



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**JANUARY 20, 2026, 7:00 PM
REGULAR MEETING**

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

**Mayor Letty Lopez-Viado
Mayor Pro Tem Ollie Cantos
Councilwoman Rosario Diaz
Councilman Brian Gutierrez
Councilman Tony Wu**

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

AMERICANS WITH DISABILITIES ACT

The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at a Council meeting, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8am to 5pm Monday through Thursday. Please call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Council meetings, please request no less than four working days prior to the meeting.

AGENDA MATERIAL

Agenda material is available for review at the City Clerk's Office, Room 317 in City Hall, 1444 W. Garvey Avenue South, West Covina and at www.westcovina.org. Any writings or documents regarding any item on this agenda, not exempt from public disclosure, provided to a majority of the City Council that is distributed less than 72 hours before the meeting, will be made available for public inspection in the City Clerk's Office, Room 317 of City Hall located at 1444 W. Garvey Avenue South, West Covina, during normal business hours.

NOTICE

The City Council will regularly convene on the first and third Tuesday of the month. The West Covina Community Development Commission, West Covina Public Financing Authority and the West Covina Community Services Foundation are agencies on which the City Council serves as members. Agendas may contain items for these boards, as necessary.

PUBLIC COMMENTS ADDRESSING THE CITY COUNCIL

Any person wishing to address the City Council on any matter listed on the agenda, excluding any matter set for a public hearing, or on any other matter within their jurisdiction must complete a speaker card that is provided at the entrance to the Council Chambers and submit the card to the City Clerk prior to the commencement of Oral Communications. No speaker cards will be accepted after the commencement of Oral Communications, except at the discretion of the Presiding Officer.

Please identify on the speaker card whether you are speaking on an agenda item or non-agenda. Requests to speak on agenda items will be heard prior to requests to speak on non-agenda items. Comments are limited to three (3) minutes per speaker, unless modified by the Presiding Officer or the City Council.

Any testimony or comments regarding a matter set for a public hearing will be heard during the hearing.

While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the City Council or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the meeting, including, but not limited to, speaking off topic, speaking beyond the speaker's allotted time limit, making slanderous or profane remarks or using loud, threatening, or abusive language which disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. The City of West Covina will not tolerate harassment based upon a person's race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, gender, sexual orientation, or age.

RULES OF DECORUM

Excerpts from the West Covina Municipal Code and Penal Code pertaining to the Rules of Decorum will be found at the end of agenda.

AGENDA

CITY OF WEST COVINA CITY COUNCIL/SUCCESSOR AGENCY

**TUESDAY JANUARY 20, 2026, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Pastor Mason Okubo from Immanuel First Lutheran Church

PLEDGE OF ALLEGIANCE

Led by Councilman Wu

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

- SB 1383 Outreach Presentation by Athens Services

CITY MANAGER'S REPORT

City Manager's report on current City projects.

ORAL COMMUNICATIONS - Three (3) minutes per speaker

Please step forward to the podium and state your name and city of residence for the record when recognized by the Mayor.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council/Community Development Commission request specific items to be removed from the Consent Calendar for separate discussion or action.

APPROVAL OF MEETING MINUTES

- 1) **CONSIDERATION OF APPROVAL OF THE JANUARY 6 2026, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES AND THE JANUARY 20, 2026, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES.**

That the Council approve the January 6, 2026, City Council/Successor Agency Regular Session Meeting Minutes, and the January 6, 2026, City Council/Successor Agency Closed Session Meeting Minutes.

CITY MANAGER'S OFFICE

2) CONSIDERATION OF MAYORAL APPOINTMENT OF CITY COUNCIL MEMBER REPRESENTATIVES TO VARIOUS ADVISORY BOARDS AND COMMITTEES

Staff recommends that the City Council adopt the following resolution:

RESOLUTION NO. 2026-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CONFIRMING APPOINTMENTS OF COUNCIL MEMBERS TO SERVE ON VARIOUS ADVISORY BOARDS AND COMMITTEES

3) CONSIDERATION OF COMMISSIONER APPOINTMENTS

It is recommended that the City Council receive and file this informational report.

FINANCE DEPARTMENT

4) CONSIDERATION OF APPROVAL AND TRANSMITTAL OF AN ADMINISTRATIVE BUDGET AND A RECOGNIZED OBLIGATION PAYMENT SCHEDULE ("ROPS") FOR THE PERIOD OF JULY 1, 2026 THROUGH JUNE 30, 2027 FOR THE SUCCESSOR AGENCY TO THE FORMER WEST COVINA REDEVELOPMENT AGENCY

It is recommended that the City Council, acting as the Successor Agency to the former West Covina Redevelopment Agency, adopt the following resolution:

RESOLUTION NO. 2026-09 – A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER WEST COVINA REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE TRANSMITTAL OF AN ADMINISTRATIVE BUDGET AND A RECOGNIZED OBLIGATION PAYMENT SCHEDULE ("ROPS") FOR THE PERIOD OF JULY 1, 2026 THROUGH JUNE 30, 2027

FIRE DEPARTMENT

5) CONSIDERATION OF ADOPTION OF RESOLUTION ACKNOWLEDGING RECEIPT OF A REPORT ON THE FIRE DEPARTMENT'S COMPLIANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 13146.2 AND 13146.3

Staff recommends that the City Council adopt Resolution No. 2026-08:

RESOLUTION NO. 2026-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ACKNOWLEDGING RECEIPT OF THE REPORT REQUIRED PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 13146.4

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

- 6) CONSIDERATION OF ADOPTION OF AN ORDINANCE TO ADOPT BY REFERENCE THE 2026 LOS ANGELES COUNTY BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, RESIDENTIAL, AND EXISTING BUILDING CODES, WHICH ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, RESIDENTIAL, AND EXISTING BUILDING CODES, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

It is recommended that the City Council:

1. Conduct a public hearing regarding Ordinance No. 2536.
2. Adopt the following ordinance:

ORDINANCE NO. 2536 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 7 AND 9 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2026 LOS ANGELES COUNTY BUILDING CODE (TITLE 26), ELECTRICAL CODE (TITLE 27), PLUMBING CODE (TITLE 28), MECHANICAL CODE (TITLE 29), RESIDENTIAL CODE (TITLE 30), AND EXISTING BUILDING CODE (TITLE 33), WHICH ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE, MECHANICAL CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

MAYOR/COUNCILMEMBERS REPORTS

AB 1234 Conference and Meeting Report (verbal, if any)

(In accordance with AB 1234, Councilmembers shall make a brief report or file a written report on any meeting/event/conference attended at City expense.)

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

(Per City of West Covina Standing Rules 4.f - Requests for reports, studies, or investigations that are not readily available must be placed on the City Council/Successor Agency agenda as items of business and must be approved by a majority of the City Council/Successor Agency Board.)

- 7) **CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT A CITY COUNCIL CODE OF CONDUCT AND ADOPTION OF A RESOLUTION REGARDING LEGISLATIVE INTENT AND IMPLEMENTATION**

It is recommended that the City Council:

1. Introduce the following ordinance amending Chapter 2 of the West Covina Municipal Code to adopt a City Council Code of Conduct:

ORDINANCE NO. 2537 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE TO ADD ARTICLE XII, ENTITLED "CITY COUNCIL CODE OF CONDUCT"

2. Adopt the following resolution:

RESOLUTION NO. 2026-10 - A RESOLUTION OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, AFFIRMING LEGISLATIVE INTENT, ACKNOWLEDGING PRIOR DIRECTION, AND AUTHORIZING IMPLEMENTATION OF THE CITY COUNCIL CODE OF CONDUCT

CITY COUNCIL COMMENTS

ADJOURNMENT

RULES OF DECORUM

The following are excerpts from the West Covina Municipal Code:

Section 2-47. - Addressing the council.

Pursuant to the California Government Code, any person wishing to address the city council on any matter on the agenda or on any other matter within their jurisdiction, excluding any matter set for a public hearing, may do so upon first securing the recognition of the presiding officer during the time designated as "Oral Communications" on the agenda. The city council may not act on any item unless it is listed on the agenda.

Section 2-48. - Manner of addressing city council; time limit; persons addressing may be sworn.

- (a) Each person wishing to address the city council shall submit a speaker card to the city clerk prior to the commencement of the time designated for oral communications. No speaker cards will be accepted after the commencement of oral communications, except at the discretion of the presiding officer.*
- (b) When called forward by the presiding officer or the city clerk, each person addressing the city council shall step up to the podium and give his or her name and city of residence in an audible tone of voice for the record.*
- (c) Each person addressing the city council during oral communications shall limit his or her comments to three (3) minutes, unless the time limit is modified by the presiding officer or the city council. In order to provide all speakers the opportunity to participate in oral communications, the presiding officer or the city council may reduce the time limit to allow reasonable time for all speakers to address the city council.*
- (d) All remarks shall be addressed to the city council as a body and not to any member thereof. No person, other than the city council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the city council, without the permission of the presiding officer. No question shall be asked of a council member except through the presiding officer.*
- (e) The presiding officer may require any person to be sworn as a witness before addressing the city council on any subject. Any such person who, having taken an oath that he or she will testify truthfully, willfully and contrary to such oath states as true any material matter which he knows to be false may be held to answer criminally and subject to the penalty prescribed for perjury by the provisions of the California Penal Code.*

Section 2-50. - Decorum—Required.

- (a) While the city council is in session, council members shall preserve order and decorum, and a council member shall neither, by conversation or otherwise, delay or disrupt the proceedings or the peace of the council nor interrupt any council member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.*
- (b) Members of the public shall not willfully disrupt the meeting or act in a manner that actually disrupts, disturbs, impedes, impairs, or renders infeasible the orderly conduct of the meeting. For the purposes of this Code, "willfully disrupt" includes, but is not limited to, continuing to do any of the following after being warned by the presiding officer that the behavior is disrupting the meeting and failure to cease the behavior may result in removal from the meeting:*
 - (1) Addressing the mayor or city council without first being recognized.*
 - (2) Persisting in addressing a subject or subjects, other than that before the mayor and city council.*
 - (3) Repetitiously addressing the same subject.*
 - (4) Failing to relinquish the podium when directed to do so.*
 - (5) From the audience, interrupting or attempting to interrupt, a speaker, the presiding officer, a council member, or a staff member, or shouting or attempting to shout over a speaker, the presiding officer, a council member or a staff member.*
 - (6) From the audience, engaging in disorderly, disruptive, or boisterous conduct, including, but not*

limited to, handclapping, stomping of feet, whistling, making noise, use of abusive, threatening or profane language or obscene gestures, yelling, obstructing the view of other audience members, or similar conduct which disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting.

(7) As a speaker, making slanderous or profane remarks or using loud, threatening, or abusive language which disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting; interrupting or attempting to interrupt the presiding officer, a council member, or a staff member; shouting over or attempting to shout over the presiding officer, a council member, or a staff member; or engaging in any other disorderly conduct which disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. Nothing in this section or any rules of the city council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the city or of the acts or omissions of the city council.

(8) Engaging in behavior that constitutes use of force or a true threat of force.

(c) It shall be unlawful to violate the provisions of this section. A person violating this section may be removed and barred from further participation at the meeting at which the violation occurs.

(d) If any subsection, sentence, clause, or phrase or word of this section 2-50 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases or words had been declared invalid or unconstitutional.

Section 2-51. - Enforcement of decorum.

The chief of police or any member or members of the police department or other members of the city staff may be designated by the council to be sergeant-at-arms when, in the opinion of the presiding officer, the services of a sergeant-at-arms is necessary, and the sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in accordance with section 2-50 at the council meeting, including, but not limited to, removing and barring from further participation at the meeting any person who is willfully disrupting the orderly conduct of the meeting.

Section 2-52. Persons authorized to be within council area.

No person, except city officials, their representatives and members of the news media shall be permitted within the rail in front of the council chamber without the express consent of the council.

The following are excerpts from the Penal Code:

Section 148. Resisting public or peace officers or emergency medical technicians in discharge of their duties; Removal of weapon from person or presence of public or peace officer.

(a) (1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

Section 403. Disturbance of assembly or meeting other than religious or political.

Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 20, 2026

TO: Mayor and City Council

FROM:

SUBJECT: CONSIDERATION OF APPROVAL OF THE JANUARY 6 2026, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES AND THE JANUARY 20, 2026, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES.

RECOMMENDATION:

That the Council approve the January 6, 2026, City Council/Successor Agency Regular Session Meeting Minutes, and the January 6, 2026, City Council/Successor Agency Closed Session Meeting Minutes.

DISCUSSION:

That the City Council adopt the attached minutes.

Prepared by: Lisa Sherrick, Assistant City Clerk

Attachments

Attachment No. 1 - 1/6/2026 Closed Session Minutes Draft

Attachment No. 2 - 1/6/2026 Regular Session Minutes Draft

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**JANUARY 6, 2026, 6:00 PM
REGULAR MEETING - CLOSED SESSION**

**MANAGEMENT RESOURCE CENTER 3RD FLOOR
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790**

**Mayor Letty Lopez-Viado
Mayor Pro Tem Ollie Cantos
Councilwoman Rosario Diaz
Councilmen Brian Gutierrez
Councilman Tony Wu**

MINUTES

CALL TO ORDER

A Regular Session Meeting was called to order by Mayor Lopez-Viado Tony Wu on Tuesday, January 6, 2026, at 6:00 p.m., in the Management Resource Center, 1444 West Garvey Avenue South, West Covina, California.

ROLL CALL

Council Members

Present: Council Members, Rosario Diaz, Brian Gutierrez, Tony Wu. Mayor Pro Tem Ollie Cantos, Mayor Letty Lopez-Viado

Absent: None

City Staff: Milan Mrakich, Acting City Manager, Roxanne Lerma, Assistant City Manager, Niles Mehta, Assistant City Manager. Thomas Duarte, City Attorney,

Attorney Derek Straatsma Goldman Magdalin Straatsma, Attorney Tom O'Connell Buchalter.

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

None

CLOSED SESSION

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

1. Brian Gutierrez v. City of West Covina (Case No.ADJ 21877534 and ADJ 21877533/ Venue: WCAB Santa Ana)
2. Jeffrey Mosley v. City of West Covina (Case No. ADJ 18371693/ Venue: WCAB Marina delete Ray)

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to Government Code § 54956.9(d)(2)
Number of Cases: One (1)

3. CONFERENCE WITH LABOR - Pursuant to Government Code § 54957.6
City Negotiators: Mrakich, Duarte
Employee Organizations

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

Unrepresented Employee Group

- Department Heads

ADJOURNMENT

A motion to adjourn the Regular Closed Meeting was made by Mayor Letty Lopez-Viado, and the meeting was adjourned at 6:50p.m. The next regularly scheduled Regular Closed City Council Meeting will be held on Tuesday, January 20, 2026, at 6:00 p.m. in the Management Resource Center 3rd Floor, 1444 West Garvey Avenue South, West Covina, California.

Submitted By:

Lisa Sherrick
Assistant City Clerk

Letty Lopez-Viado
Mayor

DRAFT



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**JANUARY 6, 2026, 7:00 PM
REGULAR MEETING**

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

**Mayor Letty Lopez-Viado
Mayor Pro Tem Ollie Cantos
Councilwoman Rosario Diaz
Councilmember Brian Gutierrez
Councilman Tony Wu**

MINUTES

INVOCATION

Led by Pastor Martinez from Amazing Love Ministries

PLEDGE OF ALLEGIANCE

Led by Councilwoman Rosario Diaz

ROLL CALL

Council Members

Present: Council Members, Rosario Diaz, Gutierrez, Wu, Mayor Pro Tem Ollie Cantos, Mayor Letty Lopez-Viado

REPORTING OUT FROM CLOSED SESSION

None

PRESENTATIONS

- Presentation by the Fire Department Celebrating the Department's 75th Anniversary

CITY MANAGER'S REPORT

City Manager's report on current City projects.

ORAL COMMUNICATIONS - Three (3) minutes per speaker

John Shewmaker
Jim Grivich
Josh Murray
Dennis Phillips
Ginny Phillips
Glenn Kennedy
Jerri Potras
George Ogden

CONSENT CALENDAR

ACTION: Motion by Councilwoman Diaz and Second by Councilman Wu, 5-0 to: Approve Consent Calendar Item 2. (Items No. 1, 3, were pulled by Councilmember Gutierrez and Item Number 4 was pulled by Mayor Pro Tem Cantos)

ACTION: Motion by Councilman Wu and Mayor Pro Tem Cantos, 5-0 to: Approve Consent Calendar Item No. 1. (Item No. 1 was pulled by Councilmember Gutierrez)

ACTION: Motion by Mayor Pro Tem Cantos and Second by Councilman Wu, 4-1 (Abstain: Councilman Gutierrez) to: Approve Consent Calendar Item No. 3. (Item No. 3 was pulled by Councilman Gutierrez).

ACTION: Motion by Councilman Wu and Second by Mayor Lopez-Viado, 3-2 (No: Cantos, Gutierrez) to: Approve Consent Calendar Item No. 4. (Item No. 4 was pulled by Councilman Cantos).

COMMUNITY DEVELOPMENT

1) CONSIDERATION OF AN ORDINANCE TO ADOPT BY REFERENCE THE 2026 LOS ANGELES COUNTY BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, RESIDENTIAL, AND EXISTING BUILDING CODES, WHICH ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, RESIDENTIAL, AND EXISTING BUILDING CODES, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO AND RESOLUTION

MAKING FINDINGS REGARDING THE NEED FOR MODIFICATIONS TO THE PROVISIONS OF THE 2025 CALIFORNIA CODES

Carried 5-0 to:

1. Adopt the following resolution:

RESOLUTION NO. 2026-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, MAKING FINDINGS REGARDING THE NEED FOR MODIFICATIONS TO PROVISIONS OF THE 2025 CALIFORNIA BUILDING STANDARDS CODE DUE TO LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS

2. Introduce the following ordinance:

ORDINANCE NO. 2536 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 7 AND 9 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2026 LOS ANGELES COUNTY BUILDING CODE (TITLE 26), ELECTRICAL CODE (TITLE 27), PLUMBING CODE (TITLE 28), MECHANICAL CODE (TITLE 29), RESIDENTIAL CODE (TITLE 30), AND EXISTING BUILDING CODE (TITLE 33), WHICH ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE, MECHANICAL CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

3. Schedule a public hearing on January 20, 2026, to consider the adoption of Ordinance No. 2536.

FINANCE DEPARTMENT

2) CONSIDERATION OF AMENDING PURCHASING THRESHOLDS

Carried 5-0 to: adopt the following resolution:

RESOLUTION NO. 2026-01 - A RESOLUTION OF THE CITY COUINCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING PROCUREMENT THRESHOLDS AND APPROVAL REQUIREMENTS FOR THE SALE, EXCHANGE, AND DISPOSAL OF SURPLUS EQUIPMENT IN ACCORDANCE WITH SECTIONS 2-328 AND 2-336 OF DIVISION 2 OF ARTICLE VII OF CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE

3) CONSIDERATION OF THE FOURTH QUARTER FINANCIAL REPORT AND BUDGET AMENDMENT FOR FISCAL YEAR 2024-25

Carried 4-1to (Abstain: Gutierrez) take the following actions:

1. Receive and file the Fourth Quarter Financial Report for Fiscal Year 2024-25;
and
2. Adopt the following resolution:

RESOLUTION No. 2026-04 OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2024 AND ENDING JUNE 30, 2025 (BA 2025-23)

4) CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE WEST COVINA POLICE SUPPORT SERVICES ASSOCIATION (WCPSSA)

Carried 3-2 to (No: Cantos Gutierrez): is recommended that the City Council adopt the following resolution:

RESOLUTION NO. 2026-02 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WEST COVINA AND CITY OF WEST COVINA POLICE SUPPORT SERVICES ASSOCIATION FOR THE PERIOD OF JULY 1, 2024 THROUGH JUNE 30, 2028

END OF CONSENT CALENDAR

DEPARTMENTAL REGULAR MATTERS

COMMUNITY DEVELOPMENT

5) CONSIDERATION OF CITY POLICY REGARDING INSTALLATION OF PRIVATELY OWNED SURVEILLANCE CAMERAS IN PUBLIC RIGHT-OF-WAY

ACTION: Motion by Mayor Lopez-Viado and Second by Councilman Wu, 5-0 to: Allow the installation of privately owned cameras in the public right-of-way only for homeowner associations (HOAs) in the frontage areas of HOA communities; and allow the installation of privately owned cameras in the public right-of-way for any resident or property owner within the City of West Covina. (Options 2 (two) and 3 (three)).

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

- *Councilman Cantos – As Council to approve a study by the City Attorney and staff; what are the benefits, pitfalls, and to look at the issue more in depth for a public safety tax. 4-1 (Tony: No)*

CITY COUNCIL COMMENTS

- *Mayor Pro Tem Lopez-Viado – Would like to improve the current system in place to address the scope of work on contracts and RFP's..*

ADJOURNMENT

A motion to adjourn the Regular Meeting was made by Mayor Letty Lopez-Viado, and the meeting was adjourned at 8:41 p.m. The next regularly scheduled Regular Closed City Council Meeting will be held on Tuesday, January 20, 2026, at 7:00 p.m. in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California.

Submitted By:

Lisa Sherrick
Assistant City Clerk

Letty Lopez Viado
Mayor



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 20, 2026

TO: Mayor and City Council

FROM: Milan Mrakich, Acting City Manager

**SUBJECT: CONSIDERATION OF MAYORAL APPOINTMENT OF CITY COUNCIL MEMBER
REPRESENTATIVES TO VARIOUS ADVISORY BOARDS AND COMMITTEES**

RECOMMENDATION:

Staff recommends that the City Council adopt the following resolution:

RESOLUTION NO. 2026-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CONFIRMING APPOINTMENTS OF COUNCIL MEMBERS TO SERVE ON VARIOUS ADVISORY BOARDS AND COMMITTEES

BACKGROUND:

The City of West Covina is a member of various organizations dedicated to serving the interests of local government in the region, in the State of California, and in the nation. West Covina is also a member of a number of joint powers agencies and other entities, which require an appointment of a member to their governing bodies.

Participation in these activities is significantly important to the City, in that the policies and decisions of these bodies may directly affect the interests of the City. A brief description of the committees and boards, including any stipends associated with serving on such committees and boards, is contained in Attachment No. 2. Stipends, meeting times, and meeting locations are subject to change by the individual agencies.

Section 5-b of the City Council Standing Rules provides: "It shall be the prerogative of the Mayor, taking into consideration relative length of Council service, individual Council Member preference and equivalency, to assign individual Council Members to various committees." Each year, the Mayor assigns Council Members to serve on various advisory boards and committees, as necessary, and such assignments are subject to confirmation by the City Council as a whole.

DISCUSSION:

Below is a list of the advisory boards/committees:

- Audit Committee
- City/School Cooperative Committee
- Community Service Group
- Foothill Transit Board
- Hurst Ranch

- Los Angeles County City Selection Committee
- San Gabriel Valley Council of Governments
- Sanitation District Board
- Southern California Association of Governments
- San Gabriel Valley Mosquito and Vector Control District

Mayor Lopez-Viado has announced her appointments to the above-listed advisory boards and committees for confirmation by the City Council. Exhibit A of Resolution 2026-07 contains the list of appointees and alternates.

The Mayor typically makes appointments to these advisory boards and committees on an annual basis. However, pursuant to California Health and Safety Code section 2024, the term of office for a Member of the Board of Trustees for the San Gabriel Valley Mosquito and Vector Control District is for a term of either two years or four years, at the discretion of the appointing authority. During his term as Mayor, Mayor Wu appointed Council Member Diaz to the Board of Trustees for a four-year term, which began January 1, 2025 and ends December 31, 2028.

LEGAL REVIEW:

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

OPTIONS:

The City Council has the following options:

1. Adopt the resolution;
2. Provide alternative direction.

Prepared by: Lisa Sherrick, Assistant City Clerk

Additional Approval: Roxanne E. Lerma, Assistant City Manager

Attachments

Attachment No. 1 Resolution No. 2026-07

Attachment No. 2 - Committee Descriptions

CITY COUNCIL GOALS & OBJECTIVES: Achieve Fiscal Sustainability and Financial Stability
 Maintain Good Intergovernmental Relations
 Enhance City Image and Effectiveness

RESOLUTION NO. 2026-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, CONFIRMING
APPOINTMENTS OF COUNCIL MEMBERS TO SERVE ON
VARIOUS ADVISORY BOARDS AND COMMITTEES**

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, the City of West Covina participates in various local and regional advisory boards and committees that benefit the City's interests; and

WHEREAS, pursuant to the City Council's Standing Rules, the Mayor annually assigns City Council Members to serve as members and alternates to such advisory boards and committees; and

WHEREAS, the City Council desires to confirm the appointments of Council Members to serve on such boards and committees.

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

SECTION 1. The City Council hereby confirms the appointments set forth in the attached Exhibit A.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

SECTION 3. The City Clerk shall transmit certified copies of this resolution as required.

APPROVED AND ADOPTED this 20th day of January, 2026.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick, CMC
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2026-07 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 20th day of January, 2026, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick, CMC
Assistant City Clerk

EXHIBIT A

COUNCIL LIAISON APPOINTMENTS

**CITY OF WEST COVINA
2026 COUNCIL LIAISON APPOINTMENTS TO
ADVISORY BOARDS AND COMMITTEES**

ORGANIZATION¹	CONTACT INFORMATION/MEETING LOCATION	MEETING DATE AND TIME	REPRESENTATIVE	ALTERNATE
Audit Committee - No stipend issued. - Two Council Representatives - Form 700 filing required	West Covina City Hall/MRC	At least annually, with additional meetings as needed	Gutierrez, Cantos	None
City/School Cooperative Committee - No stipend issued. - Two Council Representatives - No 700 filing required	West Covina City Hall/MRC	Day TBD in May and October, 4:30 p.m.	Lopez-Viado, Wu	None
Foothill Transit Board \$150 stipend per meeting - Form 700 filing required	100 S. Vincent Ave., Suite 200 West Covina, CA 91790 Main No.: (626) 967-3147 Contact Person: Christina Lopez (626) 931-7204 clopez@foothilltransit.org	As needed and for annual meeting in May	Lopez-Viado	Diaz
Hurst Ranch - No stipend issued. - Two Council Representatives - No 700 filing required	1227 S. Orange Ave. West Covina, CA 91790 Main No.: (626) 962-8056	Last Monday of the month, 10:00 a.m.	Lopez-Viado, Cantos	None

¹ The City also appoints one person to the Board of Trustees for the San Gabriel Valley Mosquito and Vector Control District (the "District"). Pursuant to California Health and Safety Code section 2024, the term of office for a Member of the Board of Trustees for the District is for a term of either two years or four years, at the discretion of the appointing authority. During his term as Mayor, Mayor Wu appointed Council Member Diaz to the Board of Trustees for a four-year term, which began January 1, 2025 and ends December 31, 2028.

Los Angeles County City Selection Committee No stipend issued	Meetings held at different locations.	As needed	Lopez-Viado (Mayor automatic appointment)	Cantos
San Gabriel Valley Council of Governments (SGV COG) \$75 stipend per month regardless of the number of meetings - Form 700 filing required - AB 1234 filing required	1000 S. Fremont Ave., Unit 42 Alhambra, CA 91803 Main No. (626) 457-1800 Contact Person: Stefanie Hernandez sgv@sgvcog.org Meeting Location: Upper SGV Muni. Water 602 E. Huntington Drive Monrovia, CA 91016	Third Thursday of the month, 4:00 p.m.	Wu	Lopez-Viado
Sanitation District Board \$125 stipend per meeting. NOTE: West Covina falls within three districts, therefore, the City's liaison attends 3 district meetings for \$375 - Form 700 filing required - AB 1234 filing required	Sanitation Districts of Los Angeles County 1955 Workman Mill Road Whittier, CA 90601 Main No.: (562) 908-4288 Fax: (562) 908-4278 Contact Person: Michael Hsu, Ext. 1112	Fourth Wednesday of the month, 1:30 p.m.	Lopez-Viado (Mayor automatic appointment) District 15, 21, 22	Cantos
Southern California Association of Governments (SCAG) - Form 700 filing required - AB 1234 filing required	818 W. Seventh St., 12th Floor Los Angeles, CA 90017 Main No.: (213) 236-1800 Contact Person: Tess Rey rey@scag.ca.gov	Annual Regional Conference in May	Cantos	Lopez-Viado

City Council Liaison Board and Committee Descriptions

1. Audit Committee

Established in 2015, the Audit Committee's purpose is to assist the City Council in discharging its responsibilities for ensuring financial stability and monitoring the implementation of the corrective actions identified in the City's Financial Recovery Plan.

Stipend: None

2. City/School Cooperative Committee

Meets with the various school districts serving West Covina to address mutual needs and concerns facing the City or school districts.

Stipend: None

3. Community Service Group

The Community Service Group meets quarterly with various service groups and non-profit organizations in the City of West Covina, in an effort to bring together many of the civic and volunteer organizations in the community to promote, partner, educate, sharing resources and combine efforts to benefit the West Covina community. Group also works together on the City's Annual Community Service Day.

Stipend: None

4. Foothill Transit Board

Foothill Transit was established in 1988 as a public / private partnership that annually serves over 17 million passengers in the San Gabriel and Pomona Valleys, operates 36 fixed-route local, express and rail-feeder lines, and covers 327 square miles. Foothill Transit's Governing Board is divided into Four Clusters, with the City of West Covina represented in Cluster 2 with the cities of Azusa, Baldwin Park, Covina, Glendora, and Irwindale. Those selected by the City, serve on the Governing Board and meet annually or as needed.

In addition, Foothill Transit has an Executive Board that is governed by five members, with four members elected by each cluster, and a fifth member appointed by the Los Angeles County Board of Supervisors. Committee provides oversight of Foothill Transits operations and provides recommendations on improving bus service to the valleys. Governing Board has an annual meeting in May and meets as needed. Executive Board Members are selected by the Governing Board, and meet the last Friday of each month.

Stipend: Governing Board receives \$150 per meeting.

5. Hurst Ranch

According to Article IV of the Hurst Ranch Historical Foundation Articles of Incorporation, the City Council is to designate two Councilmembers to sit on the Hurst Ranch Historical Foundation Board of Directors, and be responsible for overseeing the investments of the Foundation.

Stipend: None

6. Los Angeles County City Selection Committee

The Mayor serves on this Committee that appoints City representatives to such boards, commissions and agencies as may be required by law; i.e., LAFCO, South Coast Air Quality Management District, Los Angeles County Metropolitan Transportation Authority, Los Angeles County Hazardous Waste Management Advisory Committee; and to nominate for appointment members to the California Coastal Commission.

Stipend: None

7. San Gabriel Valley Council of Governments

Coalition of cities from the San Gabriel Valley seeking the San Gabriel Valley's "fair share" of scarce Federal, State and Local resources by fostering consensus among cities in the San Gabriel Valley regarding policies and programs that address issues relating to land use, air quality, transportation, solid waste, and other matters deemed essential to our cities.

Stipend: \$75 per month regardless of the number of meetings.

8. San Gabriel Valley Mosquito and Vector Control District

Assists cities in managing or eliminating mosquito breeding areas, and responding to complaints about mosquitoes or mosquito-like insects (i.e. bees) in the District. There is no alternate for this Committee. Liaison is appointed to serve a two-year or a four-year term, at the discretion of the appointing authority.

Stipend: \$100 travel reimbursement.

9. Sanitation District Board

The Los Angeles County Sanitation Districts (Districts) are a confederation of independent special districts serving the wastewater and solid waste management needs of Los Angeles County. The Board of Directors consists of the mayor of each city served.

Stipend: \$125 per meeting. West Covina falls within three districts, therefore, our liaison attends threedistrict meetings for \$375 (per meeting).

10. Southern California Association of Governments (SCAG)

Serves as the functioning Metropolitan Planning Organization for six counties: Los Angeles, Orange, San Bernardino, Riverside, Ventura and Imperial. The SCAG is mandated by the federal government to research and draw up plans for transportation, growth management, hazardous waste management, and air quality. City of West Covina is allowed to select a representative and alternate to attend the Annual General Assembly Meeting. To serve on the various policy committees, a Councilmember needs to be selected and confirmed by the San Gabriel Valley Council of Governments. Stipends are paid if a Councilmember is selected to serve on a policy committee.

Stipend: None



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 20, 2026

TO: Mayor and City Council

FROM: Milan Mrakich, Acting City Manager

SUBJECT: CONSIDERATION OF COMMISSIONER APPOINTMENTS

RECOMMENDATION:

It is recommended that the City Council receive and file this informational report.

BACKGROUND:

Article III (Advisory Commissions) of Chapter 2 (Administration) of the West Covina Municipal Code (WCMC) establishes the City's three commissions and sets forth provisions relating to appointment, vacancies, removal, terms of office, meetings, and responsibilities of City Commissioners. Commissioners must be at least eighteen (18) years of age, and be a resident and registered voter of the City at the time of appointment and throughout their term of office.

DISCUSSION:

Pursuant to Section 2-67(a) of Article III of Chapter 2 of the WCMC, each Councilmember has the power to appoint one (1) commissioner to each the Human Resources Commission and the Planning Commission, and two (2) commissioners to the Community and Senior Services Commission.

Pursuant to Section 2-68 of Article III of Chapter 2 of the WCMC, the terms of office of commissioners run concurrently with that of the appointed Councilmember.

There is a vacancy on the Planning Commission and there are two (2) vacancies on the Community and Senior Services Commission, to be appointed by Councilmember Gutierrez.

The City has advertised the vacancies and accepted applications in the manner required by law.

Councilmember Gutierrez is announcing the following appointments:

- Steve Bennett - Community and Senior Services Commission
- Cecilia Munoz - Community and Senior Services Commission
- Richard Reyes - Planning Commission

LEGAL REVIEW:

The City Attorney's Office has reviewed this report.

Prepared by: Lisa Sherrick, Assistant City Clerk

CITY COUNCIL GOALS & OBJECTIVES: A Creative and Active Community
A Well-Planned Community



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 20, 2026

TO: Mayor and City Council

FROM: Milan Mrakich, Acting City Manager

SUBJECT: CONSIDERATION OF APPROVAL AND TRANSMITTAL OF AN ADMINISTRATIVE BUDGET AND A RECOGNIZED OBLIGATION PAYMENT SCHEDULE (“ROPS”) FOR THE PERIOD OF JULY 1, 2026 THROUGH JUNE 30, 2027 FOR THE SUCCESSOR AGENCY TO THE FORMER WEST COVINA REDEVELOPMENT AGENCY

RECOMMENDATION:

It is recommended that the City Council, acting as the Successor Agency to the former West Covina Redevelopment Agency, adopt the following resolution:

RESOLUTION NO. 2026-09 – A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER WEST COVINA REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE TRANSMITTAL OF AN ADMINISTRATIVE BUDGET AND A RECOGNIZED OBLIGATION PAYMENT SCHEDULE (“ROPS”) FOR THE PERIOD OF JULY 1, 2026 THROUGH JUNE 30, 2027

BACKGROUND:

In accordance with Health and Safety Code Section 34177(o)(1), the Successor Agency is required to file a Recognized Obligation Payment Schedule (“ROPS”) annually in order to receive a distribution of property tax increment dollars with which to fund the obligations of the former Redevelopment Agency.

These obligations include bond debt service payments, amounts due under existing agreements with commercial property owners, repayment of amounts borrowed from the Housing Fund to fund property tax shifts mandated by the State, costs of litigation to protect assets of the former Redevelopment Agency, repayment of loans to the City, and administrative costs of the Successor Agency to wind-down the affairs of the former Redevelopment Agency.

While many of these listed items are not necessary debt, they are considered obligations for purposes of this mandated report and must be listed on the ROPS if they are to be funded by distributions of future tax increment dollars. These items are not debt obligations of the City of West Covina.

DISCUSSION:

The ROPS schedule (Exhibit A to the resolution) lists all amounts that will be paid for the period of July 1, 2026 through June 30, 2027. Once the ROPS is approved by the Successor Agency and Oversight Board, it then must be forwarded to the State Department of Finance (DOF) by February 1, 2026. DOF hold final approval authority of the terms listed on the ROPS and directs the Los Angeles County Auditor-Controller to distribute tax increment funds to the Successor Agency. Many of the obligations listed on the ROPS are estimates, i.e., variable rate debt service payments, litigation, etc.

The Successor Agency is also required to adopt an administrative budget for each annual period. The administrative budget for the Successor Agency for the period of July 1, 2026 through June 30, 2027 can be found in Exhibit B to the resolution. The budget is to be funded by the administrative allowance, which is 3% of the enforceable obligations, after loan payments, or \$250,000 annually, whichever is greater. The City will absorb any administrative costs above the administrative allowance.

The total amount of funding requested for the enforceable obligations from the Redevelopment Property Tax Trust Fund (RPTTF) on ROPS 2026-27 is \$19,756,740 and includes many of the same items that have been previously approved by DOF. Of this, \$17,491,977 has previously been denied by the DOF; however, staff continues to pursue these reimbursements for the City (Sales Tax Reimbursement Agreement (#26) and City/Successor Agency Loan for litigation expenses (#76), among others). A total of \$2,264,763 is anticipated to be approved.

Exhibits A and B to the resolution were not available at the time of writing this report. They will be incorporated into the resolution once available.

LEGAL REVIEW:

Successor Agency Counsel has reviewed and approved the resolution as to form.

Prepared by: Karen Ogawa, Finance Director

Additional Approval: Roxanne E. Lerma, Assistant City Manager

Fiscal Impact**FISCAL IMPACT:**

The total amount of funding requested for enforceable obligations from the Redevelopment Property Tax Trust Fund (RPTTF) on ROPS 2026-27 is \$19,756,740 and includes many of the same items that have been previously approved by DOF.

The Successor Agency cannot receive or spend any funds unless the amounts are listed on the Recognized Obligation Payment Schedule. This schedule identifies all outstanding obligations that must be satisfied before the Agency can be dissolved. The obligations listed on this schedule will receive property tax allocations distributed by the County of Los Angeles as their funding source.

If the Successor Agency's administrative costs exceed the administrative allowance, the excess expenditures will be absorbed by the City.

Attachments

Attachment No. 1 - Resolution No. 2026-09

CITY COUNCIL GOALS & OBJECTIVES: Achieve Fiscal Sustainability and Financial Stability

RESOLUTION NO. 2026-09

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
FORMER WEST COVINA REDEVELOPMENT AGENCY
APPROVING AND AUTHORIZING THE TRANSMITTAL OF
AN ADMINISTRATIVE BUDGET AND RECOGNIZED
OBLIGATION PAYMENT SCHEDULE (“ROPS”) FOR THE
PERIOD OF JULY 1, 2026 THROUGH JUNE 30, 2027**

WHEREAS, pursuant to ABX1 26, enacted on June 28, 2011, and as subsequently amended by AB 1484, SB 341, and SB 107 (“Dissolution Act”), the Redevelopment Agency to the City of West Covina was dissolved as of February 1, 2012, and the City of West Covina elected to serve as the Successor Agency to the former Redevelopment Agency to the City of West of Covina; and

WHEREAS, pursuant to Health and Safety Code section 341779(q), commencing on and after July 1, 2018, the County of Los Angeles, where more than 40 oversight boards were created by the Dissolution Act, has five consolidated oversight boards, each encompassing the five supervisorial districts; and

WHEREAS, Health and Safety Code section 34177(o)(1) requires that the ROPS for the period of July 1, 2026 to June 30, 2027 be submitted after oversight board approval to the State of California Department of Finance and the Los Angeles County Auditor-Controller by February 1, 2026; and

WHEREAS, the West Covina City Council, acting as Successor Agency to the former West Covina Redevelopment Agency, reserves the right to appeal any determination of the State of California Department of Finance or other entity regarding the propriety of this Resolution as well as any future determinations; and

WHEREAS, the West Covina City Council, acting as Successor Agency to the former West Covina Redevelopment Agency, intends to comply with the state-mandated obligations established hereunder; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE WEST COVINA CITY COUNCIL, ACTING AS
SUCCESSOR AGENCY TO THE FORMER WEST COVINA REDEVELOPMENT
AGENCY, DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

SECTION 2. The Recognized Obligation Payment Schedule (“ROPS”) attached

hereto as Exhibit "A" is approved and the Acting Executive Director is authorized to submit the ROPS to the Oversight Board for approval and transmit the same to the Los Angeles County Auditor-Controller, the California State Controller, and the State of California Department of Finance in accordance with Health and Safety Code section 34177 subject to all reservations of rights and contingencies set forth above.

SECTION 3. The Administrative Budget for the Successor Agency for the annual period of July 1, 2026 through June 30, 2027 attached hereto and as Exhibit "B" is approved and the Acting Executive Director is authorized to transmit the same to the Los Angeles County Auditor-Controller, the California State Controller, and the State of California Department of Finance in accordance with Health and Safety section 34177 subject to all reservations of rights and contingencies set forth above.

SECTION 4. The Acting Executive Director or designee is authorized to take all actions necessary to implement this Resolution, including without limitation, the posting of this Resolution and the Recognized Obligation Payment Schedule on the City's website and any other reasonable acts in furtherance of approval of the Recognized Obligation Payment Schedule and Administrative Budget.

SECTION 5. The Secretary shall certify to the passage and adoption of this Resolution it shall become effective immediately.

APPROVED AND ADOPTED this 20th day of January, 2026.

Letty Lopez-Viado
Chair

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
Counsel

Lisa Sherrick, CMC
Secretary

I, LISA SHERRICK, SECRETARY of the Successor Agency to the former West Covina Redevelopment Agency, do hereby certify that the foregoing Resolution No. 2026-09 was duly adopted by the West Covina City Council, acting as the Successor Agency to the former West Covina Redevelopment Agency, at a regular meeting thereof held on the 20th day of January, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick, CMC
Secretary

EXHIBIT A
RECOGNIZED OBLIGATION PAYMENT SCHEDULE

[To be inserted once available.]

EXHIBIT B
ADMINISTRATIVE BUDGET

[To be inserted once available.]



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 20, 2026

TO: Mayor and City Council

FROM: Milan Mrakich, Acting City Manager

SUBJECT: CONSIDERATION OF ADOPTION OF RESOLUTION ACKNOWLEDGING RECEIPT OF A REPORT ON THE FIRE DEPARTMENT'S COMPLIANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 13146.2 AND 13146.3

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 2026-08:

RESOLUTION NO. 2026-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ACKNOWLEDGING RECEIPT OF THE REPORT REQUIRED PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 13146.4

BACKGROUND:

Pursuant to Section 13146.2 of the California Health and Safety Code, the West Covina Fire Department is required to annually inspect all hotels, motels, lodging houses, apartment houses, buildings, and structures accessory thereto for compliance with building standards and other regulations of the State Fire Marshal.

Pursuant to Section 13146.3 of the California Health and Safety Code, the West Covina Fire Department is required to perform annual inspections in every building used as a public or private school for the purpose of enforcing regulations promulgated pursuant to California Health and Safety Code section 13143.

Pursuant to California Health and Safety Code Section 13146.4, the West Covina Fire Department is required to report annually to the City Council on its compliance with California Health and Safety Code sections 13146.2 and 13146.3, and the City Council is required to acknowledge its receipt of the report in a resolution or similar formal document.

The purpose of this staff report is for the Fire Department to provide the report required by California Health and Safety Code section 13146.4.

DISCUSSION:

The purpose of annual fire inspections is to mitigate known hazards, reduce risk to the community, and ensure reasonable compliance with the California Fire Code.

Educational Group E occupancies are generally public and private schools used by more than six persons at any one time for educational purposes through the 12th grade. Within West Covina, there are 28 known Group E occupancies of this nature. During the 2025 calendar year, the Fire Department completed the annual inspection of 28 Group E occupancies. This is a compliance rate of 100% for this reporting period.

Residential Group R occupancies are generally buildings or structures providing sleeping accommodations, including hotels, motels, apartments (three units or more), and residential care facilities. Within West Covina, there are 126 known Group R occupancies of this nature. During the 2025 calendar year, the Fire Department completed the annual inspection of 126 Group R occupancies. This is a compliance rate of 100% for this reporting period.

Institutional Group I occupancies are generally those facilities in which care or supervision is provided to persons who are not capable of self-preservation without assistance or in which the liberty of the occupants is restricted. Within West Covina, there are 68 known Group I occupancies. During the 2025 calendar year, the Fire Department completed the annual inspection of 68 Group occupancies. This is a compliance rate of 100% for this reporting period.

As outlined above, the West Covina Fire Department completed 100% of its required annual inspections of all known occupancies for the 2025 calendar year. In total, the Fire Department conducted 222 inspections.

Staff recommends that the City Council adopt the proposed resolution, acknowledging receipt of the report required pursuant to California Health and Safety Code section 13146.4.

LEGAL REVIEW:

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

OPTIONS:

The City Council has the following options:

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

Prepared by: Mike Browne, Acting Fire Chief

Fiscal Impact

FISCAL IMPACT:

There is no fiscal impact with the filing and acceptance of this report.

Attachments

Attachment No. 1 - Resolution No. 2026-08

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
A Well-Planned Community

RESOLUTION NO. 2026-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, ACKNOWLEDGING
RECEIPT OF THE REPORT REQUIRED PURSUANT TO
CALIFORNIA HEALTH AND SAFETY CODE SECTION
13146.4**

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, pursuant to Section 13146.2 of the California Health and Safety Code, the West Covina Fire Department is required to annually inspect all hotels, motels, lodging houses, apartment houses, buildings, and structures accessory thereto for compliance with building standards and other regulations of the State Fire Marshal; and

WHEREAS, pursuant to Section 13146.3 of the California Health and Safety Code, the West Covina Fire Department is required to perform annual inspections in every building used as a public or private school for the purpose of enforcing regulations promulgated pursuant to California Health and Safety Code section 13143; and

WHEREAS, pursuant to California Health and Safety Code Section 13146.4, the West Covina Fire Department is required to report annually to the City Council on its compliance with California Health and Safety Code sections 13146.2 and 13146.3, and the City Council is required to acknowledge its receipt of the report in a resolution or similar formal document; and

WHEREAS, Educational Group E occupancies are generally those public and private schools used by more than six persons at any one time for educational purposes through the 12th grade. Within West Covina, there are 28 known Group E occupancies of this nature; and

WHEREAS, Residential Group R occupancies are generally buildings and structures providing sleeping accommodations, including hotels, motels, apartments (three units or more), and residential care facilities. Within the City, there are 126 known Group R occupancies of this nature; and

WHEREAS, Institutional Group I occupancies are generally those facilities in which care or supervision is provided to persons who are not capable of self-preservation without assistance or in which the liberty of the occupants is restricted. Within West Covina, there are 68 known Group I occupancies; and

WHEREAS, the City Council intends that this resolution fulfill the requirements of the California Health and Safety Code regarding acknowledgement of the West Covina Fire Department's compliance with California Health and Safety Code sections 13146.2, 13146.3 and 13146.4.

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

SECTION 1. The City Council hereby acknowledges its receipt of the West Covina Fire Department's report required pursuant to California Health and Safety Code section 13146.4 and acknowledges the West Covina Fire Department's measure of compliance with California Health and Safety Code sections 13146.2 and 13146.3 in the area encompassed by the City of West Covina, as follows:

- (a) Educational Group E Occupancies: During calendar year 2025, the West Covina Fire Department completed the annual inspection of 28 Group E occupancies. This is a compliance rate of 100% for this reporting period.
- (b) Residential Group R Occupancies: During calendar year 2025, the West Covina Fire Department completed the annual inspection of 126 Group R occupancies. This is a compliance rate of 100% for this reporting period.
- (c) Institutional Group I Occupancies: During calendar year 2025, the West Covina Fire Department completed the annual inspection of 68 Group I occupancies. This is a compliance rate of 100% for this reporting period.

SECTION 2. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of January, 2026.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick, CMC
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2026-08 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 20th day of January, 2026, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick, CMC
Assistant City Clerk



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 20, 2026

TO: Mayor and City Council

FROM: Milan Mrakich, Acting City Manager

SUBJECT: CONSIDERATION OF ADOPTION OF AN ORDINANCE TO ADOPT BY REFERENCE THE 2026 LOS ANGELES COUNTY BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, RESIDENTIAL, AND EXISTING BUILDING CODES, WHICH ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, RESIDENTIAL, AND EXISTING BUILDING CODES, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a public hearing regarding Ordinance No. 2536.
2. Adopt the following ordinance:

ORDINANCE NO. 2536 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 7 AND 9 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2026 LOS ANGELES COUNTY BUILDING CODE (TITLE 26), ELECTRICAL CODE (TITLE 27), PLUMBING CODE (TITLE 28), MECHANICAL CODE (TITLE 29), RESIDENTIAL CODE (TITLE 30), AND EXISTING BUILDING CODE (TITLE 33), WHICH ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE, MECHANICAL CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

BACKGROUND:

The State of California, through the California Building Standards Commission, updates the California Building Standards Code (Title 24, California Code of Regulations) every three years. These standards comprise multiple parts including the Building, Residential, Electrical, Plumbing, Mechanical, and Existing Building Codes.

The 2025 California Building Standards Code was published on July 1, 2025, and became effective statewide on January 1, 2026.

Historically, the City of West Covina has adopted by reference the Los Angeles County Codes, which include amendments to the California Codes that address regional and local climatic, geological, and topographical conditions. These local amendments are consistently used throughout the County and by several neighboring cities, ensuring consistency and efficiency in enforcement, permitting, and inspection processes.

On November 25, 2025, the Los Angeles County Board of Supervisors adopted its updated Building, Residential, Electrical, Mechanical, Plumbing, and Existing Building Codes, each incorporating the 2025 California Codes with County-specific amendments supported by express findings of local conditions.

Consistent with past practice, staff is recommending that the City adopt the 2025 California Codes with 2026 Los Angeles County Codes amendments. California Codes can be viewed at <https://www.dgs.ca.gov/BSC/Codes>

DISCUSSION:

At the January 6, 2026 City Council meeting, the Council adopted Resolution No. 2026-03, setting forth express findings relating to the local climatic, geological and topographical conditions in West Covina that make certain local amendments to the 2025 California Codes necessary, and introduced Ordinance No. 2536. Detailed information can be found in Attachment 1, the staff report dated January 6, 2026.

Staff recommends that the City Council conduct the public hearing and then adopt Ordinance No. 2536.

LEGAL REVIEW:

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

OPTIONS:

The City Council has the following options:

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

Prepared by: Dennis Tarango and Ayla Jefferson- Building Officials

Attachments

Attachment No.1- Staff Report First Reading dated 1-6-26

Attachment No. 2 - Ordinance No. 2536

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
A Well-Planned Community
Expand Economic Development Opportunities



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 6, 2026

TO: Mayor and City Council

FROM: Milan Mrakich, Acting City Manager

SUBJECT: CONSIDERATION OF AN ORDINANCE TO ADOPT BY REFERENCE THE 2026 LOS ANGELES COUNTY BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, RESIDENTIAL, AND EXISTING BUILDING CODES, WHICH ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, RESIDENTIAL, AND EXISTING BUILDING CODES, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO AND RESOLUTION MAKING FINDINGS REGARDING THE NEED FOR MODIFICATIONS TO THE PROVISIONS OF THE 2025 CALIFORNIA CODES

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the following resolution:

RESOLUTION NO. 2026-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, MAKING FINDINGS REGARDING THE NEED FOR MODIFICATIONS TO PROVISIONS OF THE 2025 CALIFORNIA BUILDING STANDARDS CODE DUE TO LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS

2. Introduce the following ordinance:

ORDINANCE NO. 2536 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 7 AND 9 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2026 LOS ANGELES COUNTY BUILDING CODE (TITLE 26), ELECTRICAL CODE (TITLE 27), PLUMBING CODE (TITLE 28), MECHANICAL CODE (TITLE 29), RESIDENTIAL CODE (TITLE 30), AND EXISTING BUILDING CODE (TITLE 33), WHICH ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE, MECHANICAL CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

3. Schedule a public hearing on January 20, 2026, to consider the adoption of Ordinance No. 2536.

BACKGROUND:

The State of California, through the California Building Standards Commission, updates the California Building Standards Code (Title 24, California Code of Regulations) every three years. These standards comprise multiple parts including the Building, Residential, Electrical, Plumbing, Mechanical, and Existing Building Codes.

The 2025 California Building Standards Code was published on July 1, 2025, and became effective statewide on January 1, 2026.

Historically, the City of West Covina has adopted by reference the Los Angeles County Codes, which include amendments to the California Codes that address regional and local climatic, geological, and topographical conditions. These local amendments are consistently used throughout the County and by several neighboring cities, ensuring consistency and efficiency in enforcement, permitting, and inspection processes.

On November 25, 2025, the Los Angeles County Board of Supervisors adopted its updated Building, Residential, Electrical, Mechanical, Plumbing, and Existing Building Codes, each incorporating the 2025 California Codes with County-specific amendments supported by express findings of local conditions.

Consistent with past practice, staff is recommending that the City adopt the 2025 California Codes with 2026 Los Angeles County Codes amendments. The California Codes can be viewed at <https://www.dgs.ca.gov/BSC/Codes>.

DISCUSSION:

The proposed ordinance amends Chapters 7 and 9 of the West Covina Municipal Code to adopt by reference the 2026 Los Angeles County Codes (Titles 26, 27, 28, 29, 30, and 33), which implement the 2025 California Codes with amendments.

The ordinance reorganizes and updates administrative provisions to better align with current City procedures, including revisions to permit expiration terms, fees, and references to modern enforcement practices.

Key updates include:

Adoption of the 2025 California Building Standards Code, effective January 1, 2026.

Incorporation of Los Angeles County amendments to ensure uniformity and consistency.

Adoption of Appendix J (Grading) of the Los Angeles County Building Code, aligning local grading and drainage provisions with County standards.

Local administrative updates within Chapters 7 and 9, including permit processing, appeals, and inspection procedures.

The City's accompanying Resolution No. 2026-03 identifies the local climatic, geological, and topographical findings that justify amendments under California Health and Safety Code Sections 17958.5 and 17958.7.

LEGAL REVIEW:

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

OPTIONS:

The City Council has the following options:

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

Prepared by: Dennis Tarango and Ayla Jefferson- Building Officials

Additional Approval: Roxanne E. Lerma, Assistant City Manager

Fiscal Impact

FISCAL IMPACT:

This is strictly an administrative item, therefore there is no fiscal impact associated with this action.

Attachments

Attachment No. 1 - Resolution No. 2026-03

Attachment No. 2 - Draft Ordinance No. 2536

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
A Well-Planned Community
Expand Economic Development Opportunities

RESOLUTION NO. 2026-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, MAKING FINDINGS REGARDING THE NEED FOR MODIFICATIONS TO PROVISIONS OF THE 2025 CALIFORNIA BUILDING STANDARDS CODE DUE TO LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, California Health and Safety Code Section 18938 makes certain provisions published in the California Building Standards Code pursuant to California Health and Safety Code Section 17922 applicable to all occupancies throughout the State and effective 180 days after publication by the California Building Standards Commission ("Commission"), or at a later date established by the Commission; and

WHEREAS, California Health and Safety Code Section 17958 permits cities to amend the requirements of the California Building Standards Code in accordance with California Health and Safety Code Sections 17958.5 and 17958.7; and

WHEREAS, California Health and Safety Code Section 17958.5 permits cities in adopting provisions of the California Building Standards Code to make such modifications in such provisions as a city determines, pursuant to California Health and Safety Code Section 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, California Health and Safety Code Section 17958.7 requires that a city, before making modifications pursuant to California Health and Safety Code Section 17958.5, make an express finding that such modifications are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, under California Health and Safety Code Section 17958.7, modifications pursuant to California Health and Safety Code Section 17958.5 may not become effective until the required findings and the modifications have been filed with the California Building Standards Commission; and

WHEREAS, on November 25, 2025, the County of Los Angeles adopted by reference and amended the 2025 California Building Code, Electrical Code, Plumbing Code, Mechanical Code, Residential Code, and Existing Building Code; and

WHEREAS, the City finds that the amendments to the California Building Code, Electrical Code, Plumbing Code, Mechanical Code, Residential Code, and Existing Building Code as adopted by the County of Los Angeles are necessary and appropriate for the City because of local climatic, geologic and/or topographic conditions; and

WHEREAS, the Los Angeles County Building, Electrical, Plumbing, Mechanical, Residential, and Existing Building Codes are used throughout the County of Los Angeles and a significant portion of the incorporated cities within the County of Los Angeles; and

WHEREAS, the City is located within the County of Los Angeles, and the City Council believes that the findings made by the Los Angeles County Board of Supervisors are applicable to and consistent with the desire of the City to provide the most technically proficient and safe construction codes possible; and

WHEREAS, the Los Angeles County Codes are common, readily available for purchase, and well known to contractors, engineers, and architects, and

WHEREAS, the City finds that further amendments to the 2026 Los Angeles County Codes are necessary because of local climatic, geologic and/or topographic conditions.

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

SECTION 1. The City Council finds and declares that the changes to the provisions of the 2025 California Building Standards Code set forth in the City's ordinance adopting the 2026 Los Angeles County Building, Electrical, Plumbing, Mechanical, Residential, and Existing Building Codes, adopting the 2025 California Building Code, Electrical Code, Plumbing Code, Mechanical Code, Residential Code, and Existing Building Code with amendments, are reasonably necessary because of the local climatic, geological, or topographical conditions set forth in Exhibits A and B in accordance with California Health and Safety Code Section 17958.7.

SECTION 2. The Building Official shall file a copy of this resolution, including Exhibits A and B, with the California Building Standards Commission in accordance with California Health and Safety Code Section 17958.7.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 6th day of January, 2026.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick, CMC
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2026-03 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 6th day of January, 2026, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick, CMC
Assistant City Clerk

EXHIBIT A

FINDINGS REGARDING THE NEED FOR AMENDMENTS TO PROVISIONS IN THE 2025 CALIFORNIA BUILDING STANDARDS CODE DUE TO LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS

The City of West Covina makes the following findings regarding the need to amend the 2025 California Building Standards Code:

Finding No. 1: Climatic. The City of West Covina has a semi-arid climate with a history of extended periods of draught, and frequent hot, dry winds (Santa Ana Winds) which compounds the increased risk of the spread of wild- and structure-fires.

Finding No. 2: Geological. The City of West Covina is located within the greater Los Angeles/Long Beach region, which is a densely populated area having buildings constructed over and near a vast array of earthquake fault systems capable of producing major earthquakes, similar to or exceeding the geologic activities occurring during the 1994 Northridge Earthquake. The proposed amendments are intended to prevent occupants from being trapped in a building and to allow rescue workers to easily enter after an earthquake. The City of West Covina contains areas of unique geological and topographical features such as steep slopes, non-cohesive soils, and expansive soils.

Finding No. 3: Topographical. Due to the local topographical and geological conditions of the sites within the greater Los Angeles/Long Beach region and their probabilities for earthquakes, technical amendments are required to address and clarify special needs for buildings constructed on hillside locations. A SEAOSC and Los Angeles City Joint Task Force investigated the performance of hillside building failures after the Northridge earthquake. Numerous hillside failures resulted in loss of life and millions of dollars in damage.

In addition to the findings outlined above, because the City is adopting the 2025 California Building Code, Electrical Code, Plumbing Code, Mechanical Code, Residential Code, and Existing Building Code, as adopted and amended by Los Angeles County, the City Council hereby expressly finds that all changes and modifications to requirements contained in the building standards published in the California Building Code, Electrical Code, Plumbing Code, Mechanical Code, Residential Code, and Existing Building Code that are contained in the Los Angeles County provisions that are being adopted by the City are reasonably necessary because of local climatic, geological, or topographical conditions in the County of Los Angeles, including the City of West Covina, due to the potential for seismic activity in the region, topographical conditions that contribute to the spread of wild fires, and climatic conditions that impact air quality and increase the risk of wild fires.

The City Council believes that the findings made by the Los Angeles County Board of Supervisors are applicable to and consistent with the desire of the City to provide the most technically proficient and safe construction codes possible.

Therefore, the City Council hereby makes the findings made by the Los Angeles County Board of Supervisors as outlined in Exhibit B hereto.

EXHIBIT B

LOS ANGELES COUNTY FINDINGS

BUILDING CODE AMENDMENTS

Code Section	Condition	Explanation of Amendment
113.5, 113.5.1, 113.5.2	Administrative	This is an administrative amendment to clarify that structures meeting the conditions specified and affected by the 2025 Eaton and Palisades fire are not required under the Alquist-Priolo Act to conduct an active fault study.
701A.1 701A.2	Climatic	Clarifies the application of Chapter 5 of the California Wildland Interface Code to harden additions, alterations, and/or relocated buildings. Many areas of the County have been designated as Fire Hazard Severity Zones due to the increased risk of fire caused by low humidity, strong winds, and dry vegetation. Additions, alterations, and/or relocated buildings have the same fire risk as new buildings.
701A.3 701A.5 701A.6	Climatic	Disallows the use of wood-shingle/wood-shake roofs due to the increased risk of fire in the County caused by low humidity, strong winds, and dry vegetation in high fire severity zones in order to further harden residential buildings against fire risk.
701A.7	Climatic	Disallows the use of Class B wood-shingle/wood-shake roofs due to the increased risk of fire in the County caused by low humidity, strong winds, and dry vegetation in high fire severity zones in order to further harden residential buildings against fire risk.
1031.2.1	Geological	The greater Los Angeles/Long Beach region is a densely populated area having buildings constructed over and near a vast array of earthquake fault systems capable of producing major earthquakes, similar to or exceeding the geologic activities occurring during the 1994 Northridge Earthquake. The proposed amendment is intended to prevent occupants from being trapped in a building and to

Code Section	Condition	Explanation of Amendment
		allow rescue workers to easily enter after an earthquake.
Table 1507.3.7	Geological	Table amended to require proper anchorage for clay or concrete tiles from sliding or rotating due to the increased risk of significant earthquakes in the County. This amendment incorporates the design provisions developed based on detailed study of the 1994 Northridge and the 1971 Sylmar earthquakes.
1613.8 and 1613.8.1	Geological	Observed damages to one- and two-family dwellings of light frame construction after the Northridge Earthquake may have been partially attributed to vertical irregularities common to this type of occupancy and construction. In an effort to improve quality of construction and incorporate lesson learned from studies after the Northridge Earthquake, the proposed modification to ASCE 7-22, Section 12.2.3.1, Exception 3, by limiting the number of stories and height of the structure to two stories will significantly minimize the impact of vertical irregularities and concentration of inelastic behavior from mixed structural systems. This proposed amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
1613.8.2	Geological	A joint Structural Engineers Association of Southern California (SEAOSC), Los Angeles County and Los Angeles City Task Force investigated the performance of concrete and masonry construction with flexible wood diaphragm failures after the Northridge earthquake. It was concluded at that time that continuous ties are needed at specified spacing to control cross grain tension in the interior of the diaphragm. Additionally, there was a need to limit subdiaphragm allowable shear loads to control combined orthogonal stresses within the diaphragm. Recognizing the importance and need to continue the recommendation made by the task force while taking into consideration the improved performances

Code Section	Condition	Explanation of Amendment
		and standards for diaphragm construction today, this proposal increases the continuous tie spacing limit to 40 ft in lieu of 25 ft and to use 75% of the allowable code diaphragm shear to determine the depth of the sub-diaphragm in lieu of the 300 plf and is deemed appropriate and acceptable. Due to the frequency of this type of failure during the past significant earthquakes, various jurisdictions within the Los Angeles region have taken this additional step to prevent roof or floor diaphragms from pulling away from concrete or masonry walls. This proposed amendment is a continuation of an amendment adopted during previous code adoption cycles.
1613.8.3	Geological	The inclusion of the importance factor in the referenced Section equation has the unintended consequence of reducing the minimum seismic separation distance for important facilities such as hospitals, schools, police, and fire stations from adjoining structures. The proposal to omit the importance factor from the referenced equation in Section 12.8.6 will ensure that a safe seismic separation distance is provided. This proposed amendment is a continuation of an amendment adopted during previous code adoption cycles.
1613.9	Geological Topographical	Section is added to improve seismic safety of buildings constructed on or into hillsides. Due to the local topographical and geological conditions of the sites within the greater Los Angeles/Long Beach region and their probabilities for earthquakes, this technical amendment is required to address and clarify special needs for buildings constructed on hillside locations. A SEAOSC and Los Angeles City Joint Task Force investigated the performance of hillside building failures after the Northridge earthquake. Numerous hillside failures resulted in loss of life and millions of dollars in damage. These criteria were developed to minimize the damage to these structures and have been in use by both the

Code Section	Condition	Explanation of Amendment
		City and County of Los Angeles for several years with much success. This amendment is a continuation of an amendment adopted during previous code adoption cycles.
1613.10	Geological	The greater Los Angeles/Long Beach region is a densely populated area having buildings constructed over and near a vast array of fault systems capable of producing major earthquakes, similar to or exceeding the geologic activities occurring during the 1994 Northridge Earthquake. The proposed modification requiring safe design and construction requirements for ceiling suspension systems to resist seismic loads is intended to minimize the amount of damage within a building and therefore needs to be incorporated into the code to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the California Building Code.
1704.6	Geological Administrative	The language in section 1704.6 of the California Building Code permits the owner to employ any registered design professional to perform structural observations with minimum guidelines. However, it is important that the registered design professional responsible for the structural design has thorough knowledge of the building he/she designed. By requiring the registered design professional responsible for the structural design, or their designee, who was involved with the design to observe the construction, the quality of the observation for major structural elements and connections that affect the vertical and lateral load resisting systems of the structure will be greatly increased. Additional requirements are provided to help clarify the role and duties of the structural observer and the method of reporting and correcting observed deficiencies to the Building Official. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and

Code Section	Condition	Explanation of Amendment
		is necessary due to the increased risk of significant earthquakes in the County.
1704.6.1	Geological	With the higher seismic demand placed on buildings and structures in this region, the language in section 1704.6.1, Item 3, of the California Building Code would permit many low-rise buildings and structures with complex structural elements to be constructed without the benefit of a structural observation. By requiring a registered design professional to observe the construction, the quality of the observation for major structural elements and connections that affect the vertical and lateral load resisting systems of the structure will be greatly increased. An exception is provided to permit simple structures and buildings to be excluded. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
1705.3	Geological	Results from studies after the 1994 Northridge Earthquake indicated that a significant portion of the damage was attributable to lack of quality control during construction resulting in poor performance of the building or structure. Therefore, the amendment restricts the exceptions to the requirement for special inspection. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
1705.13	Geological	In Southern California, very few detached one- or two-family dwellings not exceeding two stories above grade plane are built as "box-type" structures specially for those in hillside areas and near the oceanfront. Many with steel moment frames or braced frames, and/or cantilevered columns, can still be shown as "regular" structures by calculations. With the higher seismic demand placed on buildings and structures in this region, the language in

Code Section	Condition	Explanation of Amendment
		section 1705.13, Item 3, of the California Building Code would permit many detached one- or two-family dwellings not exceeding two stories above grade plane with complex structural elements to be constructed without the benefit of special inspections. By requiring special inspections, the quality of major structural elements and connections that affect the vertical and lateral load resisting systems of the structure will be greatly increased. The exception should only be allowed for detached one- or two-family dwellings not exceeding two stories above grade plane assigned to Seismic Design Categories A, B, and C.
1807.1.4	Climatic Geological	No substantiating data has been provided to show that a wood foundation is effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effect of constant moisture in the soil and wood-destroying organisms. Wood retaining walls, when they are not properly treated and protected against deterioration, have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. The proposed amendment takes the necessary precautionary steps to reduce or eliminate potential problems that may result by using wood foundations that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the local climate and the increased risk of significant earthquakes in the County.

Code Section	Condition	Explanation of Amendment
1807.1.6	Geological	With the higher seismic demand placed on buildings and structures in this region, it is necessary to take precautionary steps to reduce or eliminate potential problems that may result by following prescriptive design provisions that do not take into consideration the surrounding environment. Plain concrete performs poorly in withstanding the cyclic forces resulting from seismic events. In addition, no substantiating data has been provided to show that under-reinforced foundation walls are effective in resisting seismic loads, and may potentially lead to a higher risk of failure. It is important that the benefit and expertise of a registered design professional be obtained to properly analyze the structure and take these issues into consideration. This amendment is a continuation of an amendment adopted during previous code adoption cycles.
1807.2	Climatic, Geological	No substantiating data has been provided to show that wood foundation systems are effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effects of constant moisture in the soil and wood-destroying organisms. Wood foundation systems not properly treated and protected against deterioration have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. The proposed amendment takes the precautionary steps to reduce or eliminate potential problems that may result in using wood foundation systems that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This proposed amendment is

Code Section	Condition	Explanation of Amendment
		a continuation of an amendment adopted during previous code adoption cycles.
1807.3.1	Climatic, Geological	No substantiating data has been provided to show that wood foundation systems are effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effects of constant moisture in the soil and wood-destroying organisms. Wood foundation systems not properly treated and protected against deterioration have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. The proposed amendment takes the precautionary steps to reduce or eliminate potential problems that may result in using wood foundation systems that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This proposed amendment is a continuation of an amendment adopted during previous code adoption cycles.
1809.3 and Figure 1809.3	Geological	With the higher seismic demand placed on buildings and structures in this region, it is necessary to take precautionary steps to reduce or eliminate potential problems that may result for under-reinforced footings located on sloped surfaces. Requiring minimum reinforcement for stepped footings is intended to address the problem of poor performance of plain or under-reinforced footings during a seismic event. This amendment is a continuation of an amendment adopted during previous code adoption cycles.

Code Section	Condition	Explanation of Amendment
1809.7 and Table 1809.7	Geological	No substantiating data has been provided to show that under-reinforced footings are effective in resisting seismic loads, and therefore they may potentially lead to a higher risk of failure. This amendment requires minimum reinforcement in continuous footings to address the problem of poor performance of plain or under-reinforced footings during a seismic event. With the higher seismic demand placed on buildings and structures in this region, it is necessary to take precautionary steps to reduce or eliminate potential problems that may result by following prescriptive design provisions for footings that do not take into consideration the surrounding environment. It is important that the benefit and expertise of a registered design professional be obtained to properly analyze the structure and take these factors into consideration. This amendment reflects the recommendations by the SEAOSC and the Los Angeles City Joint Task Force, which investigated the performance deficiencies observed in the 1994 Northridge Earthquake. This amendment is a continuation of an amendment adopted during previous code adoption cycles.
1809.12	Climatic Geological	No substantiating data has been provided to show that timber footings are effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effects of constant moisture in the soil and wood-destroying organisms. Timber footings, when they are not properly treated and protected against deterioration, have performed very poorly. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. The proposed amendment takes the necessary precautionary steps to reduce or eliminate potential problems,

Code Section	Condition	Explanation of Amendment
		which may result by using timber footings that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the local climate and the increased risk of significant earthquakes in the County.
1810.3.2.4	Climatic Geological	No substantiating data has been provided to show that timber footings are effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effects of constant moisture in the soil and wood-destroying organisms. Timber footings, when they are not properly treated and protected against deterioration, have performed very poorly. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. The proposed amendment takes the necessary precautionary steps to reduce or eliminate potential problems that may result by using timber footings that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the local climate and the increased risk of significant earthquakes in the County.
1905.1	Geological	This amendment is intended to carry over critical provisions for the design of concrete columns in moment frames from the legacy 1997 Uniform Building Code. Increased confinement is critical to

Code Section	Condition	Explanation of Amendment
		the integrity of such columns and these modifications ensure that it is provided when certain thresholds are exceeded. In addition, this amendment carries over from the legacy 1997 Uniform Building Code a critical provision for the design of concrete shear walls. It essentially limits the use of very highly gravity-loaded walls in being included in the seismic load resisting system, since their failure could have catastrophic effect on the building. Furthermore, this amendment was incorporated in the code based on observations from the 1994 Northridge Earthquake. Rebar placed in very thin concrete topping slabs have been observed in some instances to have popped out of the slab due to insufficient concrete coverage. This modification ensures that critical boundary and collector rebars are placed in sufficiently thick topping slab to prevent buckling of such reinforcements. This proposed amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
1905.6.2	Geological	This amendment requires minimum reinforcement in continuous footings to address the problem of poor performance of plain or under-reinforced footings during a seismic event. This amendment reflects the recommendations by the SEAOSC and the Los Angeles City Joint Task Force, which investigated the poor performance observed in the 1994 Northridge Earthquake. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
1905.8 through 1905.10	Geological	These amendments are intended to carry over critical provisions for the design of concrete columns in moment frames from the Uniform Building Code (UBC). Increased confinement is critical to the

Code Section	Condition	Explanation of Amendment
		integrity of such columns and these modifications ensure that it is provided when certain thresholds are exceeded. In addition, this amendment carries over from the UBC a critical provision for the design of concrete shear walls. It essentially limits the use of very highly gravity-loaded walls from being included in the seismic load resisting system, since their failure could have a catastrophic effect on the building. Furthermore, this amendment was incorporated into this Code based on observations from the 1994 Northridge Earthquake. Rebar placed in very thin concrete topping slabs has been observed in some instances to have popped out of the slab due to insufficient concrete coverage. This modification ensures that critical boundary and collector rebars are placed in sufficiently thick slabs to prevent buckling of such reinforcements. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
2304.10.2 and Table 2304.10.2	Geological	Due to the high geologic activities in the Southern California area and the expected higher level of performance on buildings and structures, this proposed local amendment limits the use of staple fasteners in resisting or transferring seismic forces. In September 2007, limited cyclic testing data was provided to the ICC, Los Angeles Chapter Structural Code Committee, showing that stapled wood structural shear panels do not exhibit the same behavior as nailed wood structural shear panels. The test results of stapled wood structural shear panels demonstrated much lower strength and drift than nailed wood structural shear panel test results. Therefore, the use of staples as fasteners to resist or transfer seismic forces shall not be permitted without being substantiated by cyclic testing. This amendment is a continuation of a similar amendment adopted during previous code adoption

Code Section	Condition	Explanation of Amendment
		cycles, and is necessary due to the increased risk of significant earthquakes in the County.
2304.10.3.1	Geological	The overdriving of nails into the structural wood panels still remains a concern when pneumatic nail guns are used for wood structural panel shear wall nailing. Box nails were observed to cause massive and multiple failures of the typical 3/8-inch thick plywood during the 1994 Northridge Earthquake. The use of clipped head nails continues to be restricted from use in wood structural panel shear walls where the minimum nail head size must be maintained in order to minimize nails from pulling through sheathing materials. Clipped or mechanically driven nails used in wood structural panel shear wall construction were found to perform much worse in previous wood structural panel shear wall testing done at the University of California Irvine. The existing test results indicated that, under cyclic loading, the wood structural panel shear walls were less energy absorbent and less ductile. The panels reached ultimate load capacity and failed at substantially less lateral deflection than those using same-size hand-driven nails. This amendment reflects the recommendations by the SEAOSC and the Los Angeles City Joint Task Force, which investigated the poor performance observed in the 1994 Northridge Earthquake. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
2304.12.2.8	Climatic Geological	No substantiating data has been provided to show that wood used in retaining or crib walls is effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effect of constant moisture in the soil and wood-destroying organisms. Wood used in retaining or crib walls, when it is not properly treated and protected against

Code Section	Condition	Explanation of Amendment
		deterioration, has performed very poorly. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. The proposed amendment takes the necessary precautionary steps to reduce or eliminate potential problems that may result by using wood in retaining or crib walls, which experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the local climate and the increased risk of significant earthquakes in the County.
2305.4	Geological	Many of the hold-down connectors currently in use do not have any acceptance report based on dynamic testing protocols. This amendment continues to limit the allowable capacity to 75% of the acceptance report value to provide an additional factor of safety for statically tested anchorage devices. Cyclic forces imparted on buildings and structures by seismic activity cause more damage than equivalent forces that are applied in a static manner. Steel plate washers will reduce the additional damage that can result when hold-down connectors are fastened to wood framing members. This amendment reflects the recommendations by the SEAOSC and the Los Angeles City Joint Task Force, which investigated the poor performance observed in the 1994 Northridge Earthquake. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.

Code Section	Condition	Explanation of Amendment
2306.2 2306.3 2307.2 2308.10.5.1 2308.10.5.2 Figure 2308.10.5.1 and Figure 2308.10.5.2	Geological	The SEAOSC and the Los Angeles City Joint Task Force that investigated damage to buildings and structures during the 1994 Northridge Earthquake recommended reducing allowable shear values in wood structural panel shear walls or diaphragms that were not substantiated by cyclic testing. That recommendation was consistent with a report to the Governor from the Seismic Safety Commission of the State of California recommending that code requirements be "more thoroughly substantiated with testing." The allowable shear values for wood structural panel shear walls or diaphragms fastened with staples are based on monotonic testing and do not take into consideration that earthquake forces load shear wall or diaphragm in a repeating and fully reversible manner. In September 2007, limited cyclic testing was conducted by a private engineering firm to determine if wood structural panels fastened with staples would exhibit the same behavior as wood structural panels fastened with common nails. The test result revealed that wood structural panels fastened with staples demonstrated much lower strength and stiffness than wood structural panels fastened with common nails. It was recommended that the use of staples as fasteners for wood structural panel shear walls or diaphragms not be permitted to resist seismic forces in structures assigned to Seismic Design Categories D, E, and F unless it can be substantiated by cyclic testing. Furthermore, the cities and unincorporated areas within the greater Los Angeles/Long Beach region have taken extra measures to maintain the structural integrity of the framing of shear walls and diaphragms designed for high levels of seismic forces by requiring wood sheathing be applied directly over the framing members and prohibiting the use of panels placed over gypsum sheathing. This amendment is intended to prevent the undesirable performance of nails when gypsum board softens due to cyclic earthquake

Code Section	Condition	Explanation of Amendment
		displacements and the nail ultimately does not have any engagement in a solid material within the thickness of the gypsum board. This amendment continues the previous amendment adopted during the 2007 code adoption cycle.
2308.10.8.1	Geological	With the higher seismic demand placed on buildings and structures in this region, interior walls can easily be called upon to resist over half of the seismic loading imposed on simple buildings or structures. Without a continuous foundation to support the braced wall line, seismic loads would be transferred through other elements such as non-structural concrete slab floors, wood floors, etc. The purpose of this amendment is to limit the use of the exception to structures assigned to Seismic Design Category A, B, or C where lower seismic demands are expected. Requiring interior braced walls be supported by continuous foundations is intended to reduce or eliminate the poor performance of buildings or structures. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
Table 2308.10.1	Geological	This amendment specifies minimum sheathing thickness and nail size and spacing so as to provide a uniform standard of construction for designers and buildings to follow. This is intended to improve the performance level of buildings and structures that are subject to the higher seismic demands placed on buildings or structure in this region. This proposed amendment reflects the recommendations by the SEAOSC and the Los Angeles City Joint Task Force, which investigated the performance deficiencies observed in the 1994 Northridge Earthquake. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the

Code Section	Condition	Explanation of Amendment
		increased risk of significant earthquakes in the County.
2308.10.9	Geological	Due to the high geologic activities in the Southern California area and the required higher level of performance of buildings and structures, this amendment limits the use of staple fasteners in resisting or transferring seismic forces. In September 2007, limited cyclic testing data was provided to the ICC, Los Angeles Chapter Structural Code Committee, showing that stapled wood structural shear panels do not exhibit the same behavior as nailed wood structural shear panels. The test results of stapled wood structural shear panels demonstrated much lower strength and drift than nailed wood structural shear panel test results. Therefore, the use of staples as fasteners to resist or transfer seismic forces shall not be permitted without being substantiated by cyclic testing. This amendment is a continuation of a similar amendment adopted during previous code adoption cycles.
3114;	Climatic, Geologic	The greater Los Angeles/Long Beach region is situated over a vast array of earthquake fault systems capable of producing major earthquakes, similar to or exceeding the geologic activities occurring during the 1994 Northridge Earthquake. The region is further impacted by construction of buildings and structures utilizing traditional construction materials that impact the amount of energy, air quality, greenhouse gas emission and construction waste in the area. The proposed amendment addresses structural design requirements specific to intermodal shipping containers, reduce environmental impact of unused and unrecycled intermodal shipping containers, and increase sustainability by reducing consumption of traditional construction materials. The proposed modification needs to be incorporated into the code to assure that new buildings and additions to

Code Section	Condition	Explanation of Amendment
		existing buildings utilizing intermodal shipping containers are designed and constructed in accordance with the scope and objectives of the California Building Code and California Green Building Standards Code
Appendix C	Climatic, Geologic, Voluntary appendix	Los Angeles County is a diverse region with both densely populated urban areas and rural areas with various agricultural and animal husbandry establishments. Many areas of the County have been designated as Fire Hazard Severity Zones due to the increased risk of fire caused by low humidity, strong winds, and dry vegetation, particularly the rural areas, which are often used for agricultural purposes. Furthermore, the greater Los Angeles/Long Beach region is situated over a vast array of earthquake fault systems capable of producing major earthquakes, similar to or exceeding the geologic activities occurring during the 1994 Northridge Earthquake. Due to the need for agricultural buildings to perform appropriately in the County due to its geology and climate, adoption of building standards for such structures is required.
Appendix H	Climatic, Geologic, Voluntary appendix	Los Angeles County is a diverse region with both densely populated urban areas and rural areas with various signs used in the County. The Los Angeles region is situated over a vast array of earthquake fault systems capable of producing major earthquakes, similar to or exceeding the geologic activities occurring during the 1994 Northridge Earthquake. In addition, weather events occur seasonally with high winds such as the Santa Ana Winds. Due to the need for signs to perform well in the County due to its climate and geology, adoption of building standards for signs is required.
H103.1	Geologic, Administrative, Voluntary	Los Angeles County is a diverse region with both densely populated urban areas and rural areas with various signs used in the County. The greater Los Angeles/Long Beach region is situated over a vast array of earthquake fault systems capable of

Code Section	Condition	Explanation of Amendment
	appendix	producing major earthquakes, similar to or exceeding the geologic activities occurring during the 1994 Northridge Earthquake. This provision is amended to cross-reference to applicable legal provisions and also to ensure that signs are located in such a way as to avoid damage to adjacent structures and people given the potential for earthquakes in the County.
H103.2	Geologic, Administrative, Voluntary appendix	Los Angeles County is a diverse region with both densely populated urban areas and rural areas with various signs used in the County. The greater Los Angeles/Long Beach region is situated over a vast array of earthquake fault systems capable of producing major earthquakes, similar to or exceeding the geologic activities occurring during the 1994 Northridge Earthquake. This provision is amended to cross-reference to applicable legal provisions and also to ensure that sign projections and clearances are located in such a way as to avoid damage to adjacent structures and people given the potential for earthquakes in the County.
H104.1	Geologic, Voluntary appendix	The greater Los Angeles/Long Beach region is situated over a vast array of earthquake fault systems capable of producing major earthquakes, similar to or exceeding the geologic activities occurring during the 1994 Northridge Earthquake. Due to the risk of geologic activities in the Southern California area, buildings and structures require a high level of performance, which is directly proportional to the weight of a structure. By adding the weight of a sign to the identification placard, it will improve the ability to provide structural verification in the event of damage or future modifications.
H105.1	Administrative, Voluntary appendix	The amendment provides a cross reference to Chapter 24 for user convenience.

Code Section	Condition	Explanation of Amendment
H106.1, H106.2	Administrative, Voluntary appendix	This change corrects a call out from the model electrical code to the relevant local electrical code and clarifies that a separate electrical permit is required for user convenience.
H110.1	Climatic, Voluntary appendix	Due to the potential for severe local weather conditions with torrential rain, it is necessary to clarify that no portions of the roof sign and supporting members may interfere with proper roof drainage to prevent the potential for roof collapse due to water accumulation.
H116	Climatic, Voluntary appendix	Due to the potential for severe local weather with high speed winds and hot, dry conditions, it is necessary that the most recent test standards as specified in Chapter 35 are adopted in lieu of the older test standards specified in Section H116. This ensures that the risk from fires is minimized.
J101.1 to J101.9	Geological Topographical Climatic	Sections revised to include erosion and sediment control measures to address the complex and diverse set of soil types and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
J101.10	Geological Topographical Climatic	Section revised to maintain safety and integrity of public or private property adjacent to grading sites due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
J103.1 – J103.2 and Figure J103.2	Geological Topographical Climatic	Sections revised to provide adequate control of grading operations typical to the greater Los Angeles County/Long Beach region due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.

Code Section	Condition	Explanation of Amendment
J104.2.1 – J104.4	Geological Topographical Climatic	Sections revised or added to provide adequate control of grading operations typical to the greater Los Angeles County/Long Beach region due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
J105.1- J105.14	Geological Topographical Climatic	Sections revised or added to provide adequate control of grading operations typical to the greater Los Angeles County/Long Beach region due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
J106.1	Geological Topographical Climatic	Section revised to require more stringent cut slope ratios to address the complex and diverse set of soil types and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
J107.1- J107.7	Geological Topographical Climatic	Sections revised to provide more stringent fill requirements for slope stability and settlement due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
J107.8 – J107.9	Geological Topographical Climatic	Sections revised to provide more stringent inspection and testing requirements for fill slope stability due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
J108.1 – J108.4	Geological Topographical Climatic	Sections revised to provide more stringent slope setback requirements to address the complex and diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
J109.1 – J109.3	Geological Topographical Climatic	Sections revised to provide more stringent drainage and terracing requirements to address the complex and diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.

Code Section	Condition	Explanation of Amendment
J109.5	Geological Topographical Climatic	Subsection added to provide for adequate outlet of drainage flows due to the diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
J110.1 - J110.8.5	Geological Topographical Climatic	Sections revised or added to provide for State requirements of storm water pollution prevention and more stringent slope planting, and slope stability requirements to control erosion due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
J111	Geological Topographical Climatic	Section revised to reference additional standards for soils testing due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the greater Los Angeles County/Long Beach region.
Appendix Q Q101.1, Q102.1, Q103.1, Q103.4, Q107.1	Administrative, Voluntary appendix Climatic Geologic Topographical	Adoption of this appendix is necessary because strict compliance with State and local standards and laws would prevent, hinder, or delay the mitigation of the effects of a declared shelter crisis, local emergency or state of emergency. The modifications to this appendix are administrative in nature, to provide clarification of various provisions of the language of this voluntary Appendix.
Q106.1	Climatic	Los Angeles County is subject to extreme temperatures, and many of these membrane structures will be erected and occupied during severe weather events. It is necessary to include this amendment to ensure the safety, health, and comfort of the occupants is maintained during extreme heat and cold.
Q110.1.1, Q110.1.2	Administrative	These sections are a cross reference to the State Plumbing Code requirement for user convenience and is not adding a new building standard nor enacting a more restrictive requirement. To the

Code Section	Condition	Explanation of Amendment
		extent findings are requested, see prefatory language in this Section.
Q110.3	Climatic, Voluntary appendix	The County may utilize mobile restroom facilities that are physically separate from the living facilities. Due to the potential for severe local weather conditions, with extreme temperatures or torrential rain, the distance to the restroom facilities required for the comfort, safety, and health of displaced people should be reduced to 300 feet or as determined by the Building Official.

RESIDENTIAL CODE

Code Section	Condition	Explanation of Amendment
R301.1.3.2	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. After the 1994 Northridge Earthquake, the Wood Frame Construction Joint Task Force recommended that the quality of woodframe construction needed to be greatly improved. The Task Force recommended that structural plans be prepared by the engineer or architect so that plan examiners, building inspectors, contractors, and special inspectors may logically follow and construct the seismic force-resisting systems as presented in the construction documents. For buildings or structures located in Seismic Design Category D₀, D₁, D₂, or E that are subject to a greater level of seismic forces, the requirement to have a California licensed architect or engineer prepare the construction documents is intended to minimize or reduce structural deficiencies that may cause excessive damage or injuries in woodframe buildings. Involvement of a registered professional will minimize the occurrence of structural deficiencies such as plan and vertical irregularities, improper shear transfer of the seismic force-resisting system, missed details or connections important to the structural system, and the improper application of the prescriptive requirements of the California Residential Code.

R301.1.5	Geological Topographical	Due to the local topographical and geological conditions of the sites within the greater Los Angeles region and their susceptibility to earthquakes, this technical amendment is required to address and clarify special needs for buildings constructed on hillside locations. A joint Structural Engineers Association of Southern California (SEAOSC) and Los Angeles City Joint Task Force investigated the performance of hillside building failures after the Northridge Earthquake. Numerous hillside failures
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		resulted in loss of life and millions of dollars in damage. These criteria were developed to minimize the damage to these structures and have been in use by the City and County of Los Angeles for several years.
R301.2.2.6	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. Due to the high geologic activities in the Southern California area and the necessary higher level of performance required for buildings and structures, this local amendment limits the type of irregular conditions as specified in the California Residential Code. Such limitations are recommended to reduce structural damage in the event of an earthquake. The County of Los Angeles and cities in this region have implemented these extra measures to maintain the structural integrity of the framing of the shear walls and all associated elements when designed for high levels of seismic loads.
R301.2.2.11	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. Due to the high geologic activity in the Southern California area and the necessary higher level of performance required for buildings and structures, this local amendment limits the potential anchorage and supporting frame failure resulting from additional weight. There is no limitation for weight of mechanical and plumbing fixtures and equipment in the International Residential Code. Requirements from ASCE 7 and the International Building Code would permit equipment weighing up to 400 lbs. when mounted at 4 feet or less above the floor or attic level without engineering design. Where equipment exceeds this requirement, it is the intent of this amendment that a registered design professional be required to analyze if the floor support is adequate and structurally sound.
Table R302.1(2)	Climatic	This amendment will not allow unprotected openings (openings that do not resist the spread of fire) to be in the exterior wall of a residential building that is located on a property line. This amendment is

		necessary due to local climatic conditions. The hot, dry weather conditions of late summer in combination with the Santa Ana winds creates an extreme fire danger. Residential buildings with unprotected openings located on a property line may permit fires to spread from the inside of the building to adjacent properties and likewise from exterior properties to the interior of the building.
R337.1.1 R337.1.2	Climatic	Clarifies the application of Chapter 5 of the California Wildland Interface Code to also harden additions, alterations, and/or relocated buildings. Many areas of the County have been designated as Fire Hazard Severity Zones due to the increased risk of fire caused by low humidity, strong winds, and dry vegetation. Additions, alterations, and/or relocated buildings have the same fire risk as new buildings.
R337.1.3 R337.1.5 R337.1.6	Climatic	Disallows the use of wood-shingle/wood-shake roofs due to the increased risk of fire in the County caused by low humidity, strong winds, and dry vegetation in high fire severity zones in order to further harden residential buildings against fire risk.
R337.1.7	Climatic	Disallows the use of Class B wood-shingle/wood-shake roofs due to the increased risk of fire in the County caused by low humidity, strong winds, and dry vegetation in high fire severity zones in order to further harden residential buildings against fire risk.

R401.1	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. Wood foundations, even those that are preservative-treated, encounter a higher risk of deterioration when contacting the adjacent ground. The required seismic anchorage and transfer of lateral forces into the foundation system necessary for 2-story structures and foundation walls could become compromised at varying states of wood decay. In addition, global structure overturning moment and sliding resistance is reduced when utilizing wood foundations as opposed to conventional concrete or masonry systems.
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		However, non-occupied, single-story storage structures pose significantly less risk to human safety and may utilize the wood foundation guidelines specified in this Chapter.
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R403.1.2 R403.1.3.6 R403.1.5 Figure R403.1.5	Climatic Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. These amendments require minimum reinforcement in continuous footings and stepped footings to address the problem of poor performance of plain or under-reinforced footings during a seismic event. These amendments implement the recommendations of SEAOSC and the Los Angeles City Joint Task Force resulting from their investigation of the 1994 Northridge Earthquake. Interior walls can easily be called upon to resist over half of the seismic loading imposed on simple buildings or structures. Without a continuous foundation to support the braced wall line, seismic loads would be transferred through other elements such as non-structural concrete slab floors, wood floors, etc. Requiring interior braced walls to be supported by continuous foundations is intended to reduce or eliminate the poor performance of buildings or structures.
R404.2	Climatic Geological	No substantiating data has been provided to show that wood foundations are effective in supporting structures and buildings during a seismic event while being subject to deterioration caused by the presence of water and other materials detrimental to wood foundations in the soil. Wood foundations, when they are not properly treated and protected against deterioration, have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. With the higher seismic demand placed on buildings and structures in this region, coupled with the dryer weather conditions, it is

		the intent of this amendment to reduce or eliminate potential problems resulting from the use of wood footings and foundations.
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R501.2	Geological	Due to the high geologic activities in the Southern California area and the necessary higher level of performance required for buildings and structures, this local amendment limits the potential anchorage and supporting frame failure resulting from additional weight. There is no limitation for weight of mechanical and plumbing fixtures and equipment in the International Residential Code. Requirements from ASCE 7 and the International Building Code would permit equipment weighing up to 400 lbs. when mounted at 4 feet or less above the floor or attic level without engineering design. Where equipment exceeds this requirement, it is the intent of this amendment that a registered design professional be required to analyze if the floor support is adequate and structurally sound.
R503.2.4 Figure R503.2.4	Geological	Section R502.10 of the Code does not provide any prescriptive criteria to limit the maximum floor opening size, nor does Section R503 provide any details to address the issue of shear transfer near larger floor openings. With the higher seismic demand placed on buildings and structures in this region, it is important to ensure that a complete load path is provided to reduce or eliminate potential damage caused by seismic forces. Requiring blocking with metal ties around larger floor openings and limiting opening size is consistent with the requirements of Section R301.2.2.6.
Table R602.3(1) Table R602.3(2)	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. In September 2007, limited cyclic testing data was provided to the ICC Los Angeles Chapter Structural Code Committee showing that stapled wood structural shear panels do not exhibit the same behavior as the nailed wood structural shear panels. The test results of the stapled wood structural shear panels demonstrated lower strength

		and drift than the nailed wood structural shear panel test results. Therefore, the use of staples as fasteners for shear walls sheathed with other materials shall not be permitted without being substantiated by cyclic testing.
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R602.3.2 Table R602.3.2	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. The County of Los Angeles and cities in this region have taken extra measures to maintain the structural integrity of the framing of the shear walls when designed for high levels of seismic loads by eliminating single top plate construction. The performance of modern day braced wall panel construction is directly related to an adequate load path extending from the roof diaphragm to the foundation system.
R602.10.2.3	Geological	The greater Los Angeles region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including, but not limited, to the 1994 Northridge Earthquake. Plywood shear walls with high aspect ratio experienced many failures during the Northridge Earthquake. This proposed amendment specifies a minimum braced wall length to meet an aspect ratio consistent with other sections of the California Residential Code, and to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the California Residential Code. This is intended to improve the performance level of buildings and structures that are subject to the higher seismic demands and reduce and limit potential damage to property. This proposed amendment reflects the recommendations by SEAOSC and the Los Angeles City Joint Task Force that investigated the poor performance observed during the 1994 Northridge Earthquake.

Table R602.10.3(3)	Geological	Due to the high geologic activities in the Southern California area and the necessary higher level of performance of buildings and structures, this local amendment reduces or eliminates the allowable shear values for shear walls sheathed with lath, plaster, or gypsum board. The poor performance of such shear walls sheathed with other materials in the 1994 Northridge Earthquake was investigated by SEAOSC and the Los Angeles City Joint Task Force. The County of Los Angeles and cities in this region have taken extra measures to maintain the structural integrity of the framing of the shear walls when designed for high levels of seismic loads.
Table R602.10.4	Geological	3/8" thick 3 ply-plywood shear walls experienced many failures during the Northridge Earthquake. This amendment specifies minimum WSP sheathing thickness and nail size and spacing, so as to provide a uniform standard of construction to improve the performance level of buildings and structures, given the potential for higher seismic demands placed on buildings or structure in this region. This proposed amendment reflects the recommendations by SEAOSC and the Los Angeles City Joint Task Force following the 1994 Northridge Earthquake. In September 2007, cyclic testing data was provided to the Los Angeles Chapter Structural Code Committee showing that stapled wood structural shear panels underperformed nailed wood structural shear panels. Test results of the stapled wood structural shear panels appeared much lower in strength and drift than the nailed wood structural shear panel test results.

Table R602.10.5	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. The poor performance of such shear walls sheathed in the 1994 Northridge Earthquake was investigated by SEAOSC and the Los Angeles City Joint Task Force. The County of Los Angeles and cities in this region have taken extra measures to maintain the structural integrity with respect to the
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		"maximum shear wall aspect ratios" of the framing of the shear walls when designed for high levels of seismic loads. This amendment is consistent with the shear wall aspect ratio provision of Section 4.3.3 of AWC SDPWS-2021.
Figure R602.10.6.1	Geological	3/8" thick 3 ply-plywood shear walls experienced many failures during the Northridge Earthquake. The poor performance of shear walls in the 1994 Northridge Earthquake was investigated by SEAOSC and the Los Angeles City Joint Task Force. Box nails were observed to cause massive and multiple failures of the typical 3/8" thick 3 ply-plywood during the Northridge Earthquake. The County of Los Angeles and cities in this region have taken extra measures to maintain the structural integrity of the framing of the shear walls when designed for high levels of seismic loads. The performance of modern day braced wall panel construction is directly related to an adequate load path extending from the roof diaphragm to the foundation system.
Figure R602.10.6.2	Geological	3/8" thick 3 ply-plywood shear walls experienced many failures during the Northridge Earthquake. The poor performance of such shear walls in the 1994 Northridge Earthquake was investigated by SEAOSC and the Los Angeles City Joint Task Force. The County of Los Angeles and cities in this region have taken extra measures to maintain the structural integrity of the framing of the shear walls when designed for high levels of seismic loads. Box nails were observed to cause massive and multiple failures of typical 3/8-inch thick plywood during the Northridge Earthquake. This change to the minimum lap splice requirement is consistent with Section 25.5 of ACI 318-19.
Figure R602.10.6.4	Geological	3/8" thick 3 ply-plywood shear walls experienced many failures during the Northridge Earthquake. The poor performance of such shear walls in the 1994 Northridge Earthquake was investigated by SEAOSC and the Los Angeles City Joint Task Force. The County of Los Angeles and cities in this region have taken extra measures to maintain the structural

		integrity of the framing of the shear walls when designed for high levels of seismic loads. The proposal in which "washers shall be a minimum of 0.229 inch by 3 inches by 3 inches in size" is consistent with Section R602.11.1 of the California Residential Code and Section 2308.7.1 of the California Building Code.
R606.4.4	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. The addition of the word "or" will prevent the use of unreinforced parapets in Seismic Design Category D ₀ , D ₁ , or D ₂ , or on townhouses in Seismic Design Category C.
R606.12.2.2.3	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. Reinforcement using longitudinal wires for buildings and structures located in high seismic areas is not as ductile as deformed rebar. Having vertical reinforcement closer to the ends of masonry walls helps to improve the seismic performance of masonry buildings and structures.
R803.2.4	Geological	Section R802 of the Code does not provide any prescriptive criteria to limit the maximum size of roof openings, nor does Section R803 provide any details to address the issue of shear transfer near larger roof openings. With the higher seismic demand placed on buildings and structures in this region, it is important to ensure that a complete load path is provided to reduce or eliminate potential damage caused by seismic forces. Requiring blocking with metal ties around larger roof openings and limiting the size of openings is consistent with the requirements of Section R301.2.2.6.

R1001.3.1	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. The performance of fireplaces/chimneys without anchorage to the foundation has been observed to be inadequate during major earthquakes. The lack of anchorage to
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		the foundation results in overturn or displacement.
Appendix BJ BJ106.1	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. Due to the limited seismic performance information on strawbale construction, this amendment is intended to limit the higher risk strawbale construction poses in a high seismic region.
Appendix CJ CJ101.1, CJ102.1, CJ103.1, CJ103.4, CJ107.1	Administrative, Climatic, Geologic, Topographical	Adoption of this appendix is necessary because strict compliance with state and local standards and laws would prevent, hinder, or delay the mitigation of the effects of a declared shelter crisis or other emergency. The modifications to this appendix are administrative in nature, to provide clarification of various provisions of the language of this voluntary Appendix.
CJ106.1	Climatic	Los Angeles County is subject to extreme temperatures, and many of these membrane structures will be erected and occupied during severe weather events. It is necessary to include this amendment to ensure the safety, health, and comfort of the occupants is maintained during extreme heat and cold.
CJ110.1.1, CJ110.1.2	Administrative	These sections are simply a cross reference to the State Plumbing Code requirement for user convenience and is not adding a new building standard nor enacting a more restrictive requirement. To the extent findings are requested, see prefatory language in this Section.
CJ110.3	Climatic	The County may utilize mobile restroom facilities that are physically separate from the living facilities. Due to the potential for severe local weather conditions, with extreme temperatures or torrential rain, the distance to the restroom facilities required for the comfort, safety, and health of displaced people should be reduced to 300 feet or as determined by the Building Official.

EXISTING BUILDING CODE

EXISTING BUILDING CODE AMENDMENTS		
CODE SECTION	CONDITION	EXPLANATION
302.6.1 to 302.6.3	Geologic	The greater Los Angeles/Long Beach region is a densely populated area having buildings constructed over and near a vast array of fault systems capable of producing major earthquakes, including, but not limited to, the 1994 Northridge Earthquake. The purpose of the amendments is to prevent inadequate construction or bracing to increase resistance to horizontal forces, thus minimizing hazards to life or property in the event of an earthquake.

302.7	Geologic	The greater Los Angeles/Long Beach region is a densely populated area having buildings constructed over and near a vast array of fault systems capable of producing major earthquakes, including, but not limited to, the 1994 Northridge Earthquake. The purpose of the amendment is to minimize injuries caused by shattering glass in the event of an earthquake.
A401.2	Geologic, Administrative, Voluntary Appendix	The greater Los Angeles/Long Beach region is situated over a vast array of earthquake fault systems capable of producing major earthquakes, including, but not limited to, the 1994 Northridge Earthquake. The purpose of this amendment is to provide voluntary building standards to constituents that are performing seismic retrofitting for existing structures.
A404.1	Administrative, Geologic, Voluntary Appendix	The greater Los Angeles/Long Beach region is situated over a vast array of earthquake fault systems capable of producing major earthquakes, including, but not limited to, the 1994 Northridge Earthquake. The purpose of this amendment is to provide voluntary building standards to constituents that are performing seismic retrofitting for existing structures. Due to these factors, the County requires a licensed architect or engineer stamp and approval of the construction documents.

MECHANICAL CODE

TABLE

MECHANICAL CODE AMENDMENTS		
CODE SECTION	CONDITION	EXPLANATION
501.1	Climatic	Additional Health Department requirements are necessary due to local air quality concerns.
510.1.6	Geological	High geologic activities, such as seismic events, in the Southern California area necessitate this local amendment for bracing and support.
603.7.1.1	Geological	High geologic activities, such as seismic events, in the Southern California area necessitate this local amendment for bracing and support.
1114.4	Geological	High geologic activities, such as seismic events, in the Southern California area necessitate this local amendment to reduce damage and potential for toxic refrigerant release during a seismic event caused by shifting equipment and to minimize impacts to the sewer system in such an event.

PLUMBING CODE

PLUMBING CODE AMENDMENTS

CODE SECTION	CONDITION	EXPLANATION
Section 304.1	Geological Topographical Climatic	The County of Los Angeles is a densely populated area with buildings constructed within a region where water is scarce and domestic water service is impacted by immoderate and varying weather conditions, including periods of extended drought. The proposed measures will require buildings to be more water efficient and allow greater conservation of domestic water due to these local conditions.
Sections 601.2.3	Geological Topographical Climatic	The County of Los Angeles is a densely populated area with buildings constructed within a region where water is scarce and domestic water service is impacted by immoderate and varying weather conditions, including periods of extended drought. The proposed measures will require buildings to be more water efficient and allow greater conservation of domestic water due to these local conditions.
Section 721.3	Geological Topographical	To allow for the proper operation of existing Los Angeles County sewer infrastructure and establish consistency with Title 20 – Utilities – of the Los Angeles County Code, Division 2 (Sanitary Sewers and Industrial Waste) due to local soil conditions and topography.
Sections 728.1 to 728.6	Geological Topographical	To allow for the proper operation of existing Los Angeles County sewer infrastructure and establish consistency with Title 20 – Utilities – of the Los Angeles County Code, Division 2 (Sanitary Sewers and Industrial Waste) due to local soil conditions and topography.
Table H 101.8	Geological Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions and to provide protections for native, protected oak trees that are consistent with Title 22 – Zoning and Planning – of the Los Angeles County Code, Chapter 22.174 (Oak Tree Permits).

Table H 201.1(1)	Geological Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions, sewer capacity, and sewage treatment.
Table H 201.1(2)	Geological Topographical	To establish consistency with requirements of the County Health Department for sewer capacity and sewage treatment due to local soil conditions.
Table H 201.1(3)	Geological Topographical	To establish consistency with requirements of the County Health Department for sewer capacity and sewage treatment due to local soil conditions.
Table H 201.1(4)	Geological Topographical	To establish consistency with requirements of the County Health Department for sewer capacity and sewage treatment due to local soil conditions.
Section H 301.1	Geological Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section H 401.3	Geological Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section H 601.5	Geological Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section H 601.8	Geological Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section H 701.2	Geological Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section H 1001.1	Geological	To establish more restrictive requirements to prevent earth movement based on local soil and seismic conditions.
Section H 1101.6	Geological	To establish more restrictive requirements to prevent earth movement based on local soil and seismic conditions.

Appendix P		
Appendix S	Climatic	To establish requirements for solar thermal energy systems based on provisions in the Uniform Solar, Hydronics and Geothermal Code (USHGC), which is developed by the International Association of Plumbing and Mechanical Officials. The County of Los Angeles is a densely populated area, with elevated levels of greenhouse gas emissions. Standards to regulate the installation of solar thermal energy systems will facilitate safe and efficient installations of these systems to improve local air quality, thereby improving the health of the County's residents, businesses and visitors.

ORDINANCE NO. 2536

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 7 AND 9 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2026 LOS ANGELES COUNTY BUILDING CODE (TITLE 26), ELECTRICAL CODE (TITLE 27), PLUMBING CODE (TITLE 28), MECHANICAL CODE (TITLE 29), RESIDENTIAL CODE (TITLE 30), AND EXISTING BUILDING CODE (TITLE 33), WHICH ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE, MECHANICAL CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, on July 1, 2025, the California Building Standards Commission (CBSC) published the 2025 California Building Standards Code, which includes the 2025 Building, Electrical, Plumbing, Mechanical, Residential, and Existing Building Codes (the "2025 California Codes"); and

WHEREAS, the 2025 California Codes will be effective on January 1, 2026; and

WHEREAS, Section 17958.5 of the California Health and Safety Code permits the City to make changes or modifications to the 2025 California Codes as such changes are reasonably necessary because of local climatic, geographical or topographical conditions; and

WHEREAS, prior to making any modifications or changes pursuant to Section 17958.5 of the California Health and Safety Code, Section 17958.7 of the Health and Safety Code requires the City to make express findings that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the findings and local amendments apply to all occupancy classifications, unless specified otherwise; and

WHEREAS, historically, the City of West Covina has adopted by reference the Los Angeles County Codes, which include amendments to the California Building Standards Code that address regional and local climatic, geological, and topographical conditions; and

WHEREAS, on November 25, 2025, the Los Angeles County Board of Supervisors

adopted ordinances amending Titles 26, 27, 28, 29, 30, and 33 of the Los Angeles County Code, which adopt by reference the 2025 California Building, Electrical, Plumbing, Mechanical, Residential, and Existing Building Codes, respectively, with amendments based upon express findings that such modifications are reasonably necessary due to climatic, geological, or topographical conditions; and

WHEREAS, the City Council desires to adopt Titles 26, 27, 28, 29, 30, and 33 of the Los Angeles County Code; and

WHEREAS, the City Council of the City of West Covina has determined that modifications to the 2025 California Codes are reasonably necessary due to local climatic, geological, and topographical conditions, as detailed in Resolution No. 2026-03; and

WHEREAS, pursuant to subsection (b) of Section 17958 of the California Health and Safety Code, commencing October 1, 2025 and ending June 1, 2031, the City is prohibited from making changes to the 2025 California Codes that are applicable to residential units unless one of the specified conditions is met, including the changes or modifications are substantially equivalent to changes or modifications that were previously filed by the City Council and were in effect as of September 30, 2025; and

WHEREAS, the local amendments applicable to residential units are substantially equivalent to changes that were previously filed by the City with the CBSC and were in effect as of September 30, 2025; and

WHEREAS, all legal requirements prior to the adoption of this Ordinance have occurred.

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

SECTION 1. Recitals. The City Council makes and adopts as findings the facts and conclusions set forth in the recitals of this Ordinance and, for the reasons set forth in the recitals and Resolution No. 2026-03, finds that the modifications to the 2025 California Building Standards Code are reasonably necessary due to local climatic, geological, or topographical conditions.

SECTION 2. Amendment to Article I of Chapter 7. The definition of “health office” set forth in Section 7-1 of Article 1 of Chapter 7 of the West Covina Municipal Code is hereby amended to read as follows:

Health office means the city or county department responsible for administering and enforcing all laws, ordinances and regulations dealing with public health and sanitation.

SECTION 3. Amendment to Article I of Chapter 7. Section 7-1 of Article 1 of Chapter 7 of the West Covina Municipal Code is hereby amended to add a definition for

“person” to read as follows:

Person has the meaning set forth in section 1-19 of this Code.

SECTION 4. Amendment to Article I of Chapter 7. Article I of Chapter 7 of the City of West Covina Municipal Code is hereby amended to add a new Section 7-3 to read as follows:

Sec. 7-3. - Refunds.

- (a) The building official may authorize refunding of a fee paid pursuant to this chapter which was erroneously paid or collected, provided that a written application for a refund is submitted to the building official within one hundred eighty (180) days after the date the permit fee was paid.
- (b) The building official may authorize the refunding of not more than eighty percent (80%) of the permit fee paid when:
 - (i) No work authorized by the building permit has been done under the permit issued in accordance with this Code; and
 - (ii) A written application for a refund is submitted to the building official within one hundred eighty (180) days after the date the permit fee was paid.
- (c) The building official shall not refund any portion of the plan review fee, unless no review has been performed on a set of plans, in which case the building official may authorize a refund of no more than eighty percent (80%) of the plan review fee.

SECTION 5. Amendment to Article I of Chapter 7. Article I of Chapter 7 of the West Covina Municipal Code is hereby amended to add a new Section 7-4 to read as follows:

Sec. 7-4 - Violations and penalties.

- (a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, relocate, demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, in violation of any of the provisions of this chapter.
- (b) Except as otherwise provided in this chapter, any person violating any provision of this chapter or the Los Angeles County Codes adopted by reference herein is guilty of a misdemeanor. However, any such violation constituting a misdemeanor may, at his or her discretion, be cited by the issuing officer and prosecuted by the city attorney as an infraction.

- (c) Each day during any portion of which any violation of any provision of this chapter or the Los Angeles County Codes adopted by reference herein is committed, continued or permitted shall constitute a separate offense.
- (d) Violation of any of the provisions of this chapter or the Los Angeles County Codes adopted by reference herein may be punished as a criminal offense or by the issuance of an administrative citation in accordance with article X of chapter 15 of this Code. The administrative fines shall be in the amounts set forth in article X of chapter 15 of this Code, or such greater fine amounts as authorized by California law. In the event of an inconsistency between the authorized amount of such fines pursuant to article X of chapter 15 and of those authorized by California law, the greater fine amount may be imposed.
- (e) The issuance or granting of a permit, or approval based on plans, specifications or other data shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. Permits presuming to give authority to violate or cancel the provisions of this chapter shall be invalid, except insofar as the work or use which is authorized is lawful.
- (f) The issuance or granting of a permit, approval or certificate of occupancy based on submitted plans, specifications or other data shall not prevent the building official or his/her designee from:
- (1) Thereafter requiring the correction of errors in such plans, specifications or other data; or
 - (2) Ordering cessation of construction, maintenance, operation, or occupancy when it is in violation of this chapter or of any other ordinance; or
 - (3) Revoking any permit, approval or certificate of occupancy or completion when issued in; or
 - (4) Suspending or revoking any permit, approval, certificate of occupancy or completion when issued on the basis of incorrect information supplied or in violation of any section of this Code.

SECTION 6. Amendment to Article II of Chapter 7. Article II of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLE II. - BUILDING CODE

Sec. 7-16. - Adoption of Building Code.

- (a) Except as otherwise provided in this article, Title 26 (Building Code) of the Los Angeles County Code, as amended and in effect on January 1, 2026, adopting the

2025 California Building Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.

- (b) One (1) complete copy of Title 26 of the Los Angeles County Code and one (1) complete copy of the 2025 California Building Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment shall control.

Sec. 7-17. – Title.

Section 101.1 of Title 26 of the Los Angeles County Code shall be deleted in its entirety and replaced as follows:

Chapter 7, Article II of the City of West Covina Municipal Code shall be known as the “Building Code” of the City of West Covina, and may be cited as such, and will be referred to herein as “these regulations” or “these building standards” or “this Code.”

Sec. 7-18. - Board of appeals.

Section 105.1.1 of Title 26 of the Los Angeles County Code shall be deleted in its entirety and replaced as follows:

105.1.1 General. Unless otherwise provided for below, in order to conduct the hearings provided for in this Code, there shall be a Building Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. One member shall be a practicing architect, one a builder who is a licensed general contractor, one a lawyer, and two structural engineers, each of whom shall have had at least 10 years of experience as an architect, builder, lawyer, or structural engineer. The Building Official shall be an ex officio member and shall act as secretary to the Board. The members of the Building Board of Appeals shall be appointed by the City Manager and shall hold office at his/her pleasure. The board shall adopt rules of procedures for conducting its business.

Sec. 7-19. - Fees and refunds.

Section 107 of Title 26 of the Los Angeles County Code shall be deleted in its entirety and replaced as follows:

107.1 Permit fees. A fee for each permit shall be paid to the Building Official as set forth in resolution of the City Council. Determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. Valuation shall be based on the type of construction, occupancy classification, and size of the project, and shall include all components of the permitted work, including structural elements, finishes, roofing, mechanical, electrical, plumbing, fire protection systems, and other permanently

installed features or equipment. In establishing valuation, the Building Official may reference the most current Building Valuation Data (BVD) published by the International Code Council or other similar industry data sources. These references are intended to provide a consistent and uniform basis for determining construction valuation for fee assessment purposes. The calculated valuation is not required to reflect actual or reported construction costs.

107.2 Plan review fee. When an application for a building permit is submitted for review, a plan review fee shall be paid to the Building Official. Said fee shall be equal to 85 percent of the building permit fee as set forth in resolution of the city council.

In addition to the aforementioned fee, the Building Official may require additional charges for review required by changes, additions or revisions of approved plans or reports, and for services beyond the first and second check due to changes, omissions or errors on the part of the applicant. The payment of said fees shall not exempt any person from compliance with other provisions of this Code.

The fees specified in this section are separate fees from the permit fees specified in Section 107.1.

107.3 Work without permit; investigation fee. Whenever any work for which a permit is required by this chapter has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. A special investigation fee shall be collected prior to the issuance of a permit. The investigation fee shall be equal to the amount of the permit fee that would be required by this chapter if a permit were to be issued and shall be in addition to the permit fee if a permit is required. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this chapter nor from any penalty prescribed by law.

107.4 Refunds. Requests for refunds of permit fees shall be processed in accordance with the requirements set forth in section 7-3 of this chapter.

Sec. 7-20. - Use and occupancy.

Section 109 of Title 26 of the Los Angeles County Code is hereby amended in its entirety to read as follows:

109.1 Use and occupancy. No building, structure or premises, or portion thereof, shall be used or occupied, and no change in the existing occupancy classification of a building, structure or premises, or portion thereof, shall be made until the Building Official has approved the building, structure or premises or portion thereof for such use or occupancy and until all permits have been approved or a temporary certificate of occupancy has been issued.

Upon final inspection approval of a building permit and at the request of the

applicant, a certificate of occupancy may be issued by the Building Official for any structure which is ready to occupy.

Approval of a building, structure or premises, or portion thereof, for use or occupancy (including, but not limited to, final inspection approval and/or issuance of a certificate of occupancy or issuance of a temporary certificate of occupancy) shall not be construed as approval of a violation of the provisions of this Code, relevant laws, ordinances, rules and/or regulations. Approvals presuming to give authority to violate or cancel the provisions of this Code, relevant laws, ordinances, rules and/or regulations are not valid.

The Building Official may, in writing, suspend or revoke any such approvals or certificates whenever the Building Official determines that the approval or certificate was issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, structure or premises, or portion thereof, is in violation of any provision of this Code, relevant laws, ordinances, rules and/or regulations.

109.2 Change in use. Changes in the character or use of a building shall not be made except as specified in Existing Building Code.

109.3 Certificate issued. When the building, structure or premises, or portion thereof, has passed final inspection, and when the building, structure or premises complies with this Code, relevant laws, ordinances, rules and regulations, and the required fees have been paid, the Building Official, upon request of the applicant, may issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building or structure.
3. A description of that portion of the building for which the certificate is issued.
4. A statement that the described portion of the building was inspected and found to comply with the requirements of this Code, relevant laws, ordinances, rules and regulations for the group and division of occupancy and the use for which the proposed occupancy is classified.
5. The date the permit was approved.
6. Any other information deemed necessary by the Building Official.

109.4 Temporary certificate. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that the Building Official determines that such portion or portions will be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Upon request of the owner or permittee, the

Building Official may, in writing, extend the temporary certificate of occupancy when it is determined that the circumstances so warrant. After the expiration of a temporary certificate of occupancy and any extension(s) thereof, the building or structure shall not be used or occupied until the Building Official has approved the building for such use or occupancy.

109.5 Live loads posted. A durable sign that indicates the “live load” shall be required in commercial or industrial buildings where the floor or roof or portion thereof is or has been designed with a live load that exceeds 50 psf. The live load sign shall be posted on that part of each story or roof to which it applies, in a conspicuous place. The live load sign shall be posted as a condition precedent to the issuance of a certificate of occupancy. It shall be unlawful to remove or deface any such sign.

109.6 Revocation. The Building Official is authorized to suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code, in writing, wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of the provisions of this Code or other ordinance of the city.

Sec. 7-21. - Swimming pool safety.

Title 26 of the Los Angeles County Code is hereby amended to add Section 3109.3 to read as follows:

Section 3109.3 Swimming Pools, Emptying Upon Abandonment Or Vacation Of Premises.

1. No person in possession or control of any swimming pool on any land within the city as either owner, lessee, tenant, purchaser under contract, trustee, mortgagee or beneficiary of the land upon which such swimming pool is located shall abandon or vacate the premises upon which such swimming pool is located or is accessory or appurtenant, or cause or permit the same to be abandoned or vacated, without first having either:
 - a. Emptied all water from such swimming pool and left the same empty; or
 - b. Completely covered said swimming pool with a safe and adequate pool cover or other protective device approved in writing by the Building Official as sufficient to protect persons, especially children, from falling into such pool.
2. The owner of any swimming pool on any land within the city, upon learning that the premises upon which such swimming pool is located or is accessory or appurtenant having been abandoned or vacated by the person in possession or control of such swimming pool, shall fail, within forty-eight (48) hours after so learning or so being advised by the Building Official, either:

- a. Empty all water from said swimming pool and leave the same empty until said premises are again occupied by a person in possession and control of such swimming pool; or
 - b. Completely cover said swimming pool with a safe and adequate pool cover or other protective device approved in writing by the building official as sufficient to protect persons, especially children, from falling into such pool, and keep said pool so covered until said premises are again occupied by a person in possession and control of such swimming pool.
3. "Abandon" and "abandoned," as used in this section, shall mean the leaving of premises without actual, apparent and manifest intention to return thereto within a reasonable and foreseeable time unless definite provision has been made in writing prior to leaving the premises to have them actually occupied within thirty (30) days of such leaving by some other person who will be in possession and control of such swimming pool.
4. "Vacate" and "vacated," as used in this section shall mean the leaving of premises without the bona fide intent to return and actually returning to said premises within a period of thirty (30) days or less (or such additional period not exceeding an aggregate of sixty (60) days from date of leaving as may be granted by the Building Official for good cause, such as extended vacation, emergency, etc.) unless during said period of absence some other person actually occupies said premises and is in possession and control of such swimming pool.
5. Every person who violates or fails to comply with any of the terms, provisions or requirements of this section shall thereby have agreed and consented and conclusively be deemed to have agreed and consented:
 - a. That the city may enter upon the premises and empty all water from such swimming pool or cause the same to be done; and
 - b. To reimburse the city on demand for the actual cost of emptying such pool or causing the same to be done, and that the city may collect the same from any such person by civil action or any other lawful means selected by or available to the city, including, where applicable, the means provided by Title 5, Division 1, Part 1, Chapter 1, Article 9 (beginning at Section 50230) of the California Government Code.

SECTION 7. Amendment to Article III of Chapter 7. Article III of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLE III. – RESIDENTIAL CODE

Sec. 7-30. - Adoption of Residential Code.

(a) Except as otherwise provided in this article, Title 30 (Residential Code) of the Los Angeles County Code, as amended and in effect on January 1, 2026, adopting the 2025 California Residential Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.

(b) One (1) complete copy of Title 30 of the Los Angeles County Code and one (1) complete copy of the 2025 California Residential Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment or addition shall control.

Sec. 7-31. - Automatic fire sprinkler systems.

Section R309 of Title 30 of the Los Angeles County Code is hereby deleted in its entirety and replaced with Section 903.2 of the Fire Code of the City of West Covina as adopted and amended by Chapter 10 of this Code.

SECTION 8. Amendment to Article IV of Chapter 7. Article IV of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLE IV. - ELECTRICAL CODE

Sec. 7-40. - Adoption of Electrical Code.

(a) Except as otherwise provided in this article, Title 27 (Electrical Code) of the Los Angeles County Code, as amended and in effect on January 1, 2026, adopting the 2025 California Electrical Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.

(b) One (1) complete copy of Title 27 of the Los Angeles County Code and one (1) complete copy of the 2025 California Electrical Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment or addition shall control.

SECTION 9. Amendment to Article V of Chapter 7. Article V of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLE V. - EXISTING BUILDING CODE

Sec. 7-50. - Adoption of Existing Building Code.

(a) Except as otherwise provided in this article, Title 33 (Existing Building Code) of the Los Angeles County Code, as amended and in effect on January 1, 2026, adopting the 2025 California Existing Building Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.

(b) One (1) complete copy of Title 33 of the Los Angeles County Code and one (1) complete copy of the 2025 California Existing Building Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment or addition shall control.

SECTION 10. Amendment to Article VI of Chapter 7. Article VI of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLES VI. - MECHANICAL CODE

Sec. 7-60.- Adoption of Mechanical Code.

(a) Except as otherwise provided in this article, Title 29 (Mechanical Code) of the Los Angeles County Code, adopting the 2025 California Mechanical Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.

(b) One (1) complete copy of Title 29 of the Los Angeles County Code and one (1) complete copy of the 2025 Mechanical Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment or addition shall control.

SECTION 11. Amendment to Article VII of Chapter 7. Article VII of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLES VII. - PLUMBING CODE

Sec. 7-70.- Adoption of Plumbing Code.

(a) Except, as otherwise provided in this article, Title 28 (Plumbing Code) of the Los Angeles County Code, as amended and in effect on January 1, 2026, adopting the 2025 California Plumbing Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.

- (b) One (1) complete copy of Title 28 of the Los Angeles County Code and one (1) complete copy of the California Plumbing Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment or addition shall control.

SECTION 12. Amendment to Article I of Chapter 9. Article I of Chapter 9 of the West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLE I. - DRAINAGE AND GRADING

Sec. 9-1. - General.

- (a) Except as set forth in this article, Appendix J “Grading” of Title 26 of the Los Angeles County Code, as amended and in effect on January 1, 2026, is hereby adopted as if fully set forth herein and amended as shown below.
- (b) Within Appendix J, “Building Official” shall mean “City Engineer or his/her designee”.
- (c) Within Appendix J, “County” or “Los Angeles County” depending on context may mean City of West Covina or Los Angeles County.
- (d) Administration and permit issuance per Appendix J shall be as per the Building Code adopted and amended in Chapter 7, Article II of this Code.

Section 9.2. - Appendix J Amended.

Section J103.5 is amended in its entirety to read as follows:

Section J103.5 Grading fees.

1. Plan Review Fees. When a plan or other data are required to be submitted, a plan review fee in the amount established by resolution of the City Council shall be paid at the time of submitting plans and specifications for review. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this Code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.
2. Permit Fees. A fee for each grading permit in the amount established by resolution of the City Council shall be paid to the Building Official at the time of issuance of the permit. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this Code.
3. Site Inspection Fee. When the Building Official finds that a visual inspection of the

site is necessary to establish drainage requirements for the protection of property, existing buildings, or the proposed construction, a site inspection shall be made during plan check of grading plans. A fee for such inspection in the amount established by resolution of the City Council shall be paid to the Building Official at the time of submitting plans and specifications for review.

4. Refunds. Requests for refunds of permit fees shall be process in accordance with the requirements set forth in Chapter 7, Article I, Section 7-3 of this Code.

Sec. 9-3. - Violations and penalties.

- (a) Any person violating any provision of this article is guilty of a misdemeanor. However, any such violation constituting a misdemeanor may, at his or her discretion, be cited by the issuing officer and prosecuted by the city attorney as an infraction.
- (b) Each day during any portion of which any violation of any provision of this article is committed, continued or permitted shall constitute a separate offense.
- (c) Violation of any of the provisions of this article may be punished as a criminal offense or by the issuance of an administrative citation in accordance with article X of chapter 15 of this Code. The administrative fines shall be in the amounts set forth in article X of chapter 15 of this Code, or such greater fine amounts as authorized by California law. In the event of an inconsistency between the authorized amount of such fines pursuant to article X of chapter 15 and of those authorized by California law, the greater fine amount may be imposed.
- (d) The issuance or granting of a permit, or approval based on plans, specifications or other data shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this article. Permits presuming to give authority to violate or cancel the provisions of this article shall be invalid, except insofar as the work or use which is authorized is lawful.

SECTION 13. Environmental Compliance. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance will have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines.

SECTION 14. Severability. If any section, subsection, clause or phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this Ordinance. The City Council of West Covina hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections,

subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 15. Inconsistencies. Any provision of the West Covina Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 16. Effective Date. This Ordinance shall become effective 30 days after its adoption.

SECTION 17. Publication. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 18. Certified Copy. The Building Official shall file a certified copy of this Ordinance with the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED this ____ day of ____, 2026.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2536 was introduced at a regular meeting of the City Council held on the 6th day of January, 2026, and adopted at a regular meeting of the City Council held on the ____ day of _____, 2026 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

DRAFT

ORDINANCE NO. 2536

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 7 AND 9 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2026 LOS ANGELES COUNTY BUILDING CODE (TITLE 26), ELECTRICAL CODE (TITLE 27), PLUMBING CODE (TITLE 28), MECHANICAL CODE (TITLE 29), RESIDENTIAL CODE (TITLE 30), AND EXISTING BUILDING CODE (TITLE 33), WHICH ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE, MECHANICAL CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, on July 1, 2025, the California Building Standards Commission (CBSC) published the 2025 California Building Standards Code, which includes the 2025 Building, Electrical, Plumbing, Mechanical, Residential, and Existing Building Codes (the “2025 California Codes”); and

WHEREAS, the 2025 California Codes went into effect on January 1, 2026; and

WHEREAS, Section 17958.5 of the California Health and Safety Code permits the City to make changes or modifications to the 2025 California Codes as such changes are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, prior to making any modifications or changes pursuant to Section 17958.5 of the California Health and Safety Code, Section 17958.7 of the Health and Safety Code requires the City to make express findings that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the findings and local amendments apply to all occupancy classifications, unless specified otherwise; and

WHEREAS, historically, the City of West Covina has adopted by reference the Los Angeles County Codes, which include amendments to the California Building Standards Code that address regional and local climatic, geological, and topographical conditions; and

WHEREAS, on November 25, 2025, the Los Angeles County Board of Supervisors

adopted ordinances amending Titles 26, 27, 28, 29, 30, and 33 of the Los Angeles County Code, which adopt by reference the 2025 California Building, Electrical, Plumbing, Mechanical, Residential, and Existing Building Codes, respectively, with amendments based upon express findings that such modifications are reasonably necessary due to climatic, geological, or topographical conditions; and

WHEREAS, the City Council desires to adopt Titles 26, 27, 28, 29, 30, and 33 of the Los Angeles County Code; and

WHEREAS, the City Council has determined that modifications to the 2025 California Codes are reasonably necessary due to local climatic, geological, and topographical conditions, as detailed in Resolution No. 2026-03; and

WHEREAS, pursuant to subsection (b) of Section 17958 of the California Health and Safety Code, commencing October 1, 2025 and ending June 1, 2031, the City is prohibited from making changes to the 2025 California Codes that are applicable to residential units unless one of the specified conditions is met, including the changes or modifications are substantially equivalent to changes or modifications that were previously filed by the City Council and were in effect as of September 30, 2025; and

WHEREAS, the local amendments applicable to residential units are substantially equivalent to changes that were previously filed by the City with the CBSC and were in effect as of September 30, 2025; and

WHEREAS, all legal requirements prior to the adoption of this Ordinance have occurred.

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

SECTION 1. Recitals. The City Council makes and adopts as findings the facts and conclusions set forth in the recitals of this Ordinance and, for the reasons set forth in the recitals and Resolution No. 2026-03, finds that the modifications to the 2025 California Building Standards Code are reasonably necessary due to local climatic, geological, or topographical conditions.

SECTION 2. Amendment to Article I of Chapter 7. The definition of “health office” set forth in Section 7-1 of Article 1 of Chapter 7 of the West Covina Municipal Code is hereby amended to read as follows:

Health office means the city or county department responsible for administering and enforcing all laws, ordinances and regulations dealing with public health and sanitation.

SECTION 3. Amendment to Article I of Chapter 7. Section 7-1 of Article 1 of Chapter 7 of the West Covina Municipal Code is hereby amended to add a definition for

“person” to read as follows:

Person has the meaning set forth in section 1-19 of this Code.

SECTION 4. Amendment to Article I of Chapter 7. Article I of Chapter 7 of the City of West Covina Municipal Code is hereby amended to add a new Section 7-3 to read as follows:

Sec. 7-3. - Refunds.

- (a) The building official may authorize the refunding of a fee paid pursuant to this chapter which was erroneously paid or collected, provided that a written application for a refund is submitted to the building official within one hundred eighty (180) days after the date the permit fee was paid.
- (b) The building official may authorize the refunding of not more than eighty percent (80%) of the permit fee paid when:
 - (i) No work authorized by the building permit has been done under the permit issued in accordance with this Code; and
 - (ii) A written application for a refund is submitted to the building official within one hundred eighty (180) days after the date the permit fee was paid.
- (c) The building official shall not refund any portion of the plan review fee, unless no review has been performed on a set of plans, in which case the building official may authorize a refund of no more than eighty percent (80%) of the plan review fee.
- (d) Notwithstanding the foregoing subsections, no refund will be issued unless the refundable amount is at least one hundred fifty dollars (\$150.00). Commencing January 1, 2027 and on each January 1 thereafter, this amount may be increased by an escalation factor equal to changes in the Consumer Price Index for All Urban Consumers for the Los Angeles-Long Beach-Anaheim area (“CPI-U”), published by the U.S. Department of Labor, Bureau of Labor Statistics, which shall be calculated using the June index.

SECTION 5. Amendment to Article I of Chapter 7. Article I of Chapter 7 of the West Covina Municipal Code is hereby amended to add a new Section 7-4 to read as follows:

Sec. 7-4 - Violations and penalties.

- (a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, relocate, demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, in violation of any of

the provisions of this chapter.

- (b) Except as otherwise provided in this chapter, any person violating any provision of this chapter or the Los Angeles County Codes adopted by reference herein is guilty of a misdemeanor. However, any such violation constituting a misdemeanor may be cited by the issuing officer and/or prosecuted by the city attorney as an infraction.
- (c) Each day during any portion of which any violation of any provision of this chapter or the Los Angeles County Codes adopted by reference herein is committed, continued or permitted shall constitute a separate offense.
- (d) Violation of any of the provisions of this chapter or the Los Angeles County Codes adopted by reference herein may be punished as a criminal offense or by the issuance of an administrative citation in accordance with article X of chapter 15 of this Code. The administrative fines shall be in the amounts set forth in article X of chapter 15 of this Code, or such greater fine amounts as authorized by California law. In the event of an inconsistency between the authorized amount of such fines pursuant to article X of chapter 15 and of those authorized by California law, the greater fine amount may be imposed.
- (e) The issuance or granting of a permit, or approval based on plans, specifications or other data shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. Permits presuming to give authority to violate or cancel the provisions of this chapter shall be invalid, except insofar as the work or use which is authorized is lawful.
- (f) The issuance or granting of a permit, approval or certificate of occupancy based on submitted plans, specifications or other data shall not prevent the building official or his/her designee from:
 - (1) Thereafter requiring the correction of errors in such plans, specifications or other data; or
 - (2) Ordering cessation of construction, maintenance, operation, or occupancy when it is in violation of this chapter or of any other ordinance; or
 - (3) Suspending or revoking any permit, approval, certificate of occupancy or completion when issued on the basis of incorrect information supplied or in violation of any section of this Code.

SECTION 6. Amendment to Article II of Chapter 7. Article II of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLE II. - BUILDING CODE

Sec. 7-16. - Adoption of Building Code.

- (a) Except as otherwise provided in this article, Title 26 (Building Code) of the Los Angeles County Code, as amended and in effect on January 1, 2026, adopting the 2025 California Building Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.
- (b) One (1) complete copy of Title 26 of the Los Angeles County Code and one (1) complete copy of the 2025 California Building Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment shall control.

Sec. 7-17. - Title.

Section 101.1 of Title 26 of the Los Angeles County Code is hereby deleted in its entirety and replaced as follows:

Chapter 7, Article II of the City of West Covina Municipal Code shall be known as the Building Code of the City of West Covina, and may be cited as such, and will be referred to herein as “these regulations” or “these building standards” or “this Code.”

Sec. 7-18. - Board of appeals.

Section 105.1.1 of Title 26 of the Los Angeles County Code is hereby deleted in its entirety and replaced as follows:

105.1.1 General. Unless otherwise provided for below, in order to conduct the hearings provided for in this Code, there shall be a Building Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. One member shall be a practicing architect, one a builder who is a licensed general contractor, one a lawyer, and two structural engineers, each of whom shall have had at least 10 years of experience as an architect, builder, lawyer, or structural engineer. The Building Official shall be an ex officio member and shall act as secretary to the Board. The members of the Building Board of Appeals shall be appointed by the City Manager and shall hold office at his/her pleasure. The board shall adopt rules of procedures for conducting its business.

Sec. 7-19. - Fees and refunds.

Section 107 of Title 26 of the Los Angeles County Code is hereby deleted in its entirety and replaced as follows:

107.1 Permit fees. A fee for each permit shall be paid to the Building Official as established by resolution of the City Council. Determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. Valuation shall be based on the type of construction, occupancy classification, and size of the project, and shall include all components of the permitted work, including structural elements, finishes, roofing, mechanical, electrical, plumbing, fire protection systems, and other permanently installed features or equipment. In establishing valuation, the Building Official may reference the most current Building Valuation Data (BVD) published by the International Code Council or other similar industry data sources. These references are intended to provide a consistent and uniform basis for determining construction valuation for fee assessment purposes. The calculated valuation is not required to reflect actual or reported construction costs.

107.2 Plan review fee. When an application for a building permit is submitted for review, a plan review fee shall be paid to the Building Official. Said fee shall be equal to 85 percent of the building permit fee as established by resolution of the city council.

In addition to the aforementioned fee, the Building Official may require additional charges for review required by changes, additions or revisions of approved plans or reports, and for services beyond the first and second check due to changes, omissions or errors on the part of the applicant. The payment of said fees shall not exempt any person from compliance with other provisions of this Code.

The fees specified in this section are separate fees from the permit fees specified in Section 107.1.

107.3 Work without permit; investigation fee. Whenever any work for which a permit is required by this chapter has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. A special investigation fee shall be collected prior to the issuance of a permit. The investigation fee shall be equal to the amount of the permit fee that would be required by this chapter if a permit were to be issued and shall be in addition to the permit fee if a permit is required. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this chapter nor from any penalty prescribed by law.

107.4 Refunds. Requests for refunds of permit fees shall be processed in accordance with the requirements set forth in section 7-3 of this chapter.

Sec. 7-20. - Use and occupancy.

Section 109 of Title 26 of the Los Angeles County Code is hereby amended in its entirety to read as follows:

109.1 Use and occupancy. No building, structure or premises, or portion thereof, shall be used or occupied, and no change in the existing occupancy classification of a

building, structure or premises, or portion thereof, shall be made until the Building Official has approved the building, structure or premises or portion thereof for such use or occupancy and until all permits have been approved or a temporary certificate of occupancy has been issued.

Upon final inspection approval of a building permit and at the request of the applicant, a certificate of occupancy may be issued by the Building Official for any structure which is ready to occupy.

Approval of a building, structure or premises, or portion thereof, for use or occupancy (including, but not limited to, final inspection approval and/or issuance of a certificate of occupancy or issuance of a temporary certificate of occupancy) shall not be construed as approval of a violation of the provisions of this Code, relevant laws, ordinances, rules and/or regulations. Approvals presuming to give authority to violate or cancel the provisions of this Code, relevant laws, ordinances, rules and/or regulations are not valid.

The Building Official may, in writing, suspend or revoke any such approvals or certificates whenever the Building Official determines that the approval or certificate was issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, structure or premises, or portion thereof, is in violation of any provision of this Code, relevant laws, ordinances, rules and/or regulations.

109.2 Change in use. Changes in the character or use of a building shall not be made except as specified in the Existing Building Code.

109.3 Certificate issued. When the building, structure or premises, or portion thereof, has passed final inspection, and when the building, structure or premises complies with this Code, relevant laws, ordinances, rules and regulations, and the required fees have been paid, the Building Official, upon request of the applicant, may issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building or structure.
3. A description of that portion of the building for which the certificate is issued.
4. A statement that the described portion of the building was inspected and found to comply with the requirements of this Code, relevant laws, ordinances, rules and regulations for the group and division of occupancy and the use for which the proposed occupancy is classified.
5. The date the permit was approved.
6. Any other information deemed necessary by the Building Official.

109.4 Temporary certificate. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that the Building Official determines that such portion or portions will be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Upon request of the owner or permittee, the Building Official may, in writing, extend the temporary certificate of occupancy when it is determined that the circumstances so warrant. After the expiration of a temporary certificate of occupancy and any extension(s) thereof, the building or structure shall not be used or occupied until the Building Official has approved the building for such use or occupancy.

109.5 Live loads posted. A durable sign that indicates the “live load” shall be required in commercial or industrial buildings where the floor or roof or portion thereof is or has been designed with a live load that exceeds 50 psf. The live load sign shall be posted on that part of each story or roof to which it applies, in a conspicuous place. The live load sign shall be posted as a condition precedent to the issuance of a certificate of occupancy. It shall be unlawful to remove or deface any such sign.

109.6 Revocation. The Building Official is authorized to suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code, in writing, wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of the provisions of this Code or other ordinance of the city.

Sec. 7-21. - Fire protection and life safety systems.

Chapter 9 of Title 26 of the Los Angeles County Code is hereby deleted in its entirety and replaced with the Fire Code of the City of West Covina as set forth in Chapter 10 of this Code.

Sec. 7-22. - Swimming pool safety.

Title 26 of the Los Angeles County Code is hereby amended to add Section 3109.3 to read as follows:

Section 3109.3 Swimming Pools, Emptying Upon Abandonment Or Vacation Of Premises.

1. No person in possession or control of any swimming pool on any land within the city as either owner, lessee, tenant, purchaser under contract, trustee, mortgagee or beneficiary of the land upon which such swimming pool is located shall abandon or vacate the premises upon which such swimming pool is located or is accessory or appurtenant, or cause or permit the same to be abandoned or vacated, without first having either:

- a. Emptied all water from such swimming pool and left the same empty; or
 - b. Completely covered said swimming pool with a safe and adequate pool cover or other protective device approved in writing by the Building Official as sufficient to protect persons, especially children, from falling into such pool.
2. The owner of any swimming pool on any land within the city, upon learning that the premises upon which such swimming pool is located or is accessory or appurtenant has been abandoned or vacated by the person in possession or control of such swimming pool, shall, within forty-eight (48) hours after so learning or so being advised by the Building Official, either:
 - a. Empty all water from said swimming pool and leave the same empty until said premises are again occupied by a person in possession and control of such swimming pool; or
 - b. Completely cover said swimming pool with a safe and adequate pool cover or other protective device approved in writing by the Building Official as sufficient to protect persons, especially children, from falling into such pool, and keep said pool so covered until said premises are again occupied by a person in possession and control of such swimming pool.
3. "Abandon" and "abandoned," as used in this section, shall mean the leaving of premises without actual, apparent and manifest intention to return thereto within a reasonable and foreseeable time unless definite provision has been made in writing prior to leaving the premises to have them actually occupied within thirty (30) days of such leaving by some other person who will be in possession and control of such swimming pool.
4. "Vacate" and "vacated," as used in this section shall mean the leaving of premises without the bona fide intent to return and actually returning to said premises within a period of thirty (30) days or less (or such additional period not exceeding an aggregate of sixty (60) days from date of leaving as may be granted by the Building Official for good cause, such as extended vacation, emergency, etc.) unless during said period of absence some other person actually occupies said premises and is in possession and control of such swimming pool.
5. Every person who violates or fails to comply with any of the terms, provisions or requirements of this section shall thereby have agreed and consented and conclusively be deemed to have agreed and consented:
 - a. That the city may enter upon the premises and empty all water from such swimming pool or cause the same to be done; and
 - b. To reimburse the city on demand for the actual cost of emptying such pool or causing the same to be done, and that the city may collect the same from any

such person by civil action or any other lawful means selected by or available to the city, including, where applicable, the means provided by Title 5, Division 1, Part 1, Chapter 1, Article 9 (beginning at Section 50230) of the California Government Code.

SECTION 7. Amendment to Article III of Chapter 7. Article III of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLE III. – RESIDENTIAL CODE

Sec. 7-30. - Adoption of Residential Code.

- (a) Except as otherwise provided in this article, Title 30 (Residential Code) of the Los Angeles County Code, as amended and in effect on January 1, 2026, adopting the 2025 California Residential Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.
- (b) One (1) complete copy of Title 30 of the Los Angeles County Code and one (1) complete copy of the 2025 California Residential Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment or addition shall control.

Sec. 7-31. - Automatic fire sprinkler systems.

Section R309 of Title 30 of the Los Angeles County Code is hereby deleted in its entirety and replaced with Section 903.2 of the Fire Code of the City of West Covina as adopted and amended by Chapter 10 of this Code.

SECTION 8. Amendment to Article IV of Chapter 7. Article IV of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLE IV. - ELECTRICAL CODE

Sec. 7-40. - Adoption of Electrical Code.

- (a) Except as otherwise provided in this article, Title 27 (Electrical Code) of the Los Angeles County Code, as amended and in effect on January 1, 2026, adopting the 2025 California Electrical Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.
- (b) One (1) complete copy of Title 27 of the Los Angeles County Code and one (1) complete copy of the 2025 California Electrical Code will be on file and accessible

to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment or addition shall control.

SECTION 9. Amendment to Article V of Chapter 7. Article V of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLE V. - EXISTING BUILDING CODE

Sec. 7-50. - Adoption of Existing Building Code.

- (a) Except as otherwise provided in this article, Title 33 (Existing Building Code) of the Los Angeles County Code, as amended and in effect on January 1, 2026, adopting the 2025 California Existing Building Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.
- (b) One (1) complete copy of Title 33 of the Los Angeles County Code and one (1) complete copy of the 2025 California Existing Building Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment or addition shall control.

SECTION 10. Amendment to Article VI of Chapter 7. Article VI of Chapter 7 of the City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLES VI. - MECHANICAL CODE

Sec. 7-60.- Adoption of Mechanical Code.

- (a) Except as otherwise provided in this article, Title 29 (Mechanical Code) of the Los Angeles County Code, adopting the 2025 California Mechanical Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.
- (b) One (1) complete copy of Title 29 of the Los Angeles County Code and one (1) complete copy of the 2025 Mechanical Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment or addition shall control.

SECTION 11. Amendment to Article VII of Chapter 7. Article VII of Chapter 7 of the

City of West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLES VII. - PLUMBING CODE

Sec. 7-70.- Adoption of Plumbing Code.

- (a) Except, as otherwise provided in this article, Title 28 (Plumbing Code) of the Los Angeles County Code, as amended and in effect on January 1, 2026, adopting the 2025 California Plumbing Code with amendments, together with its appendices, is hereby adopted by reference as if fully set forth herein.
- (b) One (1) complete copy of Title 28 of the Los Angeles County Code and one (1) complete copy of the California Plumbing Code will be on file and accessible to the public for inspection at the office of the building official. In the event of any conflict or ambiguity between any provision contained in such codes set forth above and any amendment thereto contained in this article or other provision of this Code, the amendment or addition shall control.

SECTION 12. Amendment to Article I of Chapter 9. Article I of Chapter 9 of the West Covina Municipal Code is hereby deleted in its entirety and replaced as follows:

ARTICLE I. - DRAINAGE AND GRADING

Sec. 9-1. - General.

- (a) Except as set forth in this article, Appendix J “Grading” of Title 26 of the Los Angeles County Code, as amended and in effect on January 1, 2026, is hereby adopted as if fully set forth herein and amended as shown below.
- (b) Within Appendix J, “Building Official” shall mean “City Engineer or his/her designee”.
- (c) Within Appendix J, “County” or “Los Angeles County” depending on context may mean City of West Covina or Los Angeles County.
- (d) Administration and permit issuance per Appendix J shall be as per the Building Code adopted and amended in Chapter 7, Article II of this Code.

Section 9.2. - Appendix J Amended.

Section J103.5 is amended in its entirety to read as follows:

Section J103.5 Grading fees.

1. Plan Review Fees. When a plan or other data are required to be submitted, a plan

review fee in the amount established by resolution of the City Council shall be paid at the time of submitting plans and specifications for review. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this Code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

2. Permit Fees. A fee for each grading permit in the amount established by resolution of the City Council shall be paid to the Building Official at the time of issuance of the permit. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this Code.
3. Site Inspection Fee. When the Building Official finds that a visual inspection of the site is necessary to establish drainage requirements for the protection of property, existing buildings, or the proposed construction, a site inspection shall be made during plan check of grading plans. A fee for such inspection in the amount established by resolution of the City Council shall be paid to the Building Official at the time of submitting plans and specifications for review.
4. Refunds. Requests for refunds of permit fees shall be processed in accordance with the requirements set forth in Chapter 7, Article I, Section 7-3 of this Code.

Sec. 9-3. - Violations and penalties.

- (a) Any person violating any provision of this article is guilty of a misdemeanor. However, any such violation constituting a misdemeanor may be cited by the issuing officer and/or prosecuted by the city attorney as an infraction.
- (b) Each day during any portion of which any violation of any provision of this article is committed, continued or permitted shall constitute a separate offense.
- (c) Violation of any of the provisions of this article may be punished as a criminal offense or by the issuance of an administrative citation in accordance with article X of chapter 15 of this Code. The administrative fines shall be in the amounts set forth in article X of chapter 15 of this Code, or such greater fine amounts as authorized by California law. In the event of an inconsistency between the authorized amount of such fines pursuant to article X of chapter 15 and of those authorized by California law, the greater fine amount may be imposed.
- (d) The issuance or granting of a permit, or approval based on plans, specifications or other data shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this article. Permits presuming to give authority to violate or cancel the provisions of this article shall be invalid, except insofar as the work or use which is authorized is lawful.

SECTION 13. Environmental Compliance. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of

this Ordinance will have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines.

SECTION 14. Severability. If any section, subsection, clause or phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this Ordinance. The City Council of West Covina hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 15. Inconsistencies. Any provision of the West Covina Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 16. Effective Date. This Ordinance shall become effective 30 days after its adoption.

SECTION 17. Publication. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 18. Certified Copy. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED this 20th day of January, 2026.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick, CMC
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2536 was introduced at a regular meeting of the City Council held on the 6th day of January, 2026, and adopted at a regular meeting of the City Council held on the 20th day of January, 2026 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick, CMC
Assistant City Clerk



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 20, 2026

TO: Mayor and City Council

FROM: Milan Mrakich, Acting City Manager

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT A CITY COUNCIL CODE OF CONDUCT AND ADOPTION OF A RESOLUTION REGARDING LEGISLATIVE INTENT AND IMPLEMENTATION

RECOMMENDATION:

It is recommended that the City Council:

1. Introduce the following ordinance amending Chapter 2 of the West Covina Municipal Code to adopt a City Council Code of Conduct:

ORDINANCE NO. 2537 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE TO ADD ARTICLE XII, ENTITLED "CITY COUNCIL CODE OF CONDUCT"

2. Adopt the following resolution:

RESOLUTION NO. 2026-10 - A RESOLUTION OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, AFFIRMING LEGISLATIVE INTENT, ACKNOWLEDGING PRIOR DIRECTION, AND AUTHORIZING IMPLEMENTATION OF THE CITY COUNCIL CODE OF CONDUCT

BACKGROUND:

Statewide and nationwide experience reflects that municipalities across the country have adopted widely varying approaches to addressing alleged misconduct by elected officials. In many jurisdictions, the absence of a clear, governance-based framework has resulted in reliance on ad hoc measures, judicial proceedings, recall elections, or other extreme mechanisms when conduct issues arise. While such approaches may be legally necessary in particular circumstances, they are often resource-intensive, disruptive to municipal operations, and limited in their ability to provide early, structured, and proportionate responses within the bounds of existing law.

Recent events in California illustrate these challenges. In the City of Poway, publicly reported information reflects that the City Council censured a sitting councilmember, pursued litigation related to compliance with state law, and ultimately experienced a recall election process that resulted in the councilmember's resignation. These events are referenced solely for contextual purposes and are reflected in publicly available reporting included with the agenda materials.

In the City of Arcata, the city sought and obtained judicial relief under the California Workplace Violence Safety Act with respect to a then-sitting city councilmember. Following evidentiary hearings, the

Humboldt County Superior Court issued a permanent workplace violence restraining order pursuant to Code of Civil Procedure section 527.8. The final court ruling is included as an attachment to this staff report as a primary-source judicial record.

These matters are not isolated. Public reporting and court records reflect that municipalities in multiple jurisdictions statewide and nationwide have confronted serious governance challenges involving elected officials, often in the absence of intermediate, governance-based tools to address conduct concerns before escalation to litigation, recall, or judicial intervention. The examples referenced herein are not cited to make findings regarding any individual or jurisdiction, but rather to illustrate a broader and recurring governance issue faced by public agencies operating within existing legal constraints.

Against this broader backdrop, on December 16, 2025, the West Covina City Council reviewed the City's Rules of Decorum and provided direction to staff to develop a City Council Code of Conduct to promote orderly, respectful, and effective governance. The discussion focused on meeting conduct, interactions among City Council members, use of City resources, access to City facilities, and related governance concerns.

The City's existing Rules of Decorum primarily address real-time conduct during City Council meetings and the participation of members of the public. While those provisions remain in effect, they do not provide a comprehensive governance framework for addressing alleged misconduct, as defined in the proposed ordinance, by City Council members occurring outside meetings or over time, nor do they establish structured procedures for review, non-coercive investigation, preservation of records, or proportionate governance-based response.

DISCUSSION:

Purpose and Scope

The proposed City Council Code of Conduct establishes governance-based standards of conduct applicable to City Council members and a structured framework for receiving information, conducting administrative review, authorizing non-coercive investigation or advisory proceedings where appropriate, preserving records, and imposing proportionate Governance-Based Measures designed to protect the lawful functioning and safety of City Governance and City Operations.

The Code is expressly adopted for governance and risk-management purposes only. It is intended to protect the integrity of City Governance, promote fairness and transparency, and reduce material adverse legal, operational, and public safety risk to the City. It does not create criminal, civil, or employment enforcement authority and does not require the City Council to make findings of criminal liability or civil fault.

The Code expressly recognizes that City Council members are elected officials and not employees of the City. It does not create an employment relationship, does not impose employment discipline, and does not alter the elective nature of public office.

Structure of the Ordinance

The proposed ordinance is organized into four divisions, each of which is designed to operate within existing constitutional and statutory limits applicable to elected officials:

Division 1 – General Provisions

Establishes the purpose and scope of the Article; applicability; limits on municipal authority; non-employee status of City Council members; defined terms; acknowledgment requirements; rules of construction; prospective application; and foundational governance principles.

Division 2 – Standards of Conduct

Identifies categories of conduct that may constitute misconduct, as defined in the ordinance, when related to City Business or City Governance and when such conduct creates a material adverse risk to

the lawful functioning or safety of City Governance or City Operations. These standards include, among others, abuse of position or influence; improper conduct toward participants; ethics and conflicts of interest; material misrepresentations and concealment; misuse of City resources or information; election-related misconduct; public safety and threatening conduct; and narrowly applied residual governance concerns.

Division 3 – Reporting, Review, and Investigation

Establishes structured procedures for receipt of information, preliminary administrative review, City Council threshold consideration, preservation of documents and records, authorization of investigation or independent advisory proceedings where permitted by law, reliance on external findings or court orders, interim governance-based measures where reasonably necessary, indemnification considerations governed exclusively by state law, and safeguards against misuse of process.

Division 4 – Governance-Based Measures and Escalation

Provides a progressive, record-based framework for corrective and remedial measures, governance-based limitations and restrictions, referral to external authorities, formal censure, and removal-seeking action—including impeachment and disqualification—only where and if authorized by law, and only as a last resort.

Relationship to Existing Rules of Decorum

The proposed City Council Code of Conduct does not replace or modify the City's Rules of Decorum governing public participation or the Presiding Officer's authority to maintain order and decorum during City Council meetings. The Presiding Officer's authority under the West Covina Municipal Code to manage meetings, address disruptions, and enforce decorum remains unchanged.

As applied to City Council members, the Code of Conduct supplements and, where applicable, supersedes decorum provisions by establishing governance-based standards and procedures for addressing alleged misconduct occurring both inside and outside City Council meetings and over time. Rules of decorum applicable to members of the public remain fully in effect and are not altered by adoption of the Code of Conduct.

Legal Constraints and Safeguards

The ordinance is drafted to operate strictly within existing constitutional, statutory, and legal constraints applicable to elected officials. Certain provisions of the City Council Code of Conduct describe governance frameworks that would require express enabling legislation or constitutional authority to become operative, including, but not limited to, coercive investigations, suspension pending external adjudication, impeachment, and disqualification from future office. Those provisions are included solely as contingent, non-operative frameworks and shall not take effect unless and until such authority is granted.

The City Council Code of Conduct incorporates multiple safeguards designed to ensure fairness, transparency, and legal compliance, including notice and opportunity to respond, reliance on independent investigators or neutral fact-finders where authorized by law, preservation of constitutional and statutory rights, express limitations on employment-based discipline, and clear disclaimers regarding criminal or civil enforcement. In light of the constitutional and statutory limitations applicable to elected officials, the framework is intentionally detailed to ensure that governance-based responses are proportionate, defensible, and grounded in a documented administrative record.

Limits on Suspension, Impeachment, Removal, and Disqualification Authority

Under California law, the authority of a general law city to compel testimony, suspend, remove, impeach, or disqualify an elected city councilmember is strictly limited. City councilmembers are elected officials whose tenure in office is governed by the California Constitution, state statutes, and applicable municipal law. Unlike city employees, elected officials are not subject to termination, suspension, compulsory investigation, or removal by their governing body absent express statutory or constitutional authority.

California law provides specific mechanisms by which an elected official may be removed from office or rendered ineligible to serve, including recall elections, judicial proceedings, forfeiture of office, or disqualification following certain criminal convictions or other legally defined disqualifying events. In limited circumstances, state law may also permit courts or other authorized bodies to impose temporary restrictions on an elected official's exercise of duties. Absent express enabling legislation or constitutional authority, however, general law cities do not possess inherent authority to suspend elected officials, impose suspension pending adjudication, initiate operative impeachment proceedings, remove sitting councilmembers, or disqualify individuals from future elective office by local ordinance or resolution.

While some charter cities or other jurisdictions may possess express charter provisions authorizing coercive investigatory powers, suspension, impeachment, removal, or disqualification mechanisms, the City of West Covina is a general law city and is bound by the limits imposed by state law. Accordingly, the City Council may not create operative coercive investigation powers, suspension mechanisms, impeachment procedures, removal authority, or disqualification mechanisms by local ordinance alone, nor may it impose such actions as immediate or discretionary responses to alleged misconduct.

Consistent with these constraints, the City Council Code of Conduct does not purport to establish operative authority for suspension, coercive investigations, impeachment, removal, or disqualification where such authority does not presently exist. Instead, the ordinance is designed to operate within existing law by establishing standards of conduct, structured procedures for review and investigation where permitted by law, reliance on external findings or court orders, and proportionate, non-employment responses short of removal from office.

The ordinance separately describes, as contingent and non-operative frameworks only, the concepts of suspension, removal, and disqualification from future elective office. Suspension, where authorized by law, is described as a temporary and protective measure that would regulate the exercise of office rather than the holding of office and would not constitute a determination of misconduct or a removal from office. Removal and disqualification are treated as distinct and extraordinary consequences, with disqualification recognized as separate from removal and requiring independent findings and separate action. All such provisions are expressly conditioned on the adoption of future enabling legislation or constitutional authority and have no operative effect unless and until such authority is granted.

This approach reflects the City Council's intent to address governance risks responsibly, to avoid both overreach and inaction, and to preserve the elective nature of public office, constitutional protections, and judicial oversight, while providing a transparent and lawful framework for responding to serious governance concerns should future authority be conferred.

Prospective Enforcement and Pending Matters

The City Council Code of Conduct is intended to apply prospectively to all City Council members serving on or after its effective date, including current members of the City Council. The Code does not authorize governance-based responses, censure, escalation, impeachment, or disqualification based solely on conduct that was fully completed prior to the effective date.

At the same time, adoption of the Code of Conduct does not limit the City Council's ability to act prospectively to protect city governance, public safety, or public confidence based on information, findings, or determinations that arise on or after the effective date, even where such findings relate in whole or in part to conduct that began or occurred prior to adoption.

Accordingly, the City Council may rely upon post-effective date investigative findings, advisory findings, external findings, or court orders to impose prospective responses authorized by the Code, provided that such responses are directed at addressing present or ongoing risk, ensuring compliance with lawful orders, or protecting city governance, and are not imposed as punishment for past conduct.

This prospective enforcement framework is intended to ensure that the City Council can act lawfully and promptly to address ongoing governance concerns, including matters already under review at the time of

adoption, while preserving constitutional protections, avoiding retroactive application, and respecting the elective nature of public office.

Acknowledgment Requirement

The ordinance requires City Council members to execute a written acknowledgment confirming receipt of, and responsibility to comply with, the City Council Code of Conduct. The acknowledgment is intended to document notice and understanding and does not waive constitutional or statutory rights or expand the City's authority beyond that provided by law.

Procedural Posture

As required by state law, ordinances amending the West Covina Municipal Code are adopted through a two-reading process. At this meeting, the City Council is asked to introduce the proposed ordinance and conduct a first reading. If introduced, the ordinance will return for a second reading and adoption at a subsequent City Council meeting.

The ordinance will become effective thirty (30) calendar days after adoption, unless otherwise specified by law. Provisions of the ordinance that are expressly conditioned on the existence of enabling legislation or constitutional authority will not become operative unless and until such authority is granted.

The accompanying resolution, if adopted, would take effect immediately upon adoption and is intended to affirm the City Council's legislative intent, acknowledge prior direction provided by the City Council, and authorize administrative implementation of the City Council Code of Conduct consistent with its terms.

LEGAL REVIEW:

The ordinance and resolution were prepared by the City's outside employment counsel, Thomas M. O'Connell of Buchalter LLP. The City Attorney's Office has reviewed the ordinance and resolution and approved them as to form.

OPTIONS:

The City Council has the following options:

1. Approve staff's recommendations; or
2. Provide alternative direction.

ENVIRONMENTAL REVIEW:

There is no possibility that the adoption and implementation of the ordinance will have a significant effect on the environment. The ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines.

Prepared by: Thomas M. O'Connell, Outside Employment Counsel, Buchalter LLP

Fiscal Impact

FISCAL IMPACT:

The proposed action is administrative in nature and does not have a direct fiscal impact. Any future costs associated with investigations, advisory proceedings, or implementation would be brought forward for City Council consideration in accordance with applicable law.

Attachments

Attachment No. 1 - Rules of Decorum

Attachment No. 2 - Ordinance No, 2537

Attachment No. 3 - City Council Member Notice and Acknowledgement

Attachment No. 4 - Resolution No. 2026-10

Attachment No. 5 City of Poway Article

Attachment No. 6 City of Arcata Court Ruling

CITY COUNCIL GOALS & OBJECTIVES: Maintain Good Intergovernmental Relations
Enhance City Image and Effectiveness

RULES OF DECORUM

The following are excerpts from the West Covina Municipal Code:

Section 2-47. - Addressing the council.

Pursuant to the California Government Code, any person wishing to address the city council on any matter on the agenda or on any other matter within their jurisdiction, excluding any matter set for a public hearing, may do so upon first securing the recognition of the presiding officer during the time designated as “Oral Communications” on the agenda. The city council may not act on any item unless it is listed on the agenda.

Section 2-48. - Manner of addressing city council; time limit; persons addressing may be sworn.

(a) Each person wishing to address the city council shall submit a speaker card to the city clerk prior to the commencement of the time designated for oral communications. No speaker cards will be accepted after the commencement of oral communications, except at the discretion of the presiding officer.

(b) When called forward by the presiding officer or the city clerk, each person addressing the city council shall step up to the podium and give his or her name and city of residence in an audible tone of voice for the record.

(c) Each person addressing the city council during oral communications shall limit his or her comments to three (3) minutes, unless the time limit is modified by the presiding officer or the city council. In order to provide all speakers the opportunity to participate in oral communications, the presiding officer or the city council may reduce the time limit to allow reasonable time for all speakers to address the city council.

(d) All remarks shall be addressed to the city council as a body and not to any member thereof. No person, other than the city council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the city council, without the permission of the presiding officer. No question shall be asked of a council member except through the presiding officer.

(e) The presiding officer may require any person to be sworn as a witness before addressing the city council on any subject. Any such person who, having taken an oath that he or she will testify truthfully, willfully and contrary to such oath states as true any material matter which he knows to be false may be held to answer criminally and subject to the penalty prescribed for perjury by the provisions of the California Penal Code.

Section 2-50. - Decorum—Required.

(a) While the city council is in session, council members shall preserve order and decorum, and a council member shall neither, by conversation or otherwise, delay or disrupt the proceedings or the peace of the council nor interrupt any council member while

speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.

(b) Members of the public shall not willfully disrupt the meeting or act in a manner that actually disrupts, disturbs, impedes, impairs, or renders infeasible the orderly conduct of the meeting. For the purposes of this Code, "willfully disrupt" includes, but is not limited to, continuing to do any of the following after being warned by the presiding officer that the behavior is disrupting the meeting and failure to cease the behavior may result in removal from the meeting:

(1) Addressing the mayor or city council without first being recognized.

(2) Persisting in addressing a subject or subjects, other than that before the mayor and city council.

(3) Repetitiously addressing the same subject.

(4) Failing to relinquish the podium when directed to do so.

(5) From the audience, interrupting or attempting to interrupt, a speaker, the presiding officer, a council member, or a staff member, or shouting or attempting to shout over a speaker, the presiding officer, a council member or a staff member.

(6) From the audience, engaging in disorderly, disruptive, or boisterous conduct, including, but not limited to, handclapping, stomping of feet, whistling, making noise, use of abusive, threatening or profane language or obscene gestures, yelling, obstructing the view of other audience members, or similar conduct which disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting.

(7) As a speaker, making slanderous or profane remarks or using loud, threatening, or abusive language which disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting; interrupting or attempting to interrupt the presiding officer, a council member, or a staff member; shouting over or attempting to shout over the presiding officer, a council member, or a staff member; or engaging in any other disorderly conduct which disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. Nothing in this section or any rules of the city council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the city or of the acts or omissions of the city council.

(8) Engaging in behavior that constitutes use of force or a true threat of force.

(c) It shall be unlawful to violate the provisions of this section. A person violating this section may be removed and barred from further participation at the meeting at which the violation occurs.

(d) If any subsection, sentence, clause, or phrase or word of this section 2-50 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have

passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases or words had been declared invalid or unconstitutional.

Section 2-51. - Enforcement of decorum.

The chief of police or any member or members of the police department or other members of the city staff may be designated by the council to be sergeant-at-arms when, in the opinion of the presiding officer, the services of a sergeant-at-arms is necessary, and the sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in accordance with section 2-50 at the council meeting, including, but not limited to, removing and barring from further participation at the meeting any person who is willfully disrupting the orderly conduct of the meeting.

Section 2-52. Persons authorized to be within council area.

No person, except city officials, their representatives and members of the news media shall be permitted within the rail in front of the council chamber without the express consent of the council.

The following are excerpts from the Penal Code:

Section 148. Resisting public or peace officers or emergency medical technicians in discharge of their duties; Removal of weapon from person or presence of public or peace officer.

(a) (1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

Section 403. Disturbance of assembly or meeting other than religious or political.

Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.

ORDINANCE NO. 2537

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, AMENDING CHAPTER 2 OF
THE WEST COVINA MUNICIPAL CODE TO ADD ARTICLE
XII, ENTITLED “CITY COUNCIL CODE OF CONDUCT”**

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, the City of West Covina is a general law city organized and operating under the laws of the State of California; and

WHEREAS, City Council members are elected officials entrusted with legislative authority and public responsibilities distinct from those applicable to City employees; and

WHEREAS, the City Council has previously adopted Standing Rules and Rules of Decorum governing the conduct of City Council meetings and the participation of members of the public; and

WHEREAS, the existing Rules of Decorum primarily address real-time conduct during City Council meetings and do not establish a comprehensive, codified framework for addressing alleged misconduct by City Council members occurring outside meetings or over time, nor do they provide structured procedures for review, investigation, preservation of records, or proportionate governance-based response; and

WHEREAS, on December 16, 2025, the City Council reviewed the City’s Standing Rules and Rules of Decorum and provided direction to staff to develop a City Council Code of Conduct to promote orderly, respectful, and effective governance; and

WHEREAS, the City Council has considered the need for a governance-based framework that identifies standards of conduct applicable to City Council members, establishes structured procedures for reporting, review, investigation, and preservation of records, and provides proportionate, non-employment governance-based responses, short of removal from office, designed to protect the lawful operation and safety of City governance; and

WHEREAS, the City Council recognizes that its authority to address alleged misconduct by elected officials is subject to constitutional, statutory, and legal limitations, including limitations on impeachment, removal, suspension (including suspension pending adjudication), recall, and criminal enforcement, and that general law cities may not create such authorities by local ordinance absent express enabling legislation or constitutional authority; and

WHEREAS, the City Council desires to codify a City Council Code of Conduct that operates within these legal constraints, preserves constitutional rights, respects the

elective nature of public office, and does not create employment-based discipline or criminal or civil enforcement authority; and

WHEREAS, the City Council further desires to require written acknowledgement by City Council members confirming receipt of and responsibility to comply with the City Council Code of Conduct, in order to ensure notice, transparency, and consistent application of governance-based obligations; and

WHEREAS, the City Council has determined that adoption of a City Council Code of Conduct within the West Covina Municipal Code is reasonably necessary to promote effective governance, reduce legal and operational risk, and maintain public confidence in City institutions; and

WHEREAS, all legal requirements prior to the adoption of this Ordinance have occurred.

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

SECTION 1. Recitals. The City Council of the City of West Covina hereby makes and adopts as its legislative findings the facts and conclusions set forth in the recitals of this Ordinance.

SECTION 2. Amendment to Chapter 2 of the West Covina Municipal Code. Chapter 2 of the West Covina Municipal Code is hereby amended to add a new Article XII, entitled "City Council Code of Conduct," to read in its entirety as follows:

ARTICLE XII. - CITY COUNCIL CODE OF CONDUCT

DIVISION 1 – GENERAL PROVISIONS

Sec. 2-700. - Purpose and scope.

- (a) The city council adopts this article to promote sound city governance, protect the integrity of city operations, and reduce material adverse legal, financial, and operational risk to the city arising from alleged misconduct by members of the city council.
- (b) Public agencies nationwide, including at the federal, state, and local levels, have increasingly adopted formal codes of conduct for elected officials in response to evolving legal standards, heightened public expectations, and increased reporting of conduct-related concerns affecting governmental operations. Such codes are intended to establish clear expectations and structured, transparent processes for addressing concerns involving elected officials in a manner consistent with applicable law and the elective nature of public office.

- (c) While city council members do not manage day-to-day city operations, misconduct occurring while acting in an official capacity or in connection with city business may materially affect city operations and interactions among persons and entities, and may create material adverse risk to city governance.
- (d) This article is adopted for governance and material adverse risk-management purposes only. It is intended to establish clear standards and lawful procedures for addressing alleged misconduct by city council members and to authorize measured, proportionate governance-based measures designed to protect the city and city governance from material adverse risk.
- (e) Nothing in this article is intended to punish lawful political expression, alter the elective nature of public office, interfere with the good-faith exercise of legislative discretion, establish criminal, civil, or quasi-judicial enforcement authority, replace or supersede enforcement authority conferred by state or federal law, or require the City to make findings regarding criminal liability or civil fault.

Sec. 2-701. - Definitions.

For purposes of this article, the following terms shall have the meanings set forth below:

“City business” means any matter relating to the operations, functions, services, policies, contracts, proceedings, or official activities of the city.

“City governance” means the legislative, policy-making, oversight, and decision-making functions of the city council, including participation in city council meetings, committees, appointments, and interactions undertaken in an official or representative capacity.

“City operations” means the administrative, managerial, and operational activities of the city undertaken to implement, execute, or carry out city policies, programs, services, contracts, proceedings, and decisions, including the day-to-day functions performed by city officers, employees, contractors, and agents in support of city governance.

“Communications” means any oral, written, electronic, visual, or digital transmission or dissemination of information, ideas, instructions, or messages, regardless of form or medium, including correspondence, emails, text messages, instant messages, direct messages, social media posts, comments, replies, reactions, shared content, livestreams, stories, voicemails, video messages, memoranda, notes, and any associated metadata.

“Documents” means all writings and recorded information, whether tangible or intangible, regardless of form or medium, including paper, electronic, digital, audio, visual, or data-based materials. Documents include letters, memoranda, notes, reports, drafts, photographs, recordings, spreadsheets, presentations, calendars, logs, databases, electronically stored information, metadata, and versions thereof. Documents also include content generated, stored, transmitted, or relied upon through artificial intelligence tools,

automated systems, or digital assistants, including prompts, queries, responses, outputs, drafts, summaries, or analyses, to the extent such content relates to city business or city governance.

“Entities” means any organization, body, association, business, governmental unit, agency, board, commission, partnership, corporation, nonprofit organization, or other collective or institutional body, whether public or private.

“Governance-based measures” means non-employment actions authorized by this article that are intended to protect city governance, city operations, and city personnel, and that regulate the exercise of office rather than the holding of office. Governance-based measures may include limitations on participation in specified proceedings, removal from committee or liaison assignments, training or educational requirements, communication or contact parameters, or other lawful measures short of removal from office.

“Misconduct” means conduct by a city council member that relates to city business or city governance and that violates the standards of conduct set forth in this article.

“Official capacity” means actions taken by a city council member while performing official functions, acting in a representative role, exercising the authority or influence of office, or purporting to act on behalf of the city.

“Persons” means any individual, including city officials, city employees, appointed officials, contractors, consultants, volunteers, members of the public, or other natural persons.

“Personal gain” means any direct or indirect benefit, advantage, or interest, whether financial or non-financial, received or sought by a city council member or by another person or entity with whom the city council member has a personal, familial, business, or political relationship.

“Records” means any document, communication, or other recorded information, regardless of form or medium, that is prepared, generated, received, owned, used, retained, stored, transmitted, or maintained by a city council member in connection with city business or city governance, including copies, excerpts, drafts, and versions thereof. Records include, but are not limited to, information stored in paper, electronic, digital, audio, visual, or data-based form; information stored on personal devices, personal accounts, cloud-based services, third-party platforms, or collaboration tools; and information generated, stored, transmitted, or relied upon through artificial intelligence tools, automated systems, or digital assistants. This includes prompts, queries, inputs, outputs, drafts, summaries, analyses, metadata, logs, and version histories, to the extent such information relates to city business or city governance.

“Suspension” means a temporary restriction on the exercise of all city-related duties, authorities, and functions of a city council member during the pendency of a review, investigation, proceeding, or external matter, imposed solely to the extent authorized by

law. Suspension does not constitute removal from office and is intended as a protective, non-final governance status rather than a determination of misconduct or imposition of punishment.

Sec. 2-702. - Applicability.

- (a) This article applies to members of the city council with respect to misconduct occurring in an official capacity, in connection with city business, or that otherwise materially affects the integrity or safety of city governance or the lawful functioning of city operations, including misconduct involving or directed toward persons or entities participating in or affected by city governance or city operations.
- (b) This article authorizes governance-based measures reasonably necessary to protect city governance, the lawful functioning of city operations, city personnel, and members of the public, and operates independently of, and in addition to, any consequences imposed by state or federal law.

Sec. 2-703. - Acknowledgment.

As a condition of assuming office and as an ongoing obligation during service, each city council member shall execute a written acknowledgement confirming receipt of, familiarity with, and agreement to comply with the provisions of this article, the city's rules of decorum and city policies regarding city council conduct.

The acknowledgement required by this section is intended to ensure that city council members are fully informed of the standards relating to misconduct, procedural obligations, preservation requirements, and the governance-based measures established by this article, and to document notice and acceptance of those obligations.

- (a) Timing of acknowledgement. Each city council member shall execute the acknowledgement required by this section at the following times:
 - (1) Upon filing nomination papers or other documentation required to qualify as a candidate for City Council, to the extent permitted by law;
 - (2) As a condition of assuming office, contemporaneously with the execution of the oath of office required by law; and
 - (3) Upon re-election, appointment, or commencement of a new term of office.

Execution of the acknowledgement is intended to provide notice of, and assent to, the obligations set forth in this Code and city policies relating to city governance, city operations, and governance-based measures. To the extent permitted by law, execution of the acknowledgement may be required as a condition of participation in city council meetings and other city governance activities.

Failure to execute the acknowledgement shall not invalidate an election or appointment, but may delay assumption of duties or participation in city council meetings and other city governance activities and may be considered in determining appropriate governance-based measures under this article, consistent with applicable law.

(b) Form of acknowledgement. The acknowledgement shall be in the form set forth in subsection (c) of this section and shall be executed without modification, except as approved by the city attorney for non-substantive formatting purposes.

(c) Required acknowledgement language. The acknowledgement executed by each City Council member shall state, verbatim, as follows:

“By executing this acknowledgement, I confirm that I have been provided notice of the obligations set forth in Article XII of Chapter 2 of the West Covina Municipal Code, the City’s Rules of Decorum, and City policies regarding City Council conduct and acknowledge my responsibility to comply with those obligations during my service as a City Council member, subject to applicable law.

I further acknowledge that I am executing this acknowledgement knowingly and voluntarily, without duress, coercion, or undue influence, and that I have had the opportunity to consult with legal counsel of my choosing regarding this acknowledgement and the obligations described herein.”

(d) Retention of acknowledgement. Executed acknowledgements shall be retained by the city clerk as a public record to the extent permitted by law.

(e) Effect of failure to execute. Failure to execute the acknowledgement required by this section shall not invalidate the applicability of this article but may be considered in determining appropriate governance-based measures under division 4 of this article, to the extent permitted by law.

(f) No waiver of rights. Nothing in this section or in the acknowledgement required hereby shall be construed to waive any constitutional, statutory, or common-law right, to create an employment relationship, or to expand the city’s authority beyond that provided by law.

Sec. 2-704. - Construction.

This article shall be construed and applied consistently with the California Constitution, applicable state and federal law, and the elective nature of public office. Nothing in this article shall be interpreted to expand municipal authority beyond that granted by law or to impair any right preserved by statute or constitution.

(a) Preservation of individual and constitutional rights. Nothing in this article shall be construed to waive, limit, or require the waiver of any constitutional, statutory, or

common-law right or privilege of a city council member, including the right to seek judicial review of any action taken pursuant to this article or the right against self-incrimination.

The procedures established by this article are governance-based in nature and are intended to provide structured responses and minimum procedural protections. They shall not be construed to create additional substantive rights, entitlements, causes of action, or adjudicatory proceedings.

- (b) Elective nature of office; no employment relationship. Members of the city council are elected officials and are not employees of the city for any purpose.

Nothing in this article shall be construed to create an employment relationship between the city and any city council member, to subject city council members to personnel rules or employment discipline, or to alter the elective nature of city council office.

- (c) Relationship to other laws, remedies, and enforcement authorities. This article does not replace, supersede, duplicate, or limit any remedy, enforcement mechanism, or proceeding otherwise available under state or federal law, including criminal prosecution, civil enforcement, administrative proceedings, recall, quo warranto, forfeiture, vacancy provisions, or enforcement authority vested in courts, the Fair Political Practices Commission, or other regulatory bodies.

Governance-based measures authorized by this article are cumulative and may be imposed independently of, and concurrently with, other lawful actions. Alleged misconduct may be referred to external authorities as provided in this article, and the city council may rely on external findings or orders to the extent authorized by law.

Nothing in this article shall be construed to convert city council action into a criminal, civil, or quasi-judicial enforcement mechanism.

- (d) Legislative discretion and protected activity. Nothing in this article shall be construed to regulate or prohibit lawful political disagreement, criticism of policy positions, robust debate during city council meetings, lawful political speech, campaign activity conducted in a personal capacity, or other expression protected by the United States or California Constitutions.

Nothing in this article shall be construed to prohibit lawful legislative inquiry, oversight, policy advocacy, or participation in authorized city governance activities, provided such activities are conducted through appropriate channels and do not involve misuse of city authority, resources, or access, or interference with the lawful functioning of city operations.

The standards set forth in this article shall be applied narrowly and in a manner consistent with constitutional protections and the good-faith exercise of legislative judgment.

- (e) Governance harm and construction standard. In applying this article, the city council may consider whether misconduct, viewed in context, creates a material adverse risk to the integrity, fairness, independence, or lawful functioning of city governance, even where such misconduct does not independently constitute a violation of criminal or civil law.

This article shall be interpreted and applied in a manner that favors its lawful application and effectuates its purpose of protecting city governance and the lawful functioning of city operations. Any ambiguity shall be resolved consistent with applicable law and the city council's intent to act within the bounds of its authority.

- (f) Prospective application. This article shall apply prospectively to all city council members serving on or after its effective date, including members in office at the time of adoption.

Nothing in this article shall be construed to impose governance-based measures, censure, limitations, escalation, or removal-seeking action based solely on misconduct fully completed prior to the effective date. However, nothing shall preclude consideration of misconduct occurring on or after the effective date, or reliance on investigative findings, advisory findings, external findings, or court orders issued on or after the effective date, even where such findings relate in whole or in part to earlier conduct, provided that any governance-based measure is imposed prospectively and is reasonably necessary to address present or ongoing material adverse risk to city governance or the lawful functioning of city operations.

- (g) Relationship to rules of decorum. Nothing in this article limits the authority of the presiding officer to maintain order and decorum during city council meetings pursuant to sections 2-47 through 2-52 of this Code.

As applied to city council members, the standards of conduct, review, investigation, and governance-based measures set forth in this article govern alleged misconduct occurring inside or outside city council meetings and supplement, and where applicable supersede, decorum provisions addressing council member conduct during meetings. Rules of decorum applicable to members of the public remain fully in effect and are not modified by this article.

- (h) Severability. If any provision of this article, or its application to any person or circumstance, is held invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions or applications of this article. The city council declares that it would have adopted this article and each provision thereof irrespective of the invalidity of any other provision.

DIVISION 2 – STANDARDS OF CONDUCT

Sec. 2-705. - General standards of conduct.

Members of the city council shall conduct themselves in a manner that preserves lawful functioning and safety of city governance and city operations and that complies with applicable law and the obligations of public office.

For purposes of this division, misconduct may occur through direct action or through indirect action, including by acting through intermediaries, proxies, third parties, or other persons or entities, or by directing, encouraging, facilitating, or knowingly permitting another to engage or attempt to engage in conduct that the city council member could not lawfully undertake directly.

City council members shall not engage or attempt to engage in misconduct relating to city business or city governance that interferes with the lawful functioning of city governance or city operations, undermines the integrity or independence of city governance, impedes the ability of persons or entities to lawfully participate in or carry out city functions, or otherwise creates a foreseeable material adverse risk of legal or operational harm to the city.

- (a) Governance-focused obligations. The standards set forth in this division are intended to address misconduct that affects city governance or the lawful functioning of city operations. These standards do not regulate personal morality or private conduct unrelated to city business or city governance.
- (b) Scope of application. Misconduct subject to this division includes actions taken by a city council member in an official capacity, under color of office, in connection with city business, or in circumstances where the use or misuse of city authority, resources, access, or influence materially affects city governance or the lawful functioning of city operations.
- (c) Relationship to review, investigation, and escalation. The standards set forth in this division provide the substantive basis for review, investigation, and governance-based measures under divisions 3 and 4 of this article. A determination that misconduct may fall within one or more provisions of this division does not constitute a finding of misconduct, but may warrant review, investigation, interim governance-based measures, or other action pursuant to those divisions.

Sec. 2-706. - Abuse of position or influence.

A city council member shall not engage or attempt to engage in the misuse of the authority, prestige, access, or influence of elected office in a manner that exceeds lawful city council authority, interferes with or circumvents the lawful functioning of city governance or city operations, or is otherwise inconsistent with applicable law, adopted city policy, or the respective roles and responsibilities of city officials and staff.

For purposes of this section, abuse of position or influence includes misconduct that exploits or attempts to exploit the unique powers, visibility, or perceived authority of city council office to obtain improper advantage or to coerce, pressure, or improperly influence persons or entities in connection with city business or city governance.

- (a) Improper direction or pressure. A city council member shall not direct, attempt to direct, pressure, attempt to pressure, or coerce persons or entities to take or refrain from action outside the lawful authority of the city council, or in a manner inconsistent with applicable law, adopted city policy, or the lawful functioning of city governance or city operations.
- (b) Preferential treatment and improper advantage. A city council member shall not use or attempt to use the title, status, access, or perceived authority of city council office to obtain or attempt to obtain preferential treatment, special access, or other improper advantage for themselves or for any other person or entity in connection with city business or city governance.
- (c) Interference with independent functions. A city council member shall not interfere or attempt to interfere with administrative, regulatory, enforcement, investigatory, or quasi-judicial matters in a manner inconsistent with applicable law or established city authority, including by attempting to influence outcomes outside authorized roles or channels.
- (d) Misrepresentation of authority. A city council member shall not represent, state, imply, or attempt to represent, state, or imply that a personal position, directive, or demand reflects an official decision, policy, or position of the city or city council when no such authorization exists.

Sec. 2-707. - Improper conduct towards participants.

A city council member shall not engage or attempt to engage in misconduct relating to city business or city governance that is directed toward any person or entity, including another city council member, and that has the purpose or effect of obstructing, chilling, intimidating, coercing, or otherwise interfering with that person's or entity's lawful participation in city governance or the lawful functioning of city operations.

- (a) Improper conduct toward participants. A city council member shall not engage or attempt to engage in threatening, intimidating, abusive, demeaning, hostile, or coercive conduct toward any person or entity in connection with that person's or entity's lawful participation in city governance or involvement with city operations.
- (b) Adverse conduct in response to participation. A city council member shall not engage or attempt to engage in adverse conduct toward any person or entity because that person or entity raised concerns, made reports, provided information, participated in investigations or advisory proceedings, engaged in protected

activity, or refused to take action that would be inconsistent with applicable law or adopted city policy.

- (c) Misuse of office to target participants. A city council member shall not engage or attempt to engage in the misuse of the platform, authority, access, or visibility of city council office to single out, demean, threaten, pressure, or subject any person or entity, including another city council member, to adverse treatment in a manner that interferes with that person's or entity's lawful ability to participate in city governance or to carry out functions related to city operations.

Sec. 2-708. - Ethics, conflicts of interest, and self-dealing.

A city council member shall not engage or attempt to engage in misconduct relating to city business or city governance that involves conflicts of interest, self-dealing, or misuse of city office for personal gain, and that undermines the integrity, fairness, or lawful functioning of city governance or city operations.

- (a) Conflicts of Interest. A city council member shall not participate in, influence, or attempt to influence any city decision, action, or matter in which the member has a financial interest or other disqualifying interest under applicable law, or where participation would materially compromise the integrity or impartiality of city governance. Failure to disclose a conflict of interest, failure to recuse where required, or participation notwithstanding a known conflict may constitute misconduct under this section.
- (b) Gifts, benefits, and improper advantages. A city council member shall not solicit, accept, receive, or attempt to solicit, accept, or receive gifts, benefits, favors, services, or other things of value in connection with city business in a manner that violates applicable law or that involves personal gain in exchange for the exercise, attempted exercise, or misuse of city authority. Misconduct under this subsection may occur regardless of whether a gift or benefit is ultimately received or exceeds statutory thresholds.
- (c) Self-dealing and preferential treatment. A city council member shall not use or attempt to use city office, authority, access, or influence to secure personal gain for themselves or to confer improper benefit on any person or entity in connection with city business or city governance. Self-dealing includes steering contracts, permits, approvals, or other city benefits; exerting pressure on representatives of city operations to favor particular outcomes; or intervening in city matters for private advantage.
- (d) Use of insider or nonpublic information. A city council member shall not use, disclose, or attempt to use or disclose nonpublic, confidential, or privileged information obtained through city council office for personal gain, private advantage, or to benefit any person or entity, or in a manner that undermines the lawful functioning of city governance or city operations. This subsection includes,

but is not limited to, the unlawful disclosure of information received or discussed during closed session meetings of the city council or its committees, to the extent such disclosure is prohibited by law.

- (e) Circumvention of ethics safeguards. A city council member shall not engage or attempt to engage in actions intended to evade, circumvent, or nullify ethics, disclosure, or recusal requirements imposed by law or adopted by the city, including by acting through intermediaries, proxies, or other persons or entities.

Sec. 2-709. - Material misrepresentations and concealments.

A city council member shall not engage or attempt to engage in misconduct relating to city business or city governance that involves a knowing or intentional material misrepresentation or material concealment, and that undermines the integrity, transparency, or lawful functioning of city governance or city operations.

This section addresses governance harms arising from material false statements, material omissions, material concealment of information, or other conduct that materially interferes with the city's ability to make informed decisions, carry out lawful review or investigation, or perform its governance functions, regardless of whether such conduct results in criminal, civil, or administrative enforcement action.

- (a) Material misrepresentation. A city council member shall not knowingly or intentionally make, cause to be made, or attempt to make a false or materially misleading statement, representation, or omission in an official capacity, under color of office, or in connection with city business, where the statement, representation, or omission is material to city governance, city operations, or city decision-making. This subsection applies to communications made to persons or entities, including city staff, other city council members, investigators, advisory fact-finders, or members of the public, where such communications concern city business or city governance.
- (b) Material concealment of information. A city council member shall not knowingly or intentionally conceal, withhold, delay, obscure, or attempt to conceal, withhold, delay, or obscure material information relevant to city business or city governance where disclosure is required by law, reasonably necessary for informed decision-making, or necessary to ensure the lawful functioning of city governance or city operations.
- (c) Material interference with truth-finding. A city council member shall not engage or attempt to engage in conduct intended to materially interfere with the city's ability to ascertain the truth or to reach lawful, informed outcomes in connection with city business or city governance. Material interference with truth-finding includes, but is not limited to, providing materially incomplete, misleading, or deceptive information; directing, encouraging, or knowingly permitting others to provide materially false or misleading information; intentionally delaying proceedings,

disclosures, cooperation, or responses where such delay is material to obstructing review, investigation, or decision-making; attempting to influence, disrupt, or affect the scope, timing, process, or outcome of administrative, investigatory, regulatory, enforcement, or advisory matters through misuse of authority, access, or influence; using authority or influence to pressure, discourage, or manipulate participants, witnesses, investigators, or advisory fact-finders; or attempting to influence the material content, scope, timing, or outcome of investigative, advisory, or review findings through misrepresentation, concealment, delay, or other obstructive conduct.

Sec. 2-710. - Misuse of city resources or information.

A city council member shall not engage or attempt to engage in misconduct relating to city business or city governance that involves the misuse of city resources, city property, or city information in a manner inconsistent with applicable law, adopted city policy, or the lawful functioning of city governance or city operations.

- (a) Use of city resources. A city council member shall not use or attempt to use, or direct or attempt to direct the use of, city staff time, facilities, equipment, systems, funds, or other city resources for personal, political, campaign-related, or other non-city purposes, except where such use is expressly permitted by law or adopted city policy.
- (b) Improper direction of city operations. City governance is exercised collectively by the city council, while the city manager is responsible for the administration of city operations and the management of city departments, officers, employees, and agents. A city council member shall not direct, request, encourage, or attempt to direct, request, or encourage any person or entity involved in city operations, including city employees, contractors, or consultants, to perform tasks unrelated to city business, outside the scope of lawful city operations, or in furtherance of personal, political, or other improper interests.
- (c) Use and disclosure of city information. A city council member shall not use, disclose, rely upon, or attempt to use, disclose, or rely upon nonpublic, confidential, or privileged city information obtained through city council office for purposes unrelated to city business or in a manner that undermines the integrity, fairness, or lawful functioning of city governance or city operations. This subsection includes, but is not limited to, the unlawful disclosure or use of information received, reviewed, or discussed during closed session meetings of the city council or its committees, to the extent such disclosure or use is prohibited by law.

Sec. 2-711. - Election-related misconduct.

A city council member shall not engage or attempt to engage in misconduct that involves the misuse of the powers, privileges, resources, access, or visibility of elected office in

connection with any election, ballot measure, or political campaign, and that undermines the integrity, neutrality, or lawful functioning of city governance or city operations.

- (a) Misuse of office in connection with elections. A city council member shall not use or attempt to use city authority, city resources, city information, or the status of elected office to support or oppose any candidate, ballot measure, or political campaign in a manner inconsistent with applicable law or adopted city policy.
- (b) Use of office for electoral advantage. A city council member shall not use or attempt to use the fact of holding city council office, or the authority, access, or visibility associated with that office, during an election cycle or in connection with electoral activity, to condition access to city governance or city operations, or the receipt of city services or benefits, on political support, opposition, or activity.
- (c) Adverse conduct based on political activity. A city council member shall not engage or attempt to engage in adverse conduct toward any person or entity because that person or entity engaged in lawful political activity, including supporting or opposing a candidate or ballot measure, participating in a campaign, or declining to engage in political activity.
- (d) Campaign-related use of city information. A city council member shall not use, disclose, or attempt to use or disclose nonpublic, confidential, or privileged city information obtained through city council office for campaign-related purposes or to obtain political advantage. This subsection includes, but is not limited to, the unlawful disclosure or use of information received, reviewed, or discussed during closed session meetings of the city council or its committees, to the extent such disclosure or use is prohibited by law.
- (e) Interference with impartial administration. A city council member shall not interfere or attempt to interfere with the impartial administration of city operations, including city services, programs, or regulatory functions, for the purpose of influencing electoral outcomes or conferring political advantage.

Sec. 2-712. - Public safety and threatening conduct.

A city council member shall not engage or attempt to engage in misconduct relating to city business or city governance that threatens, endangers, or reasonably places at risk the safety or security of persons or entities, including city officials, city employees, contractors, volunteers, other city council members, or members of the public who are lawfully participating in city governance or involved with city operations.

This section addresses conduct that jeopardizes public safety, impairs the city's ability to maintain safe and secure city operations, or interferes with the lawful functioning of city governance through intimidation, coercion, or threatened or actual violence.

- (a) Threatening or violent conduct. A city council member shall not engage or attempt to engage in conduct involving threats of violence, acts of violence, stalking, intimidation, coercion, or other behavior that would reasonably be perceived as threatening when directed at any person or entity in connection with city business, city governance, or city operations.
- (b) Credible threats and safety risks. A city council member shall not engage or attempt to engage in conduct that gives rise to a credible threat to the safety of any person or entity involved in city governance or city operations, including conduct that results in the issuance, consideration, or enforcement of a workplace violence restraining order, civil harassment restraining order, criminal protective order, or other court-ordered safety restriction.
- (c) Use of authority to intimidate or coerce. A city council member shall not use or attempt to use the authority, access, or visibility of city council office to intimidate, pressure, or coerce any person or entity in a manner that creates reasonable fear, deters lawful participation in city governance or city operations, or compromises personal safety.
- (d) Disruption of safe city operations. A city council member shall not engage or attempt to engage in conduct that interferes with the city's ability to maintain safe workplaces, conduct meetings securely, or protect persons or entities participating in city governance or city operations, including conduct that necessitates extraordinary security measures or materially disrupts normal city operations.
- (e) Relationship to external safety orders. Where misconduct described in this section results in, or is subject to, a court-issued protective order, restraining order, or other legally binding safety directive, the city council may rely on such order pursuant to section 2-726 of this article and may take immediate governance-based measures where reasonably necessary to ensure compliance and protect public safety and the lawful functioning of city governance or city operations.

Sec. 2-713. – Conduct undermining the lawful functioning of city governance or city operations.

A city council member shall not engage or attempt to engage in misconduct relating to city business or city governance that, when viewed in context, undermines the lawful functioning of city governance or city operations, and that is not otherwise expressly addressed in sections 2-706 through 2-712 of this article.

This section addresses novel, emergent, or circumvention-based misconduct that poses a material adverse risk to the lawful functioning of city governance or city operations but does not fall squarely within a specifically enumerated standard of conduct. This section shall be applied narrowly and only in a manner consistent with the purposes and limitations of this article.

- (a) Residual application. This section applies only where the misconduct at issue is not expressly governed by another provision of division 2 of this article and where reliance on this section is reasonably necessary to protect the lawful functioning of city governance or city operations.
- (b) Pattern-based or circumvention conduct. Misconduct undermining the lawful functioning of city governance or city operations may include repeated or patterned conduct that, taken as a whole, materially compromises the orderly and lawful functioning of city governance or city operations, or conduct intended to evade, circumvent, or nullify the application of this article or other lawful governance safeguards adopted by the city.
- (c) Limitation on use. This section shall not be used as a substitute for establishing violations of specific standards of conduct where such standards are applicable, nor shall it be applied in a manner that expands the scope of this article beyond its governance-focused purposes.

DIVISION 3 – REPORTING AND REVIEW

Sec. 2-714. - Overview.

- (a) This division establishes the procedures by which the city may receive, review, and respond to information regarding alleged misconduct by a city council member. The purpose of this division is to provide a structured, transparent, and lawful framework for evaluating information, developing facts where appropriate, and determining whether governance-based measures are reasonably necessary to protect the integrity, safety, and lawful functioning of city governance or city operations.
- (b) The provisions of this division are administrative and protective in nature. They are intended to ensure that concerns relating to misconduct described in division 2 of this article are addressed in an orderly, proportionate, and legally compliant manner. The receipt of information, initiation of review, authorization of early governance-based interventions, commencement of investigation, or consideration of action under this division does not constitute a finding of misconduct and does not require the imposition of any governance-based measure.
- (c) This division is designed to operate progressively. Information may be screened, reviewed, addressed through early governance-based interventions, investigated, or escalated depending on the nature of the information received, the reliability and source of that information, the existence of external findings or court orders, and the degree of material adverse risk presented to city governance, city operations, or the safety of persons or entities. not every report or item of information will warrant investigation or further action.

- (d) Action under this division is discretionary and shall be undertaken only where reasonably necessary to protect city governance, the lawful functioning of city operations, or the rights and safety of persons or entities involved in city matters. Nothing in this division requires the city council to initiate review, authorize investigation, or impose governance-based measures in response to any particular report, allegation, or request for action.
- (e) This division is intended to function in coordination with division 2 of this article, which defines standards of misconduct, and division 4 of this article, which governs escalation and governance-based measures. Nothing in this division shall be construed to limit the city's obligation to comply with mandatory reporting, referral, or enforcement requirements imposed by state or federal law, nor to preclude reliance on external findings or court orders where authorized under this article.
- (f) Nothing in this division shall be construed to require the city council to initiate independent fact-finding in any particular matter, to limit the city council's discretion under this division, to supersede proceedings conducted by courts or other tribunals, or to expand the city's authority to impose discipline, suspension, or removal beyond that provided by law.

Sec. 2-715. - Preliminary administrative review by city manager or designee.

Information concerning alleged misconduct by a city council member may be received from any source, including members of the public, city employees, other city council members, court orders or findings, or other reliable information. Receipt of such information does not, by itself, constitute initiation of review or action under this division.

Except as provided in subsection (b), all such information shall be referred to the city manager or the city manager's designee for preliminary administrative review. The purpose of the preliminary review is limited, non-adjudicative, and administrative in nature.

- (a) Scope of preliminary review. The preliminary review shall be confined to threshold considerations only and shall not include factual findings, credibility determinations, or conclusions regarding whether misconduct occurred. In conducting the preliminary review, the city manager or designee may consider, among other relevant factors:
 - (1) Whether the information concerns conduct by a city council member;
 - (2) Whether the alleged conduct, if true, could fall within one or more provisions of division 2 of this article;
 - (3) Whether the information is duplicative of matters previously reviewed or resolved under this article or other lawful processes, absent materially new information;

(4) Whether the information reasonably indicates a material adverse risk to the lawful functioning of city governance or city operations, or to the safety of persons or entities; and

(5) Whether the information concerns conduct that is sufficiently current or concrete to warrant consideration under this division, as opposed to conduct that is remote in time, speculative, or based solely on anticipated future actions.

The city manager or designee is not required to make affirmative findings as to each factor and may refer the matter to the city council whenever, in the city manager's administrative judgment, further consideration under this division may be warranted.

(b) Alternate preliminary reviewer. If the city manager is a complainant, a respondent, or otherwise directly involved in the matter under review, the preliminary administrative review shall be conducted by the human resources director or by a pre-designated neutral department head identified by resolution or administrative order of the city.

An alternate reviewer acting under this subsection shall have the same authority, limitations, and obligations as the city manager for purposes of this section.

(c) Administrative closure and notice. If the preliminary administrative review determines that referral to the city council is not warranted, the matter may be closed at the administrative level.

In the event of administrative closure, the city manager, designee, or alternate reviewer shall provide written notice to the complainant stating that the information submitted has been reviewed and that it has been determined that no further action under this division is warranted at this time. The notice need not include factual findings, legal analysis, or any explanation beyond that statement, and the city manager, designee, or alternate reviewer shall not be required to provide any additional information regarding the basis for the determination.

Administrative closure does not preclude future review if materially new information is later received.

(d) Referral to city council. If the city manager, designee, or alternate reviewer determines that further consideration may be warranted, the matter shall be referred to the city council for consideration under section 2-716. Referral shall be neutral, non-adjudicative, and limited to summarizing the information received and the basis for referral. The referral shall not include recommendations regarding findings, outcomes, or governance-based measures.

- (e) Limitations on individual briefings. The city manager, designee, or alternate reviewer shall not individually brief, consult with, or advise city council members regarding the merits of the matter outside a duly noticed meeting, except as expressly permitted by law.

Sec. 2-716. - Secondary administrative review by city council and threshold action.

Upon referral pursuant to section 2-715, the city council shall consider the matter in a duly noticed meeting, in open or closed session as authorized by law. Authority under this section is exercised collectively by the city council by a majority vote of the city council members present and eligible to vote, unless otherwise expressly stated in this article.

- (a) Recusal of affected council members. If the matter under consideration involves a city council member as a complainant, reporting party, or respondent, that city council member shall recuse themselves from participation, including discussion, deliberation, and voting, with respect to actions taken under this section and any subsequent sections of this division relating to the same matter, except as otherwise required by law.
- (b) Nature of city council consideration. City council consideration under this section is threshold and administrative in nature. The city council shall not make factual findings, credibility determinations, or conclusions regarding whether misconduct occurred at this stage.
- (c) Threshold actions available to city council. After consideration of the information referred under section 2-715, the city council may, by majority vote and consistent with applicable law:
 - (1) Decline to initiate further review or action under this division;
 - (2) Request additional administrative clarification from the city manager, designee, or alternate reviewer, without authorizing investigation;
 - (3) Authorize early, non-adversarial governance-based interventions, including facilitated governance discussions or mediation where appropriate and permitted by law;
 - (4) Direct issuance of a preservation notice pursuant to section 2-717;
 - (5) Authorize an investigation pursuant to section 2-718;
 - (6) Authorize interim governance-based measures where reasonably necessary to address a material adverse risk to the lawful functioning of city governance or city operations, or to protect the safety of persons or entities; or

(7) Take any other action expressly authorized by this division and consistent with applicable law.

- (d) Notice of city council determination. If the city council determines, by majority vote, that no further review or action under this division is warranted, the city shall provide written notice to the complainant stating that the city council has considered the matter and determined that no further action under this division is warranted at this time.

The notice shall not include factual findings, legal conclusions, or explanations beyond that statement, and shall expressly state that the city council has made no finding regarding the merits of the information submitted.

- (e) Closed session reporting. Where city council consideration under this section occurs in closed session, any report out of closed session shall be limited to the extent required or permitted by law and may state only that the city council considered a matter pursuant to this division and took the action reflected in subsection (c), without identifying the subject of the matter or disclosing confidential information.

- (f) No mandatory action. Nothing in this section requires the city council to authorize investigation, issue a preservation notice, or impose governance-based measures in response to any particular report, allegation, or request for action.

Sec. 2-717. - Preservation of documents, communications, and records.

Upon direction of the city council pursuant to section 2-716, the city shall issue a written preservation notice in connection with further review, investigation, or potential action under this division.

- (a) Preservation obligation. The city council member who is the subject of the matter shall preserve all documents, communications, and records reasonably related to the matters identified in the preservation notice. Preservation is required regardless of whether the information is favorable or unfavorable to any person or entity.

The preservation obligation applies to information in the possession, custody, or control of the city council member that relates to city business or city governance, including information stored on personal devices, personal accounts, cloud-based services, third-party platforms, or artificial intelligence tools, to the extent such information relates to city matters.

Compliance with a preservation notice issued under this section is in addition to, and does not replace, any preservation, retention, or disclosure obligations imposed by adopted city policy or by applicable state or federal law, including public records, litigation hold, or records retention requirements.

- (b) Scope and conduct of preservation. During the preservation period, a city council member shall not destroy, alter, delete, overwrite, conceal, or cause the destruction, alteration, or concealment of any document, communication, or record subject to preservation.

Preservation under this section does not require disclosure, production, inspection, or access to preserved materials, and does not authorize searches, seizures, compelled production, or access by the city beyond that otherwise permitted by law.

- (c) Duration of preservation. The preservation obligation shall remain in effect until the city council member receives written notice that review, investigation, and any related proceedings under this division have concluded and that preservation is no longer required.
- (d) Additional preservation notices. Where reasonably necessary to protect the integrity of review or investigation, preservation notices may also be issued to other persons or entities subject to the city's lawful authority, consistent with applicable law.
- (e) Effect of noncompliance. Failure to comply with a preservation notice issued under this section may be considered in determining appropriate governance-based measures or escalation under division 4 of this article, consistent with applicable law.
- (f) No waiver of rights. Nothing in this section shall be construed to waive or limit any constitutional, statutory, or common-law right or privilege, including privileges relating to attorney-client communications, work product, or privacy.

Sec. 2-718. - Investigation.

Where the city council authorizes an investigation pursuant to section 2-716, or where investigation is otherwise required by applicable state or federal law and is initiated by the appropriate city official consistent with such law, the city shall initiate an investigation for the purpose of developing an appropriate factual record.

An investigation under this section is administrative and fact-finding in nature. It is intended to inform the city council's consideration of governance-based measures or escalation under this article and shall not constitute a criminal, civil, or adjudicatory proceeding.

- (g) Authorization and purpose. An investigation may be initiated only upon authorization by the city council pursuant to section 2-716, or where investigation is required by applicable law. The purpose of an investigation is to gather

information relevant to alleged misconduct and to assess whether governance-based measures or escalation under this article may be warranted.

- (h) Independence of investigator. Any investigation conducted pursuant to this section shall be performed by an independent investigator retained or administered by the city attorney, the city manager, the city manager's designee, or outside counsel retained by the city.

The investigator shall not be a city employee, shall not be the city attorney, and shall not be subject to the direction or control of the city council member who is the subject of the investigation. The investigator shall possess appropriate training and experience in conducting public-sector investigations and shall exercise independent professional judgment.

The fact that the city attorney, outside counsel, the city manager, or the city manager's designee may retain, coordinate, or administer the engagement of the investigator, or provide legal guidance regarding scope, procedure, or compliance with applicable law, shall not, by itself, compromise the investigator's independence, provided that such involvement does not direct factual findings, credibility determinations, or investigative conclusions.

Communications with the city attorney or outside counsel for purposes of legal advice or procedural guidance shall be protected to the extent permitted by law.

- (i) Scope and method of investigation. The scope of an investigation shall be reasonably tailored to the nature of the alleged misconduct, the information available, and the degree of material adverse risk identified. The city council retains discretion to define or refine the scope, duration, and subject matter of the investigation consistent with this article and applicable law.
- (j) Investigatory activities. An investigation may include review of documents, communications, and records; examination of publicly available information; and interviews of individuals who agree to participate.
- (k) Participation by subject city council member. The city council member who is the subject of the investigation shall be provided an opportunity to participate and to respond in good faith, including by providing information and participating in interviews, subject to applicable constitutional, statutory, and common-law rights and privileges.

Failure to cooperate in good faith may be considered in determining appropriate governance-based measures or escalation under division 4 of this article, consistent with applicable law.

- (l) Participation by city employees and others. City employees shall participate in investigations to the extent required by applicable law and adopted city policy and subject to any rights or protections afforded by law.

Participation by individuals other than the subject city council member or city employees is voluntary. Nothing in this section authorizes the city to compel testimony, administer oaths, issue subpoenas, or impose penalties for non-participation, except as otherwise permitted by law.

- (m) Notice of investigation. The city council member who is the subject of the investigation shall be provided written notice that an investigation has been initiated, the general nature of the matters under review, and the identity or role of the investigator. The city council member may be represented by counsel at their own expense.

- (n) Investigative report; review and confidentiality. Upon completion of the investigation, the investigator shall prepare a written report summarizing factual findings within the authorized scope of the investigation. The report may include observations or considerations relevant to governance-based measures or escalation but shall not make determinations of criminal or civil liability.

Prior to disclosure or consideration by the city council, the report shall be reviewed for compliance with applicable confidentiality, privacy, and information-protection laws. Information protected from disclosure by law shall be redacted or withheld as required.

- (o) Conduct during pendency of investigation. To preserve the integrity and fairness of an investigation, members of the city council are encouraged to refrain from publicly characterizing the substance of the investigation, the credibility of witnesses, or the merits of the allegations while the investigation is pending, except as required or expressly permitted by law.

Nothing in this subsection shall be construed to prohibit acknowledgment of the existence of an investigation, explanation of procedural posture, compliance with legal obligations, or the exercise of rights protected by the United States or California Constitutions.

Sec. 2-719. - Independent fact-finding and advisory proceedings.

Independent fact-finding and advisory proceedings under this section are intended to provide the city council with a neutral, independent assessment of matters relating to alleged misconduct by a city council member where additional perspective, credibility evaluation, or institutional separation from city-directed investigation would materially assist the city council in determining whether governance-based measures or escalation under this article may be warranted.

Proceedings under this section are advisory and administrative in nature. They are not investigations under section 2-718, are not adjudications, and do not constitute a finding of misconduct. Nothing in this section limits or replaces any investigation authorized elsewhere in this division.

- (a) Circumstances warranting independent advisory proceedings. The city council may authorize an independent fact-finding or advisory proceeding where it determines that one or more of the following circumstances exist:
 - (1) The matters under review involve material factual disputes, credibility issues, or competing accounts that would benefit from neutral evaluation;
 - (2) The alleged misconduct presents a material adverse risk to the lawful functioning of city governance or city operations such that additional institutional separation is warranted;
 - (3) Escalation under division 4 of this article is reasonably contemplated and the city council seeks an advisory record distinct from city-directed investigation; or
 - (4) Other circumstances demonstrate that an independent advisory process would materially assist the city council's deliberations.
- (b) Authorization and initiation. An independent fact-finding or advisory proceeding may be initiated only by action of the city council, taken by majority vote in a duly noticed meeting, in open or closed session as authorized by law. The authorizing action shall identify the general subject matter and advisory purpose of the proceeding.
- (c) Independence and qualifications of fact-finder. Any advisory proceeding under this section shall be conducted by a neutral third party retained or administered by the city council, the city attorney, the city manager, the city manager's designee, or outside counsel retained by the city, as authorized by the city council.

The fact-finder shall not be a city employee, shall not be the city attorney or any attorney employed by or regularly representing the city, and shall not be subject to the direction or control of the city council member who is the subject of the proceeding. The fact-finder shall exercise independent professional judgment and conduct the proceeding in a manner consistent with applicable law and professional standards.

The fact that city officials or counsel may retain, coordinate, administer, or provide legal or procedural guidance regarding scope, process, or compliance with law shall not, by itself, compromise independence, provided that the fact-finder is not substantively directed as to factual findings, credibility assessments, or advisory conclusions.

- (d) Scope and methods. The scope of an independent advisory proceeding shall be defined by the city council and reasonably tailored to the matters presented. The fact-finder may review investigative materials, receive documents or written submissions, conduct interviews, and assess credibility to the extent permitted by law and consistent with the advisory nature of the proceeding.

Nothing in this section confers subpoena power, authority to compel testimony, or enforcement authority unless expressly granted by law.

- (e) Notice and participation. The city council member who is the subject of the advisory proceeding shall be provided written notice of its initiation and the general nature of the matters under review. The city council member may submit information voluntarily, may be interviewed by the fact-finder, and may be represented by counsel at the city council member's own expense, subject to applicable rights and privileges.
- (f) Advisory report. Upon completion of the proceeding, the fact-finder shall prepare a written advisory report summarizing factual findings and observations within the authorized scope. The report may include non-binding observations relevant to governance-based measures or escalation but shall not make determinations of criminal or civil liability and shall not, by itself, constitute a finding of misconduct.
- (g) Confidentiality and redactions. Prior to disclosure or consideration by the city council, an advisory report shall be reviewed for compliance with applicable confidentiality, privacy, and information-protection laws. Information protected from disclosure by law shall be redacted or withheld as required.
- (h) Use of advisory report. The city council may consider an advisory report prepared under this section in determining whether to impose governance-based measures, initiate escalation under division 4 of this article, rely on external findings pursuant to section 2-720, or take other action authorized by this article. The city council retains sole discretion regarding whether and how to act upon any advisory findings or observations.

Sec. 2-720. - Reliance on external findings and orders.

This section governs the city council's reliance on findings, orders, or determinations issued by courts or other authorized tribunals when evaluating alleged misconduct by a city council member and determining whether governance-based measures or escalation under this article may be warranted.

Reliance under this section is intended to avoid duplicative proceedings, prevent re-litigation of matters already resolved by competent authorities, and permit timely and lawful action to protect the lawful functioning of city governance or city operations, or the safety of persons or entities.

- (a) External findings and orders covered. For purposes of this section, external findings and orders include final or operative findings, orders, judgments, or determinations issued by a court of competent jurisdiction or other authorized tribunal, including workplace violence restraining orders, civil harassment restraining orders, criminal protective orders, probation conditions, injunctions, administrative findings, or other legally binding directives relating to conduct described in division 2 of this article.
- (b) Authority to rely without re-adjudication. The city council may rely upon external findings and orders described in subsection (a) without independently re-investigating or re-adjudicating the underlying facts. Reliance on an external finding or order under this section does not constitute a separate determination of misconduct by the city council beyond the scope of the external finding or order.
- (c) Timing, effect, and scope of reliance. Reliance under this section may occur at any stage of review under this division. Where an external finding or order restricts conduct, contact, participation, or access, the city council may authorize governance-based measures reasonably necessary to ensure compliance with the external finding or order and to protect the lawful functioning of city governance or city operations, or the safety of persons or entities.
- (d) Relationship to investigation and advisory proceedings. Nothing in this section requires the city council to delay action pending completion of an investigation or advisory proceeding where an external finding or order is operative and immediate action is reasonably necessary. Conversely, the city council may consider investigative or advisory materials developed under this division when determining the appropriate scope or duration of governance-based measures imposed in reliance on an external finding or order.

Sec. 2-721. - Interim governance-based measures.

Interim governance-based measures under this section are temporary, protective actions intended to preserve the integrity, safety, and lawful functioning of city governance or city operations during the pendency of review, investigation, advisory proceedings, or reliance on external findings. Interim measures are not disciplinary actions and do not constitute findings of misconduct.

- (a) Purpose and timing. The city council may authorize interim governance-based measures where information received or developed pursuant to this division reasonably indicates an immediate or ongoing material adverse risk to the lawful functioning of city governance or city operations, or to the rights or safety of persons or entities. Interim measures may be imposed before completion of investigation or advisory proceedings where reasonably necessary to address identified risks.

- (b) Scope of interim measures. Interim governance-based measures shall be narrowly tailored to the circumstances presented and imposed only to the extent reasonably necessary to mitigate identified material adverse risks, while preserving the elective nature of public office. Interim measures may include, but are not limited to, temporary limitations on participation in specified city council matters, agenda items, committees, boards, or liaison assignments; temporary restrictions on direct contact with specified persons or entities; and temporary adjustments to access to nonpublic information.
- (c) Quorum and continuity of governance. Interim governance-based measures shall be implemented, to the extent reasonably practicable and consistent with applicable law, in a manner that preserves the city council's ability to establish a quorum and to conduct the essential business of the city. Nothing in this subsection shall be construed to require the city council to disregard or modify a court order, restraining order, or other legally binding directive issued by a court of competent jurisdiction.
- (d) Duration and review. Interim governance-based measures shall be imposed for the minimum duration reasonably necessary under the circumstances and shall be subject to periodic review by the city council. Interim measures may be modified or lifted as circumstances change or as additional information becomes available.
- (e) Relationship to other actions. The imposition of interim governance-based measures does not preclude completion of investigation or advisory proceedings under this division, reliance on external findings pursuant to section 2-720 of this article, or escalation under division 4 of this article where warranted.
- (f) Contingent suspension pending external adjudication. As a temporary and protective measure, suspension of a city council member pending resolution of criminal proceedings or other external adjudication may be considered only if and to the extent authorized by law, and only where the city council determines that continued exercise of official duties presents an immediate and substantial risk to the lawful functioning of city governance or to public safety.

At present, the city lacks authority to suspend elected officials pending external adjudication. This subsection is included solely to articulate a governance framework that would apply if and when such authority is granted to municipalities by the State of California through enabling legislation or constitutional amendment. Absent such authority, no suspension pending adjudication may be imposed under this article.

- (g) Effect of suspension pending adjudication if authorized. If suspension pending adjudication is authorized by law and imposed pursuant to this section, such suspension shall be temporary, shall not constitute removal from office, and shall remain in effect only for the duration and under the conditions permitted by law.

The city council shall ensure continuity of city governance consistent with applicable law during any period of suspension.

- (h) Limitations on scope. Nothing in this section shall be construed to authorize the adoption of permanent or generally applicable governance rules, policies, or restrictions applicable to all city council members, which shall be adopted, if at all, through separate legislative or policy action of the city council.

Sec. 2-722. - Indemnification and reimbursement of costs.

The provision of legal defense, indemnification, or reimbursement of costs to a city council member in connection with any matter arising under this article shall be governed exclusively by applicable state law. Nothing in this article shall be construed to expand, create, or guarantee a right to defense, indemnification, or reimbursement of costs at public expense beyond that provided by law.

- (a) No automatic right to defense or indemnification. Nothing in this article authorizes or requires the city to provide legal representation, advance defense costs, indemnify, or reimburse a city council member for attorneys' fees, costs, or expenses incurred in connection with alleged misconduct. Any such determination shall be made solely pursuant to applicable statutory standards and procedures.
- (b) Scope of lawful indemnification. To the extent permitted by law, the city may provide defense or indemnification only for acts or omissions occurring within the course and scope of lawful city council duties and undertaken in good faith in furtherance of city governance. The city shall not indemnify or reimburse costs arising from acts or omissions determined to be outside the scope of official duties, undertaken for personal benefit, or otherwise excluded from indemnification under applicable law.
- (c) Independent determination required. Any decision to provide, deny, condition, or withdraw defense or indemnification shall require an independent determination made in accordance with applicable law. Nothing in this article shall be construed to predetermine, influence, or constrain that determination, or to require the city to provide representation or reimbursement pending resolution of factual or legal issues.
- (d) No authorization of private counsel for personal misconduct. Nothing in this article shall be construed to authorize the city to fund or reimburse private legal counsel retained by a city council member for matters involving alleged personal misconduct, violations of law, or acts outside the scope of official duties, except to the extent expressly permitted by statute and approved pursuant to applicable legal standards.
- (e) Reliance on external findings. In determining whether defense, indemnification, or reimbursement is permitted or required, the city may consider final judicial,

administrative, or arbitral findings, including findings described in section 2-720 of this article, establishing whether the conduct at issue occurred within the scope of official duties or involved conduct for which indemnification is not authorized.

- (f) Recovery of costs where indemnification is not authorized. Where permitted by law, and following a final determination that a city council member acted outside the scope of lawful city council duties or engaged in conduct for which defense, indemnification, or reimbursement is not authorized, the city shall seek recovery of any defense costs or indemnification amounts previously advanced. Recovery may include reimbursement, offset against amounts otherwise payable by the city, or other lawful means of recoupment authorized by statute. Nothing in this subsection shall be construed to authorize recovery in excess of that permitted by law or to impose personal liability beyond that allowed by applicable legal standards.

Sec. 2-723. - Safeguards against misuse of process.

The reporting, review, investigation, and governance-based measures established by this division are intended to protect the integrity, safety, and lawful functioning of city governance or city operations. These processes shall not be invoked or used for improper purposes or in a manner that undermines city governance, city operations, or the rights of persons or entities.

This section preserves the availability of good-faith reporting and compliance with investigations required by law, while preventing abuse, intimidation, coercion, or political manipulation of the processes established by this article.

- (a) Prohibited misuse of process. The city council may take appropriate action to limit, dismiss, or decline to pursue reports, requests for action, or other invocations of process under this division where it is determined, based on the information available, that such invocation:
 - (1) Was knowingly false or made with reckless disregard for the truth;
 - (2) Repeats allegations that have previously been reviewed or resolved under this article or through other lawful processes, absent materially new information;
 - (3) Is itself inconsistent with division 2 of this article; or
 - (4) Otherwise constitutes an abuse of the processes established by this article that poses a material adverse risk to the lawful functioning of city governance or city operations.
- (b) Considerations in determining misuse. In determining whether misuse of process has occurred, the city council may consider the timing, frequency, substance, and context of the invocation, including whether it coincides with city council actions,

votes, elections, or other governance activities, and whether the invocation reflects a pattern of conduct inconsistent with good-faith reporting.

- (c) No limitation on mandatory investigations. Nothing in this section shall be construed to limit or excuse the city's obligation to initiate or complete investigations required by state or federal law.
- (d) Protection of good-faith reporting. Nothing in this section shall be construed to discourage or penalize good-faith reporting, to require that a report be substantiated in order to be made, or to impose adverse consequences solely because a report is not sustained following review or investigation.
- (e) Responses to misuse. Where misuse of process is determined, the city council may authorize governance-based measures consistent with this article, including limiting further review of duplicative or improper allegations, declining to pursue improper requests for action, or taking other measures reasonably necessary to protect city governance, city operations, and the integrity of the process.

DIVISION 4 – GOVERNANCE-BASED MEASURES AND ESCALATION

Sec. 2-724. - Overview.

This division establishes the framework by which the city council may authorize governance-based measures and escalation based on information developed pursuant to division 3 of this article. Governance-based measures under this division are intended to protect the integrity, safety, and lawful functioning of city governance or city operations and are not employment actions, criminal sanctions, or determinations of civil liability. Except as otherwise expressly provided in this article, any action taken under this division shall be approved by a vote of the city council members present and eligible to vote, excluding any city council member who is required to recuse themselves under this article or applicable law.

- (a) Progressive escalation framework. Governance-based measures are progressive by default. Where appropriate, the city council shall consider corrective or remedial measures before authorizing more restrictive responses and shall escalate based on the nature, severity, frequency, and context of the misconduct; the record developed under division 3 of this article; the existence of external findings or court orders; the degree of material adverse risk presented to the lawful functioning of city governance or city operations, or to the safety of persons or entities; and the effectiveness or ineffectiveness of prior governance-based measures.
- (b) Pattern-based escalation. The city council may determine that escalation is warranted where misconduct reflects a pattern rather than an isolated incident. A pattern may be established by repeated violations of the standards of conduct set forth in division 2 of this article, repeated matters supported by investigation or advisory findings under division 3 of this article, or repeated failure to comply with

corrective or remedial governance-based measures authorized under section 2-725 of this article.

- (c) Escalation based on noncompliance or ineffectiveness. Escalation may be warranted where a city council member fails to comply fully or in good faith with corrective or remedial governance-based measures, interim governance-based measures, or participation obligations imposed pursuant to division 3 of this article, or where such measures have proven ineffective to mitigate identified material adverse risks to city governance or city operations.
- (d) Escalation based on severity or risk. Nothing in this division requires the city council to proceed sequentially through each category of response. The city council may authorize more restrictive governance-based measures, even in the absence of a pattern, where the misconduct presents a material adverse risk to the lawful functioning of city governance or city operations, or to public safety; where external findings or court orders are operative; or where delay would materially compromise governance or safety.
- (e) Reliance on division 3 record. Governance-based measures and escalation under this division shall be based on the record developed pursuant to division 3 of this article, including investigative reports, advisory findings, reliance on external findings or orders, documented violations of interim governance-based measures, and documented compliance or noncompliance with corrective or remedial governance-based measures. The city council shall not be required to independently re-investigate or re-adjudicate facts already developed through those processes.
- (f) Removal-seeking action as last resort. Any removal-seeking action contemplated by this division is intended as a last resort and shall be pursued only where authorized by law and where lesser governance-based measures are insufficient to protect the lawful functioning of city governance or city operations, or public safety. Removal-seeking action is further governed by sections 2-729 and 2-730 of this article and shall not be operative absent enabling legislative or constitutional authority.

Sec. 2-725. - Corrective and remedial measures.

Corrective and remedial measures under this section are governance-based measures intended to address misconduct that is reasonably remediable, to clarify expectations, and to reduce material adverse risk to the lawful functioning of city governance or city operations.

Corrective and remedial measures shall be informed by the record developed pursuant to division 3 of this article, including investigations authorized under section 2-718, advisory findings under section 2-719, reliance on external findings or orders under section 2-720, and other information properly before the city council.

- (a) Purpose and use. The purpose of corrective and remedial measures is to address misconduct through education, guidance, facilitated intervention, or other structured governance-based measures. Such measures are appropriate where the city council determines that the misconduct does not present an immediate or substantial material adverse risk to the lawful functioning of city governance or city operations, or to public safety, and that remediation is reasonably likely to be effective.
- (b) Types of corrective and remedial measures. Corrective and remedial measures may include, as appropriate to the circumstances, mandatory or recommended training related to city governance, ethics, conflicts of interest, Brown Act compliance, workplace conduct, or other relevant subjects; written governance directives clarifying permissible conduct, communication protocols, or professional boundaries; facilitated governance interventions or coaching; and requirements to acknowledge receipt and understanding of applicable policies, directives, or expectations.
- (c) Authorization and implementation. Corrective and remedial measures shall be authorized by majority vote of the city council members present and eligible to vote, taken in open session except where closed session consideration is expressly authorized by law. The city council may specify the scope, duration, and completion requirements for such measures, including reasonable deadlines for completion.
- (d) Effect of compliance or noncompliance. Successful completion of authorized corrective or remedial measures may be considered by the city council in determining whether further escalation under section 2-724 of this article is warranted. Failure to comply fully or in good faith with authorized measures, refusal to participate, or subsequent misconduct demonstrating that remediation has been ineffective may be considered in determining whether escalation pursuant to section 2-724 is appropriate.

Sec. 2-726. - Governance-based limitations and restrictions.

Governance-based limitations and restrictions under this section are durable governance-based measures intended to regulate the exercise of office, not the holding of office, where such limitations or restrictions are reasonably necessary to protect the lawful functioning of city governance or city operations, or to mitigate material adverse risk to public safety. Limitations and restrictions imposed pursuant to this section do not remove a city council member from office, suspend the office, or constitute a determination of criminal or civil liability.

- (a) Circumstances warranting limitations. The city council may authorize governance-based limitations and restrictions where it determines that continued unrestricted exercise of office presents a material adverse risk to the lawful functioning of city

governance or city operations, or to public safety, and that limitations or restrictions under this section are reasonably necessary to mitigate the identified risk, whether alone or in combination with other governance-based measures.

- (b) Types of limitations and restrictions. Governance-based limitations and restrictions may include, as reasonably necessary under the circumstances, limitations on participation in specified city council matters or agenda items; removal from or limitation of committee, board, or liaison assignments; requirements that specified interactions with identified persons or entities occur only through designated city staff or in structured settings; restrictions on access to nonpublic information where necessary to protect city operations or to comply with external findings or orders; and other durable constraints reasonably designed to mitigate identified material adverse risks while preserving the elective nature of public office.
- (c) Authorization and scope. Governance-based limitations and restrictions shall be authorized by majority vote of the city council members present and eligible to vote, taken in open session except where closed session consideration is expressly authorized by law. The authorizing action shall specify the nature, scope, and duration of the limitations imposed and shall be reasonably tailored to the risks identified in the record developed pursuant to division 3 of this article.
- (d) Quorum and continuity of governance. Governance-based limitations and restrictions shall be implemented, to the extent reasonably practicable and consistent with applicable law, in a manner that preserves the city council's ability to establish a quorum and to conduct the essential business of the city. Nothing in this subsection shall be construed to require the city council to disregard or modify a court order, restraining order, or other legally binding directive issued by a court of competent jurisdiction.
- (e) Duration and review. Governance-based limitations and restrictions shall remain in effect only for the duration reasonably necessary to address the identified material adverse risks and shall be subject to periodic review by the city council. The city council may modify or lift such limitations where circumstances materially change, where compliance is demonstrated, or where the identified risks have been adequately mitigated.

Sec. 2-727. - Referral to external authorities and proceedings.

Referral to external authorities under this section is a governance-based escalation mechanism by which the city council may transmit matters involving alleged misconduct by a city council member to entities with independent investigatory, enforcement, or adjudicatory authority where the conduct exceeds, or may exceed, the city council's institutional authority to address internally.

Referral under this section is intended to ensure compliance with applicable law, protect public safety, and address matters that may require criminal, civil, administrative, regulatory, or professional review by external bodies.

- (a) Circumstances warranting referral. The city council may authorize referral where it determines that the conduct at issue may implicate criminal law, civil law, ethics or campaign-finance requirements, conflicts of interest laws, professional standards, court orders, or other legal obligations beyond the city council's authority to enforce. Referral may also be warranted where the misconduct presents a material adverse risk to the lawful functioning of city governance or city operations, or to public safety.
- (b) Mandatory referral where required by law. Nothing in this article shall be construed to limit, delay, or excuse referral to external authorities where such referral is required by state or federal law. Where information available to the city reasonably indicates conduct that must be reported or referred to law enforcement, prosecutorial authorities, regulatory agencies, or other entities pursuant to applicable legal requirements, the city council or appropriate city official shall ensure that such referral is made in accordance with law.
- (c) Authorization and procedure. Referral shall be authorized by majority vote of the city council members present and eligible to vote, taken in open session except where disclosure of the referral itself is restricted by law. The city council may direct that relevant materials developed pursuant to this article be transmitted to the external authority, subject to applicable confidentiality, privilege, and information-protection requirements.
- (d) Effect of referral. Referral to external authorities does not preclude the city council from continuing to impose or maintain governance-based measures under this article, including interim measures under section 2-721 or governance-based limitations under section 2-726, where reasonably necessary to protect the lawful functioning of city governance or city operations, or public safety. Conversely, the city council may determine that further action under this article should be deferred, modified, or escalated based on the status or outcome of external proceedings.
- (e) No adjudication by city council. Authorization of referral under this section shall not be construed as a determination by the city council that misconduct occurred, nor as a finding of criminal or civil liability. The city council's role under this section is limited to governance oversight and compliance with applicable legal obligations.

Sec. 2-728. - Censure.

Censure is a formal governance-based measure by the city council intended to publicly condemn conduct that undermines the integrity, safety, or lawful functioning of city governance or city operations. Censure does not remove a city council member from office, suspend the office, or constitute a determination of criminal or civil liability. It is an

institutional expression of disapproval adopted to protect city governance, provide transparency, and establish a clear record of the city council's response.

The procedures set forth in this section establish the minimum procedure required before adoption of a resolution of censure. Nothing in this section shall be construed to require the city council to conduct an adjudicatory or trial-like proceeding, or to limit the city council's discretion to structure its deliberations in a manner consistent with applicable law.

- (a) Initiation of censure. The city council may initiate censure proceedings where it determines that the conduct at issue implicates one or more provisions of division 2 of this article and that corrective or remedial governance-based measures under section 2-725 of this article are insufficient, ineffective, or inappropriate under the circumstances. Initiation of censure shall occur by action taken in open session and shall require a majority vote of the city council members present and eligible to vote.
- (b) Written notice. No fewer than ten (10) calendar days prior to the city council meeting at which a resolution of censure is to be considered, the city council member who is the subject of the proposed censure shall be provided with written notice. The notice shall describe the conduct at issue with reasonable specificity, identify the provisions of this article implicated, and state the date, time, and place of the city council meeting at which the proposed censure will be considered.
- (c) Access to materials. At the time notice is provided, the city council member shall be provided access to the materials upon which the proposed censure is based, including investigative reports, advisory findings, or external findings relied upon by the city council, subject to redaction or withholding as required by law.
- (d) Opportunity to respond. Before the city council votes on a resolution of censure, the city council member who is the subject of the proposed censure shall be afforded an opportunity to respond in open session. This opportunity shall include the ability to make an oral statement to the city council and to submit written materials for inclusion in the public record no later than five (5) calendar days prior to the meeting.

If the proposed censure arises from a complaint submitted by another city council member, that council member may also be afforded a limited opportunity to address the city council in open session, subject to the same time, place, and manner limitations.

The city council member who is the subject of the proposed censure may be represented by counsel at the city council member's own expense. Reasonable time, place, and manner limits may be imposed to ensure orderly proceedings.

- (e) Public comment. Public comment on a proposed resolution of censure shall be permitted in accordance with the Brown Act and the city council's rules of procedure. Public comment shall be limited to the subject matter of the proposed censure. City council members shall not use public comment to present evidence, call witnesses, elicit testimony, or conduct examination or cross-examination, and public comment shall not be treated as an evidentiary record.
- (f) No evidentiary or adjudicatory hearing. Censure proceedings are legislative and governance-based in nature and shall not constitute an evidentiary or adjudicatory hearing. No party has the right to call witnesses, compel testimony, or conduct cross-examination. Nothing in this section prohibits the city council, in its discretion and by action taken in open session, from receiving additional information or statements where doing so would assist deliberation, provided such action does not convert the proceeding into a trial-like hearing.
- (g) Consideration and vote. Following notice, opportunity to respond, and public comment, the city council may deliberate and vote in open session on whether to adopt a resolution of censure at the noticed meeting or a continued meeting. Adoption of a resolution of censure shall require a majority vote of the city council members present and eligible to vote, unless a higher threshold is required by law.
- (h) Contents and effect of censure. A resolution of censure may describe the conduct at issue and its impact on city governance or city operations, identify the standards of conduct implicated, and include a formal statement of condemnation or disapproval. A resolution of censure may also articulate expectations for future conduct and reference the potential for escalation under this division if misconduct continues or recurs.

Sec. 2-729. - Impeachment.

Impeachment under this article is a removal-seeking governance action of last resort. It is intended to address extraordinary circumstances in which a city council member's continued service presents an intolerable material adverse risk to the lawful functioning of city governance or city operations, or to public safety, and where lesser governance-based measures have been ineffective, have been disregarded, or are clearly inadequate under the circumstances.

Impeachment is not intended to punish political disagreement, unpopular viewpoints, or lawful legislative conduct. It is reserved for serious misconduct demonstrating that continued service is incompatible with the lawful and safe functioning of municipal governance.

- (a) Threshold for initiation. Impeachment proceedings may be initiated where the city council determines, based on the record developed pursuant to division 3 of this article, that one or more of the following conditions exist, whether arising from a single incident or from repeated conduct over time:

- (1) Repeated or willful non-compliance with corrective or remedial governance-based measures, governance-based limitations or restrictions, or other measures authorized under this article, demonstrating that lesser responses are ineffective to mitigate identified risks;
 - (2) Egregious misconduct that, by its nature or severity, renders corrective measures, censure, or governance-based limitations clearly inadequate or inappropriate;
 - (3) A final judicial, administrative, or arbitral finding establishing conduct that would justify removal, forfeiture, or disqualification from office under applicable law; or
 - (4) Willful violation of court orders, restraining orders, or other legally binding directives relating to city governance or the exercise of city council authority.
- (b) Initiation of impeachment proceedings. Impeachment proceedings shall be initiated by a majority vote of the city council members present and eligible to vote, taken in open session to the extent permitted by law. The initiating action shall identify the general grounds for impeachment and the provisions of this article implicated.
- (c) Written notice. Upon initiation of impeachment proceedings, the city council member who is the subject of the proceedings shall be provided with written notice describing the conduct at issue with reasonable specificity, identifying the applicable standards under this article, and outlining the procedural steps to follow. The notice shall provide no fewer than thirty (30) calendar days before commencement of any impeachment-related proceeding before an independent hearing officer.
- (d) Independent hearing officer. Impeachment proceedings shall be conducted before an independent hearing officer retained by the city as authorized by the city council. The hearing officer shall not be a city employee and shall not be subject to the direction or control of the city council member who is the subject of the proceedings.

To promote neutrality and institutional separation, the city council may authorize retention of the hearing officer through a neutral dispute-resolution provider, such as JAMS, the American Arbitration Association (AAA), Judicate West, or a comparable organization, or may retain a retired judicial officer or similarly qualified neutral with experience in public-sector governance matters.

The hearing officer shall exercise independent judgment and conduct the proceeding consistent with applicable law and the minimum procedural safeguards required for removal-seeking actions. The city council shall not serve as the finder of fact in impeachment proceedings.

The fact that the city council, the city attorney, outside counsel, the city manager, or a designee may retain, coordinate, or provide legal or procedural guidance regarding scope or compliance with law shall not, by itself, compromise the independence of the hearing officer, provided that such guidance does not direct factual findings or recommendations.

- (e) Procedure before hearing officer. The city council member subject to impeachment shall be afforded, at a minimum, a reasonable opportunity to be represented by counsel at their own expense, to submit evidence, and to respond to the allegations before the hearing officer, subject to applicable constitutional, statutory, and common-law rights and privileges.

These procedures establish the minimum procedure applicable to impeachment proceedings under this article and shall not be construed to create a trial-like forum, to adopt evidentiary rules beyond those required by law, or to expand the city's authority beyond that authorized by statute or constitution. Any provision of defense costs or reimbursement shall be governed exclusively by applicable state law.

- (f) Written findings and recommendation. Upon conclusion of the proceedings, the independent hearing officer shall issue written findings and a recommendation addressing whether removal or other removal-related action is warranted. The findings shall be based on the record developed and transmitted to the city council for final consideration.
- (g) Final Action by city council. Following receipt of the hearing officer's findings and recommendation, and after public comment to the extent required or permitted by law, the city council may take final action in open session by a supermajority vote of the city council members present and eligible to vote, to the extent authorized by law. Final action may include acceptance or rejection of the recommendation in whole or in part and, where authorized, removal from office.
- (h) Requirement of enabling authority. This section shall not be operative unless and until authority to impeach city council members is granted to municipalities by the State of California through enabling legislation or a constitutional amendment. Nothing in this article shall be construed to assert or imply that the city presently possesses impeachment authority absent such authorization.

Sec. 2-730. - Disqualification from future office following impeachment.

Disqualification under this section is a removal-related governance action, distinct from impeachment. It is intended to address extraordinary circumstances in which a city council member, having been removed from office following impeachment proceedings, is determined to be unfit to hold future elective office due to misconduct demonstrating a

fundamental incompatibility with the lawful functioning of city governance or city operations, or with public safety.

Disqualification is not automatic upon impeachment or removal. It is a separate and additional action that may be considered only after completion of impeachment proceedings pursuant to section 2-729 of this article and only where expressly authorized by law.

- (a) Relationship to impeachment. Disqualification may be considered only following completion of impeachment proceedings under section 2-729 and only where the city council has taken final action resulting in removal from office.
- (b) Separate vote required. Any determination to disqualify a city council member from holding future elective office shall require a separate vote of the city council, distinct from and subsequent to any vote on impeachment or removal. Disqualification shall not be implied, inferred, or imposed by operation of law absent such separate action.
- (c) Voting threshold. Disqualification under this section may be authorized only by a supermajority vote of the city council members present and eligible to vote, to the extent authorized by law.
- (d) Findings required. Prior to any vote on disqualification, the city council shall adopt written findings, based on the record developed pursuant to division 3 of this article and the findings issued in the impeachment proceeding, that the misconduct at issue demonstrates that the individual's future service in elective office would pose a material adverse risk to the lawful functioning of city governance or city operations, or to public safety.
- (e) Scope of disqualification. Any disqualification authorized under this section shall be limited to future service in elective office within the City of West Covina, unless broader disqualification is expressly authorized by applicable law. Nothing in this section shall be construed to affect eligibility for state or federal office.
- (f) Preservation of electoral authority. Nothing in this section shall be construed to override voter eligibility requirements, recall procedures, or constitutional protections except to the extent expressly authorized by law. Disqualification is intended as an extraordinary governance safeguard and shall be construed narrowly.
- (g) Requirement of enabling authority. This section shall not be operative unless and until authority to disqualify city council members from future elective office is granted to municipalities by the State of California through enabling legislation or a constitutional amendment. Nothing in this article shall be construed to assert or imply that the City presently possesses disqualification authority absent such authorization.

SECTION 3. Environmental Compliance. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance will have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more portions be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) calendar days after its adoption. Provisions of Article XII of Chapter 2 of the West Covina Municipal Code that are expressly conditioned on the existence of enabling legislation or constitutional authority, including but not limited to provisions relating to coercive investigations, suspension pending adjudication, impeachment, or disqualification from future office, shall not be operative unless and until such authority is granted, as expressly provided within Article XII. All other provisions of Article XII shall be operative upon the effective date of this Ordinance and shall apply prospectively in accordance with the terms of Article XII.

SECTION 6. Certification and Publication. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published or posted in the manner required by law.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2026.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2537 was introduced at a regular meeting of the City Council held on the 20th day of January, 2026, and adopted at a regular meeting of the City Council held on the ____ day of _____, 2026, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

ATTACHMENT NO. 3

CITY COUNCIL MEMBER NOTICE AND ACKNOWLEDGEMENT

By executing this acknowledgement, I confirm that I have been provided notice of the obligations set forth in Article XII of Chapter 2 of the West Covina Municipal Code, the City's Rules of Decorum, and City policies regarding City Council conduct and acknowledge my responsibility to comply with those obligations during my service as a City Council member, subject to applicable law.

I further acknowledge that I am executing this acknowledgement knowingly and voluntarily, without duress, coercion, or undue influence, and that I have had the opportunity to consult with legal counsel of my choosing regarding this acknowledgement and the obligations described herein.

Print Name

Signature

Date

RESOLUTION NO. 2026-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, AFFIRMING LEGISLATIVE
INTENT, ACKNOWLEDGING PRIOR DIRECTION, AND
AUTHORIZING IMPLEMENTATION OF THE CITY
COUNCIL CODE OF CONDUCT**

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, the City of West Covina is a general law city organized and operating under the laws of the State of California; and

WHEREAS, City Council Members are elected officials entrusted with legislative authority and public responsibilities distinct from those applicable to City employees; and

WHEREAS, the City Council has previously adopted Standing Rules and Rules of Decorum governing City Council meetings and public participation, which primarily address real-time meeting conduct; and

WHEREAS, on December 16, 2025, the City Council reviewed the City's Standing Rules and Rules of Decorum and provided direction to staff to develop a comprehensive City Council Code of Conduct to promote orderly, respectful, and effective governance and to address conduct issues occurring outside meetings or over time; and

WHEREAS, the City Council has now introduced an ordinance amending Chapter 2 of the West Covina Municipal Code to add Article XII, entitled "City Council Code of Conduct," establishing governance-based standards of conduct, procedures for review and investigation, and proportionate, non-employment responses designed to protect City governance, public safety, and public confidence; and

WHEREAS, the City Council recognizes that its authority with respect to elected officials is subject to constitutional, statutory, and legal limitations, including limitations on discipline, suspension, removal, impeachment, and disqualification from future office, and that certain provisions of Article XII are expressly conditioned on the existence of enabling legislation or constitutional authority; and

WHEREAS, the City Council intends that the City Council Code of Conduct be applied prospectively to all City Council members serving on or after its effective date, including current members of the City Council, and not be applied retroactively to impose consequences for conduct fully completed prior to the effective date; and

WHEREAS, the City Council further intends that the City Council Code of Conduct operate as a governance and risk-management framework, not as an employment policy, criminal code, or civil enforcement mechanism, and that it be implemented in a manner

consistent with constitutional protections, due process, and the elective nature of public office; and

WHEREAS, the City Council desires to affirm its legislative intent, provide guidance regarding interpretation and implementation of Article XII, and authorize City staff to take reasonable steps necessary to implement the City Council Code of Conduct consistent with its terms.

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

SECTION 1. Legislative Intent. The City Council hereby affirms that the City Council Code of Conduct adopted by ordinance is intended to establish a governance-based framework to promote effective City governance, protect public safety and City operations, and maintain public confidence in City institutions. The Code of Conduct is not intended to create employment discipline, criminal liability, or civil causes of action, nor to expand the City's authority beyond that provided by law.

SECTION 2. Prospective Application. The City Council affirms that the City Council Code of Conduct applies prospectively to all City Council members serving on or after its effective date, including current members of the City Council. Nothing in the Code of Conduct or this resolution is intended to impose governance-based responses based solely on conduct fully completed prior to the effective date, though post-effective-date findings and ongoing or continuing conduct may be considered as provided in Article XII.

SECTION 3. Implementation and Administration. City staff, including the City Manager, City Attorney, and City Clerk, are authorized and directed to take reasonable and lawful actions necessary to implement the City Council Code of Conduct, including preparation of acknowledgement forms, development of administrative implementation procedures consistent with Article XII, and coordination of training or informational materials as appropriate.

SECTION 4. No Expansion of Authority. Nothing in this resolution shall be construed to expand the authority of the City Council or City staff beyond that provided by the California Constitution, state or federal law, or the West Covina Municipal Code. Provisions of Article XII that are expressly conditioned on enabling legislation or constitutional authority shall not be operative unless and until such authority is granted, as expressly provided in Article XII.

SECTION 5. Severability. If any provision of this resolution is held invalid or unenforceable, such invalidity shall not affect the remaining provisions. The City Council declares that it would have adopted this Resolution and each provision thereof irrespective of the invalidity of any other provision.

SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this resolution.

APPROVED AND ADOPTED this ____ day of _____, 2026.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick, CMC
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2026-10 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 20th day of January, 2026, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick, CMC
Assistant City Clerk

POLITICS

The Rise and Fall of Poway City Councilmember Tony Blain

From promising transparency to facing criminal charges, a Poway councilmember's swift fall from grace.

by [Tigist Layne](#)

October 30, 2025



Councilmember Tony Blain's empty chair at the Robert C. Emery City Council Chambers building in Poway April 15, 2025. Councilmember Blain attended the City Council meeting from another location. / Vito di Stefano for Voice of San Diego

Poway City Councilmember Tony Blain has made history. But not in the way he had hoped.

Within his first seven months in office, Blain received the city's first- and second-ever [censure](#), or official reprimand, in the city's 45 years of existence.

In April, the city of Poway [filed a lawsuit](#) against Blain for the destruction of public records—the first time Poway has ever sued a sitting elected official.

And last week, Blain became the first sitting elected official in Poway's history to face criminal charges. Prosecutors have charged him with four felony charges and a misdemeanor.

In just a few days, he will face a [recall vote](#) by his own constituents in Poway's District 2, exactly one year since he was first elected to the City Council.

Many are expecting the recall vote, which needs a simple majority to pass, to be successful, removing Blain from office. If the recall vote fails, Blain's criminal charges won't automatically remove him from office, but many residents and members of the City Council will likely continue to urge him to resign. If he's convicted, he could face jail or prison time.

So, how did Blain go from running a campaign based on “honesty, integrity and transparency” and promising “no backroom politics” to facing a criminal indictment, a recall vote and a tarnished reputation?

It started with emails.

Emails and Political Aspirations



Photo of the Poway Councilmember Tony Blain at the Robert C. Emery City Council Chambers building in Poway on April 15, 2025. / Vito di Stefano for Voice of San Diego

Blain was dialed in to Poway politics long before he was elected to the City Council.

A military officer and physician, Blain had never held public office before, but he wanted to be involved in Poway's government since at least February of 2023, when he had his sights set on a City Council seat, emails obtained by Voice of San Diego show.

"If I get elected, I'm going to strive to be as apolitical as possible & just do good for Poway residents / voters – current Council & Vaus EXTREMELY political. Not sure if I'm too idealistic as I'm very new at this," Blain wrote in an [email](#) to former Poway Councilmember Barry Leonard in February 2023.

Blain also sent emails to Poway's mayor, councilmembers and city staff about a range of topics from graffiti removal to water rates and his plans to introduce a ballot measure that would create term limits for elected

officials.

As time went on, the emails grew more frequent, harsh and sometimes threatening.

For example, in March 2023, Blain emailed the mayor and councilmembers asking that the city create an information center for people who visit Poway. Leonard responded that visitors could find visitor information on the city's website.

“Good reply Barry — that [sic] like saying ‘look it up yourself’ I will be taking your seat on Council Barry and actually helping people,” Blain [responded](#).

Around August 2023, Poway City Manager Chris Hazeltine asked Blain to start sending his emails only to him instead of the mayor, councilmembers and city staff. Blain initially agreed, but by September, he became frustrated with Hazeltine's responses to his questions.

Then, in October, Blain threatened to have Hazeltine fired.

“I really want to see you fired, Chris / you are unhelpful to residents and a liability for entire City of Poway. We need new helpful City Manager with a good attitude who wants to be friendly and help citizens/ voters,” Blain [wrote](#) on Oct. 11.

The next day, he sent Hazeltine another [email](#).

“Mr. Hazeltine, you have received your last communication from me until I am elected, then I will call for a vote at the first meeting to have you replaced with new City Manager. Best regards.”

In 2024, records show Blain's emails becoming increasingly combative.

For example, around August, city staff took down some of Blain's campaign signs because they were in public areas owned by the city, like sidewalks.

In multiple email exchanges, Blain asked City Attorney Alan Fenstermacher why his signs were taken down. Fenstermacher [explained](#) the city's code, but Blain wasn't satisfied.

“Mr. Fenstermacher, you appears [sic] to be political in your dealing with me, which is both unethical and questionably legal. You really have no business being the Poway city attorney with your obvious political

leanings,” Blain [wrote](#).

After a few more emails back and forth, Blain again [told](#) Fenstermacher that he should resign.

The next day, on Aug. 31, Blain sent an email to the entire City Council, Fenstermacher and Hazeltine, threatening to file a lawsuit against the city for taking down his campaign signs and demanding Fenstermacher’s and Hazeltine’s resignations. Otherwise, he [wrote](#), he would talk to the media.

A few days later, Blain sent an [email](#) to Fenstermacher saying he was writing a letter to the State Bar requesting that Fenstermacher be disbarred, meaning he would lose his law license.

“I will be publicly requesting your resignation in Nov. 2024 and Nov. 2026 after I am elected to Council and later as mayor – start looking for another job – you are unprofessional and unethical,” [wrote](#) Blain in the email.

On Oct. 10, a month before the election, Blain wrote a seemingly unprovoked email to then-Councilmember Brian Pepin with the subject line “request.”

“Hi, Brian, I actually like you, unlike [Councilmember] De Hoff’s lies / ‘anonymous’ stupid political stories. Work with me on Council and I will support you. If you do anything I hear about that is lying or mean to me, I will work tirelessly to get you OFF Council,” Blain [wrote](#). “You and I are good for now unless I see anything you do underhanded. And I have ways of finding out what you are doing behind the scenes. I have heard rumors, but I will give you this once [sic] chance to behave.”

After winning the election on Nov. 5, 2024, Blain sent multiple emails per week to Fenstermacher and Hazeltine demanding they resign.

“We will force your resignation in 23 months when we have 3 votes on Council (hopefully sooner),” Blain [wrote](#) in an email to Hazeltine on Nov. 26.

He also sent emails to multiple other officials demanding their resignations, including Mayor Steve Vaus, Councilmember Peter De Hoff and members of the city’s Budget Review Committee.

From Threatening to Illegal



Poway Mayor Steve Vaus (right) with Poway City Manager Chris Hazeltine (left) before the Poway City Council meeting at the Robert C. Emery City Council Chambers building in Poway on April 15, 2025. / Vito di Stefano for Voice of San Diego

At a January City Council meeting to [fill a vacant](#) seat, Blain's yearslong pattern of sending threatening emails came to light.

Fenstermacher publicly accused Blain of threats, harassment and bullying directed at him, other staff members and residents.

"I am no longer intimidated by you Councilmember Blain," Fenstermacher said during the meeting. "I don't give a flying fuck if you fire me. I will not take this lying down anymore. You are a bully, you've been harassing me for months, and I've tried to be professional. This is enough."

Fenstermacher revealed that Blain had not only sent him and other staff members numerous threatening emails, but Blain had also emailed city staff asking them to call the police on two different residents who

criticized Blain. In one email, Blain [wrote](#) that he filed a police report against a resident who criticized him.

(Findings from an independent investigation commissioned by the city [revealed in July](#) that Blain did engage in abusive and offensive conduct toward at least two city officials—Fenstermacher and Hazeltine. That investigation led to Blain’s second censure.)

But that wasn’t all.

The City Council also revealed at the January meeting other emails Blain had sent ahead of the meeting. Blain emailed Councilmember De Hoff saying he would drop his recall effort against him and vote for De Hoff to become deputy mayor if De Hoff voted for a special election instead of an appointment process.

At the time, Councilmembers accused Blain of trying to engage in bribery and vote trading. Last week, the District Attorney’s office agreed, charging Blain with four felonies and one misdemeanor.

Blain is charged with perjury, asking for a bribe, soliciting a bribe and destruction of public papers, as well as a misdemeanor for stealing a campaign sign.

The [charging document](#) says Blain committed perjury in September 2024, by allegedly swearing in a complaint to the Fair Political Practices Commission that he was a current Poway councilmember before being elected.

According to the document, Blain also tried to ask for a bribe and solicit a bribe from De Hoff regarding the vacant Council seat, and it accuses Blain of knowingly destroying or removing public records, which the city of Poway is already suing Blain for.

Finally, Blain is charged with a misdemeanor for petty theft for allegedly stealing a campaign sign.

Blain and his attorney did not respond to a request for comment.

What’s next: On Tuesday, residents of Poway’s District 2 will head to the ballot box.

Armed with the knowledge of Blain’s criminal charges and documented proof of his threatening emails and misconduct, residents will decide whether to recall Blain from City Council.

Bright Future Up

October 30, 2025 at 8:35 am

Till I first looked at the document which was of 8430 dollars, I accept that my friend's brother was like really earning cash in his free time with his pc. T5 Her aunt's neighbor has been doing this for 10 months and by now repaid the loan on their house and purchased a new Car .

Get started today... tab on my name

Loading...

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FILED

MAR 20 2023

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT***SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT***

CITY OF ARCATA,

CASE NO. CV2201490

Petitioner,

RULING ON REQUEST FOR
WORKPLACE VIOLENCE
RESTRAINING ORDER

vs

BRETT WATSON,

Respondent.

The above-captioned matter came on for hearing before the Honorable Timothy A. Canning on February 14, 2023 and March 8, 2023. Petitioner City of Arcata was represented by attorneys Kathryn Fox and Tom O'Connell, and Respondent Brett Watson was represented by attorney Jay Jambeck.

In this matter, the City of Arcata is requesting a permanent restraining order under the Workplace Violence Safety Act (Code Civ. Proc. §527.8) prohibiting Respondent from having any contact with certain City employees, to stay away from those employees, and to stay away from their workplace, which is the Arcata City Hall for most and a private office in Arcata for one. The Court previously issued a temporary restraining order, which continued in effect by stipulation of the parties until the hearing was completed. After the hearing concluded, the Court

1 took the matter under submission, and extended the temporary orders until March 22, 2023, or
2 until a ruling was issued, whichever first occurred.

3 At the time the temporary orders were issued, Respondent was serving as an elected
4 official on the Arcata City Council; his term has since expired.

5 To obtain a restraining order after hearing under the Workplace Violence Safety Act
6 (“WVSA”), the employer must prove by clear and convincing evidence that respondent
7 committed an unlawful act of violence towards an employee, or made a credible threat of
8 violence towards the employee that could be reasonably construed to be carried out at the
9 employee’s workplace. (The standard for obtaining a temporary restraining order is much
10 lower, requiring only reasonable proof, instead of clear and convincing proof, see Code
11 Civ.Proc. §527.8(e).)

12 Clear and convincing evidence requires that “the evidence must be so clear as to leave no
13 substantial doubt and sufficiently strong to command the unhesitating assent of every reasonable
14 mind.” *San Diego Police Department v. Geoffrey S.* (2022) 86 Cal.App.5th 550, 576. The
15 employer must also show that great or irreparable harm would result to the employee due to the
16 likelihood the unlawful violence will recur. *Scripps Health v. Marin* (1999) 72 Cal.App.4th 324,
17 334–335.

18 To constitute a credible threat of violence, the respondent must have engaged in a course
19 of conduct that would place a reasonable person in fear for themselves and which serves no
20 legitimate purpose. A “credible threat of violence” includes following or stalking someone, or
21 making harassing calls or sending harassing messages by phone, mail, or e-mail, over a period of
22 time (even if it is a short time). Code Civ. Proc. §527.8.

23 “Course of conduct” is defined as a pattern of conduct evidencing continuity of purpose,
24 including following or stalking an employee to or from their workplace, entering their
25 workplace, following the employee during work hours, making telephone calls to the employee;

1 or sending correspondence by any means. Code Civ. Proc. § 527.8(b)(1). The WWSA expressly
2 defines unlawful violence as “any assault or battery, or stalking as prohibited in Section 646.9 of
3 the Penal Code...” with certain exceptions not applicable here. Code Civ.Proc. §527.8(a)(7).

4 Stalking consists of willfully, maliciously, and repeatedly following or harassing
5 another person and making a credible threat with the intent to place that person in reasonable fear
6 for their safety, or for the safety of their immediate family. Pen. Code §646.9. A course of
7 conduct without an express threat may still be sufficient to establish stalking. *People v. Lopez*
8 (2015) 240 Cal.App.4th 436, 453 (defendant’s construction of a labyrinth, the content of his
9 blogs, messages, letters and packages, and the persistence with which he contacted the victim
10 despite being told to stop, by her and by the police, revealed “an obsession that a reasonable
11 person would understand as threatening”).

12 The term “safety” has been construed as not limited to just physical safety, but also safety
13 from emotional or psychological abuse. *People v. Borrelli* (2000) 77 Cal.App.4th 703, 719–720
14 (rejecting argument that “safety” as used in Penal Code section 646.9 meant only physical
15 safety); see also *People v. O’Neal* (2004) 122 Cal.App.4th 817, 821 (affirming restitution award
16 to sibling of molested child due to emotional damages suffered by the sibling as a result of the
17 molestation even though the sibling was never molested), and *People v. Clayburg* (2012) 211
18 Cal.App.4th 86, 92–93 (holding that minor daughter of the restrained person was also a victim of
19 the restrained person’s stalking even though she was never physically harmed or threatened with
20 physical harm, as the daughter suffered emotional damage and was traumatized by the conduct).

21 This conclusion is also buttressed by the broad definition of domestic violence as
22 including emotional and psychological abuse in Family Code sections 6203(b), 6211, and 6320,
23 in Evidence Code section 1109, as well as in the regulations regarding workplace violence in
24 health care settings (8 Cal. Code Regs. §3342).

25 ///

1 Here, Respondent's stalking behavior warrants the issuance of a permanent restraining
2 order. The evidence presented at the hearing – text messages, emails, and testimony from the
3 employees -- was clear and convincing that great or irreparable harm will result if the temporary
4 restraining order is allowed to expire, due to the likelihood that Respondent's stalking behavior
5 will recur.

6 Respondent's behavior here was more than just the aggressive, rude, impatient, and
7 sarcastic behavior which the court in *Technology Credit Union v. Rafat* (2022) 82 Cal.App.5th
8 314, 324-25 held to be insufficient to support a finding that the respondent there made a credible
9 threat of violence.

10 Among many other things, Respondent repeatedly stated that he had his emotional
11 "hooks" in one employee, and could not "unhook" himself from her. The evidence
12 overwhelmingly showed that Respondent was obsessed with the employee and had an
13 uncontrollable compulsion to continue communicating with her, trying to manipulate her, and
14 trying to be with her, even after he was repeatedly told to stop. When Respondent was denied
15 access to her office, he twice made an unauthorized entry into her office area through a locked
16 back door, on one occasion propping open a locked door. Respondent insisted on accessing the
17 back office, which at the time was off limits to all city councilpersons.

18 The evidence presented was clear and convincing that Respondent was acting in a way
19 that was very disturbing and frightening to the employees, and that he would not or could not
20 stop doing so. Each of the employees testified that Respondent was verbally aggressive, and at
21 times displayed hostile or aggressive body language. Each employee testified of being in fear of
22 Respondent. The employees were also scared for their safety knowing that Respondent had guns,
23 and that he did not turn in all of his guns contrary to the requirements of the TRO.

24 The evidence showed that Respondent did not comply with the TRO until after he was
25 arrested for violating it. That, plus the extensive evidence of Respondent's obsessive and

1 compulsive behavior, supports an inference that Respondent would resume contacting the
2 employee and continue with his emotional abuse and manipulation. The fact that Respondent is
3 no longer a city councilperson does not necessarily mean that he will not repeat or resume his
4 conduct in the absence of a restraining order.

5 To extent Respondent's testimony contradicted the employees' testimony, the Court finds
6 the employees' testimony more credible.

7 For the foregoing reasons, and good cause appearing,

8 IT IS HEREBY ORDERED that the City of Arcata's petition for a workplace violence
9 restraining order is granted. The restraining order itself accompanies this ruling, and is to be
10 served and filed forthwith.

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13 March 17, 2023

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Timothy A. Canning
Timothy A. Canning
Judge, California Superior Court, Humboldt County

PROOF OF SERVICE BY MAIL

I am over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, 825 5th St., Eureka, California, 95501; that I served a true copy of the attached RULING ON REQUEST FOR WORKPLACE VIOLENCE RESTRAINING ORDER by placing said copies in the attorney's mail delivery box in the Court Operations Office at Eureka, California on the date indicated below, or by placing said copies in envelope(s) and then placing the envelope(s) for collection and mailing on the date indicated below. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited with the United States Postal Service at Eureka, California in a sealed envelope with postage prepaid. These copies were addressed to:

Kathryn Boyd Fox, 655 W Broadway Suite 1600, San Diego, CA 92101

Jay T. Jambeck, 870 Market St. Suite 1157, San Francisco, CA 94102

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on the 20th day of March 2023, at the City of Eureka, California.

Kim M. Bartleson, Clerk of the Court

By Risa Waddell
Deputy Clerk