

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CITY COUNCIL REGULAR MEETING TUESDAY, JANUARY 17 – 7:00 p.m.

NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.ci.los-alamitos.ca.us once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the City Clerk at the meeting for individuals with hearing impairments.

Persons wishing to address the City Council on any item on the City Council Agenda will be called upon at the time the agenda item is called or during the City Council's consideration of the item and may address the City Council for up to three minutes.

1. **CALL TO ORDER**
2. **ROLL CALL**
Council Member Graham-Mejia
Council Member Kusumoto
Council Member Stephens
Mayor Pro Tem Poe
Mayor Edgar
3. **PLEDGE OF ALLEGIANCE** Council Member Stephens
4. **INVOCATION** Council Member Kusumoto
5. **PRESENTATIONS**
 - A. Presentation of Certificates of Appreciation to the Los Alamitos High School Girls Volleyball Team for winning the 2011 CIF Division 1 Champions
 - B. Presentation by Colonel R. Mark Toy providing an overview of U.S. Army Corps of Engineers

6. ORAL COMMUNICATIONS

At this time, any individual in the audience may come forward to speak on any item within the subject matter jurisdiction of the City Council. Remarks are to be limited to not more than five minutes per speaker.

7. REGISTER OF MAJOR EXPENDITURES

January 17, 2012.

Roll Call Vote

- Council Member Graham-Mejia
- Council Member Kusumoto
- Council Member Stephens
- Mayor Pro Tem Poe
- Mayor Edgar

8. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Council Member requests separate action on a specific item.

*****CONSENT CALENDAR*****

A. Approval of Minutes (City Clerk)
Approve Minutes of the Regular Meeting – December 19, 2011.

B. Warrants (Finance)
January 17, 2012.

C. Emergency Roof Repairs - Reaffirmation of Emergency Conditions (Public Works)
The City of Los Alamitos, when approving Emergency public projects, is required to reaffirm such decisions at subsequent Council Meetings until the emergency is resolved. This staff report reaffirms the December 19, 2011, decision to approve an emergency contract for roof repairs to several city buildings to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings.

Recommendation: It is recommended that the Los Alamitos City Council, by a 4/5ths vote, ratify and reaffirm the need for an emergency contract to complete the roof repairs as approved during the December 19, 2011, City Council Meeting.

D. Resolution No. 2012-01 - Amendment to the City's Conflict of Interest Code (City Clerk)
To comply with the requirements of State law, the attached Resolution proposes to amend the City's Conflict of Interest Code by updating the list of designated employees that have significant involvement in the City's decision-making process.

Recommendation: Adopt Resolution No. 2012-01, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AMENDING THE CONFLICT OF INTEREST CODE FOR THE CITY."

- E. Approval of the Fiscal Year 2012-13 Budget Calendar (Finance)**
This report seeks City Council approval of the Fiscal Year 2012-13 Budget Calendar.

Recommendation: Approve the recommended Budget Calendar for Fiscal Year 2012-13.

*****END OF CONSENT CALENDAR*****

9. DISCUSSION ITEMS

- A. Authorization to Purchase Scientia's PD Assist Software Bundle (PD)**
This report seeks City Council authorization to purchase Scientia's PD Assist Software Bundle for use in the Police Department. Using budgeted asset seizure funds, the Police Department is seeking to serve as a beta site for this progressive software package which will reduce redundant processes and allow officers to spend more time in the field.

Recommendation:

1. Authorize the expenditure of \$15,000 from the Fiscal Year 2011-12 Budget, account number 27.521.5420, for the purchase of the Scientia's PD Assist Software Bundle with Jail Booking, Briefing, and Crime Analysis modules; and,
2. Authorize the City Manager to execute an agreement in a form to be approved by the City Attorney.

10. MAYOR AND COUNCIL INITIATED BUSINESS

- A. Discussion of Violations of Law Related to Published Letter Regarding Closed Session and Possible Action Regarding Same**
On December 5, 2011, Council Member Kusumoto publicly released a letter which contained references to conduct in Closed Session and opinions on the Council related to litigation discussed in Closed Session. The City Council requested that the City Attorney provide an opinion for discussion in open session regarding whether the letter violated the Brown Act or other confidentiality laws by exposing information and discussions that were confidential. Attached is a memorandum that presents the City Attorney's opinion, concludes that violations occurred, and sets forth a range of options for responding to those violations.

Recommendation:

1. Discuss and provide direction; or,
2. Receive and file.

B. City Council Member Appointments/Reappointments as Representatives to other Agencies and City Ad Hoc Committees

This report provides relevant information for the City Council's annual appointments/reappointments of Council Members as representatives to other Agencies and City Council Ad Hoc Committees. This item is traditionally considered by the City Council at the first meeting after its annual reorganization.

Recommendation:

1. Review the List of Assignments and provide direction as appropriate; and,
2. If appropriate, adopt City Council Resolution 2012-02, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS."

C. Council Announcements

At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

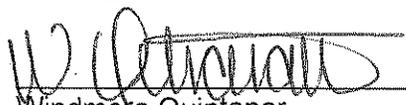
Council Member Kusumoto
Mayor Pro Tem Poe
Mayor Edgar
Council Member Stephens
Council Member Graham-Mejia

11. ITEMS FROM THE CITY MANAGER

12. ADJOURNMENT

The next meeting of the City Council is scheduled for **Monday, February 6, 2012**, in the City Council Chambers.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.



Windmeña Quintanar
Department Secretary

1/12/12

Date

5. PRESENTATIONS

- A. Presentation of Certificates of Appreciation to the Los Alamitos High School Girls Volleyball Team for winning the 2011 CIF Division 1 Champions**
- B. Presentation by Colonel R. Mark Toy providing an overview of U.S. Army Corps of Engineers**

6. ORAL COMMUNICATIONS

At this time, any individual in the audience may come forward to speak on any item within the subject matter jurisdiction of the City Council. Remarks are to be limited to not more than five minutes per speaker.

CITY OF LOS ALAMITOS
Register of Major Expenditures
January 17, 2012

Pages:

01	\$ 50,700.15	Major Warrants	01/17/2012
	\$ 137,327.00	Payroll	01/06/2012
	\$ 91,057.96	Payroll Benefits	01/06/2012
01	\$ 61,631.22	Major Warrants	01/02/2012
	\$ 136,463.62	Payroll	12/23/2011
	\$ 148,618.90	Payroll Benefits	12/23/2011

Total \$ 625,798.85

Statement:

I hereby certify that the claims or demands covered by the foregoing listed warrants have been audited as to accuracy and availability of funds for payment thereof. Certified by Anita Agramonte, Finance Director.



 this 10th day of January, 2012

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
COLANTUONO & LEVIN, PC	TRASH LITIGATION	GENERAL FUND	NON-DEPARTMENTAL	9,382.42
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	2,092.49
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	1,312.50
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	1,399.00
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	46.00
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	92.00
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	1,488.00
				TOTAL:
PACIFICA RACEWEAR	RACE ON BASE SHIRTS	GENERAL FUND	SPECIAL EVENTS	13,546.86
			TOTAL:	13,546.86
THE PLANNING CENTER	PROJECT WEBSITE	GENERAL FUND	PLANNING	105.00
	COMMUNITY OUTREACH	GENERAL FUND	PLANNING	420.00
	FOCUS GROUP INTERVIEWS	GENERAL FUND	PLANNING	7,743.75
	DRAFT GENERAL PLAN	GENERAL FUND	PLANNING	6,251.79
	DRAFT EIR	GENERAL FUND	PLANNING	1,101.45
	REIMBURSABLES	GENERAL FUND	PLANNING	497.76
	4TH CORNER DESIGN CONCEPTS	GENERAL FUND	PLANNING	5,221.13
				TOTAL:

===== FUND TOTALS =====

10	GENERAL FUND	50,700.15

	GRAND TOTAL:	50,700.15

VENDOR SORT KE.	DESCRIPTION	FUND	DEPARTMENT	AMT
COLANTUONO & LEVIN, PC	TRASH LITIGATION	GENERAL FUND	NON-DEPARTMENTAL	8,394.15
	TRASH LITIGATION	GENERAL FUND	NON-DEPARTMENTAL	12,287.55
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	7,928.00
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	245.00
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	270.00
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	655.50
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	598.00
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	840.50
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	8,340.41
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	136.50
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	156.00
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	1,104.00
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	782.00
	GENERAL COUNSEL	GENERAL FUND	CITY ATTORNEY	342.00
	TOTAL:			
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	49.56
	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	14,017.19
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	194.92
	SLO-PITCH FLD/LAUREL PRK	GENERAL FUND	PARK MAINTENANCE	741.97
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	600.79
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	293.89
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	657.66
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	1,335.26
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	1,660.37
	TOTAL:			

===== FUND TOTALS =====

10	GENERAL FUND	61,631.22

GRAND TOTAL:		61,631.22

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – December 19, 2011

THESE MINUTES ISSUED FOR
INFORMATION ONLY AND ARE
SUBJECT TO AMENDMENT AND
APPROVAL AT NEXT MEETING.

1. CALL TO ORDER

The City Council met in Regular Session at 7:00 p.m., Monday, December 19, 2011, in the Council Chambers, 3191 Katella Avenue, Mayor Stephens presiding.

2. ROLL CALL

Present: Council Members: Graham-Mejia, Kusumoto, Poe,
Mayor Pro Tem Edgar, Mayor Stephens

Absent: Council Members: None

Present: Staff: Jeffrey L. Stewart, City Manager
Sandra J. Levin, City Attorney
Todd Mattern, Police Chief
Steven Mendoza, Community Development Dir.
Angie Avery, Community Services Director
Anita Agramonte, Finance Director
Dave Hunt, City Engineer
Windmera Quintanar, Department Secretary

3. PLEDGE OF ALLEGIANCE

Council Member Poe led the Pledge of Allegiance.

4. INVOCATION

Council Member Graham-Mejia gave the invocation.

5. PRESENTATIONS

A. Presentation of a Commendation to Wink Chase and Patty Laird from the City Council

The Council presented the Commendation to Wink Chase and Patty Laird.

B. DaVita Business Overview Presented by Anne Matining, Regional Director, and Ken Futch, Divisional Director

Anne Matining and Ken Futch gave a PowerPoint presentation and answered questions from the City Council.

Mayor Stephens announced there was one additional presentation.

Judy Dickson, Acacia Adult Day Services, provided an overview of the program and distributed informational material.

6. **ORAL COMMUNICATIONS**

Mayor Stephens opened Oral Communications.

A representative from OC Grand Jury provided information on the upcoming Grand Jury selection and answered questions from the City Council.

JM Ivler, resident, spoke regarding the commercial overlay and General Plan. Richard Murphy, resident, thanked City Manager Stewart for his service, asked for further explanation of item 9A and stated opposition for item 10B.

Dean Grose, Chamber of Commerce Board of Directors, spoke regarding the Inaugural Breakfast on January 7, 2012.

Mayor Stephens closed Oral Communications.

7. **REGISTER OF MAJOR EXPENDITURES**

Motion/Second: Edgar/Poe

The City Council approved the Major Expenditures for December 19, 2011, in the amount of \$300,633.00

Roll Call Vote

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Poe	Aye
Mayor Pro Tem Edgar	Aye
Mayor Stephens	Aye

8. **CONSENT CALENDAR**

All Consent Calendar items may be acted upon by one motion unless a Council Member requests separate action on a specific item.

Council Member Graham Mejia pulled Item 8A.
Council Member Poe pulled item 8G.

Motion/Second: Graham-Mejia/Kusumoto

Unanimously Carried: The City Council approved the following:

*****CONSENT CALENDAR*****

B. Warrants (Finance)
The City Council approved the Warrants for December 19, 2011, for \$63,954.46.

C. Resolution No. 2011-26 – Temporary Designation of City Clerk Responsibilities to the City Manager and Discussion of Options Regarding Selection of Permanent City Clerk (Admin.)
Effective January 3, 2012, the City Council accepted the resignation of current City Manager/City Clerk, Jeffrey Stewart. Section 2.12.030A of the Municipal Code requires the appointment of the City Clerk by Resolution. The City Council has multiple options with regard to the selection of the

next City Clerk, which the City Council may or may not wish to discuss on December 19. While those issues are considered and agreed upon by the Council, it is necessary to designate an interim City Clerk to remain in compliance with the Municipal Code. The attached Resolution would confirm the appointment of the City Manager as City Clerk until the selection process for the permanent City Clerk has been completed.

The City Council:

1. Adopted Resolution No. 2011-26, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPOINTING THE CITY MANAGER AS INTERIM CITY CLERK OF THE CITY OF LOS ALAMITOS"; and,
2. Discussed options regarding selection of permanent City Clerk.

D. Award Bid for Katella Avenue Median Modifications at Chestnut Street (Public Works)

This report recommends actions to begin facilitating the construction of Katella Avenue Median Modifications at Chestnut Street.

The City Council:

1. Awarded the construction of Katella Avenue Median Modifications at Chestnut Street (CIP No. 10/11-07) to Hym Engineering, Inc.; and,
2. Authorized the Mayor to execute the contract for the project; and
3. Authorized staff to execute change orders, if necessary, in an amount not to exceed the contingency reserve of \$6,495.00, which is 10% of the original contract amount.
4. Due to potential high ground water level at this site, authorized staff to execute additional change orders, if necessary, in an amount not to exceed a second contingency reserve of \$6,495.00, which is 10% of the original contract amount.

E. Consideration of Options Regarding Award of Waste Hauling Franchise and Second Reading and Adoption of Ordinance No. 11-10 – Amending Sections 2.60.130 and 8.12.015 of the Los Alamitos Municipal Code and Adding Section 2.60.140 Related to the Award of Services Contracts, Including Franchise Agreements for Solid Waste Collection Services (Administration)

A trial judge ruled that the City's current waste franchise was void, but could remain in place for a reasonable period of time until the City Council could take action to provide for future waste hauling services. The City began the process of amending its ordinances and considering options for the future provision of waste hauling services within the City by directing staff to bring back options for consideration this evening. However, the City has also appealed the ruling (mooting all trial court deadlines) and begun to pursue settlement discussions to see if there is a way to

amicably resolve the pending disputes. In light of possible settlement discussions, staff recommends continuing this item to a future City Council Meeting.

The City Council continued the item to a future City Council meeting pending outcome of settlement discussions.

F. Disposal of Surplus Equipment (Public Works)
Consideration of disposal of surplus equipment.

The City Council declared the listed equipment as surplus, and authorize its disposal in accordance with the Los Alamitos Municipal Code.

*****END OF CONSENT CALENDAR*****

A. Approval of Minutes (City Clerk)
1. Approve Minutes of the Regular Meeting – December 5, 2011.
2. Approve Minutes of the Special Meeting - December 8, 2011.
3. Approve Minutes of the Special Meeting – December 12, 2011.

Council Member Graham Mejia stated for the record she was concerned with her perceived inconsistency in the minutes and the lack of information contained within this official record. She stated she was concerned current and future Councils would not have a well documented history.

Council Member Kusumoto stated he would abstain from item 8A2 as he was not present.

Motion/Second: Edgar/Poe

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council:

1. Approved the Minutes of the Regular Meeting of December 5, 2011.
3. Approved the Minutes of the Special Meeting of December 12, 2011.

Motion/Second: Edgar/Poe

Carried 3/0 (Graham-Mejia and Kusumoto abstained): The City Council:

2. Approved the Minutes of the Special Meeting of December 8, 2011.

G. Emergency Roof Repairs (Public Works)

The roofs of several City buildings have incurred significant damage. In order to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings, staff is requesting the City Council identify the repair of the roofs as an emergency and authorize staff to make the necessary repairs. Staff is also seeking authorization to replace and/or repair roof top air conditioning equipment if needed.

Council Member Poe inquired if this repair would be long term.

Public Works Superintendent Brandyberry answered in the affirmative.

Motion/Second: Graham-Mejia/Kusumoto

Unanimously Carried: The City Council by a 4/5ths vote:

1. Found that significant damage has occurred to the roofs on several City buildings as a result of recent weather events, that the roofs are leaking into work spaces currently in use by employees, that future wind and storm events are predicted in the near future, and that the roofing issues have been inspected and assessed by professionals with pertinent experience who have recommended immediate repair to avoid further damage and possible health and safety issues; and,
2. Found that the roofing problems identified in this report are an emergency, that there is not time to conduct a competitive bid process and that the roofs must be repaired immediately to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings; and,
3. Authorized the award of contract for emergency roof repairs to Emercon Construction, Inc. via the Joint Powers Insurance Authority (JPIA) while authorizing an expenditure of \$5,000.00 for the deductible; and,
4. Authorized the City Manager to spend up to \$15,000.00 to repair and/or replace roof top air conditioning equipment if needed in order to repair the roofing leaks.

9. DISCUSSION ITEMS

A. **Restore the Assistant to the City Manager and Recreation Manager Positions to the Personnel Classification Plan and Add Both Positions to the City's Budget (Recreation)**

The appointment of Angie Avery, as the new City Manager, has created the need to restore and fund the Assistant to the City Manager position, and restore and fund two Recreation Manager positions.

City Manager Stewart and Community Services Director Avery summarized the staff report referring to the information contained therein and answered questions from the City Council.

Mayor Stephens opened the item for Public Comment, there being no one present wishing to speak, Mayor Stephens closed the item for Public Comment.

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried: The City Council:

1. Restored the Assistant to the City Manager position to the City's Personnel Classification Plan and fund the position in FY 2011-12, and authorize staff to begin recruiting for the position.
2. Restored the Recreation Manager position to the City's Personnel Classification Plan and fund two positions for FY 2011-12.

B. Reorganization of Community Development Department and Creation of Planning Aide Position (Community Development)

The vacancy of the Associate Planner position provides an opportunity for staff to review the position duties and pay based upon market conditions, department needs, and to realize budgetary savings. Staff is recommending a department change which would replace the higher level Associate Planner position with a lower level Planning Aide position.

City Manager Stewart and Community Services Director Mendoza summarized the staff report referring to information contained therein and answered questions from the City Council.

Mayor Stephens opened the item for Public Comment, there being no one present wishing to speak, Mayor Stephens closed the item for Public Comment.

Council Member Graham-Mejia inquired about the hierarchy of Planning positions and inquired about different qualifications.

Council Member Kusumoto requested clarifications regarding the fiscal savings.

Community Development Director Mendoza provided answers.

Council Member Poe, Mayor Pro Tem Edgar, and Mayor Stephens stated support.

Motion/Second: Poe/Edgar

Unanimously Carried: The City Council adopted Resolution No. 2011-25, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE JOB DESCRIPTION AND SALARY RANGE FOR THE POSITION OF PLANNING AIDE."

10. MAYOR AND COUNCIL INITIATED BUSINESS

A. City Council Reorganization

This report provides relevant information for the City Council's annual reorganization, by the election of Mayor and Mayor Pro Tem. The City's Charter requires roll call votes be taken for the election of these two Officers.

Mayor Stephens thanked the community and his colleagues for their support during his term as Mayor and summarized his experience. He then turned the meeting over to Department Secretary Quintanar.

Department Secretary Quintanar called for nominations for Mayor.

Council Member Poe nominated Council Member Edgar for Mayor.

Council Member Stephens seconded.

Council Member Graham-Mejia nominated Council Member Kusumoto. Motion died for lack of a second.

Motion/Second: Poe/Stephens

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council appointed Council Member Edgar as Mayor.

Department Secretary Quintanar turned the meeting over to Mayor Edgar.

Mayor Edgar called for nominations for Mayor Pro Tem.

Council Member Kusumoto nominated Council Member Graham-Mejia. Motion died for lack of a second.

Council Member Stephens nominated Council Member Poe. Mayor Edgar seconded.

Motion/Second: Stephens/Edgar

Carried 3/2 (Graham-Mejia and Kusumoto cast the dissenting votes): The City Council appointed Council Member Poe as Mayor Pro Tem.

Mayor Edgar thanked Council Member Stephens for his service as Mayor, highlighted the accomplishments, and presented him with a plaque for his service.

Council Member Poe presented a certificate from Assemblyman Jim Silvia to Council Member Stephens for his service as Mayor.

Council Member Stephens thanked the Council.

RECESS

The City Council took a brief recess at 8:06 p.m. and held a reception honoring outgoing Mayor Stephens and incoming Mayor Edgar.

RECONVENE

The City Council reconvened in Regular Session.

B. Council Member Participation in Closed Session Matters Regarding the Lawsuit Between the City and Citizens for a Fair Trash Contract

Following the regular City Council Meeting of December 5, 2011, Council Member Kusumoto provided a copy of a letter to the Mayor (attached) stating that he was rescuing himself from "Closed Session on City Council matters concerning the lawsuit filed by Citizens for a Fair Trash Contract." Council Member Kusumoto did not identify any conflict of interest that would require recusal or prevent him from participating in City Council Closed Session discussions of the litigation filed against the City by "Citizens for a Fair Trash Contract." The purpose of this agenda item is to seek clarification with regard to Section 2.04.220 of the Los Alamitos Municipal Code and Council Member Kusumoto's decision not to participate.

City Manager Stewart summarized the staff report referring to the information contained therein and answered questions from the City Council.

Mayor Edgar opened the item for Public Comment. There being no one present wishing to speak, Mayor Edgar closed the item for Public Comment.

Council Member Kusumoto stated he had received clarification regarding reasons for recusal and indicated he would be rejoining Closed Session. He supported no additional discussion.

The Council discussed items related to the lawsuit between the City and Citizens for a Fair Trash Contract and potential Brown Act violations committed by Council Member Kusumoto.

Mayor Edgar requested an item be agendized to submit the issue to Fair Political Practices Commission (FPPC).

Council Member Kusumoto called point of personal privilege and clarified he ran for Council Office on a slate with two other candidates.

Further discussion ensued.

Council Member Kusumoto requested legal counsel in light of the upcoming investigation.

Council Member Graham-Mejia, Kusumoto, and Mayor Pro Tem Poe supported the item being presented in Open Session.

Motion/Second: Edgar/Poe

Carried 3/1 (Graham-Mejia cast the dissenting vote and Council Member Kusumoto abstained): The City Council directed the City Attorney to do an evaluation of the potential Brown Act violation for potential litigation and bring it before the Council in Open Session.

C. Council Announcements

At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

Council Member Graham-Mejia discussed the following topics: 1) request to agendize revocation of the Food Truck Event; 2) status of the JFTB pool heater; 3) extended congratulations to Patty Laird and Wink Chase; 4) requested commercial overlay be agendized; 5) reiterated the services provided by Acacia Adult Care Services; and, 6) requested pursuance of the potential Brown Act violation by former Council Member Grose.

Council Member Kusumoto apologized for the negative repercussions of recusing himself from Closed Session, but felt the action was appropriate at the time.

Mayor Pro Tem Poe discussed the following topics: 1) Acacia Adult Care Services; 2) attendance at the Annual Commission Dinner; 3) thanked staff for the correction of the traffic signs; 4) City Manager Stewart for his service; 5) congratulated incoming City Manager Avery; and 6) expressed disappointment regarding the Trash Lawsuit.

Mayor Edgar summarized his goals for his term as Mayor in 2012, including, but not limited to: receiving community input for 2012 goals, ensuring Angie Avery's success as City Manager, and, revisiting the Downtown Revitalization Project. He thanked the community and his family for their support during his term as Mayor.

Council Member Stephens discussed the following: 1) acknowledgement of correspondence from Eagle Scout Robbie Maloney; 2) attendance at the Annual Commission Dinner; 3) acknowledged the completion of restriping on Lexington; 4) thanked City Manager Stewart for his service; 5) congratulated incoming City Manager Avery; and, 6) thanked his family for their support.

11. ITEMS FROM THE CITY MANAGER

City Manager Stewart stated it had been a pleasure working in the City of Los Alamitos.

12. CLOSED SESSION

Conference with Legal Counsel

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

A. Conference with Labor Negotiator

Agency Negotiators:	Jeffrey L. Stewart, City Manager and Sandra J. Levin, City Attorney
Employee Organization:	Executive Management, Middle Management and Non-Management Employees
Authority:	Government Code Section 54957.6

RECESS

City Council recessed into Closed Session at 9:24 p.m.

RECONVENED

City Council reconvened in Regular Session at 10:56 p.m.

There was no reportable action.

13. **ADJOURNMENT**

City Council adjourned at 10:57 p.m. The next meeting of the City Council is scheduled for TUESDAY, January 17, 2012, in the City Council Chambers.

Troy D. Edgar, Mayor

ATTEST:

Windmera Quintanar, Department Secretary

CITY OF LOS ALAMITOS
A/P Warrants
January 17, 2012

Pages:

01-04	\$ 38,298.40	A/P Warrants	01/17/2012
01-06	\$ 65,628.88	A/P Warrants	01/02/2012
	\$ 1,741.62	Retiree Benefits	01/02/2012

Total **\$ 105,668.90**

Statement:

I hereby certify that the claims or demands covered by the foregoing listed warrants have been audited as to accuracy and availability of funds for payment thereof. Certified by Anita Agramonte, Finance Director.



this 10th day of January, 2012

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-8 RETROFIT, INC.	RETROFIT NEW PATROL CAR	GARAGE FUND	GARAGE	3,729.64
	LIGHTING REPAIRS	GARAGE FUND	GARAGE	474.80
			TOTAL:	4,204.44
ABC POOLS	PLUMBING JOINT COMPOUND	GENERAL FUND	NON-DEPARTMENTAL	11.10
			TOTAL:	11.10
BENESYST	FLEX ADMIN SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	150.00
			TOTAL:	150.00
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	14.52
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	75.52
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	12.92
			TOTAL:	102.96
C.A. WEB DESIGN, INC.	WINTER 2011 BROCHURE	GENERAL FUND	RECREATION ADMINISTRAT	55.00
			TOTAL:	55.00
CALIFORNIA PARK & REC SOCIETY	MEMBERSHIP DUES	GENERAL FUND	RECREATION ADMINISTRAT	135.00
			TOTAL:	135.00
CARTRIDGE WORLD OF LOS ALAMITOS	PRINTER CARTRIDGES	GENERAL FUND	RECREATION ADMINISTRAT	43.08
	TONER CARTRIDGE	GENERAL FUND	RECREATION ADMINISTRAT	58.17
			TOTAL:	101.25
CIRCULATION SERVICE OF AMERICA, INC.	RACE ON BASE MATERIALS	GENERAL FUND	SPECIAL EVENTS	1,411.73
			TOTAL:	1,411.73
COMMERCIAL AQUATIC SERVICES	INSTALL HEATER	GENERAL FUND	NON-DEPARTMENTAL	875.00
			TOTAL:	875.00
COMMUNITY SENIORSERV	NUTRITION TRANSPORTATION	GENERAL FUND	COMMUNITY SERVICES	197.40
			TOTAL:	197.40
COMPETITOR GROUP, INC.	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	2,200.00
			TOTAL:	2,200.00
CARRI FOX	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	12.60
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	4.20
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	8.40
			TOTAL:	25.20
GANAHL LUMBER COMPANY	RAGS	GENERAL FUND	STREET MAINTENANCE	6.45
	ROOF SEALANT	GENERAL FUND	BUILDING MAINTENANCE	38.77
			TOTAL:	45.22
GLENN E. THOMAS CO.	REPLACE AXLES	GARAGE FUND	GARAGE	637.01
	ELECTRICAL REPAIRS	GARAGE FUND	GARAGE	662.86
	CATALYTIC CONVERTERS	GARAGE FUND	GARAGE	735.48
	RADIATOR	GARAGE FUND	GARAGE	279.92
			TOTAL:	2,315.27
GOLDEN STATE WATER COMPANY	BILL CYCLE 10/22-12/20	GENERAL FUND	STREET MAINTENANCE	303.65
	BILL CYCLE 10/22-12/20	GENERAL FUND	PARK MAINTENANCE	147.23
			TOTAL:	450.88

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
WARTZOG & CRABILL, INC.	TRAFFIC ENGINEER SVCS	GENERAL FUND	CITY ENGINEER	1,160.50
	OCTA COORDINATION	GENERAL FUND	CITY ENGINEER	542.50
	TRAFFIC ENGINEER SVCS	GENERAL FUND	CITY ENGINEER	1,041.50
			TOTAL:	2,744.50
WDS TANK TESTING & REPAIR	DESIGNATED OPERATOR	GARAGE FUND	GARAGE	145.00
			TOTAL:	145.00
CHRISTOPHER KARRER	COMPUTER LOAN	GENERAL FUND	NON-DEPARTMENTAL	1,774.44
			TOTAL:	1,774.44
KONICA MINOLTA BUSINESS SOLUTIONS	COPIER LEASE - ADMIN SVCS	GENERAL FUND	ADMINISTRATIVE SERVICE	483.19
	COPIER LEASE - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	464.96
			TOTAL:	948.15
DOREY LAKIN	TUITION REIMBURSEMENT	GENERAL FUND	RECREATION ADMINISTRAT	2,337.00
			TOTAL:	2,337.00
LONG BEACH SOCCER REFEREE ASSOCIATION	ASSIGNING SERVICES	GENERAL FUND	SPORTS	92.50
			TOTAL:	92.50
LOS ALAMITOS AUTO PARTS	FILTERS	GARAGE FUND	GARAGE	194.41
	SCANNER UPDATE	GARAGE FUND	GARAGE	1,432.00
			TOTAL:	1,626.41
LOS ALAMITOS LOCK SERVICE INC.	KEYS & LOCKS	GENERAL FUND	BUILDING MAINTENANCE	136.52
			TOTAL:	136.52
MAJOR LEAGUE SOFTBALL, INC.	ASSIGNING SERVICES	GENERAL FUND	SPORTS	264.00
	ASSIGNING SERVICES	GENERAL FUND	SPORTS	138.00
			TOTAL:	402.00
MAXIMUS FINANCIAL SERVICES, INC.	SB-90 CONSULTANT	GENERAL FUND	ADMINISTRATIVE SERVICE	220.00
			TOTAL:	220.00
MISC. VENDOR	REFUND - EXERCISE CLASS	GENERAL FUND	NON-DEPARTMENTAL	114.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	84.00
	REFUND - KARATE CLASS	GENERAL FUND	NON-DEPARTMENTAL	24.00
	REFUND - EXERCISE CLASS	GENERAL FUND	NON-DEPARTMENTAL	114.00
	REFUND - EXERCISE CLASS	GENERAL FUND	NON-DEPARTMENTAL	80.00
	REFUND - EXERCISE CLASS	GENERAL FUND	NON-DEPARTMENTAL	56.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	100.00
	REFUND - COMPUTER CLASS	GENERAL FUND	NON-DEPARTMENTAL	304.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	150.00
	REFUND - PARKING CITATION	GENERAL FUND	NON-DEPARTMENTAL	80.00
			TOTAL:	1,106.00
	MWR	POOL INTERNET 11/25-12/25	GENERAL FUND	AQUATICS
POOL INTERNET 12/25-1/25		GENERAL FUND	AQUATICS	143.30
			TOTAL:	286.60
NORM'S AUTOMOTIVE CENTER INC.	SMOG INSPECTION	GARAGE FUND	GARAGE	45.00
	SMOG INSPECTION	GARAGE FUND	GARAGE	45.00
	SMOG INSPECTION	GARAGE FUND	GARAGE	45.00
	SMOG INSPECTION	GARAGE FUND	GARAGE	45.00
	SMOG INSPECTION	GARAGE FUND	GARAGE	45.00

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	SMOG INSPECTION	GARAGE FUND	GARAGE	45.00
	SMOG INSPECTION	GARAGE FUND	GARAGE	45.00
			TOTAL:	315.00
HOMAS OLIVER	REFUND - DAY CAMP	GENERAL FUND	NON-DEPARTMENTAL	45.00
			TOTAL:	45.00
ORANGE COUNTY HUMAN RELATIONS COUNCIL	FY 2011-2012 ANNUAL DUES	GENERAL FUND	CITY COUNCIL	2,244.00
			TOTAL:	2,244.00
PAPER RECYCLING SPECIALISTS	SHREDDING SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	74.00
			TOTAL:	74.00
PINE VALLEY ECO PRODUCTS, INC.	GRAFFITI REMOVER	GENERAL FUND	STREET MAINTENANCE	1,499.00
			TOTAL:	1,499.00
ROSSMOOR/LOS ALAMITOS AREA SEWER DISTR	OCT/NOV/DEC PARKING RENT	GENERAL FUND	POLICE ADMINISTRATION	1,500.00
			TOTAL:	1,500.00
SCIENTIA CONSULTING GROUP	IT SERVICES	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	5,700.00
			TOTAL:	5,700.00
SMART & FINAL	HALLOWEEN SUPPLIES	GENERAL FUND	SPECIAL EVENTS	7.39
			TOTAL:	7.39
SO CAL SANITATION LLC	RESTROOM SERVICES	GENERAL FUND	SPORTS	575.06
			TOTAL:	575.06
SOUTH COAST SUPPLY & GARDEN DAZE	TOOLS	GENERAL FUND	PARK MAINTENANCE	160.50
	SOIL	GENERAL FUND	PARK MAINTENANCE	10.47
			TOTAL:	170.97
SOUTHERN PACIFIC MASTERS ASSOCIATION	MEMBERSHIP FEES	GENERAL FUND	AQUATICS	176.00
			TOTAL:	176.00
SPOT LIGHTING SUPPLIES, INC.	LIGHTBULBS	GENERAL FUND	BUILDING MAINTENANCE	43.10
			TOTAL:	43.10
FIME WARNER CABLE	ADMIN CABLE SERVICE	GENERAL FUND	CITY MANAGER	164.96
	INTERNET - COMPUTER CENTER	GENERAL FUND	RECREATION ADMINISTRAT	69.95
			TOTAL:	234.91
UNDERGROUND SERVICE ALERT OF SO. CALIF	SERVICE ALERT FAXES	GENERAL FUND	STREET MAINTENANCE	7.50
			TOTAL:	7.50
UNITED STATES TRADEMARK REGISTRATION O	RACE ON BASE TRADEMARK	GENERAL FUND	SPECIAL EVENTS	375.00
			TOTAL:	375.00
VERIZON CALIFORNIA, INC.	EOC/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	897.80
	POLICE DEPT/RELAY LINE	GENERAL FUND	COMMUNICATIONS TECHNOL	84.48
			TOTAL:	982.28
VERIZON WIRELESS	POLICE	GENERAL FUND	POLICE ADMINISTRATION	44.44
	COMMUNITY DEVELOPMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	10.67
	PUBLIC WORKS	GENERAL FUND	STREET MAINTENANCE	194.51
			TOTAL:	249.62

VENDOR SORT KL	DESCRIPTION	FUND	DEPARTMENT	AM	F
ACE INDUSTRIAL SUPPLY, INC.	SAFETY GLASSES	GENERAL FUND	STREET MAINTENANCE	373.14	
	SAW BLADES	GENERAL FUND	STREET MAINTENANCE	330.71	
			TOTAL:	703.85	
AMERICAN RENTALS	STUMP GRINDER RENTAL	GENERAL FUND	PARK MAINTENANCE	107.78	
			TOTAL:	107.78	
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	250.00	
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	365.00	
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	125.00	
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	200.00	
	SKUNK TRAPPING	GENERAL FUND	PARK MAINTENANCE	300.00	
			TOTAL:	1,240.00	
AT & T	BILL CYCLE 12/19-1/18	GENERAL FUND	COMMUNICATIONS TECHNOL	357.18	
			TOTAL:	357.18	
BLAZE CONE CO., INC.	CONES FOR PATROL CARS	GENERAL FUND	PATROL	1,061.34	
			TOTAL:	1,061.34	
BUSINESS PRODUCTS DISTRIBUTORS	COFFEE	GENERAL FUND	ADMINISTRATIVE SERVICE	18.84	
	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	48.34	
	CALENDAR	GENERAL FUND	ADMINISTRATIVE SERVICE	13.33	
	COFFEE	GENERAL FUND	COMMUNITY DEVEL ADMIN	18.85	
	OFFICE SUPPLIES	GENERAL FUND	PUBLIC WORKS ADMIN	63.27	
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	91.50	
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	7.01	
			TOTAL:	261.14	
CARTRIDGE WORLD OF LOS ALAMITOS	PRINTER CARTRIDGES	GENERAL FUND	RECREATION ADMINISTRAT	165.91	
			TOTAL:	165.91	
CAVENAUGH & ASSOCIATES	DUI SEMINAR	GENERAL FUND	POLICE ADMINISTRATION	499.00	
			TOTAL:	499.00	
CHARLES ABBOTT ASSOCIATES, INC.	BUILDING PERMIT FEES	GENERAL FUND	BUILDING INSPECTION	2,232.92	
	NPDES INSPECTIONS	GENERAL FUND	NPDES	2,218.00	
			TOTAL:	4,450.92	
COMPUTER SERVICE CO.	SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	1,240.00	
			TOTAL:	1,240.00	
COUNTY OF ORANGE AUDITOR-CONTROLLER	PARKING CITATIONS	GENERAL FUND	NON-DEPARTMENTAL	2,100.00	
			TOTAL:	2,100.00	
COUNTY OF ORANGE TREASURER-TAX COLLECT	OCATS	GENERAL FUND	COMMUNICATIONS TECHNOL	305.00	
			TOTAL:	305.00	
CSMFO	MEMBERSHIP RENEWAL	GENERAL FUND	ADMINISTRATIVE SERVICE	110.00	
			TOTAL:	110.00	
DAPEER, ROSENBLIT & LITVAK, LLP	MUNI CODE ENFORCE	GENERAL FUND	NEIGHBORHOOD PRESERVAT	1,382.30	
			TOTAL:	1,382.30	
DECKSIDE POOL SERVICE	HEATER REPAIRS	GENERAL FUND	AQUATICS	315.00	
	POOL MAINTENANCE	GENERAL FUND	AQUATICS	1,290.00	

VENDOR SORT K.	DESCRIPTION	FUND	DEPARTMENT	AM.	F
			TOTAL:	1,605.00	
DEPARTMENT OF MOTOR VEHICLES	BICYCLE RENEWAL STICKERS	GENERAL FUND	RECORDS	15.00	
			TOTAL:	15.00	
DOOLEY ENTERPRISES, INC.	AMMUNITION	GENERAL FUND	PATROL	158.93	
			TOTAL:	158.93	
KIM ENGEL	TUITION REIMBURSEMENT	GENERAL FUND	ADMINISTRATIVE SERVICE	1,044.00	
			TOTAL:	1,044.00	
FEDEX	SHIPPING	GENERAL FUND	CITY COUNCIL	28.84	
	SHIPPING	GENERAL FUND	CITY COUNCIL	32.49	
	SHIPPING	GENERAL FUND	PATROL	10.32	
			TOTAL:	71.65	
CARRI FOX	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	12.60	
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	33.60	
			TOTAL:	46.20	
GANAHL LUMBER COMPANY	LUMBER	GENERAL FUND	STREET MAINTENANCE	10.26	
	SAFETY GEAR	GENERAL FUND	STREET MAINTENANCE	65.68	
	TOOLS	GENERAL FUND	STREET MAINTENANCE	19.16	
	ELECTRICAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	53.26	
	PAINT	GENERAL FUND	BUILDING MAINTENANCE	47.37	
	BASE MOLDINGS	GENERAL FUND	BUILDING MAINTENANCE	12.90	
	SAFETY GEAR	GENERAL FUND	BUILDING MAINTENANCE	45.42	
			TOTAL:	254.05	
GLOBALSTAR USA	SATELLITE PHONE	GENERAL FUND	EMERGENCY PREPAREDNESS	26.44	
			TOTAL:	26.44	
GOLDEN STATE WATER COMPANY	BILL CYCLE 11/08/-12/06	GENERAL FUND	STREET MAINTENANCE	3,475.21	
	BILL CYCLE 11/08/-12/06	GENERAL FUND	PARK MAINTENANCE	2,566.90	
	BILL CYCLE 11/08/-12/06	GENERAL FUND	BUILDING MAINTENANCE	429.07	
			TOTAL:	6,471.18	
HARRY'S PLUMBING AND DRAINS, INC.	CLEARED DRAINS	GENERAL FUND	BUILDING MAINTENANCE	405.00	
			TOTAL:	405.00	
HDL SOFTWARE, LLC	BUSINESS LICENSE MAINT	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	3,248.20	
			TOTAL:	3,248.20	
INDEPENDENT ELECTRIC SUPPLY, INC.	LIGHTS	GENERAL FUND	BUILDING MAINTENANCE	62.45	
			TOTAL:	62.45	
INTELLIBRIDGE PARTNERS, LLC	ACCOUNTING ASSISTANCE	GENERAL FUND	ADMINISTRATIVE SERVICE	330.00	
	ACCOUNTING ASSISTANCE	GENERAL FUND	ADMINISTRATIVE SERVICE	96.25	
			TOTAL:	426.25	
JDS TANK TESTING & REPAIR	DESIGNATED OPERATOR	GARAGE FUND	GARAGE	145.00	
			TOTAL:	145.00	
JUDICIAL DATA SYSTEMS CORPORATION	CITATIONS	GENERAL FUND	TRAFFIC	279.55	
			TOTAL:	279.55	

VENDOR SORT K.	DESCRIPTION	FUND	DEPARTMENT	AM.	F
K&S AIR CONDITIONING, INC.	A/C REPAIR	GENERAL FUND	BUILDING MAINTENANCE	1,088.31	
			TOTAL:	1,088.31	
KONICA MINOLTA BUSINESS SOLUTIONS U.S.	COPIER LEASE	GENERAL FUND	ADMINISTRATIVE SERVICE	1,048.07	
			TOTAL:	1,048.07	
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	109.20	
			TOTAL:	109.20	
LONG BEACH SOCCER REFEREE ASSOCIATION	ASSIGNING SERVICES	GENERAL FUND	SPORTS	475.50	
			TOTAL:	475.50	
LOS ALAMITOS AUTO PARTS	ROTORs	GARAGE FUND	GARAGE	339.10	
	BRAKE PADS	GARAGE FUND	GARAGE	68.90	
			TOTAL:	408.00	
LOWE'S	ELECTRICAL PARTS	GENERAL FUND	BUILDING MAINTENANCE	51.77	
	ELECTRICAL PARTS	GENERAL FUND	BUILDING MAINTENANCE	121.00	
			TOTAL:	172.77	
MAILFINANCE	POSTAGE MACHINE LEASE	GENERAL FUND	ADMINISTRATIVE SERVICE	166.50	
			TOTAL:	166.50	
SAMANTHA E. MATHIAS	BOOT REIMBURSEMENT	GENERAL FUND	PATROL	125.00	
			TOTAL:	125.00	
MISC. VENDOR	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	99.00	
	REFUND - ADULT ED	GENERAL FUND	NON-DEPARTMENTAL	40.00	
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	250.00	
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	105.00	
	REFUND - PERMIT FEE	GENERAL FUND	NON-DEPARTMENTAL	250.00	
			TOTAL:	744.00	
NEWPORT EXTERMINATING	GENERAL PEST CONTROL	GENERAL FUND	BUILDING MAINTENANCE	175.00	
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00	
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00	
			TOTAL:	295.00	
NEWS ENTERPRISE	PUBLISH NOTICE	GENERAL FUND	CITY COUNCIL	88.19	
			TOTAL:	88.19	
NORM'S AUTOMOTIVE CENTER INC.	SMOG CERTIFICATE	GARAGE FUND	GARAGE	45.00	
			TOTAL:	45.00	
PACIFIC TELEMANAGEMENT SERVICES	PAY PHONE	GENERAL FUND	COMMUNICATIONS TECHNOL	82.64	
			TOTAL:	82.64	
PAK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	825.82	
	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	15.00	
	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	118.31	
			TOTAL:	959.13	
THE PLANNING CENTER	4TH CORNER DESIGN CONCEPTS	GENERAL FUND	PLANNING	4,520.95	
			TOTAL:	4,520.95	
QUARTERMASTER	UNIFORMS	GENERAL FUND	PATROL	145.44	

VENDOR SORT K.	DESCRIPTION	FUND	DEPARTMENT	AM.	F
	UNIFORMS & EQUIPMENT	GENERAL FUND	PATROL	661.79	
	UNIFORM	GENERAL FUND	PATROL	88.08	
	UNIFORMS	GENERAL FUND	PATROL	260.31	
			TOTAL:	1,155.62	
WINDMERA QUINTANAR	TUITION REIMBURSEMENT	GENERAL FUND	COMMUNITY DEVEL ADMIN	1,566.00	
			TOTAL:	1,566.00	
REDFLEX TRAFFIC SYSTEMS, INC.	AT&T INTERSECT COMM	GENERAL FUND	TRAFFIC	65.00	
			TOTAL:	65.00	
ROBERTSON'S	CONCRETE	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	562.49	
			TOTAL:	562.49	
ROSSMOOR CARWASH	CAR WASHES - P/D	GARAGE FUND	GARAGE	75.00	
	CAR WASHES - P/W	GARAGE FUND	GARAGE	9.00	
	CAR WASHES - C/D	GARAGE FUND	GARAGE	9.00	
			TOTAL:	93.00	
SAFEGUARD BUSINESS SYSTEMS INC.	TAX FORMS	GENERAL FUND	ADMINISTRATIVE SERVICE	190.01	
			TOTAL:	190.01	
SESAC, INC.	ANNUAL RENEWAL	GENERAL FUND	COMMUNITY SERVICES	311.00	
			TOTAL:	311.00	
SIR SPEEDY	2011-2012 BUDGET PRINTING	GENERAL FUND	ADMINISTRATIVE SERVICE	571.30	
			TOTAL:	571.30	
SOUTH COAST SUPPLY & GARDEN DAZE	SOIL	GENERAL FUND	PARK MAINTENANCE	56.31	
	SOIL	GENERAL FUND	PARK MAINTENANCE	56.31	
			TOTAL:	112.62	
SOUTHERN CALIFORNIA GAS	3614 FENLEY	GENERAL FUND	STREET MAINTENANCE	18.19	
	3191 KATELLA	GENERAL FUND	BUILDING MAINTENANCE	409.39	
	10911 OAK ST.	GENERAL FUND	BUILDING MAINTENANCE	362.15	
			TOTAL:	789.73	
SOUTHERN PACIFIC MASTERS ASSOCIATION	MEMBERSHIP FEES	GENERAL FUND	AQUATICS	132.00	
	MEMBERSHIP FEES	GENERAL FUND	AQUATICS	308.00	
	MEMBERSHIP FEES	GENERAL FUND	AQUATICS	88.00	
			TOTAL:	528.00	
SPARKLETTS DRINKING WATER	SERVICE & RENTAL	GENERAL FUND	BUILDING MAINTENANCE	255.35	
			TOTAL:	255.35	
SPORT SUPPLY GROUP, INC.	SPORTS SUPPLIES	GENERAL FUND	SPORTS	463.95	
			TOTAL:	463.95	
SPRINT	ACTIVITY THRU 12/22/11	GENERAL FUND	CITY MANAGER	32.66	
	ACTIVITY THRU 12/22/11	GENERAL FUND	ADMINISTRATIVE SERVICE	32.66	
	ACTIVITY THRU 12/22/11	GENERAL FUND	COMMUNICATIONS TECHNOL	32.66	
	ACTIVITY THRU 12/22/11	GENERAL FUND	COMMUNITY DEVEL ADMIN	32.66	
	ACTIVITY THRU 12/22/11	GENERAL FUND	PUBLIC WORKS ADMIN	32.66	
	ACTIVITY THRU 12/22/11	GENERAL FUND	RECREATION ADMINISTRAT	32.66	
			TOTAL:	195.96	

VENDOR SORT KL	DESCRIPTION	FUND	DEPARTMENT	AM.	F
STATE OF CALIFORNIA DEPARTMENT OF JUST	FINGERPRINT NEW STAFF	GENERAL FUND	ADMINISTRATIVE SERVICE	64.00	
	FINGERPRINT NEW STAFF	GENERAL FUND	ADMINISTRATIVE SERVICE	32.00	
			TOTAL:	96.00	
SY NURSERY	TREE	GENERAL FUND	PARK MAINTENANCE	38.06	
			TOTAL:	38.06	
TIME WARNER CABLE	P/D CABLE SERVICE	GENERAL FUND	COMMUNICATIONS TECHNOL	132.84	
			TOTAL:	132.84	
TOTALFUNDS BY HASLER	POSTAGE	GENERAL FUND	ADMINISTRATIVE SERVICE	500.00	
			TOTAL:	500.00	
TYLER TECHNOLOGIES	MAINTENANCE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	2,821.57	
			TOTAL:	2,821.57	
USA MOBILITY WIRELESS, INC.	PAGER FEES	GENERAL FUND	PUBLIC WORKS ADMIN	20.06	
			TOTAL:	20.06	
USATF SOUTHERN CALIFORNIA	ASSOCIATION FEES	GENERAL FUND	SPECIAL EVENTS	400.00	
	NATIONAL FEES	GENERAL FUND	SPECIAL EVENTS	500.00	
			TOTAL:	900.00	
V & V MANUFACTURING, INC.	RE-PANEL BADGE	GENERAL FUND	RECORDS	107.02	
			TOTAL:	107.02	
VERIZON CALIFORNIA, INC.	POLICE ALARMS	GENERAL FUND	COMMUNICATIONS TECHNOL	119.01	
			TOTAL:	119.01	
WEST COAST ARTWEAR	BASKETBALL SHIRTS	GENERAL FUND	SPORTS	814.59	
	BASKETBALL SHIRTS	GENERAL FUND	SPORTS	977.29	
			TOTAL:	1,791.88	
WHITTIER FERTILIZER COMPANY	FERTILIZER	GENERAL FUND	PARK MAINTENANCE	1,309.16	
			TOTAL:	1,309.16	
WITHERS & SANDGREN LTD.	LNDSPE ARCHTCTRL SVCS	RIVERS/MTNS. CONSE	CAPITAL PROJECTS	5,436.67	
			TOTAL:	5,436.67	
DOUGLAS WOOD	VIDEOTAPE COUNCIL MEETINGS	GENERAL FUND	CITY COUNCIL	350.00	
	VIDEOTAPE COUNCIL MEETINGS	GENERAL FUND	CITY COUNCIL	225.00	
	VIDEOTAPE COUNCIL MEETINGS	GENERAL FUND	CITY COUNCIL	375.00	
	VIDEOTAPE COUNCIL MEETINGS	GENERAL FUND	CITY COUNCIL	400.00	
	LOAD & PROGRAM SERVER	LOS ALAMITOS TV	LOS ALAMITOS TV	1,300.00	
	LOAD & PROGRAM SERVER	LOS ALAMITOS TV	LOS ALAMITOS TV	1,475.00	
	LOAD & PROGRAM SERVER	LOS ALAMITOS TV	LOS ALAMITOS TV	1,425.00	
	LOAD & PROGRAM SERVER	LOS ALAMITOS TV	LOS ALAMITOS TV	1,375.00	
			TOTAL:	6,925.00	

VENDOR SORT KL _____ DESCRIPTION _____ FUND _____ DEPARTMENT _____ AM. _____ F _____

===== FUND TOTALS =====

10	GENERAL FUND	47,293.95
28	LOS ALAMITOS TV	5,575.00
41	RIVERS/MTNS. CONSERVANCY	5,436.67
44	TRAFFIC IMPROVEMENT	562.49
50	GARAGE FUND	691.00
53	TECHNOLOGY REPLACEMENT	6,069.77
----- GRAND TOTAL: -----		65,628.88

TOTAL PAGES: 6

City of Los Alamitos

**Agenda Report
Consent Calendar**

**January 17, 2012
Item No: 8C**

To: Mayor Troy D. Edgar & Members of the City Council
Via: Angie Avery, City Manager
From: Steven A. Mendoza, Community Development Director
Subject: Emergency Roof Repairs - Reaffirmation of Emergency Conditions

Summary: The City of Los Alamitos, when approving Emergency public projects, is required to reaffirm such decisions at subsequent Council Meetings until the emergency is resolved. This staff report reaffirms the December 19, 2011, decision to approve an emergency contract for roof repairs to several city buildings to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings.

Recommendation: It is recommended that the Los Alamitos City Council, by a 4/5ths vote, ratify and reaffirm the need for an emergency contract to complete the roof repairs as approved during the December 19, 2011, City Council Meeting

Background

At their December 19, 2011 meeting, the Los Alamitos City Council authorized staff to award a contract for emergency roof repairs. It was determined that the roofing problems were an emergency, that there was no time to conduct a competitive bid process, and that the roofs needed immediate repair to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings.

California Public Contract Code permits this action but further requires that during every subsequent Council meeting that City Council reaffirm that the need for the emergency contract still exists.

Discussion

In the current situation, the emergency need still exists. The roofer is proceeding with all due speed and has been issued a building permit to proceed and has begun the project, but the roof repairs have yet to be completed.

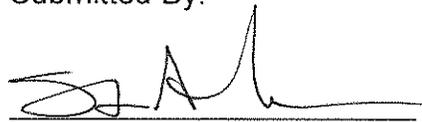
The roofer began working on Monday, January 9, 2012. The roofer will first complete the roof repairs before any interior repairs are made. No interior repairs will be made until all roof repairs have been verified by the JPIA and City inspectors.

Staff will continue to seek reaffirmation from City Council at each Council meeting until the emergency project is complete as required by law.

Fiscal Impact

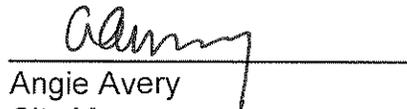
None.

Submitted By:



Steven A. Mendoza
Community Development Director

Approved By:



Angie Avery
City Manager

Attachment: City Council Staff Report - December 19, 2011

City of Los Alamitos

**Agenda Report
Consent Calendar**

**December 19, 2011
Item No: 8G**

To: Mayor Kenneth Stephens & Members of the City Council

Via: Jeffrey L. Stewart, City Manager

**From: Steven A. Mendoza, Community Development Director
Tony Brandyberry, Public Works Superintendent**

Subject: Emergency Roof Repairs

Summary: The roofs of several city buildings have incurred significant damage. In order to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings, staff is requesting the City Council identify the repair of the roofs as an emergency and authorize staff to make the necessary repairs. Staff is also seeking authorization to replace and/or repair roof top air conditioning equipment if needed.

Recommendation: It is recommended that the Los Alamitos City Council by a 4/5ths vote:

1. Find that significant damage has occurred to the roofs on several city buildings as a result of recent weather events, that the roofs are leaking into work spaces currently in use by employees, that future wind and storm events are predicted in the near future, and that the roofing issues have been inspected and assessed by professionals with pertinent experience who have recommended immediate repair to avoid further damage and possible health and safety issues; and,
2. Find that the roofing problems identified in this report are an emergency, that there is not time to conduct a competitive bid process and that the roofs must be repaired immediately to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings; and,
3. Authorize the award of contract for emergency roof repairs to Emercon Construction, Inc. via the Joint Powers Insurance Authority (JPIA) while authorizing an expenditure of \$5,000.00 for the deductible; and,
4. Authorize the City Manager to spend up to \$15,000.00 to repair and/or replace roof top air conditioning equipment if needed in order to repair the roofing leaks.

Background

The Police Department, Community Center, and Youth Center roofs are greatly in need of repair. The preexisting roof problems were greatly exacerbated by the recent wind and rain events. Even before those events, Public Works staff and the City's insurance carrier, SCJPIA, had been addressing water damage to the City's Police Department and Youth Center's leaking roofs. The JPIA had sent out its representative to investigate the claim. Staff also filed a claim for the damages with the JPIA. The claims specialist from JPIA then sent out a roofing specialist to investigate the problems. The claims specialist met with staff to review the claims process and presented their recommendations for repair. In this meeting it was determined that the recent rain and wind storms caused significant damage and that the City can no longer wait to complete the repairs. Further storm events are predicted this season. JPIA's representatives felt that there was a significant risk of further damage to the facilities as well as potential health and safety issues if the repairs are not made. Staff has likewise concluded that the repairs are needed on an urgent basis.

Discussion

Repairs that are needed consist of two parts. First, there are roof repairs that require the removing of the roofing tiles, replacing any damaged wood, replacing the underlayment, and concluding with reinstalling the roofing tiles. If flashing is determined not reusable, it too will be replaced. JPIA has also agreed to pay for the cost of the roofing repairs, subject to a \$5,000 deductible.

The second part is repairing or replacing the rooftop air conditioning pans. This is the metal pan that rests underneath the air conditioning unit to prevent water from entering the roof. Three of these pans are rusted and allowing water to leak into the roofs. To repair/replace the pans it is necessary for the air conditioning unit to be removed. This requires a crane service to lift the unit. This work is included in JPIA's covered roof repair costs as well.

However, the air conditioning unit that services the community center is 22 years old, severely rusted, and not economical. (An air conditioner's life span is normally fifteen to twenty years.) JPIA does **not** cover the cost of repair or replacement of the air conditioning units. Nonetheless, if the air conditioning unit is not repaired now, it is highly likely that the repair will be needed in the near future and will be much more costly. Staff therefore recommends that the city replace this unit now while the crane is in position to save on costs.

Due to the timeliness of the needed repairs, staff is recommending that City Council accept JPIA's recommended Contractor for the work in question under the City emergency powers of awarding contracts. The awarding of this suggested contractor would speed up the repair process, minimize additional damage in the upcoming expected rain and wind events and reduce employees' exposure to any health and safety hazards associated with water-damaged office areas.

Under California law, contracts may be awarded without competitive bidding if the legislative body makes a finding by a four-fifths vote that an emergency exists that requires the immediate expenditure of public money to safeguard life, health, or property and that the emergency will not permit a delay resulting from a competitive solicitation for bids. (Public Contract Code Sections 1102, 20168, 22050).

Fiscal Impact

The ultimate cost to the City of Los Alamitos of the roofing repairs will not exceed its \$5,000.00 deductible. The deductible will be paid directly to the contractor from account 25.570.5503.1211, City Hall Complex Roof Repairs. The balance of the roofing repair costs will be paid by JPIA.

The City will also incur costs of up to \$15,000.00 for air conditioner replacement and repair in conjunction with the roof repairs. This portion of the repairs will come from accounts 10.544.5293 (Facility Maintenance, Buildings) and 25.570.5503.1212(City Hall Complex facility Repairs).

Prepared By:

Submitted By:

Tony Brandyberry
Public Works Superintendent

Steven Mendoza
Community Development Director

Approved By:

Jeffrey L. Stewart
City Manager

City of Los Alamitos

Agenda Report Consent Calendar

January 17, 2012
Item No: 8D

To: Mayor Troy D. Edgar & Members of the City Council

Via: Angie Avery, City Manager

From: Windmera Quintanar, Department Secretary

Subject: Resolution No. 2012-01 - Amendment to the City's Conflict of Interest Code

Summary: To comply with the requirements of State law, the attached Resolution proposes to amend the City's Conflict of Interest Code by updating the list of designated employees that have significant involvement in the City's decision-making process.

Recommendation: Adopt Resolution No. 2012-01, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AMENDING THE CONFLICT OF INTEREST CODE FOR THE CITY."

Background

The Political Reform Act (Government Code Section 81000 et seq.) requires cities to adopt and amend when necessary, a Conflict of Interest Code. A Conflict of Interest Code designates, by employment position, those City employees who make or participate in making governmental decisions, which decisions may have a foreseeable material effect on any financial interest held by the employee, and requires the designated employee to disclose those interests. The City Council, Planning Commission, City Manager and City Attorney are not covered in the Conflict of Interest Code because they are already required to file Statements of Economic Interest on Form 700 pursuant to other sections of the Political Reform Act.

The City Council adopted the existing Conflict of Interest Code by Resolution 2010-03 on April 19, 2010. Resolution No. 2010-03 adopted by reference Section 18730 of the California Code of Regulations which is the model Conflict of Interest Code adopted by the Fair Political Practices Commission for all State and local government agencies. The benefit to adopting the model code is that the City does not have to amend its Code each time the Fair Political Practices Commission amends the Regulations. Amendments automatically become a part of the City's Code without further action.

The Appendix A to the Code needs to be amended to reflect changes in the designation of employee positions. The following recommendations for changes are being made to the City Council:

1. Add "Assistant to the City Manager"
2. Add "Finance Manager"
3. Delete "Recreation Supervisor/Aquatics"
4. Revise "Public Services Superintendent" to "Public Works Superintendent"
5. Delete "Director of Administrative Services"

Fiscal Impact

None.

Submitted By:

Approved By:



Windmiera Quintanar
Department Secretary



Angie Avery
City Manager

Attachment: City Council Draft Resolution No.2012-01

RESOLUTION NO. 2012-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LOS ALAMITOS AMENDING THE CONFLICT OF INTEREST
CODE FOR THE CITY**

WHEREAS, the Political Reform Act, Government Code Section 81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes; and,

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code; and,

WHEREAS, 2 Cal. Code of Regs. Section 18730 was adopted by reference by the Los Alamitos City Council on April 19, 2010, in Resolution No. 2010-03, as the City's Conflict of Interest Code; and,

WHEREAS, the Conflict of Interest Code contains Appendices designating the positions which must disclose financial interests and the categories of disclosure; and,

WHEREAS, the City has changed the names of certain positions and has deleted or disbanded others necessitating the need for amendments to the Appendices.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS
DOES RESOLVE AS FOLLOWS:**

SECTION 1. The City Council of the City of Los Alamitos, California, finds that the above recitals are true and correct.

SECTION 2. Appendices "A" through "C", inclusive, attached hereto, dated January 17, 2012, which employees, Commissioners, Committee and Board Members of the City are designated and disclosure categories are set forth, is now and shall be the Appendices to the Conflict of Interest Code of the City of Los Alamitos.

SECTION 3. Designated employees described in the attached Appendix "A" shall file statements of economic interest with the City of Los Alamitos and the City will make the statements available for public inspection and reproduction as required by law. (Government Code Section 81008).

SECTION 4. All prior Appendices to the Conflict of Interest Code of the City of Los Alamitos are hereby repealed.

SECTION 5. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 17th day of January, 2012.

Troy D. Edgar, Mayor

ATTEST:

Angie Avery, City Clerk

APPROVED AS TO FORM:

Sandra Levin, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

I, Angie Avery, City Clerk of the City of Los Alamitos, California, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 17th day of January, 2012, by the following vote, to wit:

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

Angie Avery, City Clerk

APPENDIX "A"
January 19, 2012

Designated Employees and Disclosure Categories

The following positions entail the making or participation in the making of decisions which may foreseeably have a material effect of financial interests:

<u>Designated Position</u>	<u>Disclosure Categories</u>
Associate Planner	1
Assistant Planner	1
Assistant to the City Manager	1
Building Official	1
Chief of Police	1
City Clerk	1
City Engineer	1
City Treasurer	1
Code Enforcement Officer	1
Community Development Director	1
Finance Director	1
Finance Manager	1
Police Captain	1
Police Support Services Manager	1
Public Works Superintendent	1
Public Works Director	1
Recreation & Community Services Director	1
Recreation & Community Services Manager	1
Recreation Supervisor	1

The Following Committee, Commission and Board Members:

Los Alamitos Cable Television Commission	1
Los Alamitos Traffic Commission	1
Los Alamitos Parks, Recreation & Cultural Arts Commission	1
Los Alamitos Personnel Appeals Commission	1
Consultants ¹	

¹ Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The City Manager may determine, in writing, that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultants' duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection by the City Clerk in the same manner and location as this Conflict of Interest Code.

APPENDIX "B"

Categories of Reportable Economic Interests

Designated Persons in Category "1" Must Report:

All investments, interests in real property, income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. These financial interests are reportable only if located within and subject to the jurisdiction of the City, or if the business entity is doing business or planning to do business in an area subject to the jurisdiction of the City, or has done business within an area subject to the jurisdiction of the City at any time during the two years prior to the filing of the statement.

Designated Persons in Category "2" Must Report:

- (a) All investments in real property located within or subject to the jurisdiction of the City.
- (b) Investments in any business entity which within the last two years has contracted or in the future foreseeably may contract with the City.
- (c) Income from any source which within the last two years has contracted or in the future foreseeably may contract with the City.
- (d) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity which within the last two years has contracted or in the future foreseeably may contract with the City.

APPENDIX "C"

§ 82030. "Income".

(a) "Income" means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater. "Income," other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

(b) "Income" also does not include:

(1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100).

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code .

(3) Any devise or inheritance.

(4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

(5) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

(A) The loan is secured by the principal residence of filer; or

(B) The balance owed does not exceed ten thousand dollars (\$ 10,000).

(9) Any loan from or payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan or loan payment received from any such person shall be considered income if he or she is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed ten thousand dollars (\$ 10,000).

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.

City of Los Alamitos

Agenda Report Consent Calendar

January 17, 2012
Item No: 8E

To: Mayor Troy D. Edgar & Members of the City Council
Via: Angie Avery, City Manager
From: Anita Agramonte, Finance Director
Subject: Approval of the Fiscal Year 2012-13 Budget Calendar

Summary: This report seeks City Council approval of the Fiscal Year 2012-13 Budget Calendar.

Recommendation: Approve the recommended Budget Calendar for Fiscal Year 2012-13.

Background

In accordance with the City's Charter Section 1202 and 1203, the proposed budget shall be prepared and submitted to City Council "at least thirty-five (35) days prior to the beginning of each fiscal year." After reviewing the budget and making revisions as it may deem advisable, "the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity."

Discussion

In order to provide ample time for review, analysis and revision of the fiscal year 2012-13 Proposed Budget, the City Council will be provided budget workbooks the week of May 1, 2012. Staff also recommends holding three (3) budget workshops, and a public hearing prior to adopting the budget, as follows:

May 7, 2012	5:00 PM (Special Meeting)	Budget Workshop
May 21, 2012	5:00 PM (Special Meeting)	Budget Workshop
June 4, 2012	6:00 PM (Special Meeting)	Budget Workshop
June 18, 2012	7:00 PM (Regular Meeting)	Public Hearing

Additionally, staff is preparing the fiscal year 2011-12 mid-year budget report to be presented to the City Council at a Special Meeting on February 21, 2012 at 5:00 PM.

Fiscal Impact

None.

Submitted By:



Anita Agramonte
Finance Director

Approved By:



Angie Avery
City Manager

City of Los Alamitos

Agenda Report Discussion Items

January 17, 2012
Item No: 9A

To: Mayor Troy D. Edgar & Members of the City Council

Via: Angie Avery, City Manager

From: Todd Mattern, Chief of Police
Cassandra Palmer, Support Services Manager

Subject: Authorization to Purchase Scientia's PD Assist Software Bundle

Summary: This report seeks City Council authorization to purchase Scientia's PD Assist Software Bundle for use in the Police Department. Using budgeted asset seizure funds, the Police Department is seeking to serve as a beta site for this progressive software package which will reduce redundant processes and allow officers to spend more time in the field.

Recommendation:

1. Authorize the expenditure of \$15,000 from the Fiscal Year 2011-12 Budget, account number 27.521.5420, for the purchase of the Scientia's PD Assist Software Bundle with Jail Booking, Briefing, and Crime Analysis modules; and,
2. Authorize the City Manager to execute an agreement in a form to be approved by the City Attorney.

Background

The Los Alamitos Police Department seeks authorization to improve efficiency, expedite information sharing, and reduce redundancy by purchasing a customized PD Assist Software Bundle from the Scientia Consulting Group. Although scheduled to retail at \$34,000, Scientia is offering the software package to the Los Alamitos Police Department, bundled with the Jail Booking, Briefing, and Crime Analysis modules, as a beta site for \$15,000.

This fortuitous opportunity evolved as a solution to issues discussed during Information Technology Steering Committee meetings with Scientia. Last July, following a competitive bidding process, Scientia was awarded the Information Technology Support Service Contract. Scientia immediately began assessing the City's IT infrastructure for inefficiencies and vulnerabilities. With the cost of the IT support contract being less than the amount paid to our previous service provider, Scientia further demonstrated

their value by reducing our liability exposure after identifying and mitigating some serious vulnerabilities in the City's network.

Additionally, as a software developer, Scientia has made recommendations to the City's Information Technology Steering Committee about processes that can be automated in a cost effective manner. For instance, they are currently working on a project for Recreation and Community Services that would enhance the class registration process.

With personnel vacancies, police staff sought ways to implement technology that would allow staff to do more with less, thereby keeping each officer out in the field as much as possible. This goal, combined with the booking photos management issue created by an upcoming Integrated Law and Justice project, led to this unique opportunity to make Los Alamitos a model of efficiency at a discounted cost, as a beta site.

Discussion

Scientia's "*PD Assist*" software is designed to enhance the Police Department's information sharing and internal communications capabilities. Promoting a Virtual Briefing Module, the software improves the daily briefing process by automating access to the information, ensuring consistency between shifts, and providing a common briefing platform for officers working alternate shifts or special assignments. With this software, the entire Department would experience improved efficiencies through timely access to briefing information as well as other critical information, files, and forms. PD Assist would become the default home page for all of the Police Department's computers, including the mobile data computers in the patrol fleet and would host access to various modules and functions, such as the Jail Booking Module.

In addition to prestige that would accompany this progressive project, a Jail Booking Module is necessitated by the aforementioned Integrated Law and Justice Agency of Orange County (ILJAOC). The Los Alamitos Police Department is a member of the ILJAOC, which has been instrumental in increasing efficiency, expanding interoperability, and improving public safety through increased access to information. The Police Department is scheduled for installation of the latest ILJAOC project, a standardized Booking Photo System, on February 1, 2012.

The ILJAOC is funding the jail booking equipment for Orange County agencies to standardize and ensure compliance with the NIST (National Institute of Standards and Technology) Type 10 specifications for national mug shot conformity and compatibility with facial recognition systems. However, each police department is responsible for software to manage their photo database. The Los Alamitos Police Department does not currently have software for managing and integrating booking photos and cannot contribute to the countywide database until a solution is implemented. In anticipation of the booking photo issue encountered by the ILJAOC, Scientia created software which automates that function as well as several others through the Jail Booking Module on their software platform. It is this software which will provide the mechanism for Los Alamitos to contribute to county and federal databases, thereby enhancing the safety of the community.

The Jail Booking Module also improves efficiencies of the booking process by eliminating redundancies, reducing the potential for errors, populating numerous booking forms with single point entry, and expediting information sharing with state and federal systems. The data will only need to be entered once, and then officers will be able to push a button and the myriad of forms will be automatically completed and printed. This enables officers to expedite the booking process so they can return to the field sooner.

Although the City has the option to purchase the Jail Booking Module without PD Assist or the other modules, the City would lose the cost effective benefit of serving as the beta site for this project and would pay \$12,000 for the individual module.

Fiscal Impact

Scientia is offering the PD Assist software package to the Los Alamitos Police Department, bundled with the identified modules, as a beta site at for \$15,000, which is more than 50% off the retail price. The Police Department's budget includes asset seizure funds which are restricted to use for police projects. Working with Scientia on these technology projects, specifically the Mobile Data Computer upgrade, has resulted in enough savings to fund this project with the money budgeted in the asset seizure account.

A recurring maintenance fee of 18% or \$2,700 per year will apply in subsequent years; however, savings created by the elimination and/or reduction of other maintenance fees will off-set that cost.

Since comparable products containing compatible technical interfaces, similar functionality, and specialized programming, could not be found, this unique proprietary product is a sole source.

Submitted By:



Cassandra Palmer
Support Services Manager

Approved By:



Angie Avery
City Manager

Attachment: PD Assist Bundle Specifications



Scientia Est Potentia - Knowledge is Power

The Customized **PD Assist** application offers the following functionality:

Main Page

- A ticker-tape line of scrolling text in the header reminds staff of impending deadlines or upcoming events.
- Shortcuts to commonly used web applications.
- Drop-down lists of search engines, investigative resources, news services, and legal resources.
- Snapshot of the day's events and shift forecast.
- Important Message area.
- Weekly Most Wanted portrayed.

Shared Calendar

- Activities or events requiring a patrol check or public relations visit would show up as a reminder during the shift. This module would also serve to keep department employees informed about miscellaneous community events, construction projects, and other pertinent city events.
- Offers monthly, weekly and daily views.
- Event posting (single incident or reoccurring).

Crime Bulletins:

- County and State-wide daily Crime Bulletins library.

Scientia Consulting Group, Inc.
1591 S. Sinclair St.
Suite B
Anaheim, CA 92806

Forms & Docs

- Central location for all department forms and documents (virtual forms room).

Phone Lists:

- City/County/State phone lists (central contacts list).

File Share

- Access to common folders for file sharing between departments.

Photo System

- Central database of all perpetrator police photos (Booking, City's Most Wanted, Drug, Sex and Arson Registrants).
- Searchable database can be accessed from station or mobile computers.
- Having access to the City's Most Wanted in the patrol cars increases officer safety and provides a mechanism to log and track due diligence in our effort to apprehend suspects wanted in connection with Los Alamitos cases.

Crime Stats

- Through an elaborately configured and complex interface with CAD/RMS, the Crime Stats module will provide crime analysis and pin-mapping features so officers can identify crime trends or issues, almost instantaneously. This information is an integral part of information sharing.

Training

- City, County and state training bulletins library.
- Training news feed from www.policeone.com.
- Training video feeds.

The Virtual Briefing Module offers the following functionality

- Quick access buttons, located along the left side of the page, represent items that are typically covered during a briefing setting, such as, Briefing Training, Crime Bulletins, and Weekly Wanted. Additional tabs, currently under development, such as the Shift Roster and Range Scores will be included with a potential for further expansion. The Shift Roster will ultimately interface with the ISE schedule so the names of officers who are working can be populated into the Shift Log. It will also have the capability to transmit the Shift Log to the Watch Commander's printer and to West-Comm, eliminating

the need for a fax. The supervisor would be able to add information directly on the shift log like notes.

- The Patrol Checks function provides all scheduled or pending patrol checks. The sergeant is able to pull up the specific data during briefing and officer can do the same from their mobile computers. In addition, requests received by front counter staff, police administration, or the watch commander can be entered directly in the system via the Intranet. Officers can subsequently log the actual check or visitation from the field. These also interface with CAD so when the officers log the check via their mobile computer, they simply press a button and it automatically records the patrol check in CAD, eliminating non-emergency radio traffic.
- The Cite Date automatically updates each day to indicate the appropriate court date to be entered on citations.
- A Message Pass-Along (blog) is provided so any employee can post a message for another shift or the department in general. Responses can also be posted. This would replace the need to send the same email to the entire department. However, messages which are directed to a particular individual would still be sent through our regular email.
- The Weekly Training Video allows for the inclusion of customized talking points and will facilitate the delivery of a consistent message to all shifts. It also provides a link to Lexipol so the shift can view the Daily Training segment together.

The Jail Booking Module offers the following functionality:

- The Jail Booking Module improves efficiencies of the booking process by eliminating redundancies, reducing the potential for errors, populating numerous booking forms with single point entry, and expediting information sharing with state and federal systems. The data will only need to be entered once, and then officers will be able to push a button and the myriad of forms will be automatically completed and printed. This enables officers to expedite the booking process so they can return to the field sooner. Records personnel will be relieved of some of these redundancies in which they have to re-enter the same data. The software also provides a file management tool for registrant photos. The Jail Booking Module will interface with, and is necessitated by, the implementation of the new ILJAOC Booking Photo System.
- A significant issue encountered by the ILJAOC when attempting to upload Los Alamitos photos is that they are not managed and maintained in a database. Photos are not linked to arrest reports other than by a hand-entered arrest number. This program will enable photos to be stored in a database, linked to arrest reports, and subsequently uploaded to the COPLINK database. The Department's participation in the ILJAOC's Mugshot program is dependent on obtaining software that allows for the integration of these booking photos.

City of Los Alamitos

Agenda Report

January 17, 2012

Mayor & Council Business Item No: 10A

To: Mayor Troy D. Edgar & Members of the City Council

From: Sandra Levin, City Attorney
Angie Avery, City Manager

Subject: Discussion of Violations of Law Related to Published Letter Regarding Closed Session and Possible Action Regarding Same

Summary: On December 5, 2011, Council Member Kusumoto publicly released a letter which contained references to conduct in Closed Session and opinions on the Council related to litigation discussed in Closed Session. The City Council requested that the City Attorney provide an opinion for discussion in open session regarding whether the letter violated the Brown Act or other confidentiality laws by exposing information and discussions that were confidential. Attached is a memorandum that presents the City Attorney's opinion, concludes that violations occurred, and sets forth a range of options for responding to those violations.

Recommendation:

1. Discuss and provide direction; or,
2. Receive and file.

Background and Discussion

Until December 5, 2011, Council Member Kusumoto participated in Closed Session meetings concerning ongoing litigation over the City's award of a waste disposal contract. On December 5, Council Member Kusumoto sent a letter to the Mayor and local press announcing his desire to cease participation in these Closed Session meetings. The letter contained a number of references to the majority and minority opinions on the Council related to litigation. The City Council requested that an evaluation of whether the letter violated the Brown Act or other confidentiality laws by exposing information and discussions that were confidential be brought back for discussion in open session.

The attached memorandum presents the City Attorney's opinion with citations to authority and sets forth the following options for responding to those violations.

The City may undertake some or several of the following options:

1. Take no further action.
2. Establish a policy or "code of conduct" for the handling of confidential Closed Session information and adopt specific rules for all future meetings.
3. Retain a City Prosecutor to seek a court order, writ of mandate, or injunction preventing further disclosure of confidential Closed Session information by Council Member Kusumoto and/or barring him from further Closed Sessions regarding the litigation at issue.
4. Direct the City Attorney to refer the matter to the District Attorney. The matter may be investigated and may or may not be prosecuted under state law.
5. Direct the City Attorney to refer the matter to the Attorney General. The matter may be investigated and may or may not be prosecuted under state or local law.
6. Direct the City Attorney to refer the matter to the Grand Jury. The Grand Jury may investigate the matter and determine whether to initiate removal proceedings.
7. Direct a City Prosecutor to prosecute the matter as a misdemeanor under the Municipal Code. This option is not recommended as there is a potential bar to prosecution due to pre-emption.

Fiscal Impact

The fiscal impact depends upon the option selected and ranges from none to the cost of a City Prosecutor.

Submitted By:



Angie Avery, City Manager

Attachments: Memorandum from City Attorney



CITY OF LOS ALAMITOS
OFFICE OF THE CITY ATTORNEY
M E M O R A N D U M

TO: Honorable Mayor and Members of the City Council
cc: Angie Avery, City Manager

FROM: Sandra J. Levin, City Attorney
Michael R. Cobden, Assistant City Attorney

DATE: January 17, 2012

SUBJECT: Analysis of Violations of Law Related to Published Letter from
Councilmember Kusumoto

Introduction

For approximately one year, Councilmember Warren Kusumoto participated in closed session meetings of the Los Alamitos City Council concerning ongoing litigation over the City's award of a waste disposal contract. On December 5, 2011, just as the parties commenced settlement discussions for the first time, Councilmember Kusumoto sent a letter to the Mayor and local press addressing his desire to cease participation in these closed session meetings. The letter contains a number of references to the majority and minority opinions on the Council related to litigation. You have requested that my office provide an opinion to the City Council regarding whether the letter violated the Brown Act or other confidentiality laws by exposing information and discussions that were confidential. As set forth below, this office concludes that several statements contained in the letter were disclosed in violation of the Brown Act and the Municipal Code. A variety of options for further action are provided at the end of this memorandum, ranging from internal resolution without litigation to referral of this matter to the Attorney General, District Attorney, or Grand Jury for investigation and possible civil or criminal sanctions.

The City Council directed that the discussion of this matter and the contents of this memorandum be presented in open session and we therefore have not treated this memorandum as confidential. Accordingly, this memorandum does not confirm, deny or otherwise reveal the contents of any closed session discussion and is not intended to address the truth or falsity of the statements in Councilmember Kusumoto's letter as to what took place in closed session. Instead, this memorandum assumes, for purposes of discussion only, the truth of the statements in Councilmember Kusumoto's letter as to what occurred or was discussed in closed session. Similarly, we caution the council members not to reveal confidential information about what occurred in closed session while discussing this agenda item.

Analysis

I. Brown Act Violations.

Generally, the Ralph M. Brown Act¹ (“Act”) requires all meetings of the City Council to be open to the public except as provided in the Act.² The Council may meet in closed session for certain specific purposes, including discussion of pending or ongoing litigation.³ Section 54956.9 specifically authorizes the City to confer with, or receive advice from, its legal counsel regarding pending or ongoing litigation when discussion in open session concerning those matters would prejudice the City’s position in the litigation. This section also applies to discussions between the Council and the City Attorney regarding settlements and settlement negotiations.⁴ The Council must disclose “any action taken in closed session and the vote or abstention on that action” by the Councilmembers present.⁵

However, “[a] person may not disclose confidential information that has been acquired by being present in a closed session authorized by [the Act] to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.”⁶ “Confidential information” is defined under the Act as “a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.”⁷ Moreover, nothing in the Act permits a member of the Council to disclose which of their own perspectives or viewpoints were expressed in closed session, especially where doing so would also reveal the perspectives and viewpoints of other participants.

The City is currently engaged in litigation over the award of its waste collection contract, and the Council has met in closed session for the purpose of discussing potential settlement opportunities and general litigation strategy. To date, the Council has not authorized Councilmember Kusumoto to make any disclosures of information or communications from closed sessions related to the waste contract litigation. As discussed below, Councilmember Kusumoto’s letter dated December 5, 2011, made several disclosures of purported information from these closed sessions that was confidential.

A. Specific Violations

1. Disclosure of Split in Opinion on Council

The letter states “I have consistently been the minority viewpoint, so my one vote is easily overcome by the Council Majority.” (Letter at p. 1.) It also states that Councilmember Kusumoto differs from the “Council Majority” specifically on the issue of whether the three causes of action in the pending litigation should be addressed separately. The letter on its face (and, again, without addressing the accuracy of the statement) therefore attempts to disclose the existence of a split in opinion among the members and, by inference, the opinions of other members.

The existence of a disagreement among the Councilmembers in closed session is information a Councilmember can only acquire by being present in the closed session. That information is confidential and it is specifically related to the basis for the closed session: the

¹ Gov. Code, §§ 54950-54962. Unless otherwise noted, all subsequent statutory references are to the Government Code.

² See generally §§ 54951-54952.5, 54953

³ § 54956.9

⁴ See 75 Ops. Cal. Atty. Gen. 14

⁵ § 54957.1

⁶ § 54963(a)

⁷ § 54963(b)

pending litigation strategy. Furthermore, acknowledgement of the split is also necessarily a disclosure of the opinions and statements of other Councilmembers related to the pending litigation. These statements constitute “communications made in a closed session that [are] specifically related to the basis” for the Council to meet in closed session that were acquired by Councilmember Kusumoto during that closed session.⁸ Therefore the information contained in this published statement was confidential and disclosure was prohibited under the Brown Act.

Furthermore, in this case, Councilmember Kusumoto made his disclosure just as the City began sensitive settlement discussions. In the context of ongoing settlement negotiations, the existence of dissent on the Council could be perceived as a weakness that could be exploited by the City’s legal opponents, thus increasing the risk of harm to the City from the disclosure.⁹ The disclosure is also particularly suspect given that one of the two plaintiffs in the litigation was a significant – perhaps the largest - contributor to Councilmember Kusumoto’s campaign committee (Exhibit B attached).¹⁰

2. Disclosure of Majority Opinion on Litigation Strategy

Besides merely disclosing the existence of the split, Councilmember Kusumoto’s statement that he has a “different viewpoint and decision-making process when compared to the Council Majority” necessarily exposes to the public his assertion that the majority expressed the opposite opinion: that all causes of action should be addressed together. Although he does not quote the majority outright, he provides information by clear inference. This information includes communications made during a closed session related to the subject of that session, and such information was therefore disclosed by Councilmember Kusumoto in violation of the Brown Act.

As with the disclosure of the existence of a split among the Councilmembers, the disclosure of specific opinions on litigation strategy potentially damages the City’s position in settlement negotiations and provides an advantage to the City’s opponents. This information is protected precisely to avoid this type of harm to public agencies engaged in litigation.¹¹

3. Disclosure of Information Related to Potential Conflicts.

It can reasonably be inferred that Councilmember Kusumoto’s opinions expressed in the published letter were formed based on information shared in closed session, including the

⁸ § 54963(b)

⁹ See *Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41, 56 [confidentiality during closed sessions is crucial to avoid placing public agency at a disadvantage in litigation.]

¹⁰ We note that a question was raised as to whether Council Member Kusumoto in fact received a political contribution from the plaintiff. The contribution was made to a committee supporting three candidates, including Council Member Kusumoto. The committee’s Statement of Organization (Form 410) lists Warren Kusumoto as “a controlling candidate” of the committee’s sole bank account. A contribution to the committee is therefore a contribution to all candidates that control that committee and its bank account. (See Govt. Code §§ 82013, 84101, and 84102 [Committee’s statement of organization identifies all responsible candidates]; see also FPPC advice letter to Susan Bott, File No. A-91-386, August 19, 1991 [joint campaign committee fund constitutes individual candidate’s “one account” under Regulation 18521]. The contribution report does not indicate that the money was intended for any particular candidate, and the funds raised by the committee were comingled, shared, and used for the benefit of all three candidates. (See § 85201 [bank account is sole source of funds for campaign purposes]; See also *Paterson v. Comastri* (1952) 39 Cal.2d 66, 71 [presumption is that all named parties on a bank account own and control funds jointly.]

¹¹ *Sacramento Newspaper Guild, supra*, 263 Cal.App.2d at p. 56

opinions and positions expressed by the majority and by the City Attorney. Specifically, he states:

“I strongly believe that . . . the Council Majority *has the appearance* of a Conflict of Interest on determining the best course of action to deal with the 1st Cause because of the appeal of the 3rd Cause that was filed by the plaintiffs known as the ‘Citizens for a Fair Trash Contract.’” (Letter at p. 1, emphasis in original.)

Councilmember Kusumoto’s opinion that the majority of Councilmembers have an appearance of a conflict of interest in determining how to proceed with the case is itself necessarily informed by whatever information was presented and discussed in closed session among the Council and the City Attorney. Councilmember Kusumoto’s opinion on the issue cannot be entirely independent of that discussion. His opinion, thus implicitly reveals to the public information that Councilmember Kusumoto received by virtue of his presence in closed session, related directly to the purpose of that closed session, and such a disclosure was therefore prohibited under the Act.

Councilmember Kusumoto may argue that his statement regarding the Council’s conflict falls into an exception to the general prohibition on disclosure of closed session information. In particular, the Act does not permit the City to take any action against a person who makes a statement that “[e]xpress[es] an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.”¹² We note that Councilmember Kusumoto’s concerns about potential conflicts relate only to ongoing discussions, and not to any action taken by the Council that may be improper or illegal due to the alleged conflict. Moreover, Councilmember Kusumoto has not alleged any illegality in the conduct of closed session, only the “appearance” of a conflict. Therefore, his statement was not an opinion concerning the propriety or legality of any action taken by the Council in closed session, and therefore remains subject to the general prohibition on disclosure of information received in closed session.

4. Disclosure of a Specific Statement by Councilmember

The letter also states: “As a current Council Member stated: there are citizens in our community that have the belief that I should not be participating in closed sessions concerning this matter.” (Letter at p. 2.)¹³ A statement made by another Councilmember in closed session, related to the litigation discussed in that closed session, is confidential information under the Act. Furthermore, the disclosure of this statement assumes facts integral to the litigation, and relates directly to the very purpose of the closed session. The statement therefore satisfies the Act’s definition for confidential information because it “is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session.”¹⁴ Publishing this statement was therefore likewise a violation of the Act.

B. Potential Remedies

The Act expressly contemplates three possible remedies for disclosure of closed session information: (1) injunctive relief to prevent future disclosure, (2) disciplinary action against an

¹² § 54963(e)(2).

¹³ Councilmember Kusumoto’s relationship with the plaintiff in the case and history of receiving campaign contributions has apparently been noted as troubling to some but is not itself a disqualifying conflict.

¹⁴ § 54963(b)

employee, or (3) referral of a member of the council (who has already disclosed information) to the grand jury for possible criminal prosecution.¹⁵ This list of remedies is not exhaustive.

1. Injunctive Relief and Prevention of Further Disclosures

Government Code section 54960 states that “any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency.” Additionally, as noted above, Section 54963 expressly provides for injunctive relief to prevent future disclosures of confidential information. That section also states that the listed remedies are not exhaustive, and a court likely could issue a number of possible orders consistent with the Act’s provisions.

Thus one possibility is that the City could initiate litigation to obtain a court order compelling Council Member Kusumoto to refrain from making any further disclosures; a violation of that order would then constitute contempt of court and trigger additional penalties.¹⁶

It is also theoretically possible that a court could issue an injunction preventing Council Member Kusumoto from *attending* any future closed session meetings related to this litigation. However, that remedy is unlikely absent egregious circumstances and severe harm. Indeed, the Supreme Court has stated that a Council Member has a right to attend meetings and may seek an injunction under the Brown Act to prevent exclusion from meetings.¹⁷ Such an order would likely implicate the separation of powers, and convincing a court to impose such a remedy could prove difficult, but is possible.¹⁸

2. Referral to Law Enforcement for Investigation

The confidentiality of closed sessions related to ongoing litigation and settlement has already been compromised, and preventive measures would therefore not mitigate the damage caused by the past disclosures, but might discourage or prevent future unlawful disclosures. Further, Council Members are not “employees” subject to discipline by fellow Councilmembers. Therefore, referral of this matter to the District Attorney, or to the grand jury, for investigation and prosecution is the only remaining remedial option for the Council to redress this violation of the Act. Additionally, the Attorney General’s office can initiate investigations and prosecutions under the Brown Act.

The disclosure of confidential information obtained in a closed session is subject to either prosecution for a misdemeanor violation of Sections 54963 and 1222,¹⁹ or for removal by the grand jury for “willful ... misconduct in office” under Section 3060.²⁰ The Attorney General or the District Attorney could initiate prosecutions or investigations for any of these violations and the Council could present an accusation under Section 3060 directly to the grand jury. It is a

¹⁵ § 54963(c)

¹⁶ See 80 Ops.Cal.Atty.Gen. 231. Disobedience of a lawful court order constitutes contempt (Code Civ. Proc., § 1209, subd. (a)(5)) punishable by a fine of up to \$1,000, imprisonment not exceeding five days, or both (Code Civ. Proc., § 1218).

¹⁷ *Degrassi v. Cook* (2002) 29 Cal.4th 333, 342-343.

¹⁸ *Id.* at p. 344: Court “extremely reluctant to endorse a cause of action that would subject to post hoc judicial scrutiny and assessment of damages the kind of political differences, squabbles, and perceived slights that are inherent in a representative government body such as a city council.”

¹⁹ See 76 Ops.Cal.Atty.Gen. 289; §§ 54959, 1222

²⁰ See 80 Ops. Cal. Atty. Gen. 231; § 3060; *People v. Tice* (1956) 146 Cal.App.2d 750, 754.

misdemeanor to intentionally *withhold* information to which the public is entitled under the Act.²¹ *Disclosure* of closed session information is also prohibited.²² The Attorney General has interpreted these provisions to allow for criminal prosecution of such disclosures. The Brown Act may be enforced by use of the general criminal sanction set forth in Government Code section 1222.²³ The Attorney General has interpreted this section to apply to the disclosure of confidential information in violation of the Brown Act.

Section 1222 provides:

“Every willful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor.”

Penal Code section 19.4 further provides:

“When an act or omission is declared by a statute to be a public offense and no penalty for the offense is prescribed in any statute, the act or omission is punishable as a misdemeanor.”

Penal Code Section 7 defines “willfully” as follows:

“The word ‘willfully,’ when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act, or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage.”

Under these provisions of law, violations of the Brown Act are punishable as misdemeanors so long as the act taken in violation of a statute was purposeful. Councilmember Kusumoto need not have actually intended to violate the Brown Act, or to cause any particular injury to the City or to the currently sitting Councilmembers. So long as he intentionally wrote the letter and sent it to another person (in this case, a newspaper), a prosecutor may conclude that he willfully committed a misdemeanor under Section 1222 and prosecute that crime. Either the Attorney General or the District Attorney could initiate a prosecution under the Brown Act.²⁴

3. Removal by Grand Jury under Government Code Section 3060

“The California grand jury has three basic functions: to weigh criminal charges and determine whether indictments should be returned [Pen.Code,] § 917); to weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office ([Pen.Code,] § 922; see [Gov.Code,] § 3060 et seq.); and to act as the public’s ‘watchdog’ by investigating and reporting upon the affairs of local government (e.g., [Pen.Code,] §§ 919, 925 et seq.).”²⁵ Section 3060 provides:

²¹ § 54959

²² § 54963(a)

²³ *Adler v. City Council* (1960) 184 Cal.App.2d 763, 774-775; 76 Ops.Cal.Atty.Gen. 289

²⁴ § 26500 [district attorney is generally responsible for prosecutions for public offenses]; 1990 WL 692990 (Cal.Fair.Pol.Prac.Com.), 1 [Attorney General’s office is responsible for interpreting and enforcing the provisions of the Brown Act.]

²⁵ *McClatchy Newspapers v. Superior Court* (1988) 44 Cal.3d 1162, 1170.

“An accusation in writing against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district or any humane officer, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed.”

“[T]he phrase ‘misconduct in office’ is broad enough to include any willful malfeasance, misfeasance or nonfeasance in office.”²⁶

If the grand jury finds an accusation made pursuant to section 3060 valid, it is delivered by the foreman of the grand jury to the district attorney who then must serve a copy on the accused (as well as notice to appear before the superior court) and file the accusation with the clerk of the superior court.²⁷ If the accused denies the accusation, the case is tried by a jury “in all respects in the same manner as the trial of an indictment.”²⁸ Upon conviction, the court pronounces judgment of removal from office but otherwise no other punishment results.²⁹ In this respect the process is something of a hybrid between civil and criminal proceedings.

The intentional disclosure of confidential information to the public would seem to fall well within the broad range of “willful misconduct” described by Section 3060. Therefore, an accusation could be presented to the Grand Jury for investigation independent of any similar requests sent to the District Attorney. It is noteworthy, however, that the Grand Jury has complete discretion not only to determine the merits of an accusation, but also whether or not a particular accusation warrants prosecution. On the other hand, the power of the Grand Jury to investigate such accusations is entirely independent of the District Attorney’s discretion to prosecute, and the District Attorney must comply with the statutory mandates of sections 3060 and following if the grand jury delivers a formal accusation pursuant to those sections.³⁰ In other words, the Grand Jury may choose to pursue the matter or not, in its sole discretion.

4. Municipal Code Violation.

Similar to the Brown Act, there is a strong argument that Councilmember Kusumoto’s letter is a violation of the Los Alamitos Municipal Code since it contains a very broad prohibition on disclosure of closed session information. Section 2.04.030 (b) states:

“No member of the city council, employee of the city, or any other person present during closed session of the council shall disclose to any person the content or substance of **any discussion which took place during the closed session** unless the city council shall authorize the disclosure of such information by majority vote.”

The code thus specifically prohibits individual councilmembers from making a disclosure such as those contained within the letter. Because the Municipal Code’s prohibition is arguably broader than that contained in the Brown Act, it would be easier to establish a violation based on this local law.

²⁶ *Tice, supra*, 146 Cal.App.2d at p. 754.

²⁷ §§ 3062, 3063.

²⁸ § 3070.

²⁹ § 3072.

³⁰ See *Bradley v. Lacey* (1997) 53 Cal.App.4th 883, 895 [“Thus the district attorney is without the power unilaterally to dismiss an accusation.”]

Although the Municipal Code also directly states that such disclosure is a misdemeanor subject to fine or imprisonment, that section is likely to be unenforceable as to criminal penalties. Specifically, Municipal Code section 1.20.010 states:

“Whenever in this code or in any other ordinance of the city or in any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him or if **any act is prohibited or is made or declared to be unlawful** or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such code or any other ordinance of the city or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.”

However, the Attorney General has interpreted the provisions of the Brown Act and the Government Code discussed above to prohibit a local ordinance specifically declaring disclosure of closed session information to be a misdemeanor.³¹ The Attorney General’s reasoning is premised on the doctrine of preemption due to conflict with state law: “Conflicts exist if the ordinance duplicates, contradicts or enters an area fully occupied by general law, either expressly or by legislative implication.”³²

The District Attorney or City Attorney may prosecute violations of the Municipal Code.³³ However, any attempt to criminally enforce the Municipal Code in this way would likely be unsuccessful under a preemption analysis similar to the one set forth in the Attorney General’s opinion cited above.

On the other hand, any argument for sanction or removal under Section 3060 or Section 1222 could include as an additional ground an allegation that Councilmember Kusumoto willfully violated the Municipal Code. This would provide an additional basis for sanction and would make the proceedings somewhat easier to prove. Although an argument could also be made that even this use of the municipal code is preempted for the reasons discussed above, it is more likely that the municipal code violation could be used to support a state statutory claim than a direct prosecution.³⁴

Conclusion

A strong argument can be made that Councilmember Kusumoto’s recent letter to the Mayor, sent to the local press, contained multiple violations of state and municipal law with respect to a significant issue before the Council. At this point one available action for the Council is to refer the matter to a law enforcement officer or the Grand Jury for investigation and possible criminal prosecution. The prosecuting authority may or may not agree that a violation has occurred. More importantly, even where a violation has occurred, the Attorney General, the

³¹ 76 Ops.Cal.Atty.Gen. 289.

³² *Id.* quoting *Lancaster v. Municipal court* (1972) 6 Cal.3d 805, 807-808.

³³ § 26500 [district attorney is generally responsible for prosecutions for public offenses]; Los Alamitos Municipal Code § 2.20.020 B [City Attorney may prosecute criminal violations of the Code.]

³⁴ If the Council wishes to further pursue this option, we could provide more guidance as to how these provisions of the Municipal Code could be utilized or enforced in a manner that does not conflict with general statutes. That analysis may require a separate and more detailed discussion than is warranted at this stage of decision making, however.

District Attorney, and the Grand Jury each have full discretion to decide whether or not to prosecute or issue an indictment, so criminal sanctions are not by any means guaranteed.

The City therefore may undertake some or several of the following options:

1. Take no further action.
2. Establish a policy or “code of conduct” for the handling of confidential closed session information and adopt specific rules for all future meetings.
3. Retain a City Prosecutor³⁵ to seek a court order, writ of mandate, or injunction preventing further disclosure of confidential closed session information by Council Member Kusumoto and/or barring him from further closed sessions regarding the litigation at issue.
4. Direct the City Attorney to refer the matter to the District Attorney. The matter may be investigated and may or may not be prosecuted under state law.
5. Direct the City Attorney to refer the matter to the Attorney General. The matter may be investigated and may or may not be prosecuted under state or local law.
6. Direct the City Attorney to refer the matter to the Grand Jury. The Grand Jury may investigate the matter and determine whether to initiate removal proceedings.
7. Direct a City Prosecutor to prosecute the matter as a misdemeanor under the Municipal Code. This option is not recommended as there is a potential bar to prosecution due to pre-emption.

If you have any questions about this matter, please contact Sandra J. Levin at [REDACTED]
[REDACTED]

³⁵ The City Attorney has been a witness to, and participant in, the closed sessions and other matters relating to Councilmember Kusumoto’s letter and therefore should not act as the City Prosecutor in this matter..

106565.4

Late Contribution Report

Type or print in ink.
Amounts may be rounded to whole dollars.

RECEIVED LOS ALAMITOS LATE CONTRIBUTION REPORT

NAME OF FILER NEIGHBORS FOR GRAHAM-MEJIA, KUSUMOTO, & SHERIDAN 2010		Date of This Filing 10/26/10	CITY OF LOS ALAMITOS Date Stamp OCT 26 PM 4:47	CALIFORNIA FORM 497 For Official Use Only
AREA CODE/PHONE NUMBER 562-879-0961	I.D. NUMBER (if applicable) 1331026	Report No. _____		
STREET ADDRESS 3718 HOLDEN CIRCLE		<input type="checkbox"/> Amendment to Report No. _____ (explain below)		
CITY LOS ALAMITOS	STATE CA	ZIP CODE 90720	No. of Pages 2	

Late Contribution(s) Received

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED
10/25/10	ARTHUR DEBOLT 3862 DENWOOD AVENUE LOS ALAMITOS, CA 90720	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	SELF-EMPLOYED, SECURED REALTY & INVESTMENTS	1000.00 <input type="checkbox"/> Check if Loan
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		<input type="checkbox"/> Check if Loan
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		<input type="checkbox"/> Check if Loan

*Contributor Codes
 IND - Individual
 COM - Recipient Committee (other than PTY or SCC)
 OTH - Other
 PTY - Political Party
 SCC - Small Contributor Committee

Reason for Amendment: _____

City of Los Alamitos

Agenda Report

January 17, 2012

Mayor & Council Business Item No: 10B

To: Mayor Troy D. Edgar & Members of the City Council

Via: Angie Avery, City Manager

From: Windmera Quintanar, Department Secretary

Subject: City Council Member Appointments/Reappointments as Representatives to other Agencies and City Ad Hoc Committees

Summary: This report provides relevant information for the City Council's annual appointments/reappointments of Council Members as representatives to other Agencies and City Council Ad Hoc Committees. This item is traditionally considered by the City Council at the first meeting after its annual reorganization.

Recommendation:

1. Review the List of Assignments and provide direction as appropriate; and,
2. If appropriate, adopt City Council Resolution 2012-02, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS."

Background

The City Council Members represent the City on various County and regional boards and committees. These external bodies range from the League of California Cities to the Orange County Transportation Authority. The issues and topics covered by these bodies range from housing to police dispatch services. Appointees serve as voting members on some of these boards and committees.

Per the Orange County Fire Authority Joint Powers Agreement the appointment of Directors and Alternates are to be formalized by a Resolution of the City Council. OCFA recognizes in the past this has often not been the case, nor have they followed through on correcting this oversight. However, this year they are requesting that all of Member Agencies now return to this official process.

Discussion

As a follow-up to the annual City Council reorganization, it would be appropriate for the City Council to review its current appointments and consider new appointments and reappointments. Staff has prepared a list to facilitate the City Council's annual review of appointments.

Below are relevant Council actions related to committees during 2011:

November 21, 2011 - City Council appointed Council Member Graham-Mejia to the Orange County Vector Control District Board for a two-year term which will expire on December 31, 2013.

February 7, 2011 - Council voted to discontinue the City's membership in the Orange County Division of the League of California Cities and joined the Association of California Cities- Orange County.

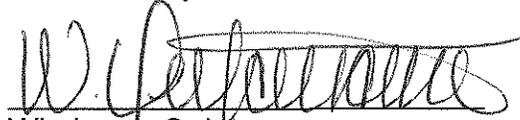
February 7, 2011 - Council voted to continue the City's membership in League of California Cities, State League. Each year the League of California Cities requires separate City Council action to formally designate its representative and alternate to the LOCC annual conference

February 7, 2011 – Council established the General Plan/Downtown Revitalization Plan Ad Hoc Subcommittee with oversight of the Downtown Revitalization Project to sunset on December 31, 2011. This committee will be removed from the appointment list unless otherwise directed by Council.

Fiscal Impact

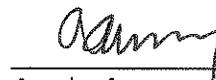
None.

Submitted By:



Windmerla Quintanar
Department Secretary

Approved By:



Angie Avery
City Manager

Attachments:

1. City Council Assignments as of December 2011
2. City Council Assignments including stipends for 2012 (blank)
3. City Council Draft Resolution 2012-02

2011 City Council Representatives to Other Agencies & Ad Hoc Committees

AGENCY	MEETING INFORMATION	2011	
		Delegate	Alternate
League of California Cities		Kusumoto	Graham-Mejia
League of California Cities-Orange County Division 600 W. Santa Ana, Suite 214 Santa Ana, CA 92701		Kusumoto	Graham-Mejia
League of California Cities - City Selection Committee	Per the League OC Division Voting Bylaws, "...the vote shall be cast by the Mayor of each member city, his/her Council Member designee, confirmed in writing and delivered to the Division prior to the vote."	Stephens	City Council
Orange County Sanitation District - Board of Directors 10844 Ellis Avenue Fountain Valley, CA	7:00 p.m. 4th Wednesday of Every Month	Edgar	Stephens
Orange County Fire Authority - Board of Directors 1 Fire Authority Road Irvine, CA 92602	6:30 p.m. 4th Thursday, odd numbered months Plus: All Board Members may also serve on 1 of 3 committees which meet monthly. Certain Members also attend Executive Board Mtgs.	Stephens	Graham-Mejia
West Cities Communications Center -Joint Powers Authority Board 911 Seal Beach Blvd. Seal Beach, CA 90740	4:00 p.m. 3rd Tuesday in February, May, August & November	Poe	Stephens
Orange County Library Advisory Board Tustin Branch Library - Community Room 345 E. Main Street Tustin, CA	Meets 4 times a year (dates TBD)	Poe	Stephens
Growth Management Area (GMA) Group No. 2 City of Garden Grove - Community Meeting Center 11300 Stanford Avenue Garden Grove, CA 92842	TBD	Poe	Stephens
OCTA - I-405 Policy Working Group 600 S. Main Street Orange, CA 92868	Meet on an As-Needed Basis	Poe	Graham-Mejia
California Joint Powers Insurance Authority (CJPIA) - Board of Directors 8081 Moody Street La Palma, CA 90623	Meet In July (once a year)	Kusumoto	Stephens

AGENCY	MEETING INFORMATION	2011	
		Delegate	Alternate
Los Alamitos Unified School District/City Working Group Location: TBD	Meet on an As-Needed Basis	Graham-Mejia Poe	
LATV Ad-Hoc Subcommittee Los Alamitos City Hall	Meet on an As-Needed Basis	Graham-Mejia Stephens	
Annexation Ad-Hoc Subcommittee Location: TBD	Meet on an As-Needed Basis	Poe Edgar	
General Plan Ad-Hoc Subcommittee Location: TBD	Meet on an As-Needed Basis	Kusumoto Edgar	
Orange County Vector Control District 13001 Garden Grove Blvd. Garden Grove, CA 92643	3:00 p.m. 3rd Thursday of every month Plus: Assigned to 1 or 2 (out of 7) committees which meet monthly		Ken Parker Term Expires (12/31/11)

2012 City Council Representatives to Other Agencies & Ad Hoc Committees

AGENCY	MEETING INFORMATION	STIPEND INFORMATION	2012	
			Delegate	Alternate
California Joint Powers Insurance Authority (CJPIA) 8081 Moody Street La Palma, CA 90623 Contact: Jennifer Fullerton (562) 467-8700	Board of Directors Meets In July (once a year)	\$50 (Voting Delegate only)		
Orange County Fire Authority - Board of Directors 1 Fire Authority Road Irvine, CA 92602 Contact: Sherry Wentz (714) 573-6041	6:30 p.m. 4th Thursday, odd numbered months All Board Members may serve on 1 of 3 Board appointed Committees which meet monthly.	\$100 per meeting, no more than 3 meetings/mo. Limit of 1 stipend per day, paid quarterly Delegate and Alternate both eligible for stipend; however, only 1 member paid per meeting		
Orange County Sanitation District - Board of Directors 10844 Ellis Avenue Fountain Valley, CA Contact: Maria Ayala (714) 593-7130	7:00 p.m. 4th Wednesday of Every Month All Board Members may serve on Board Appointed Committees which meet monthly.	\$212.50 per meeting No monthly limit Delegate and Alternate both eligible for stipend; however, only 1 member paid per meeting		
Orange County Vector Control District 13001 Garden Grove Blvd. Garden Grove, CA 92643 Contact: Vicki Blaylock (714) 971-2421 x 112	3:00 p.m. 3rd Thursday of every month All Board Members may serve on 1 out of 5 Board appointed committees which meet as needed.	\$100/month in lieu of travel	Gerri Graham-Mejia	Term Expires (12/31/13)
League of California Cities - State Division 1400 K. Street, Suite 400 Sacramento, CA 95814 Contact: Keri Lofte (916) 658-8236	Annual Conference requires additional vote for Voting delegate and alternative.	Annual Membership Fee No stipend		
Association of California Cities 600 S. Main St., #940 Orange, CA 92868 Contact: Kenneth Piguet (714) 953-1300	Monthly Board Meeting	Annual Membership Fee Fee to attend monthly meetings No stipend		
Annexation Ad-Hoc Subcommittee Location: TBD	Meet on an As-Needed Basis	No stipend		
Growth Management Area (GMA) Group No. 2 City of Garden Grove - Community Meeting Center 11300 Stanford Avenue Garden Grove, CA 92842 Contact: William Murray (714) 741-5184	TBD	No stipend		

AGENCY	MEETING INFORMATION	STIPEND INFORMATION	2012	
			Delegate	Alternate
LATV Ad-Hoc Subcommittee Los Alamitos City Hall	Meet on an As-Needed Basis	No stipend		
Los Alamitos Unified School District/City Working Group Location: TBD	Meet on an As-Needed Basis	No stipend		
Orange County Library Advisory Board Tustin Branch Library - Community Room 345 E. Main Street Tustin, CA Contact: Laura Lynch (714) 566-3064	Meets 4 times a year (dates TBD)	No stipend		
OCTA - I-405 Policy Working Group 600 S. Main Street Orange, CA 92868 Contact: Christina Bryne (714) 560-5717	Meet on an As-Needed Basis	No stipend		
West Cities Communications Center -JPA Board 911 Seal Beach Blvd. Seal Beach, CA 90740 Contact: Kelly Mortin (562) 594-7232	4:00 p.m. 3rd Tuesday in February, May, August & November	No stipend		

RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS

WHEREAS, the City, as a "member" of the Orange County Fire Authority Joint Powers Authority (JPA) is entitled to appoint a representative director ("Director") and alternate to the Orange County Fire Authority's Board of Directors; and,

WHEREAS, each member agency, by resolution of its governing body, shall designate and appoint one representative to act as its Director on the Authority Board of Directors, except the County whose Board of Supervisors shall appoint two representatives to act as its Directors; and,

WHEREAS, each Director shall be a current elected member of the governing body; and,

WHEREAS, each Director shall hold office until the selection of a successor by the appointing body; and,

WHEREAS, each member agency shall also appoint an alternate representative to act in each Director's absence; and,

WHEREAS, each alternate shall be a current elected member of the member agency's governing body; and,

WHEREAS, each Director and alternate is to serve at the pleasure of his or her appointing body and may be removed at any time, with or without cause, at the sole discretion of that appointing body; and,

WHEREAS, any vacancy shall be filled in the same manner as the original appointment of a Director and/or alternate.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Los Alamitos, California, finds that the above recitals are true and correct.

SECTION 2. Does hereby designate and appoint Council Member _____ as a Director and Council Member _____ as alternate to the Orange County Fire Authority Board of Directors.

SECTION 3. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 17th, day of January, 2012.

Troy D. Edgar, Mayor

ATTEST:

Angie Avery, City Clerk

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

I, Angie Avery, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 17th day of January, 2012, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Angie Avery, City Clerk

C. Council Announcements

At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

Council Member Kusumoto

Mayor Pro Tem Poe

Mayor Edgar

Council Member Stephens

Council Member Graham-Mejia

11. ITEMS FROM THE CITY MANAGER

12. ADJOURNMENT

The next meeting of the City Council is scheduled for **Monday, February 6, 2012**, in the City Council Chambers.

