Governance Policy

- G16. Speak directly to the City Manager in a timely manner about concerns about City operations, City staff analyses, or City staff performance.
- G17. Support the City Manager's efforts to implement City Council policy decisions through the City's administrative service.
- G18. Understand that City staff's role is to provide objective information and analysis to inform the decision-making process within the resources that they have available, even if this information and analysis do not support the decision an individual Council Member believes is best.
- G19. Work through the City Manager on matters that involve another public agency or City contractor.
- G20. Participate in regular educational activities to enhance understanding of a wide variety of issues; including completing all State or City-required training in timely manner.
- G21. Use the Strategic Planning process to propose new programs and policies.
- G22. Place clear and realistic demands on City staff resources and time.
- G23. Read their City emails at least three times per week.
- G24. Read all weekly reports before the next one is distributed.
- G25. Respond to notices and event RSVP deadlines. If no response is received, City staff will assume that the Council Member will not attend.
- G26. Respond to inquiries and requests for feedback/review by the established deadline.
- G27. Start and end meetings on time, work from an agenda, and be present, attentive, and prepared.
- G28. Attend, and actively participate in, all meetings of organizations, boards and committees to which a Council Member is appointed by the City Council. If a Council Member cannot attend a meeting, they shall immediately alert the alternative representative, Mayor and City Manager.
- G29. Adhere to the Brown Act, maintain confidentiality, and only disclose confidential information when authorized to do so.
- G30. Refrain from texting and the use of social media during public meetings, except in the case of urgent need or emergency.
- G31. Use the speaker sequencing system to inform the Mayor of their wish to speak and wait to be acknowledged before speaking.

Civility, Conduct and Governance Policy

CODE OF ETHICS

The following principles shall constitute the Cypress Code of Ethics, applicable to all members of the City Council. Council Members entering office shall sign a statement affirming they read and understood the Code of Ethics. In addition, this Code of Ethics shall be periodically reviewed and updated by the City Council:

- E1. Act in the public interest: Recognizing that stewardship of the public interest must be their primary concern, Council Members will work for the common good of the community and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the City Council.
- E2. Comply with the law: Council Members shall comply with the laws of the nation, the State of California and the City of Cypress in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions; the Charter; the Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government. Council Members shall also comply with all applicable City policies and procedures.
- E3. Conduct of Council Members: The professional and personal conduct of Council Members must be above reproach and should avoid even the appearance of impropriety. Council Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, City staff or public.
- E4. Respect for process: Council Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.
- E5. Incompatible employment: No Council Member, City employee or other public official shall engage in or accept private employment, or render services for private interests, when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties.
- E6. Use of public property: No Council Member or City employee shall request or permit the use of City owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally, and in the same manner as available to the public, or are provided as City policy for the use of such official in the conduct of official business. No official shall use the time of any City employee during working hours for personal purposes.
- E7. Contracts with City: Council Members, City employees, or public officials shall not have a financial interest in any business transaction, or contract with the

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City, or in the sale of real estate, materials, supplies or services to the City, except as permitted in the conflict of interest statutes of the state.

- E8. Disclosure of interest in legislation: A Council Member who has a financial or other private interest in any legislation shall disclose on the records of the City Council or other appropriate authority the nature and extent of such interest.
- E9. Conflict of interest: In order to assure their independence and impartiality on behalf of the common good, Council Members shall not use their official positions to influence government decisions in which they have a material financial interest. In accordance with the law, Council Members shall disclose investments, interests in real property, sources of income and gifts; and abstain from participating in deliberations and decision-making where conflicts, as determined under applicable laws, may exist. Council Members should endeavor to consult with the City Attorney before any Council meeting to allow an evaluation by the City Attorney of any potential conflict.
- E10. Confidential information: Council Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- E11. Advocacy: When representing the City while serving on or appearing before other government agencies or in court, Council Members shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When representing the City while serving on or appearing before other government agencies or in court, Council Members shall advocate policies that are in the best interest of the City over their own personal interests. When presenting their individual opinions and positions, Council Members shall explicitly state they do not represent the City Council or the City, and shall not allow the inference that they do.
- E12. Positive workplace environment: Council Members shall support a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Council Members shall recognize their special role in dealings with City employees and not provide direction to City staff in violation of the City Charter.

ENFORCEMENT OF THE POLICY FOR COUNCIL MEMBERS

The Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The Policy establishes a process and procedure that:

- Allows the community, Council Members, and City staff to report Policy violations or other misconduct.

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- Provides guidelines to evaluate Policy violations or other misconduct and implement appropriate disciplinary action.

The City Council may discipline Council Members who violate the Charter, the Municipal Code, the Policy, or engage in other misconduct. In determining the sanction imposed, the following factors may be considered:

- Nature of the violation.
- Prior violations by the same individual.
- Other factors which bear upon the seriousness of the violation.

At the discretion of the City Council, sanctions may be imposed for violating the Charter, the Municipal Code, the Policy, or engaging in other misconduct. These sanctions may be applied individually or in combination. They include, but are not limited to:

Admonishment

A warning to the City Council about a particular action/behavior that violates City policy.

Direction to Correct

Direction to an individual Council Member to correct the result of a particular action/behavior that violates law or City policy.

Informal Reprimand

Reprimand to an individual Council Member when a particular action/behavior (or set of actions/behaviors) violates law or City policy, but is considered by the City Council to be not sufficiently serious to require censure.

Revocation of Special Privileges

Revocation of a Council Member's committee assignments, regional boards and commissions, and community-generated board/committee appointments; suspension of official travel, conference participation, access to a City credit card, City Council salary, stipends and benefits, and ceremonial titles.

Censure

An official City Council reprimand of a Council Member. The Municipal Code establishes the censure process.

ADDRESSING THE CITY COUNCIL IN A PUBLIC MEETING

Oral Communications are an opportunity for the City Council to hear from the public and is not the time for a dialogue between the City Council and the public. Council Members make take note of comments or questions for follow-up, and at the conclusion of Oral Communications, and upon recognition by the Mayor, may pose those questions to City

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staff. If the Mayor perceives, or is alerted by another Council Member, of a substantial factual issue with a member of the public's comments, the Mayor may ask the City Manager or City Attorney for an immediate clarification at the end of the speaker's comments.

Generally, if a matter presented during Oral Communications requires follow-up, it shall be referred to the City Manager, and if the City Council determines that action is required, the item may be placed on a future agenda following established processes.

To ensure the highest standard of respect and integrity during public meetings, attendees should:

- P1. Address all comments to the City Council as a whole and not to any individual member.
- P2. Treat everyone courteously.
- P3. Listen to City officials and other community members respectfully.
- P4. Exercise self-control and avoid threats and loud, insulting, demeaning or offensive communications.
- P5. Give open-minded consideration to all viewpoints.
- P6. Focus on issues and avoid personalizing debate.
- P7. Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions and allow all members of the public to speak without intimidation or interruption.
- P8. Not engage in disorderly or boisterous conduct, including, but not limited to, applause, whistling, stamping of feet, booing, or making any loud, threatening, profane, abusive, personal, impertinent, or slanderous utterance, that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting.
- P9. Not bring signs, placards, banners, or other similar-items to a public meeting.
- P10. Obey any lawful order of the Mayor to enforce this Policy.
- P11. Refrain from abusive conduct, personal charges or verbal attacks upon the character of City officials.
- P12. Honor efforts by the Mayor to focus discussion on current agenda items.
- P13. Show respect for facilities that host public meetings, by avoiding acts that may damage the facility or its equipment/furniture and not bring food or beverages (other than water) to public meetings.

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ENFORCEMENT OF THE POLICY FOR MEMBERS OF THE PUBLIC

The Mayor shall be responsible for maintaining the decorum and civility at public meetings and enforcing this Policy in a uniform and even-handed manner. The Mayor may intervene to ensure that Council Members do not interrupt members of the public while speaking.

In the event that any member of the public breaches this Policy in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of a public meeting, the Mayor shall order that person to cease the offending conduct.

If any member of the public continues to breach the Policy in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of a public meeting following an order from the Mayor to cease the offending conduct, the Mayor may order that person to leave the public meeting and may engage the efforts of law enforcement as necessary to carry out the order.

If a member of the public acts abusively towards a City employee outside of a public meeting but in the workplace, the City will issue an oral warning. If a member of the public does not improve his/her behavior in response to a warning, the City will require the abusive individual to leave the premises.

The above-described remedies for compliance with this Policy are not exclusive and shall not preclude the application or use of other remedies provided by State law or the Municipal Code.