CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA
CITY COUNCIL
REGULAR MEETING

TUESDAY, February 19, 2013 – 6:00 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.cityoflosalamitos.org 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 should complete a blue "Request to Speak" card and 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 Edgar
Council Member Grose
Council Member Murphy
Mayor Pro Tem Graham-Mejia
Mayor Kusumoto

3. PLEDGE OF ALLEGIANCE — **Council Member Grose**

4. INVOCATION — **Mayor Kusumoto**

5. 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.

6. REGISTER OF MAJOR EXPENDITURES

Approve the Register of Major Expenditures for February 19, 2013, in the amount of $69,665.47, ratify the Register of Major Expenditures for January 22, 2013 to February 18, 2013 in the amount of $590,725.65, and authorize the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period February 20, 2013 to March 17, 2013.

Roll Call Vote
Council Member Edgar
Council Member Grose
Council Member Murphy
Mayor Pro Tem Graham-Mejia
Mayor Kusumoto

7. CONSENT CALENDAR

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

A. Approval of Minutes (City Clerk)

1. Approve the Minutes of the Special Meeting of January 22, 2013.
2. Approve the Minutes of the Regular Meeting of January 22, 2013.

B. Warrants (Finance)

Approve the Warrants for February 19, 2013 in the amount of $57,178.86 and ratify the Warrants for the time period January 23, 2013 to February 18, 2013 in the amount of $66,230.74, and authorize the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period February 20, 2013 to March 17, 2013.

C. Approval of Agreement with Gregory D. Korduner for Interim City Manager Services (City Manager)

Mayor Warren Kusumoto is recommending Gregory D. Korduner to serve as Interim City Manager. Approval of the attached agreement would formalize the appointment of Mr. Korduner as the Interim City Manager effective February 19, 2013.

Recommendation: Authorize the Mayor to execute the attached agreement with Gregory D. Korduner for the provision of Interim City Manager services.

8. DISCUSSION ITEMS

A. Consideration of Membership in the Association of California Cities – Orange County (City Manager)

The City of Los Alamitos joined the Association of California Cities – Orange County (ACC-OC) in February, 2011. Mayor Kusumoto asked to agendize this item to gain the Council's perspective on the value to the community derived from the City's membership in the organization.

Recommendation:

1. Discuss and take action to continue membership in the ACC-OC; or,

2. Discuss and take action to discontinue membership in the ACC-OC; or,

3. Alternatively, discuss and take other action related to this item.

B. Appropriation of Resources to the Los Alamitos Unified School District for Renovation of Oak Middle School (City Manager)

On September 17, 2012, the City Council approved the commitment of $300,000 to assist the Los Alamitos Unified School District with the renovation of the Oak Gymnasium and a Public Restroom Facility at Oak Middle School to benefit the community. The Council needs to formally appropriate the funds now, so that the donation can be made and the check sent to the School District.

Recommendation: Formally appropriate an amount not to exceed $300,000 or one-third of the cost of renovation, whichever cost is lower, for the renovation of the Oak Gymnasium and a new Public Restroom Facility at Oak Middle School. Authorize the City Manager to enter into a funding agreement with the Los Alamitos Unified School District in a form acceptable to the City Attorney.

C. Continuance of the Business and Residential Improvement Program (Community Development)

This report provides a one year recap of the Business and Residential Improvement Program and a recommendation to continue the Program until June 30, 2013.

Recommendation: City Council continue the Program through this fiscal year or until current funds are reserved (whichever comes first).

D. Creation of Ad Hoc Subcommittee to Review City Attorney Proposals (City Manager)

This report establishes an Ad Hoc Subcommittee for review of City Attorney Request for Proposal (RFP) if more than 10 proposals are received.

Recommendation: Establish an Ad Hoc Subcommittee to review City Attorney Services Proposals and appoint two City Council Members.

E. Commitment of Resources to Hire a Police Officer to Serve as a School Resource Officer (City Manager)

This report gives the City Council the opportunity to make a commitment of funds to hire a Police Officer to serve as School Resource Officer (SRO).

Recommendation: Formally commit approximately $95,000 to fund one-half of the salary, benefits, training and equipment needs for a new Police Officer to work as a School Resource Officer.

9. MAYOR AND COUNCIL INITIATED BUSINESS

A. 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.

10. ITEMS FROM THE CITY MANAGER

11. 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. Existing Litigation (G.C. 54956.9(a))

Name of Case: John Doe v. The City of Los Alamitos
Case Number: United States District Court, Central District of California, Southern Division, Case #SACV122166 DOC (ANx)
Authority: Government Code Section 54956.9(a)

12. ORDINANCES

A. Consideration of Adoption of Ordinance No. 13-01 Amending Chapter 9.14 of the Los Alamitos Municipal Code (City Attorney)

Currently the Los Alamitos Municipal Code prohibits registered sex offenders from entering City parks without written permission from the Police Department. The ordinance adding these provisions to the Municipal Code was modeled on a County ordinance which was declared invalid by the Appellate Division of the Orange County Superior Court. The City has not enforced these provisions since the County ordinance was declared invalid. Staff therefore recommends amending this chapter to address various potential legal issues raised by the Court's decision.

Recommendation:

1. Discuss and consider an ordinance amending the Municipal Code to narrow application of the prohibition on sex offenders in City parks and providing for signage informing the public of such restrictions; and,

2. Introduce by title only and waive further reading of Ordinance No. 13-01, and set for second reading; and,

3. Read the title of Ordinance No. 13-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, ORANGE COUNTY, CALIFORNIA, AMENDING CHAPTER 9.14 OF TITLE 9 OF THE LOS ALAMITOS MUNICIPAL CODE "ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES" WHERE REGISTERED SEX OFFENDERS ARE PROHIBITED FROM ENTERING WITHOUT WRITTEN PERMISSION".

13. ADJOURNMENT

The next meeting of the City Council is scheduled for **Monday, March 18, 2013, at 6:00 p.m.**, in the City Council Chamber.

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.

Windmera Quintanar, CMC
City Clerk

2/14/13
Date

ITEM NO. 6

CITY OF LOS ALAMITOS
Register of Major Expenditures
February 19, 2013

To Approve

Pages:			
01-02	$ 69,665.47	Major Warrants	02/19/2013
Subtotal	$ 69,665.47		

To Ratify

Pages:			
03	$ 48,110.79	Advance Warrants	01/28/2013
04	$ 11,442.06	Advance Warrants	02/04/2013
	$ 141,166.30	Payroll	01/18/2013
	$ 92,780.38	Payroll Benefits	01/18/2013
	$ 139,532.00	Payroll	02/01/2013
	$ 157,694.12	Payroll Benefits	02/01/2013
Subtotal	$ 590,725.65		
Grand Total	$ 660,391.12		

Authorize the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period February 20, 2013 to March 17, 2013.

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 Linda Magnuson, Interim Finance Director.

Linda G Magnuson

this 12th day of February, 2013

/ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
:OLANTUONO & LEVIN, PC	GENERAL COUNSEL SVCS - DEC	GENERAL FUND	CITY ATTORNEY	6,524.25
	GENERAL COUNSEL SVCS - DEC	GENERAL FUND	CITY ATTORNEY	594.00
	GENERAL COUNSEL SVCS - DEC	GENERAL FUND	CITY ATTORNEY	1,606.00
	GENERAL COUNSEL SVCS - DEC	GENERAL FUND	CITY ATTORNEY	207.00
	GENERAL COUNSEL SVCS - DEC	GENERAL FUND	CITY ATTORNEY	1,322.50
	GENERAL COUNSEL SVCS - DEC	GENERAL FUND	CITY ATTORNEY	3,151.00
	GENERAL COUNSEL SVCS - DEC	GENERAL FUND	CITY ATTORNEY	2,208.00
			TOTAL:	15,612.75
3CIENTIA CONSULTING GROUP	IT SERVICES - JAN	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	5,700.00
	IT SERVICES - FEB	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	5,700.00
	COMPUTER SUPPLIES	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	591.73
			TOTAL:	11,991.73
J.S. BANK	SR. CLUB VOLUNTEER LUNCH	GENERAL FUND	NON-DEPARTMENTAL	114.16
	SR. CLUB VOLUNTEER LUNCH	GENERAL FUND	NON-DEPARTMENTAL	168.35
	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	13.79
	CITY OF LOS ALAMITOS PINS	GENERAL FUND	CITY COUNCIL	1,436.40
	LOCC CONFERENCE	GENERAL FUND	CITY COUNCIL	42.48
	LOCC CONFERENCE	GENERAL FUND	CITY COUNCIL	42.48
	LOCC CONFERENCE	GENERAL FUND	CITY COUNCIL	157.90
	LOCC CONFERENCE	GENERAL FUND	CITY COUNCIL	157.90
	LOCC CONFERENCE	GENERAL FUND	CITY COUNCIL	48.90
	LOCC CONFERENCE	GENERAL FUND	CITY COUNCIL	48.90
	COUNCIL COFFEE	GENERAL FUND	CITY COUNCIL	12.95
	LOCC CONFERENCE	GENERAL FUND	CITY COUNCIL	569.70
	OFFICE SUPPLIES - CC	GENERAL FUND	CITY MANAGER	9.91
	OFFICE SUPPLIES - CC	GENERAL FUND	CITY MANAGER	92.40
	CITY HALL FLAGS	GENERAL FUND	ADMINISTRATIVE SERVICE	149.00
	PERSONNEL FILE FOLDERS	GENERAL FUND	ADMINISTRATIVE SERVICE	63.56
	OFFICE SUPPLIES - P/D	GENERAL FUND	POLICE ADMINISTRATION	261.24
	OFFICE SUPPLIES - P/D	GENERAL FUND	POLICE ADMINISTRATION	368.36
	TRAINING	GENERAL FUND	POLICE ADMINISTRATION	204.97
	OFFICE SUPPLIES - P/D	GENERAL FUND	POLICE ADMINISTRATION	429.74
	LATEX GLOVES	GENERAL FUND	PATROL	484.23
	SWAT HEADSET	GENERAL FUND	PATROL	881.07
	FINGERPRINT PADS	GENERAL FUND	PATROL	102.24
	RUBBER STAMP	GENERAL FUND	RECORDS	93.25
	PROP & EVID SUPPLIES	GENERAL FUND	RECORDS	10.76
	PROP & EVID SUPPLIES	GENERAL FUND	RECORDS	163.00
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	12.95
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	14.95
	OFFICE SUPPLIES - COM DEV	GENERAL FUND	COMMUNITY DEVEL ADMIN	7.60
	PROPANE	GENERAL FUND	STREET MAINTENANCE	13.72
	PROPANE	GENERAL FUND	STREET MAINTENANCE	27.76
	CA PARK & REC TESTING	GENERAL FUND	PARK MAINTENANCE	545.00
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	63.88
	POOL GRATING	GENERAL FUND	BUILDING MAINTENANCE	1,274.40
	SUPPLIES - COMM SVCS	GENERAL FUND	COMMUNITY SERVICES	39.93
	COMM SVCS SUPPLIES RETURN	GENERAL FUND	COMMUNITY SERVICES	3.24-
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	9.43
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	163.09
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	68.52
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	33.89
	PRESCHOOL SUPPLIES	GENERAL FUND	SPECIAL CLASSES	281.53
	RACE ON BASE TRI MEDALS	GENERAL FUND	SPECIAL EVENTS	350.35

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	RACE ON BASE GRAPHICS	GENERAL FUND	SPECIAL EVENTS	49.00
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	12.92
	RACE ON BASE - CREDIT	GENERAL FUND	SPECIAL EVENTS	49.00-
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	15.35
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	16.76
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	16.84
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	15.83
	RACE ON BASE MEDALS	GENERAL FUND	SPECIAL EVENTS	2,801.25
	RACE ON BASE BIB PINS	GENERAL FUND	SPECIAL EVENTS	75.71
	RACE ON BASE WEB DESIGN	GENERAL FUND	SPECIAL EVENTS	10.95
	AUTO DETAIL - P/D CHARGER	GARAGE FUND	GARAGE	100.00
	AUTO DETAIL - P/D CHARGER	GARAGE FUND	GARAGE	100.00
	SHOP SUPPLIES	GARAGE FUND	GARAGE	115.11
	SPEAKERS	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	95.88
	PRINTER	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	127.99
			TOTAL:	12,535.99
VILLDAN ENGINEERING	ENGINEER SERVICES - DEC	GENERAL FUND	CITY ENGINEER	5,510.00
	PLAN CHECKING	GENERAL FUND	CITY ENGINEER	3,800.00
	BIKE BRIDGE INSPECTION	GENERAL FUND	CITY ENGINEER	1,600.00
	PLAN CHECKING - SAUSALITO	GENERAL FUND	CITY ENGINEER	4,885.00
	ENGINEER SERVICES - JAN	GENERAL FUND	CITY ENGINEER	5,510.00
	PLAN CHECKING	GENERAL FUND	CITY ENGINEER	3,565.00
	OLD TOWN EAST & WEST	GAS TAX	CAPITAL PROJECTS	1,520.00
	BUSINESS AREA STREET	MEASURE M	CAPITAL PROJECTS	2,280.00
	BUSINESS AREA STREET	MEASURE M	CAPITAL PROJECTS	855.00
			TOTAL:	29,525.00

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

10	GENERAL FUND	52,479.76
20	GAS TAX	1,520.00
26	MEASURE M	3,135.00
50	GARAGE FUND	315.11
53	TECHNOLOGY REPLACEMENT	12,215.60
	GRAND TOTAL:	69,665.47

TOTAL PAGES: 2

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
CHARLES ABBOTT ASSOCIATES, INC.	WQMP SERVICES - DEC	GENERAL FUND	NON-DEPARTMENTAL	1,035.00
	BUILDING PERMIT FEES - DEC	GENERAL FUND	BUILDING INSPECTION	11,620.55
	NPDES INSPECTIONS - DEC	GENERAL FUND	NPDES	2,433.50
			TOTAL:	15,089.05
CITY OF LONG BEACH	ANIMAL CONTROL - 2QFY13	GENERAL FUND	ADMINISTRATIVE SERVICE	14,898.00
			TOTAL:	14,898.00
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	13,602.85
	SLO-PITCH FLD/LAUREL PRK	GENERAL FUND	PARK MAINTENANCE	723.12
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	142.23
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	292.46
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	632.25
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	1,283.67
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	1,447.16
			TOTAL:	18,123.74

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

10 GENERAL FUND	48,110.79
GRAND TOTAL:	48,110.79

TOTAL PAGES: 1

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
DEKRA-LITE	HOLIDAY BANNERS	GENERAL FUND	RECREATION ADMINISTRAT	11,442.06
			TOTAL:	11,442.06

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

10	GENERAL FUND	11,442.06
	GRAND TOTAL:	11,442.06

TOTAL PAGES: 1

ITEM NO. 7A1

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

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

SPECIAL MEETING – January 22, 2013

1. CALL TO ORDER

The City Council met in Special Session at 4:34 p.m., Tuesday, January 22, 2013, in the Council Chamber, 3191 Katella Avenue, Mayor Kusumoto presiding.

2. ROLL CALL

Present:	Council Members:	Edgar, Murphy, Mayor Pro Tem Graham-Mejia, Mayor Kusumoto
Absent:	Council Members:	Grose
Present:	Staff:	Angie Avery, City Manager Corey Lakin, Community Services Director Steven Mendoza, Community Development Director Windmera Quintanar, CMC, City Clerk

Council Member Grose arrived at 4:37 p.m. and took his seat at the dais.

3. SPECIAL ORDERS OF THE DAY

A. Interview Applicants for the Planning and Traffic Commission (Clerk)

This report provided relevant information by which the City Council may appoint members to Commission vacancies.

Mayor Kusumoto opened the item for public comment.

John Passanisi, resident, stated opposition to Commission applicants being spouses of City Council Members.

City Manager Avery spoke briefly stating there was no State law prohibiting Council Members and Commissioners from being husband and wife.

Mayor Kusumoto closed the item for public comment.

The City Council interviewed the following applicants for the Planning Commission:

- Wendy Grose
- Gary Loe
- Daniel Patz
- Tony Gale
- Larry Andrade
- Art DeBolt

The City Council interviewed the following applicants for the Traffic Commission:

- Javier Mejia

The City Council asked if any applicants would be interested in serving on the Traffic Commission. Applicant Gary Loe stated a preference for the Planning Commission, but indicated he would serve on Traffic Commission if needed.

Council Member Grose apologized for arriving late and spoke regarding nepotism and his decision to participate in the process.

Mayor Pro Tem Graham-Mejia indicated she did not see a conflict of interest, particularly due to Mr. Mejia being the only applicant for Traffic Commission.

Council Member Edgar indicated he would be supporting the current Traffic Commissioners and did not have an issue with Mr. Mejia being considered as an applicant.

Mr. Passanisi thanked the Council for hearing his concerns.

Council Member Murphy received a brief status update from Community Development Director Mendoza on the General Plan.

City Clerk Quintanar explained the procedure, passed out the Indications of Support List and each of the Council Members indicated their support for appointees. The sheets were given to City Clerk Quintanar to tally.

City Clerk Quintanar read the indications of support for the Planning Commission: Larry Andrade – 3; Art DeBolt – 3; Tony Gale – 2; Wendy Grose – 4; and, Gary Loe – 3.

Motion/Second: Edgar/Murphy
Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council appointed Wendy Grose to the Planning Commission with a term expiring December 2015.

Due to no clear support for additional terms, Council consensus was reached to Re-indicate Support for applicants Larry Andrade, Art DeBolt, and Gary Loe. Council indicated their support for appointees and the sheets were given to City Clerk Quintanar to tally.

City Clerk Quintanar read the indications for support for Planning Commission: Larry Andrade – 3, Art DeBolt – 3; and, Gary Loe – 4.

Motion/Second: Murphy/Graham-Mejia
Unanimously Carried: The City Council appointed Gary Loe to the Planning Commission with a term expiring December 2015.

Due to no clear support for additional terms, Council consensus was reached to Re-indicate Support for applicants Larry Andrade and Art DeBolt Council indicated their support for appointees and the sheets were given to City Clerk Quintanar to tally.

City Clerk Quintanar read the indications of support for Planning Commission: Larry Andrade – 2 and Art DeBolt – 3.

Motion/Second: Murphy/Graham-Mejia
Carried 4/1 (Grose cast the dissenting vote): The City Council appointed Art DeBolt to the Planning Commission with a term expiring December 2015.

City Clerk Quintanar read the indications of support for the Traffic Commission: Javier Mejia – 5.

Motion/Second: Graham-Mejia/Edgar
Unanimously Carried: The City Council appointed Javier Mejia to the Traffic Commission with a term expiring December 2013.

Mayor Kusumoto asked if any of the non-appointed applicants would reconsider serving on the Traffic Commission.

Applicant Daniel Patz stated his interest.

Motion/Second: Edgar/Graham-Mejia
Unanimously Carried: The City Council appointed Daniel Patz to the Traffic Commission with a term expiring December 2013.

6. ADJOURNMENT

The City Council adjourned at 5:53 p.m. The next meeting of the City Council is scheduled for **TUESDAY, January 22, 2013, at 6:00 p.m.**, in the City Council Chamber.

_____
Warren Kusumoto, Mayor

Attest:

_____
Windmera Quintanar, CMC, City Clerk

ITEM NO. 7A2

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

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

REGULAR MEETING – January 22, 2013

1. CALL TO ORDER

The City Council met in Regular Session at 6:07 p.m., Tuesday, January 22, 2013, in the Council Chamber, 3191 Katella Avenue, Mayor Kusumoto presiding.

2. ROLL CALL

Present: Council Members: Edgar, Grose, Murphy, Mayor Pro Tem Graham-Mejia, Mayor Kusumoto

Absent: Council Members: None

Present: Staff:
Angie Avery, City Manager
Sandra J. Levin, City Attorney
Tony Brandyberry, Public Works Superintendent
Corey Lakin, Community Services Director
Linda Magnuson, Interim Finance Director
Todd Mattern, Police Cheif
Steven Mendoza, Community Development Director
Cassandra Palmer, Support Services Manager
Windmera Quintanar, CMC, City Clerk

3. PLEDGE OF ALLEGIANCE

Council Member Edgar led the Pledge of Allegiance.

4. INVOCATION

Mayor Kusumoto gave the Invocation.

5. PRESENTATIONS

A. Presentation of a Commendation to Tom Rothwell for his Dedicated Service to the Community Through "RACES"

Mayor Kusumoto and the City Council presented Mr. Rothwell with a Commendation for his service to the City. Mr. Rothwell spoke briefly regarding his service.

B. Presentation of a Certificate of Recognition to Nesi Stewart for Printmasters 5th Anniversary

Mayor Kusumoto and the City Council presented Nesi and Carl Stewart with a Certificate of Recognition. Ms. Stewart spoke briefly regarding the business.

C. **Presentation of a Proclamation to North Orange County ROP Representative for "Career and Technical Education Month"**
Mayor Kusumoto and the City Council presented Meg Cutuli and Jule Dentler with a Proclamation for "Career and Technical Education Month". Ms. Cutuli spoke briefly regarding ROP.

D. **Presentation by Raul, Alvarez, Director for Cypress College Foundation, regarding the Annual Americana Awards**
Jenelle Hodeges, Chairwoman Cypress Americana Awards, spoke regarding the upcoming Americana Awards to be held on February 23, 2013, at the Disneyland Grand Hotel.

6. ORAL COMMUNICATIONS

Mayor Kusumoto opened the meeting for Oral Communications.

Mark Wattman, resident, spoke in favor of speed bumps in the alleys.

Shelly Henderson, representing City of Cypress, spoke regarding the upcoming Cypress Festival to be held on July 27th at Oak Knoll Park.

Pat Blancher, resident, thanked City Attorney Levin and City Manager Avery for their service to the City, she stated opposition to a Council Member's recent behavior, and congratulated newly elected Council Members Grose and Murphy.

Irene Dogolf requested Council ban use of plastic bags in Los Alamitos.

Richard Elgenson, Long Beach resident, spoke in opposition to Item 9A.

Dianna Hill, resident and Los Alamitos Unified School District Board Member spoke regarding the Sugar Beet Festival and the School District's upcoming request to fund two School Resource Officers.

JM Ivler, resident, spoke regarding the Chamber of Commerce operations.

Mayor Kusumoto closed the meeting for Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Grose/Edgar
Unanimously Carried: The City Council approved the Register of Major Expenditures for January 22, 2013, in the amount of $147,893.00, ratified the Register of Major Expenditures for December 17, 2012 to January 21, 2013 in the amount of $603,156.11, and authorized the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an

appropriation against which the same may be charged for the time period January 23, 2013 to February 18, 2013.

Roll Call Vote

Council Member Edgar	Aye
Council Member Grose	Aye
Council Member Murphy	Aye
Mayor Pro Tem Graham-Mejia	Aye
Mayor Kusumoto	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 Murphy pulled Item 8A.

Motion/Second: Murphy/Grose
Unanimously Carried: The City Council approved the following Consent Calendar items:

B. Warrants (Finance)

Approved the Warrants for January 22, 2013, in the amount of $42,212.01 and ratified the Warrants for the time period December 18, 2012 to January 21, 2013 in the amount of $90,147.84.

C. Payments Made to John Underwood for Services to LATV (C.M.)

The Council requested information regarding payments and/or reimbursements made to John Underwood for services related to LATV.

The City Council received and filed the report.

D. Disposal of Surplus Equipment (Public Works)

This report set forth a recommendation to dispose of surplus equipment.

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

E. Purchase of Two (2) Hybrid Trucks Using AB 2766 Grant Funds (PW)

This report set forth the purchase of two (2) hybrid vehicles to replace two (2) non-hybrid vehicles. This report sought to "piggy back" on the National Joint Powers Alliance (NJPA) contract for acquisition of both vehicles.

The City Council authorized the City Manager to purchase two (2) 2014 Chevrolet Silverado 1500 Hybrid Vehicles from National Auto Fleet Group, under the NJPA Contract.

F. **Approval of the Fiscal Year 2013-14 Budget Calendar (Finance)**
This report sought City Council approval of the Fiscal Year 2013-14 Budget Calendar.

The City Council approved the recommended Budget Calendar for Fiscal Year 2013-14.

G. **Resolution No. 2013-04 – Establish New Part-Time Position Classifications in the City of Los Alamitos Hourly Positions Resolution, Amend Hourly Rate Schedule and Adopt Findings to Hire a PERS Annuitant as a Temporary Part-time Deputy City Clerk (C.M.)**
This agenda item sought authorization to establish one new classification within the part-time hourly employee resolution and adjust the part-time hourly rate schedule to comply with the minimum wage law.

The City Council adopted Resolution No. 2013-04 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AMENDING THE CITY OF LOS ALAMITOS HOURLY RATE SCHEDULE, ESTABLISHING A NEW PART-TIME POSITION CLASSIFICATION IN THE ADMINISTRATION DEPARTMENT AND ADOPTING FINDINGS TO HIRE A PUBLIC EMPLOYEES RETIREMENT SYSTEM ("PERS") ANNUITANT AS A TEMPORARY PART-TIME DEPUTY CITY CLERK".

H. **On-Call Environmental Services - Request for Proposal (Com. Dev.)**
This report set forth a recommended Request for Proposal (RFP) for On-Call Environmental Services in accordance with the California Environmental Quality Act (CEQA).

The City Council approved scope of work for on-call environmental consulting services, and instructed Staff to release the RFP.

I. **Memorandum of Understanding Between the City of Los Alamitos and the County of Orange for Public Safety Realignment and Postrelease Community Supervision Cost Reimbursement to Local Agencies for Enhanced Services and Other Authorized Expenditures (Police)**
This report provideed information about Public Safety Realignment and Postrelease Community Supervision and sought authorization to execute a Memorandum of Understanding with the County of Orange for enhanced law enforcement overtime services as needed to achieve the objectives related to Public Safety Realignment.

The City Council authorized the Chief of Police to execute the Memorandum of Understanding between the City of Los Alamitos and the County of Orange for Public Safety Realignment and Postrelease

Community Supervision Cost Reimbursement to Local Agencies for Enhanced Services and Other Authorized Expenditures.

End of Consent Calendar

Items pulled from Consent Calendar

A. Approval of Minutes (City Clerk)

1. Approve the Minutes of the Regular Meeting of December 17, 2012.
2. Approve the Minutes of the Special Meeting of January 7, 2013.

Council Member Murphy inquired if he was eligible to vote on item 8A1 as he was sworn in for the entire meeting.

City Attorney Levin answered in the affirmative.

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

1. Approved the Minutes of the Regular Meeting of December 17, 2012.

2. Approved the Minutes of the Special Meeting of January 7, 2013.

RECESS
The City Council took a brief recess at 6:53 p.m. for a reception in Council Chamber lobby for outgoing City Attorney, Sandra J. Levin.

City Attorney Levin gave a brief statement.

RECONVENE
The City Council reconvened in Regular Session at 7:09 p.m.

9. PUBLIC HEARING

A. 7-Eleven's Appeal of Planning Commission Decision Regarding Operational Hours (Community Development)

The Planning Commission considered a 24-hour 7-Eleven at the northwest corner of Ball and Bloomfield. After deliberation and public input, the Commission restricted 7-Eleven to open from 6:00 a.m. to midnight with alcohol sales from 6:00 a.m. to 10:00 p.m. 7-Eleven is now appealing that decision alternatively requesting to open from 5:00 a.m. to midnight with alcohol sales from 6:00 a.m. to midnight. The location is a 2,300 square foot store space at 3951 Ball Road located in the General Commercial (C-G) District, APN 244-293-29. (Appellant: Steven Ybarra – SA Design Concepts).

Council Member Grose recused himself out of concern for bias and requested the City Attorney elaborate.

City Attorney Levin stated there was no legislation stating a Council Member could not vote on a decision made by a spouse on a Commission, she advised Council should air on the side of caution and recues themselves when an appearance of bias could be perceived.

Council Member Grose recused himself and left the dais.

Mayor Kusumoto requested the comments made previously by Mr. Elgenson be incorporated into the record.

Richard Elgenson, Long Beach Resident, stated opposition for the 7-Elven and Chase Bank project. He commented on noise pollution and stated support for limiting alcohol sales to 10:00 p.m. and felt the Planning Commission had already been generous to their needs. He stated opposition to corporations taking over small business and concluded he did not support 24 hour operation.

Community Development Director Mendoza summarized the Staff report referring to the information contained therein, gave a PowerPoint presentation, and answered questions from the City Council.

City Council and Staff discussed the following topics:

- Support for Planning Commissions thorough evaluation
- Applicant did not request 5:00 a.m. start time at the time of hearing
- 5:00 a.m. start time was never considered by the Planning Commission
- A petition was circulated by Ms. Riley in opposition to 24 hour operation
- The site has had ongoing concerns with different business operations
- Current business hours of operation were from 6:00 a.m. to 10:00 p.m.
- Support for having a quality tenant on site
- Concern for after hour operation versus earlier operation
- City requirement that for a Conditional Use Permit (CUP) for operation past 10:00 p.m.
- Current tenant did not require a CUP because the Code changed in 2006 after the tenant had already occupied the space
- A CUP would not be necessary should the applicant chose to stay with the current hours of 6:00 a.m. to 10:00 p.m.

Mayor Kusumoto invited the applicant to address the Council.

Steven Ybarra, applicant, gave an overview of the 7-Eleven business plan. He reiterated the request was for one additional hour in the morning and for the hours of alcohol sales to match the hours of operation. He pointed out local businesses, Starbucks and Firehouse Café, both opened at 5:00 a.m.

Mayor Kusumoto opened the Public Hearing.

Aaron Swerdlow, property owner and developer, stated support for 7-Eleven as a quality tenant. He felt the business would be a good anchor for the property. He stated 7-Eleven had revised the business plan in response to the residents' concerns, but felt the additional hours were vital. He stated 7-Eleven as a tenant would be beneficial for long term stabilization of project site.

John Riley, resident, spoke regarding the following topics: opposition to extended hours; tenants at this location have been an issue for years; residents are willing to compromise and feel they had done so; noise pollution; preference for businesses that fit the established zoning; 7-Eleven on Los Alamitos Blvd. had different circumstances, including a buffer from residents; appreciation for applicant's community outreach; residents signed a petition in opposition; can't control who patronizes the business; preference for a business that will offer stability and be a good neighbor; and, stated support for returning the hours of operation to 6:00 a.m. to 10:00 p.m.

Christian Sharbanay, 7-Eleven representative, stated the requested hours of operation are always 24 hours and then modified if needed. He indicated less hours of operation would not be profitable for the location, and the floor area ratio of alcohol sales was only 7-10% versus 40% of a usual liquor store. He concluded truncated hours would not be beneficial because the flow from profit was different.

Shelby Riley, resident, stated her biggest concern was the operation hours would stay with the land and weren't specific to the tenant.

Richard Elgenson, stated there has not been stability on that property in the 9.5 years of his residency and stated opposition to the project.

Charlotte Anderson, resident, stated opposition to 24 hour operation and stated support for the Planning Commission approval. She stated concern for traffic and noise pollution.

Community Development Director Mendoza introduced two letters of support into the record from Chase Bank and Spirits Stop Liquor into the record.

Mayor Kusumoto closed the Public Hearing.

City Council, Staff, and the applicant discussed the following topics:

- Zoning compatibility of a market store versus a convenience store
- Support for remanding back to Planning Commission
- Support for Planning Commission to review market versus convenience store
- Support for refunding the appeal fee to the applicant
- Starbucks and Firehouse Café are not near residential properties
- Property owners willingness to put a barrier between the parking lot and residential properties
- Limited hours of operation have a regional effect on company profit
- In general, revenue is expected at $70,000- $100,000 per year
- Ralph's extended hours would be a direct competitor to the location
- Studies regarding behavior patterns of patrons have indicated a patron will leave if an item they need is not available
- Limited parking and hour of delivery
- City's ability to attract and retain quality tenants that will beautify the City
- Expected lease would be for a 10 year term with 20 years of options
- Appreciation for residents and applicants remaining calm and professional
- Council's desire to reach a compromise that will benefit all parties involved
- Applicants preference for a decision tonight
- Permissible uses are defined by the Los Alamitos Municipal Code (LAMC) by use and not by title
- Council could request Planning Commission make additional findings to support the use

Mayor Pro Tem Graham-Mejia made a motion to remand the decision back to the Planning Commission and requested clarification on "convenience store" LAMC Section 17.10.020, refund the appeal fee, and requested the Planning Commission hold a Special Meeting to address the issue.

City Attorney Levin stated the LAMC required the Council to request a Code Amendment. She stated the motion should be clear to indicate a Code Amendment or to make necessary findings as needed for the project at hand.

The City Council discussed the procedure, possible ramifications regarding zoning, and stated the intent was not to stall or void the project.

Mayor Kusumoto inquired if the maker would offer a modification to the motion.

Motion/Second: Graham-Mejia/Edgar
Unanimously Carried (Grose recused): The City Council:

1. Conducted a Public Hearing; and,

2. Remanded the decision back to the Planning Commission; and,

3. Refunded the applicants Appeal Fee; and,

4. Requested the Planning Commission hold a Special Meeting to address the item; and,

5. Directed staff to clarify the Zoning Code in regards to "convenience store".

RECESS
City Council took a brief recess at 8:15 p.m.

RECONVENE
City Council reconvened in Regular Session at 8:23 p.m.

Council Member Grose took his seat at the dais.

10. DISCUSSION ITEMS

A. Adoption of Resolution Establishing Salaries and Benefits, Approval of Contract Terms, and Amendment of Position Descriptions for Non-Represented Employees (City Manager)

The non-represented employees have not received an increase in compensation since 2006 (and have made accommodations, including taking furloughs, to address the City's fiscal needs) while all other bargaining units have received significant increases during that same time. Moreover, salary surveys indicate that management salaries have dropped below the lowest in the County for comparable positions. Meanwhile, the City Council has expressed a desire to cease paying the employees' share of PERS contributions and impose those costs upon employees, consistent with statewide pension reform efforts. After extensive negotiations to address these issues, the City Council directed that the following proposal be presented to the employees and, if acceptable, brought back to City Council for approval.
City Manager Avery summarized the Staff Report, referring to the information contained therein, and answered questions from the City Council.

City Council and Staff discussed the following topics:

- Finance Director applicant acceptance of the position was contingent on tonight's approval
- Delete "prior" at the end of Section 10

Mayor Kusumoto opened the item for public comment.

JM Ivler, resident, spoke in opposition

Mayor Kusumoto closed the item for public comment.

City Council and Staff discussed the following topics:

- No correlation between pay of citizens and pay of City Staff
- Comparisons should be made by job descriptions
- City Manager has authority to hire personnel
- City Charter requires Council to provide guidance on rate schedules
- Proposed policy would allow for performance based increases
- Policy requires comparison with cities that have a population of less than $30,000
- Level of scurrility for public sector employees
- Council only appoints City Manager, City Clerk, and City Attorney
- Non-represented employee benefits are not in line with other City Employees
- Non-represented employees have made concessions
- Concern regarding the Market Adjustment Policy due to new City Manager
- Any salary increases would be within the approved budget
- Council's desire to have all employees pay their full share of PERS retirement
- Comparable cities would include a minimum all Orange County cities with a population of less than 30,000 and the City of Cypress and Seal Beach, capped at the lowest of all cities
- Concern benchmarks for comparison should include size, budget, and reserve
- Support for City Staff
- Support for Non-represented paying 4% of PERS
- City Employee Association (CEA) and Police Officers Association (POA) benefits
- Market Adjustment Policy constrained by approved budget and Council's ability to give the City Manager feedback
- Concern regarding public's perception of large employee salaries
- Section 7, Item E, regarding Sick Leave pay out

- Concern regarding City's Reserves, unfunded pensions, and long term debt
- Fiscal Impart of $30,000 to $31,000 per year was manageable in comparison to the overall budget
- Non-represented employees appeared to be underpaid in comparison to other cities
- Support for Non-represented paying the full employee share now versus a portion at a time
- Desire to fully address Reserves during mid-year budget review

Motion/Second: Edgar/Grose
Motion: Approve Staff recommendation.

Second Motion: Graham-Mejia/Grose
Motion: Approve Staff recommendation excluding the Market Adjustment Policy.

City Council and Staff discussed the following topics:

- Addressing the Market Adjustment Policy at a later date, possibly when the permanent City Manager is selected
- Concern regarding the timing of bringing the policy back to Council
- Purpose of the policy was to provide a mechanism to bring Staff to market level
- Market Adjustment policy would help address compaction issues
- Concern regarding the upcoming vacant City Manager position
- Hiring a new City Manager
- Raises could only be made it the budget allowed for such.

Second Motion: Graham-Mejia/Grose
Motion Failed 2/3 (Edgar, Grose, and Murphy cast the dissenting vote): Approve Staff recommendation excluding the Market Adjustment Policy.

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

1. Adopted Resolution 2013-02 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ESTABLISHING SALARIES AND BENEFITS FOR NON-REPRESENTED EMPLOYEES AND REPEALING RESOLUTION NO. 2009-12"; and,

2. Authorized the City Manager to enter into Employment Agreements with all non-represented employees (except the City Clerk who reports directly to the City Council) in the forms attached and on the terms described herein; and,

3. Approved the amended position descriptions for the positions of Support Services Manager and Benefits Coordinator/Executive Assistant to conform to actual and current duties.

B. Cost Savings of One City Council Meeting Per Month (City Manager)
This Staff report provides information to the Council regarding the cost savings of having one Council meeting per month.

City Manager Avery summarized the Staff report referring to the information contained therein, and answered questions from the City Council.

Mayor Kusumoto opened the item for public comment.

JM Ivler, resident, suggested if Council decides to stay with once a month meetings, it hold regular Workshops for community discussions.

Mayor Kusumoto closed the item for public comment.

City Council and Staff discussed the following topics:

- Once a month meetings have been an effective use of Staff time
- Support for regular Community Workshops
- Once a month meetings have been smoother and more cost effective
- Council is always accessible to the community
- Workshops would still require an agenda that would stated open discussion and no action to be taken
- City Attorney and Staff attendance at workshops would be at the Council's discretion

Council Member Grose made a motion to receive and file the report, explore Community Workshops for discussion purposes only on a quarterly base with minimal Staff attendance.

Mayor Pro Tem Graham-Mejia requested an amendment to have the meetings on an "as-needed" basis.

Motion/Second: Grose/Graham-Mejia
Motion: Receive and file the report; and conduct, at a minimum, quarterly Community Workshops.

Council discussed the benefits of having Community Workshops that addressed a specific issue versus open forum Workshops. Council discussed the option of bring a topic forward during Council Comments.

Substitute Motion: Edgar/Graham-Mejia
Motion: Receive and File.

Council voted 3/2 (Kusumoto and Murphy cast the dissenting vote) to accept the substitute motion.

Substitute Motion: Edgar/Graham-Mejia
Carried 4/1 (Murphy cast the dissenting vote): The City Council received and filed the report.

Council Member Murphy inquired the procedure to call a Community Workshop.

City Attorney Levin stated the request would be made to the City Manager during Council Comments.

C. **City Attorney Services – Schedule and Request for Proposal (C.M.)**
This report is a second step toward a recommended schedule, evaluation criteria, and scope to be incorporated into a Request for Proposal (RFP) for City Attorney Services.

City Manager Avery summarized the Staff report referring to the information contained therein, and answered questions from the City Council.

Mayor Pro Tem Graham-Mejia indicated she would not be present at the February 19, 2013 Council meeting.

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

Motion/Second: Edgar/Graham-Mejia
Unanimously Carried: The City Council approved the schedule for City Attorney Services and instructed Staff to release the RFP.

11. MAYOR AND COUNCIL INITIATED BUSINESS

A. **City Council Member Appointments/Reappointments as Representatives to other Agencies and City Ad Hoc Committees**
This report provided 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.

City Clerk Quintanar summarized the Staff report referring to the information contained therein, and answered questions form the City Council.

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

Mayor Kusumoto indicated Mayor Pro Tem Graham Mejia should be the Delegate for Orange County Sanitation District (OCSD) Board of Directors and he would be the alternate.

Council Member Edgar stated his interest in serving on the OCSD Board as he was currently the Chair until June 2014.

City Council and Staff discussed the following topics:

- Mayor's preference to accept the assignments as a whole
- Support for Council Member Edgar as the representative to OCSD
- Association of California Cities-Orange County (ACC-OC) would be discussed at the next Council meeting
- Request to reinstate the Rossmoor/Los Alamitos Working Group
- Preference for Mayor Pro Tem Graham-Mejia to remain the Orange County Vector Control District (OCSD) Board of Directors representative
- Request to create a committee to address the possible Joint Forces Training Base (JFTB) closure
- City Attorney Selection committee would be addressed at the next Council meeting
- Inequity of having the same Council Member serve on a Board for over 4 years

Motion/Second: Kusumoto/Graham-Mejia
Motion: Accept the Appointments as is, with the correction to OCSD.

Substitute Motion/Second: Edgar/Grose
Motion: Appoint Council Member Edgar as the Delegate to the OCSD.

City Council and Staff discussed the following topics:

- Representative for OCVCD
- Representative for West-Comm
- Concern regarding Council rotation for the OCSD
- Opposition to appointing Council Member Edgar to OCSD for a two year term
- Chair of the OCSD is appointed for a term of two years
- Past Council Member Silvia had been appointed to the OCSD for 24 years
- Having a specific rotation provides parity for the entire City Council
- Concern regarding switching representatives on OCSD due to the amount of knowledge and investment required

- Council Member Edgar would have had to resign as the OCSD Chair had he been successful in his election

Mayor Kusumoto opened the item for Public Comment.

JM Ivler, resident, spoke regarding Council Member Edgar's recent Assembly campaign and the need for new representation at OCSD.

Mayor Kusumoto opened the item for Public Comment.

Council Member Edgar stated he had made the OCSD Board aware of his campaign and the Board had made the conscious decision to vote him as Chair. He stated the importance of the opportunity to the City.

City Council and Staff discussed the following topics:

- OCSD had the highest paying stipend and meets most frequently
- All Council should be afforded the opportunity to serve and network
- OCSD Delegate would not replace Council Member Edgar as Chair
- Concern for accepting the appointments as a whole
- Concern regarding OCVCD and that a resident could serve as the representative

Council Member Murphy stated interest in being the alternate for OCSD.

Mayor Pro Tem Graham-Mejia stated interest in remaining the alternate for OCSD and added if the rotation continues next year she would potentially be Mayor and would appreciate the chance to serve as the delegate for OCSD.

Council Member Edgar modified his motion to appointment himself as the OCSD Delegate and Mayor Pro Tem Graham-Mejia as the Alternate.

Council Member Grose withdrew his second.

Council Member Edgar withdrew his motion.

Motion/Second: Kusumoto/Graham-Mejia
Motion Failed 2/3 (Edgar, Grose, and Murphy cast the dissenting votes): Accept the Appointments as is, with the correction to OCSD.

City Council and Staff discussed the following topics:

- Support for Council Member Edgar finishing his appointment as Chair to OCSD with the compromise to step down at the end of his term
- Alternate would have an opportunity to serve on OCSD for five months
- Benefits for the City's reputation to have stability

Council discussed the appointments line by line.

Council added the Rossmoor/City Working Group as the City had been approached by Rossmoor to continue dialogue.

Council agreed to discuss the potential for the JFTB closure in the future.

Council added the Los Alamitos Television Ad Hoc Committee.

Motion/Second: Graham-Mejia/Murphy
Unanimously Carried: The City Council:

1. Approved the appointments/reappointments for Representatives to Other Agencies and City Ad Hoc Committees List (Attachment 1); and,

2. Adopted City Council Resolution 2013-03, 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"; and,

3. Authorized the City Clerk to complete California Form 806, Agency Report of: Public Official Appointments and post on the City's website.

B. Council Announcements

Council Member Edgar discussed the following topics: 1) OCSD possible rate increases; 2) Americana Awards; 3) Chamber of Commerce; 4) regulations excluding dialogue with the public at a Council meeting; and, 5) opposition to residents previous comments.

Council Member Grose discussed the following topics: 1) Chamber of Commerce; 2) Wings, Wheels, and Rotors; 3) attendance at the Ribbon Cutting for the 79th Sustainment Headquarters and retirement party; 4) attendance at the League of California Cities New Mayors and Council Members Conference with Council Member Murphy; 5) interest in a policy that would give an end time to start a new agenda item; and, 6) requested a goal setting workshop for Council.

Council Member Murphy discussed the following topics: 1) attendance at the League of California Cities New Mayors and Council Members Conference with Council Member Grose; 2) requested audience to direct comments to the Council as a whole; 3) support for his decision regarding Mayor Pro Tem; 4) appreciation for positive news reporting; 5) thanked Staff for their work; 6) requested the agenda be distributed a week in advance; and, 7) planned attendance at upcoming Association of

California Cities-Orange County (ACC-OC) New Council Members Conference.

Council Member Grose stated he had registered for the ACC-OC Conference also.

Mayor Pro Tem Graham-Mejia discussed the following topics: 1) welcomed newly appointed Commissioners; 2) reported attendance at the Orange County Vector Control District Board Meeting; 3) concern for low hanging detour signs; 4) request to agendize minute format; 5) availability of Wi-Fi in the Council Chamber; 6) Wings, Wheels, and Rotors; and, 7) support for residents being able to address Council as they see appropriate.

Mayor Kusumoto discussed the following topics: 1) thanked Council Member Grose for attending the Ribbon Cutting and Retirement event; 2) requested Council attendance at the upcoming event in Santa Ana; 3) attendance at a meeting with the Cypress Race Track Developers, Frank Sharon and Patrick Maloney; 4) congratulated new Commissioners and thanked all applicants who applied; and, 5) meeting with Cal-Optima representatives.

Council Member Grose reported meeting with the Race Track Developer and indicated Council Member Murphy and Mayor Pro Tem Graham-Mejia had also met with the delveoper.

12. ITEMS FROM THE CITY MANAGER

City Manager Avery thanked City Attorney Levin for her dedication to the City and wished her success with her new position.

13. CLOSED SESSION

Conference with Legal Counsel

The City Council found, based on advice from legal counsel, that discussion in Open Session would prejudice the position of the local agency in the litigation.

A. Existing Litigation (G.C. 54956.9(a))

Name of Case: John Doe v. The City of Los Alamitos
Case Number: United States District Court, Central District of California, Southern Division, Case #SACV122166 DOC (ANx)
Authority: Government Code Section 54956.9(a)

RECESS

City Council recessed into Closed Session at 11:15 p.m.

RECONVENE
City Council reconvened in Regular Session at 11:56 p.m.

Mayor Kusumoto reported the City Council would seek a continuance on the lawsuit and directed the City Attorney to investigate a Stay and options for modifying or rescinding the ordinance.

14. ADJOURNMENT

The City Council adjourned at 11:57 p.m. The next meeting of the City Council is scheduled for **TUESDAY, February 19, 2013, at 6:00 p.m.**, in the City Council Chamber.

_____
Warren Kusumoto, Mayor

Attest:

_____
Windmera Quintanar, CMC, City Clerk

2013 City Council Representatives to Other Agencies & Ad Hoc Committees

AGENCY	MEETING INFORMATION	STIPEND INFORMATION	2013 Delegate	2013 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)	$100 (Voting Delegate only)	Grose	Murphy
Orange County Fire Authority - Board of Directors 1 Fire Authority Road Irvine, CA 92602 Contact: Sherry Wentz (714) 573-6041 Email: sherrywentz@ocfa.org	6:30 p.m. 4th Thursday, odd numbered months All Board Members may serve on 1 of 3 Board appointed Committes. Appointments need to be adopted in a Council Resolution.	$100 per meeting, no more than 3 meetings/mo. Limit of 1 stipend per day, paid quaterly Delegate and Alternate both eligible for stipend; however, only 1 member paid per meeting	Kusumoto	Graham-Mejia
Orange County Sanitation District - Board of Directors 10844 Ellis Avenue Fountain Valley, CA 92708 Contact: Maria Ayala (714) 962-2411 Email: mayala@ocsd.com	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	Edgar	Murphy
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 committies 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: Karen Durham (916) 658-8262	Annual Conference requires additional vote for Voting delegate and alternative.	Annual Membership Fee No stipend	Kusumoto	Graham-Mejia
City Selection Meeting Administered by the OC Clerk of the Board Liason for Clerk of the Board: Kenny Piguee (714) 953-1300	City practice is to have the Mayor as the delegate and any member of the Council as the alternate. The appointment needs to be sent in writing.	No stipened	Kusumoto	City Council
Los Alamitos Unified School District/City Working Group Location: TBD	Meets on an As-Needed Basis	No stipend	Graham-Mejia Grose	
Orange County Library Advisory Board Tustin Branch Library - Community Room 345 E. Main Street Tustin, CA 92780 Contact: Laura Lynch (714) 566-3064	Meets 4 times a year (dates TBD)	No stipend	Kusumosto	Murphy
OCTA - I-405 Policy Working Group 600 S. Main Street Orange, CA 92868 Contact: Christina Bryne (714) 560-5717	Meets on an As-Needed Basis As of 1/10/13, no meetings scheduled.	No stipend	Graham-Mejia	Grose

Attachment 1

AGENCY	MEETING INFORMATION	STIPEND INFORMATION	2013 Delegate	Alternate
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	Murphy	Grose
City Manager Selction Committee Location: TBD	Meets on as As-Needed Basis	No stipened	Grose Kusumoto	
Rossmoor/City Working Group Location: TBD	Meets on as As-Needed Basis	No stipened	Kusumoto Graham-Mejia	
LATV Ad Hoc Committee Location: TBD	Meets on as As-Needed Basis	No stipened	Grose Kusumoto	

ITEM NO. 7B

CITY OF LOS ALAMITOS
A/P Warrants
February 19, 2013

To Approve

Pages:			
01-06	$ 57,178.86	A/P Warrants	02/19/2013
Subtotal	$ 57,178.86		

To Ratify

Pages:			
07-09	$ 41,776.61	Advance Warrants	01/28/2013
10-13	$ 22,868.64	Advance Warrants	02/04/2013
	$ 1,585.49	February Retirees	02/01/2013
Subtotal	$ 66,230.74		

Grand Total $ 123,409.60

Authorize the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period February 20, 2013 to March 17, 2013.

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 Linda Magnuson, Interim Finance Director.

Linda G Magnuson
this 12th day of February, 2013

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-8 RETROFIT, INC.	OUTFIT UNMARKED PD CAR	GARAGE FUND	GARAGE	3,971.10
	WINDOW TINT P/D CHARGER	GARAGE FUND	GARAGE	175.00
			TOTAL:	4,146.10
ACE INDUSTRIAL SUPPLY, INC.	TOOLS	GARAGE FUND	GARAGE	289.70
			TOTAL:	289.70
ADAMSON POLICE PRODUCTS	DRUG TEST KITS	GENERAL FUND	PATROL	164.70
			TOTAL:	164.70
ALL AMERICAN SIGN COMPANY	LETTERING REMOVAL - P/D	GARAGE FUND	GARAGE	370.00
	LETTERING REMOVAL - REC	GARAGE FUND	GARAGE	210.00
			TOTAL:	580.00
ARBOR NURSERY PLUS	TREE	GENERAL FUND	PARK MAINTENANCE	34.88
			TOTAL:	34.88
ART INNOVATORS	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	470.40
			TOTAL:	470.40
AT & T MOBILITY	BILL CYCLE 12/24-01/23	GENERAL FUND	PATROL	409.27
			TOTAL:	409.27
BARCO PRODUCTS	SPEED HUMPS/GREEN ALLEY	GAS TAX	CAPITAL PROJECTS	652.59
			TOTAL:	652.59
ROY BOORMAN	INSTRUCTOR - PHOTOGRAPHY	GENERAL FUND	SPECIAL CLASSES	28.20
			TOTAL:	28.20
BUSINESS PRODUCTS DISTRIBUTORS	COPY PAPER	GENERAL FUND	CITY MANAGER	226.80
	COPY PAPER	GENERAL FUND	ADMINISTRATIVE SERVICE	226.80
	COPY PAPER	GENERAL FUND	POLICE ADMINISTRATION	226.80
	COPY PAPER	GENERAL FUND	COMMUNITY DEVEL ADMIN	226.80
	COPY PAPER	GENERAL FUND	PUBLIC WORKS ADMIN	226.80
	COPY PAPER	GENERAL FUND	RECREATION ADMINISTRAT	226.80
	OFFICE SUPPLIES - REC	GENERAL FUND	RECREATION ADMINISTRAT	47.17
			TOTAL:	1,407.97
CALIFORNIA FORENSIC PHLEBOTOMY, INC.	BLOOD TEST	GENERAL FUND	PATROL	114.85
			TOTAL:	114.85
CITY OF CYPRESS	MOBILE COMMAND POST MAINT	GENERAL FUND	EMERGENCY PREPAREDNESS	528.56
			TOTAL:	528.56
CITY OF SEAL BEACH	NOVEMBER BOOKINGS	GENERAL FUND	PATROL	640.00
	DECEMBER BOOKINGS	GENERAL FUND	PATROL	425.00
			TOTAL:	1,065.00
CLEANSOURCE	VACUUMS & SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	869.56
			TOTAL:	869.56
COAST RECREATION	SWING SET PARTS	GENERAL FUND	PARK MAINTENANCE	54.68
			TOTAL:	54.68
BOB COHEN	INSTRUCTOR - ADULT ED	GENERAL FUND	SPECIAL CLASSES	63.00
			TOTAL:	63.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
COMPUTER SERVICE CO.	SIGNAL REPAIR - DEC	GENERAL FUND	STREET MAINTENANCE	1,240.00
			TOTAL:	1,240.00
COUNTY OF ORANGE AUDITOR-CONTROLLER	PARKING CITATIONS - DEC	GENERAL FUND	NON-DEPARTMENTAL	1,537.50
			TOTAL:	1,537.50
COUNTY OF ORANGE TREASURER-TAX	COMM CHARGES 3Q FY 12/13	GENERAL FUND	COMMUNICATIONS TECHNOL	2,804.00
	OCATS - JAN	GENERAL FUND	COMMUNICATIONS TECHNOL	305.00
			TOTAL:	3,109.00
DELL MARKETING L.P.	EXTERNAL HARD DRIVE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	3,411.09
	REPAIR RACK/EQUIP SHELF	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	94.49
			TOTAL:	3,505.58
DOOLEY ENTERPRISES, INC.	AMMUNITION	GENERAL FUND	PATROL	645.84
			TOTAL:	645.84
DUKE'S DETAIL SERVICE	CAR WASH - P/W	GARAGE FUND	GARAGE	55.00
	CAR WASH - P/D	GARAGE FUND	GARAGE	125.00
			TOTAL:	180.00
ENVIROSERV	LIGHT BOXES	GENERAL FUND	BUILDING MAINTENANCE	90.40
			TOTAL:	90.40
GALLS / LONG BEACH UNIFORM	SWAT GEAR	GENERAL FUND	PATROL	357.42
	ALTERATIONS	GENERAL FUND	PATROL	18.50
			TOTAL:	375.92
GANAHL LUMBER COMPANY	TARP & PADLOCK	GENERAL FUND	STREET MAINTENANCE	34.84
	LIQUID NAILS	GENERAL FUND	STREET MAINTENANCE	9.46
	LAGS & SCREWS	GENERAL FUND	STREET MAINTENANCE	122.14
	WEDGE ANCHORS	GENERAL FUND	STREET MAINTENANCE	48.60
	GLOVES	GENERAL FUND	STREET MAINTENANCE	17.04
	GLOVES	GENERAL FUND	PARK MAINTENANCE	8.62
	BRASS BUSHING	GENERAL FUND	BUILDING MAINTENANCE	7.54
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	14.02
	DRILL BITS	GARAGE FUND	GARAGE	36.70
			TOTAL:	298.96
GLOBALSTAR USA	SATELLITE PHONE - JAN	GENERAL FUND	EMERGENCY PREPAREDNESS	42.39
			TOTAL:	42.39
GOLDEN STATE WATER COMPANY	BILL CYCLE 12/04-01/31	GENERAL FUND	STREET MAINTENANCE	253.08
	BILL CYCLE 12/04-01/31	GENERAL FUND	PARK MAINTENANCE	1,315.47
	BILL CYCLE 12/04-01/31	GENERAL FUND	PARK MAINTENANCE	1,909.79
			TOTAL:	3,478.34
HARTZOG & CRABILL, INC.	COTTONWOOD TRAFFIC STUDY	GENERAL FUND	CITY ENGINEER	472.50
	TRAFFIC SIGNAL MONITORING	GENERAL FUND	CITY ENGINEER	1,107.50
	ROSSMOOR & BRADBURY SIGNAL	GENERAL FUND	CITY ENGINEER	2,428.75
	TRAFFIC SIGNAL MONITORING	GENERAL FUND	CITY ENGINEER	907.54
	SERPENTINE DEVELOPMENT MTG	GENERAL FUND	CITY ENGINEER	337.50
			TOTAL:	5,253.79
HDL COREN & CONE	PROPERTY TAX SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	1,250.00
			TOTAL:	1,250.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
HINDERLITER, DE LLAMAS & ASSOCIATES	SALES TAX 1Q 2013	GENERAL FUND	ADMINISTRATIVE SERVICE	1,277.71
			TOTAL:	1,277.71
CLAUDIA HINDU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	68.25
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	85.80
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	204.75
			TOTAL:	358.80
HOSE-MAN, INC.	HOSES	GARAGE FUND	GARAGE	100.44
			TOTAL:	100.44
JACOBSEN WEST	MOWER PARTS	GARAGE FUND	GARAGE	132.71
			TOTAL:	132.71
KLIMCZAK GROUP	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	54.60
			TOTAL:	54.60
KONICA MINOLTA BUSINESS SOLUTIONS	COPIER LEASE - ADMIN SVCS	GENERAL FUND	ADMINISTRATIVE SERVICE	563.07
	COPIER LEASE - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	541.62
	COPIER LEASE - P/D	GENERAL FUND	POLICE ADMINISTRATION	264.61
			TOTAL:	1,369.30
KONICA MINOLTA BUSINESS SOLUTIONS U.S.	COPIER LEASE	GENERAL FUND	ADMINISTRATIVE SERVICE	1,389.53
			TOTAL:	1,389.53
LOS ALAMITOS AREA CHAMBER OF COMMERCE	STATE OF CITY MEETING	GENERAL FUND	CITY COUNCIL	35.00
			TOTAL:	35.00
LOS ALAMITOS AUTO PARTS	TRAILER PARTS & RAGS	GARAGE FUND	GARAGE	23.20
			TOTAL:	23.20
LOS ALAMITOS UNIFIED SCHOOL DISTRICT	YOUTH CTR TRANSPORTATION	GENERAL FUND	CITY MANAGER	490.48
			TOTAL:	490.48
MISC. VENDOR	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	475.00
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	543.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	12.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	100.00
	REFUND - APPEAL FEE	GENERAL FUND	NON-DEPARTMENTAL	1,000.00
	DETECTIVE SYMPOSIUM	GENERAL FUND	POLICE ADMINISTRATION	100.00
	SIGN LANGUAGE INTERPRETER	GENERAL FUND	SPECIAL EVENTS	105.00
			TOTAL:	2,335.00
LYNDA MOORE	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	222.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	266.40
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	260.40
			TOTAL:	748.80
MWR	POOL INTERNET - OCT	GENERAL FUND	AQUATICS	143.30
	POOL INTERNET - NOV	GENERAL FUND	AQUATICS	143.30
	POOL INTERNET - DEC	GENERAL FUND	AQUATICS	143.30
	POOL INTERNET - JAN	GENERAL FUND	AQUATICS	143.30
	POOL INTERNET - AUG	GENERAL FUND	AQUATICS	143.30
	POOL INTERNET - SEP	GENERAL FUND	AQUATICS	143.30
			TOTAL:	859.80

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
NEXTEL COMMUNICATIONS	TRAFFIC CALMING SIGN	GENERAL FUND	TRAFFIC	17.24
			TOTAL:	17.24
NEXUS IS, INC.	CONTRACT MAINTENANCE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,271.23
			TOTAL:	1,271.23
PACIFIC SHORELINE MARATHON, LLC DBA SU	EXPO BOOTH	GENERAL FUND	SPECIAL EVENTS	725.00
			TOTAL:	725.00
PACIFIC TELEMANAGEMENT SERVICES	PAY PHONE - P/D	GENERAL FUND	COMMUNICATIONS TECHNOL	82.64
			TOTAL:	82.64
PAK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	1,107.21
			TOTAL:	1,107.21
ANNE COREEN PENNYPACKER	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	333.45
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	259.35
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	444.60
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	370.50
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	185.25
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	185.25
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	148.20
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	351.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	234.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	156.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	312.00
			TOTAL:	2,979.60
PRINTWORKS 21	NOTICE TO APPEAR FORMS	GENERAL FUND	PATROL	1,496.06
			TOTAL:	1,496.06
PRIORITY MAILING SYSTEMS, LLC	POSTAGE METER TAPES	GENERAL FUND	CITY MANAGER	42.11
	POSTAGE METER TAPES	GENERAL FUND	ADMINISTRATIVE SERVICE	42.11
	POSTAGE METER TAPES	GENERAL FUND	POLICE ADMINISTRATION	42.11
	POSTAGE METER TAPES	GENERAL FUND	COMMUNITY DEVEL ADMIN	42.11
	POSTAGE METER TAPES	GENERAL FUND	PUBLIC WORKS ADMIN	42.10
	POSTAGE METER TAPES	GENERAL FUND	RECREATION ADMINISTRAT	42.10
			TOTAL:	252.64
PROVISION MEDIA/PVMMC	RACE ON BASE ANNOUNCER	GENERAL FUND	SPECIAL EVENTS	250.00
			TOTAL:	250.00
RED WING SHOE STORE	STEEL TOE BOOTS FY 12/13	GENERAL FUND	PARK MAINTENANCE	260.00
			TOTAL:	260.00
REDFLEX TRAFFIC SYSTEMS, INC.	INTERSECTION COMM - KAT/BF	GENERAL FUND	TRAFFIC	65.00
			TOTAL:	65.00
THE RINKS WESTMINSTER ICE	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	46.20
	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	23.10
			TOTAL:	69.30
LORRAINE SHORMAN	INSTRUCTOR - YOGA	GENERAL FUND	SPECIAL CLASSES	70.40
			TOTAL:	70.40
SIR SPEEDY	POTENTIAL CLAIM FORMS	GENERAL FUND	ADMINISTRATIVE SERVICE	60.11

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	PROTECTIVE ORDER FORMS	GENERAL FUND	POLICE ADMINISTRATION	92.51
	PROP SEIZURE RECEIPTS	GENERAL FUND	PATROL	37.55
			TOTAL:	190.17
SKATEDOGS	INSTRUCTOR - SKATEBOARDING	GENERAL FUND	SPECIAL CLASSES	101.50
			TOTAL:	101.50
SONSRAY MACHINERY	BACKHOE REPAIR	GARAGE FUND	GARAGE	2,963.18
	BACKHOE SERVICE	GARAGE FUND	GARAGE	1,812.38
			TOTAL:	4,775.56
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	56.96
			TOTAL:	56.96
SOUTHERN PACIFIC MASTERS ASSOCIATION	MEMBERSHIP FEE	GENERAL FUND	AQUATICS	46.00
			TOTAL:	46.00
SPARKLETTS DRINKING WATER	WATER SERVICE	GENERAL FUND	BUILDING MAINTENANCE	96.21
			TOTAL:	96.21
KIRK STEPHENS	EQUIPMENT REPAIR WORK	LOS ALAMITOS TV	LOS ALAMITOS TV	50.00
			TOTAL:	50.00
SUNNY SLOPE TREES	STREET TREES	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	307.81
			TOTAL:	307.81
TARGET SPECIALTY PRODUCTS	SIGN & GLOVES	GENERAL FUND	PARK MAINTENANCE	54.90
			TOTAL:	54.90
TIME WARNER CABLE	ADMIN CABLE SERVICE	GENERAL FUND	CITY MANAGER	164.96
	P/D CABLE SERVICE	GENERAL FUND	COMMUNICATIONS TECHNOL	47.89
	COMPUTER CTR INTERNET	GENERAL FUND	RECREATION ADMINISTRAT	69.95
			TOTAL:	282.80
VERIZON WIRELESS	POLICE DEPARTMENT	GENERAL FUND	PATROL	39.28
	COMMUNITY DEVELOPMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	10.78
	PUBLIC WORKS	GENERAL FUND	STREET MAINTENANCE	182.06
			TOTAL:	232.12
VICTORY LOCK AND KEY	REPAIR P/D WOMEN LOCKER RM	GENERAL FUND	BUILDING MAINTENANCE	178.76
			TOTAL:	178.76
WEST COAST ARBORISTS, INC.	FY 12/13 STREET TREES	GAS TAX	CAPITAL PROJECTS	1,054.00
			TOTAL:	1,054.00
SHANNON ZEEMAN	INSTRUCTOR - SIGN LANGUAGE	GENERAL FUND	SPECIAL CLASSES	43.20
			TOTAL:	43.20

/ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT

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

10	GENERAL FUND	40,073.24
20	GAS TAX	1,706.59
28	LOS ALAMITOS TV	50.00
44	TRAFFIC IMPROVEMENT	307.81
50	GARAGE FUND	10,264.41
53	TECHNOLOGY REPLACEMENT	4,776.81
	GRAND TOTAL:	57,178.86

TOTAL PAGES: 6

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ADAMSON POLICE PRODUCTS	SWAT GEAR	GENERAL FUND	PATROL	438.48
	SWAT GEAR	GENERAL FUND	PATROL	190.08
			TOTAL:	628.56
AHERN RENTALS	ROLLER RENTAL	GENERAL FUND	STREET MAINTENANCE	132.70
			TOTAL:	132.70
BENESYST	FLEX ADMIN SVCS - FEB	GENERAL FUND	ADMINISTRATIVE SERVICE	150.00
			TOTAL:	150.00
BMI	ANNUAL LICENSE FEE	GENERAL FUND	RECREATION ADMINISTRAT	327.00
			TOTAL:	327.00
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES - FIN	GENERAL FUND	ADMINISTRATIVE SERVICE	90.78
	OFFICE SUPPLIES - FIN	GENERAL FUND	ADMINISTRATIVE SERVICE	7.86
			TOTAL:	98.64
CARD INTEGRATORS CORPORATION	ID CARD DATABASE RENEWAL	GENERAL FUND	PATROL	120.00
			TOTAL:	120.00
CARTRIDGE WORLD OF LOS ALAMITOS	PRINTER CARTRIDGE	GENERAL FUND	CITY MANAGER	56.02
			TOTAL:	56.02
COMPETITOR GROUP, INC.	RACE ON THE BASE - AD	GENERAL FUND	SPECIAL EVENTS	2,200.00
			TOTAL:	2,200.00
COUNTY OF ORANGE TREASURER-TAX	COMM CHARGES 2Q FY 12/13	GENERAL FUND	COMMUNICATIONS TECHNOL	2,749.87
			TOTAL:	2,749.87
DAPEER, ROSENBLIT & LITVAK, LLP	MUNI CODE ENFORCE - DEC	GENERAL FUND	NEIGHBORHOOD PRESERVAT	2,259.95
			TOTAL:	2,259.95
DATA TICKET, INC.	CODE ENFORCE CITES SVCS	GENERAL FUND	NEIGHBORHOOD PRESERVAT	200.00
			TOTAL:	200.00
DECKSIDE POOL SERVICE	POOL MAINTENANCE	GENERAL FUND	AQUATICS	1,290.00
	POOL REPAIRS	GENERAL FUND	AQUATICS	90.00
			TOTAL:	1,380.00
FUSCOE ENGINEERING	2011-2012 PEA REPORT	GENERAL FUND	NPDES	7,506.00
	2011-2012 PEA REPORT	GENERAL FUND	NPDES	834.00
			TOTAL:	8,340.00
GEMINI TIMING	RACE CHIP TIMING	GENERAL FUND	SPECIAL EVENTS	5,150.00
			TOTAL:	5,150.00
GLOBALSTAR USA	SATELLITE PHONE - DEC	GENERAL FUND	EMERGENCY PREPAREDNESS	42.58
			TOTAL:	42.58
GOLDEN STATE WATER COMPANY	BILL CYCLE 12/10-01/07	GENERAL FUND	STREET MAINTENANCE	855.44
	BILL CYCLE 12/10-01/07	GENERAL FUND	PARK MAINTENANCE	190.18
	BILL CYCLE 12/10-01/07	GENERAL FUND	BUILDING MAINTENANCE	387.40
			TOTAL:	1,433.02
JUDICIAL DATA SYSTEMS CORP.	PARKING CITE SVCS - DEC	GENERAL FUND	TRAFFIC	133.45
			TOTAL:	133.45

/ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
:ONG BEACH SOCCER REFEREE ASSOCIATION	ADULT SOCCER REFEREE	GENERAL FUND	SPORTS	198.00
			TOTAL:	198.00
:OS ALAMITOS AREA CHAMBER OF COMMERCE	STATE OF THE CITY MEETING	GENERAL FUND	CITY MANAGER	35.00
	CHAMBER MEETING 1/11/13	GENERAL FUND	RECREATION ADMINISTRAT	40.00
			TOTAL:	75.00
1AILFOUNDRY	SPAM FILTERING	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	68.97
			TOTAL:	68.97
1ATTHEW-BENDER & CO., INC.	2013 CODE BOOKS	GENERAL FUND	POLICE ADMINISTRATION	525.75
			TOTAL:	525.75
1EMORIAL OCCUPATIONAL MEDICAL SERVICES	PRE-EMPLOYMENT PHYSICAL	GENERAL FUND	ADMINISTRATIVE SERVICE	120.00
			TOTAL:	120.00
1ISC. VENDOR	REFUND - DANCE	GENERAL FUND	NON-DEPARTMENTAL	59.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	59.00
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	2.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	99.00
	REFUND - PERFORMANCE ART	GENERAL FUND	NON-DEPARTMENTAL	76.00
	REFUND - PERFORMANCE ART	GENERAL FUND	NON-DEPARTMENTAL	76.00
	REFUND - SLO-PITCH	GENERAL FUND	NON-DEPARTMENTAL	357.00
	REFUND - SLO-PITCH	GENERAL FUND	NON-DEPARTMENTAL	357.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	357.00
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	4.00
	REFUND - DUI COST RECOVERY	GENERAL FUND	NON-DEPARTMENTAL	75.00
	REFUND - BUSINESS LICENSE	GENERAL FUND	NON-DEPARTMENTAL	230.12
			TOTAL:	1,751.12
1EWS ENTERPRISE	PUBLIC HEARING AD	GENERAL FUND	COMMUNITY DEVEL ADMIN	104.50
			TOTAL:	104.50
)RANGE COUNTY SHERIFF'S DEPARTMENT	POST TRAINING	GENERAL FUND	POLICE ADMINISTRATION	82.80
			TOTAL:	82.80
P.L. PERRIN & ASSOCIATES	POLYGRAPH EXAM	GENERAL FUND	POLICE ADMINISTRATION	220.00
			TOTAL:	220.00
THE PLANNING CENTER	COMM WORKSHOP - GP EIR	GENERAL FUND	PLANNING	63.00
	CIRCULATE INVENTORY-GP EIR	GENERAL FUND	PLANNING	1,664.65
	FUTURE TRANSPORT - GP EIR	GENERAL FUND	PLANNING	4,044.63
	CIRCULATE/TRANSPORT-GP EIR	GENERAL FUND	PLANNING	1,286.25
			TOTAL:	7,058.53
ROSSMOOR/LOS AL AREA SEWER	PARKING LOT RENTAL - 1Q13	GENERAL FUND	POLICE ADMINISTRATION	1,500.00
			TOTAL:	1,500.00
SAFEGUARD BUSINESS SYSTEMS INC.	BLANK CHECK STOCK	GENERAL FUND	ADMINISTRATIVE SERVICE	202.41
	W-2 FORMS	GENERAL FUND	ADMINISTRATIVE SERVICE	39.21
			TOTAL:	241.62
SAN DIEGO REGIONAL TRAINING CENTER	POST TRAINING	GENERAL FUND	POLICE ADMINISTRATION	310.00
			TOTAL:	310.00
SIR SPEEDY	CITY LETTERHEAD	GENERAL FUND	CITY COUNCIL	104.82

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	BUSINESS CARDS	GENERAL FUND	PATROL	110.16
	VIOLATION NOTICE FORMS	GENERAL FUND	NEIGHBORHOOD PRESERVAT	171.17
			TOTAL:	386.15
SMART & FINAL	KITCHEN SUPPLIES - P/D	GENERAL FUND	POLICE ADMINISTRATION	214.20
			TOTAL:	214.20
SOUTHERN PACIFIC MASTERS ASSOCIATION	MEMBERSHIP FEES	GENERAL FUND	AQUATICS	322.00
			TOTAL:	322.00
STATE OF CALIFORNIA DEPARTMENT	FINGERPRINT APPLICANT	GENERAL FUND	ADMINISTRATIVE SERVICE	66.00
			TOTAL:	66.00
TOTALFUNDS BY HASLER	POSTAGE	GENERAL FUND	ADMINISTRATIVE SERVICE	500.00
			TOTAL:	500.00
V & V MANUFACTURING, INC.	BADGE REPAIR	GENERAL FUND	PATROL	107.25
			TOTAL:	107.25
VERIZON CALIFORNIA, INC.	ADMIN - FAX	GENERAL FUND	ADMINISTRATIVE SERVICE	49.05
	TELECOMMUNICATIONS	GENERAL FUND	COMMUNICATIONS TECHNOL	815.38
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	43.20
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	82.28
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	41.15
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	41.15
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	41.15
	PARK & REC - FAX	GENERAL FUND	RECREATION ADMINISTRAT	46.72
			TOTAL:	1,160.08
VIC'S CONCRETE BREAKING & REMOVAL	STREET GRINDING	GENERAL FUND	STREET MAINTENANCE	1,260.00
			TOTAL:	1,260.00
WEST PAYMENT CENTER	SUBSCRIPTION - DEC	GENERAL FUND	INVESTIGATION	102.85
			TOTAL:	102.85

FUND TOTALS		
10	GENERAL FUND	41,707.64
53	TECHNOLOGY REPLACEMENT	68.97
	GRAND TOTAL:	41,776.61

TOTAL PAGES: 3

/ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
:HE ACTIVE NETWORK, INC	RECREATION SYSTEM SUPPORT	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,725.00
			TOTAL:	1,725.00
\HERN RENTALS	ROLLER RENTAL	GENERAL FUND	STREET MAINTENANCE	132.70
			TOTAL:	132.70
\LL AMERICAN ASPHALT	ASPHALT	GENERAL FUND	STREET MAINTENANCE	134.82
			TOTAL:	134.82
3ENESYST	ADDITIONAL IMPREST FUNDING	GENERAL FUND	NON-DEPARTMENTAL	1,000.00
			TOTAL:	1,000.00
?OY BOORMAN	INSTRUCTOR - PHOTOGRAPHY	GENERAL FUND	SPECIAL CLASSES	112.80
			TOTAL:	112.80
3OBIND K. BOYES	INSTRUCTOR - YOGA	GENERAL FUND	SPECIAL CLASSES	46.80
			TOTAL:	46.80
3OB COHEN	INSTRUCTOR - ADULT ED	GENERAL FUND	SPECIAL CLASSES	42.00
			TOTAL:	42.00
:YNTHIA E. EMAMI	INSTRUCTOR - ZUMBA	GENERAL FUND	SPECIAL CLASSES	89.60
			TOTAL:	89.60
3WING	SPRAYERS	GARAGE FUND	GARAGE	49.51
			TOTAL:	49.51
FEDEX	SHIPPING	GENERAL FUND	CITY COUNCIL	29.96
			TOTAL:	29.96
:ARRI FOX	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	12.60
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	8.40
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	14.70
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	8.40
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	14.70
			TOTAL:	58.80
3ANAHL LUMBER COMPANY	GLOVES	GENERAL FUND	STREET MAINTENANCE	16.14
	ROOF REPAIR - LATV BLDG	GENERAL FUND	BUILDING MAINTENANCE	43.44
	PICTURE HANGER - CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	10.98
	SPEED HUMP HARDWARE	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	36.97
	SHOP VAC FILTER	GARAGE FUND	GARAGE	30.22
			TOTAL:	137.75
:EART TO HEART CPR	INSTRUCTOR - CPR	GENERAL FUND	SPECIAL CLASSES	189.00
	INSTRUCTOR - FIRST AID	GENERAL FUND	SPECIAL CLASSES	113.40
			TOTAL:	302.40
INTELLIBRIDGE PARTNERS, LLC	CITY CLERK SERVICES - DEC	GENERAL FUND	CITY MANAGER	6,537.25
			TOTAL:	6,537.25
KELTERITE CORPORATION	ASPHALT	GENERAL FUND	STREET MAINTENANCE	464.97
			TOTAL:	464.97
KIMBALL MIDWEST	SHOP SUPPLIES	GARAGE FUND	GARAGE	406.43
			TOTAL:	406.43

/ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
/ING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	492.83
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	107.25
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	2.60
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	78.00
			TOTAL:	680.68
;OS ALAMITOS AUTO PARTS	BRAKE PADS - P/D HONDA	GARAGE FUND	GARAGE	56.69
			TOTAL:	56.69
;OS ALAMITOS SENIOR CLUB	BINGO MACHINE	GENERAL FUND	NON-DEPARTMENTAL	2,113.41
			TOTAL:	2,113.41
4AILFINANCE	POSTAGE MACHINE LEASE	GENERAL FUND	ADMINISTRATIVE SERVICE	166.81
			TOTAL:	166.81
4AJOR LEAGUE SOFTBALL, INC.	ASSIGNING SERVICES	GENERAL FUND	SPORTS	102.00
			TOTAL:	102.00
4ISC. VENDOR	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	61.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	51.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	99.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	99.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	99.00
	REFUND - ARTS & CRAFTS	GENERAL FUND	NON-DEPARTMENTAL	54.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	64.00
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	25.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	150.00
	CASH HANDLING WORKSHOP	GENERAL FUND	ADMINISTRATIVE SERVICE	75.00
	CASH HANDLING WORKSHOP	GENERAL FUND	RECREATION ADMINISTRAT	75.00
	REFUND - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	70.00
			TOTAL:	922.00
?AK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	1,402.83
			TOTAL:	1,402.83
?APER RECYCLING SPECIALISTS	SHREDDING SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	74.00
			TOTAL:	74.00
?ETTY CASH	SR. MEALS MILEAGE	GENERAL FUND	NON-DEPARTMENTAL	51.06
	POSTAGE STAMPS	GENERAL FUND	NON-DEPARTMENTAL	27.00
	COUNTER COFFEE	GENERAL FUND	CITY COUNCIL	34.47
	SWEARING IN REFRESHMENTS	GENERAL FUND	CITY COUNCIL	17.99
	SWEARING IN REFRESHMENTS	GENERAL FUND	CITY COUNCIL	63.18
	COUNTER COFFEE	GENERAL FUND	CITY COUNCIL	22.98
	CITY ATTY REFRESHMENTS	GENERAL FUND	CITY COUNCIL	69.37
	SHUTTLE SERVICE	GENERAL FUND	CITY COUNCIL	52.00
	HOLIDAY COMMISSION DINNER	GENERAL FUND	CITY COUNCIL	20.99
	CITY CLERK MEETING	GENERAL FUND	CITY MANAGER	20.00
	CHAMBER MEETING	GENERAL FUND	CITY MANAGER	20.00
	STATE OF THE CITY MEETING	GENERAL FUND	CITY MANAGER	27.00
	CITY CLERK MEETING	GENERAL FUND	CITY MANAGER	20.00
	PARKING	GENERAL FUND	COMMUNITY DEVEL ADMIN	11.25
	PARKING	GENERAL FUND	PARK MAINTENANCE	10.00
	COYOTE CREEK DEDICATION	GENERAL FUND	RECREATION ADMINISTRAT	20.49
	CPRS SYMPOSIUM	GENERAL FUND	RECREATION ADMINISTRAT	50.00
	COYOTE CREEK DEDICATION	GENERAL FUND	RECREATION ADMINISTRAT	54.10

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	CLEANING SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	23.74
	DEPT. HOLIDAY CARDS	GENERAL FUND	RECREATION ADMINISTRAT	36.64
	HOLIDAY CONTEST SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	12.95
	DEPT. HOLIDAY CARDS	GENERAL FUND	RECREATION ADMINISTRAT	6.30
	DEPT. SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	1.64
	POOL SUPPLIES	GENERAL FUND	AQUATICS	10.84
	SCPPOA MEETING	GENERAL FUND	AQUATICS	12.00
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	25.34
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	7.37
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	27.20
	SPORTS LAUNDRY	GENERAL FUND	SPORTS	7.00
	SPORTS LAUNDRY	GENERAL FUND	SPORTS	7.00
	BROCHURE PREP LUNCH	GENERAL FUND	SPECIAL CLASSES	53.61
	PARKING	GENERAL FUND	SPECIAL EVENTS	20.00
	PARKING	GENERAL FUND	SPECIAL EVENTS	20.00
	RACE MEDAL MAILING	GENERAL FUND	SPECIAL EVENTS	44.28
	PARKING	GENERAL FUND	SPECIAL EVENTS	10.00
	RACE CLINIC SUPPLIES	GENERAL FUND	SPECIAL EVENTS	38.85
	RACE CLINIC SUPPLIES	GENERAL FUND	SPECIAL EVENTS	25.90
	FUEL	GARAGE FUND	GARAGE	20.00
	FUEL	GARAGE FUND	GARAGE	54.50
			TOTAL:	1,057.04
GARY PITTS	INSTRUCTOR - MARTIAL ARTS	GENERAL FUND	SPECIAL CLASSES	126.00
	INSTRUCTOR - MARTIAL ARTS	GENERAL FUND	SPECIAL CLASSES	86.80
			TOTAL:	212.80
RICOH AMERICAS CORPORATION	COPIER LEASE - JAN	GENERAL FUND	RECREATION ADMINISTRAT	561.60
			TOTAL:	561.60
THE RINKS WESTMINSTER ICE	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	23.10
	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	23.10
	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	23.10
			TOTAL:	69.30
ROSSMOOR CAR WASH	CAR WASHES - P/D	GARAGE FUND	GARAGE	36.00
			TOTAL:	36.00
SOUTH COAST SUPPLY & GARDEN DAZE	SAND FOR CRACK SEALER	GENERAL FUND	STREET MAINTENANCE	7.67
	SOIL - ORVILLE LEWIS PARK	GENERAL FUND	PARK MAINTENANCE	14.10
	SOIL - ORVILLE LEWIS PARK	GENERAL FUND	PARK MAINTENANCE	14.10
	DRAIN DECK - POOL	GENERAL FUND	BUILDING MAINTENANCE	58.08
	MINI GRATE & SCREWS	GENERAL FUND	BUILDING MAINTENANCE	104.16
			TOTAL:	198.11
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	771.78
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	182.27
			TOTAL:	954.05
SOUTHERN CALIFORNIA GAS	3614 FENLEY	GENERAL FUND	STREET MAINTENANCE	19.09
	3191 KATELLA	GENERAL FUND	BUILDING MAINTENANCE	538.25
	10911 OAK ST.	GENERAL FUND	BUILDING MAINTENANCE	654.87
			TOTAL:	1,212.21
SOUTHERN PACIFIC MASTERS ASSOCIATION	MEMBERSHIP FEES	GENERAL FUND	AQUATICS	92.00
			TOTAL:	92.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
SPRINT	LONG DISTANCE SERVICE	GENERAL FUND	CITY MANAGER	33.37
	LONG DISTANCE SERVICE	GENERAL FUND	ADMINISTRATIVE SERVICE	33.37
	LONG DISTANCE SERVICE	GENERAL FUND	COMMUNICATIONS TECHNOL	33.37
	LONG DISTANCE SERVICE	GENERAL FUND	COMMUNITY DEVEL ADMIN	33.37
	LONG DISTANCE SERVICE	GENERAL FUND	PUBLIC WORKS ADMIN	33.37
	LONG DISTANCE SERVICE	GENERAL FUND	RECREATION ADMINISTRAT	33.37
			TOTAL:	200.22
UNITED STATES POSTMASTER	BROCHURE POSTAGE	GENERAL FUND	RECREATION ADMINISTRAT	1,366.00
			TOTAL:	1,366.00
UNITROL/STINGER SPIKE SYSTEMS	P/D CHARGER REPAIR	GARAGE FUND	GARAGE	100.00
			TOTAL:	100.00
USA MOBILITY WIRELESS, INC.	PAGER FEES	GENERAL FUND	PUBLIC WORKS ADMIN	20.10
			TOTAL:	20.10

========== FUND TOTALS ==========		
10	GENERAL FUND	20,353.32
44	TRAFFIC IMPROVEMENT	36.97
50	GARAGE FUND	753.35
53	TECHNOLOGY REPLACEMENT	1,725.00
	GRAND TOTAL:	22,868.64

TOTAL PAGES: 4

City of Los Alamitos

Agenda Report	February 19, 2013
Consent Calendar	Item No: 7C

To: Warren Kusumoto & Members of the City Council

From: Angie Avery, City Manager

Subject: Approval of Agreement with Gregory D. Korduner for Interim City Manager Services

Summary: Mayor Warren Kusumoto is recommending Gregory D. Korduner to serve as Interim City Manager. Approval of the attached agreement would formalize the appointment of Mr. Korduner as the Interim City Manager effective February 19, 2013.

Recommendation: Authorize the Mayor to execute the attached agreement with Gregory D. Korduner for the provision of Interim City Manager services.

Background

My last day of work as City Manager will be March 1, 2013. Since giving notice of my retirement, the Council decided to select an Interim City Manager while the search for a permanent City Manager is conducted.

The Council Ad Hoc Subcommittee of Mayor Warren Kusumoto and Council Member Dean Grose interviewed three candidates on February 11, 2013. Mr. Gregory D. Korduner emerged as the candidate recommended to move forward in the selection process. The entire Council then met with Mr. Korduner on February 14, 2013 and he was selected as the Interim City Manager.

Mr. Korduner recently retired after having served as City Manager for nearly 30 years in the cities of Huntington Park, El Monte and South El Monte.

Discussion

The attached Employment Agreement sets forth the terms and conditions of employment. Mr. Korduner will serve as an "at will" employee of the City and be paid an hourly rate comparable to the current City Manager. The term of the Agreement is not to exceed one year in duration, although it is not anticipated that he will serve that length of time due to the Council's desire to start the recruitment for a permanent City Manager in the near future.

The agreement may be terminated by either party by giving written notice of termination to the other party. Mr. Korduner will begin duties as Interim City Manager on March 2, 2013.

Fiscal Impact

Sufficient funds are available in the General Fund budget to implement the Employment Agreement.

Submitted By:

Angie Avery
City Manager

Approved By:

Steven N. Skolnik
Interim City Attorney

Attachment: *1. Employment Agreement for Gregory D. Korduner*

INTERIM CITY MANAGER AGREEMENT

This Agreement is made and entered into as of February 19, 2013, by and between the City of Los Alamitos, a municipal corporation ("City"), and Gregory Korduner ("Korduner").

RECITALS

A. City's current City Manager is retiring as of March 1, 2013. City desires to appoint a qualified person to fill that vacant position on an interim basis, during recruitment for a permanent appointment, pursuant to the provisions of Section 21221 of the California Government Code.

B. City hereby deems that the position of City Manager requires specialized skills; Korduner, having previously served as City Manager for other cities for many years, possesses such specialized skills.

C. Korduner is a retired person presently receiving retirement benefits from CalPERS; accordingly, his appointment as City's Interim City Manager is subject to all of the restrictions contained in Section 21221, and any other applicable laws or regulations.

Based on the Recitals set forth above and in consideration of the mutual promises set forth below, the parties agree as follows:

1. City hereby engages Korduner to serve as City's Interim City Manager, with such appointment to commence on March 2, 2013. Korduner will serve in that capacity during City's recruitment for a permanent City Manager, until this Agreement is terminated by either party as set forth below. In no event shall Korduner's employment exceed one year in duration.

2. Korduner shall provide services pursuant to this Agreement as an employee of City. As provided in Section 21221, Korduner shall not receive any benefits, incentives, compensation in lieu of benefits or any other form of compensation, other than compensation at the hourly rate set forth below.

3. Korduner shall perform the functions and duties of the City Manager position, in accordance with applicable state law, the City Charter and Municipal Code, and the City's job description for the position. Korduner shall also perform other legally permissible and proper duties and functions as may be assigned from time-to-time by the City Council.

4. Korduner shall work 40 hours per week, and shall be compensated at a rate of $ 75.00 per hour, payable at the same time as other City employees are paid, and subject

subject to withholding as required by applicable law. In no event shall Korduner work more than 960 hours in any fiscal year.

5. Korduner shall serve as an "at will" employee of the City, at the will and pleasure of the City Council. Either party may terminate this Agreement at any time, without cause, upon giving written notice to the other party. Korduner expressly waives any rights to notice or due process which may otherwise be applicable in the absence of such waiver.

6. All materials provided to or prepared by Korduner while performing his duties during the term of this Agreement shall be or become the property of City. Such materials shall not be utilized by Korduner for any purposes other than the performance of his duties, nor shall they be disclosed to any person or entity not connected with the performance of services pursuant to this Agreement, except as required by law.

7. This Agreement constitutes the full agreement between the parties with respect to the subject matter hereof.

Intending to be legally bound, the parties have executed this Agreement, below, as of February 19, 2013.

City of Los Alamitos

_____
Warren Kusumoto, Mayor

Employee

_____
Gregory Korduner

Atttest:

_____
Windmera Quintanar, CMC, City Clerk

Approves as to form:

_____
Steve Skolnik, Interim City Attorney

City of Los Alamitos

Agenda Report Discussion Items	February 19, 2013 Item No: 8A

To: Mayor Kusumoto & Members of the City Council

From: Angie Avery, City Manager

Subject: Consideration of Membership in the Association of California Cities – Orange County

Summary: The City of Los Alamitos joined the Association of California Cities – Orange County (ACC-OC) in February, 2011. Mayor Kusumoto asked to agendize this item to gain the Council's perspective on the value to the community derived from the City's membership in the organization.

Recommendation:

1. Discuss and take action to continue membership in the ACC-OC; or,
2. Discuss and take action to discontinue membership in the ACC-OC; or,
3. Alternatively, discuss and take other action related to this item.

Background

At the February 7, 2011 meeting, the City Council unanimously voted to join the Association of California Cities - Orange County and discontinue membership in the Orange County Division "overlay" of the League of California Cities. It was also unanimously carried to maintain membership in the League of California Cities, State League.

For clarification, the League of California Cities has been providing legislative advocacy, professional development and education services for member cities for decades. The League has a strong professional staff in Sacramento as well as professional staff in 16 regional offices across the state.

Historically, most of the education, advocacy and professional development activities originate in Sacramento, but staff at each of the 16 regional offices offers events and education to Council members and city staff in their respective local areas. Typically, meetings and educational sessions are held once per quarter into augment the flow of advocacy and business related information that is made available to all members.

In the early 1970's cities in Orange County voted to assess themselves over and above their regular dues to pay for expanded services to Orange County cities. This practice continued until approximately 2010 when several large Orange County cities voted to split from the League. In response, Orange County elected officials created a new 501 c(3) organization called the Association of California Cities – Orange County. The new association is legally and financially separate from the League of California Cities and has been in operation for over two years now.

Discussion

The discussion regarding whether to maintain membership in either or both the League of California Cities and/or the Association of California Cities – Orange County has to do with the value of services that each provides individual Council members, city management, and ultimately the community. Both organizations offer websites, member education, special events, seminars, committees, advocacy, and other resources to support Orange County cities.

The ACC-OC is legally and financially separate from the State League and is dedicated to Orange County member cities. In 2012, the ACC-OC established policy committees that took on economic development and job creation, local government, 100% connectivity and established eHub online staff analyst services. The ACC-OC has established strong working relationships with state legislatures due to their collaborative model for developing public policy. Recently, the ACC-OC has garnered attention of some of the most powerful legislators in the state which will benefit Orange County cities.

Eighteen (18) cities in Orange County belong to both organizations. Other memberships are noted below.

Holds Membership in the League of California Cities **Only**	Holds memberships in the ACC-OC **Only**	Holds membership in Both Organizations
Aliso Viejo	Anaheim	Buena Park
Brea	Costa Mesa	Cypress
Fountain Valley	Orange	Dana Point
Fullerton	Rancho Santa Margarita	Garden Grove
Irvine	Tustin	Huntington Beach
Laguna Beach	Yorba Linda	La Palma
Laguna Woods		Laguna Hills
Villa Park		Lake Forest
		Los Alamitos
		Mission Viejo
		Newport Beach
		Placentia
		San Clemente
		San Juan Capistrano
		Seal Beach
		Stanton
		Westminster

Fiscal Impact:

The current dues for the League of California Cities, State League are $5,507 annually and they have not been paid for 2013.

The dues for the Association of California Cities – Orange County are $7,248 annually and these dues for 2013 have been paid on November 19, 2012.

The last time the City paid dues to the League of California Cities – OC Division was in 2010 and these dues were the same assessment as at the state level - $5,507.

In summary, the City currently pays dues totaling $12,755 to the League of California Cities and to the Association of California Cities – Orange County. This amount is funded out of the Dues and Subscriptions line item of the City Council budget. $20,500 is approved in the FY 2012-2013 budget.

Submitted & Approved By:

Angie Avery
City Manager

Attachments:

1. *League of California Cities membership information*
2. *Association of California Cities- Orange County membership information*

1400 K Street
Sacramento, CA 95814
ph: (916) 658-8200
fx: (916) 658-8240

WWW.CACITIES.ORG

December 7, 2012

TO: **City Managers and City Clerks in non-manager cities**

FROM: **Officers of the League of California Cities**
Bill Bogaard, President, and Mayor of Pasadena
José Cisneros, First Vice-President, and Treasurer of San Francisco
Tony Ferrara, Second Vice-President, and Mayor of Arroyo Grande
Mike Kasperzak, Past President, and Mayor of Mountain View
Chris McKenzie, Executive Director

SUBJECT: **League Dues for 2013—No Increase!**
Voluntary Surcharge to Support Vital Litigation

Thank you for your City's membership in the League of California Cities. Enclosed please find your city's customized 2013 dues statement and related supporting documentation.

League Membership—A Great Investment

The value your city derives from membership in the League of California Cities makes the payment of League dues a wise investment. Please review the enclosed customized "Return on Investment" report for your city. It reflects financial benefits your city enjoys as a direct result of the League's legislative and ballot measure advocacy. A strong and effective League is central to your city's continued strength and vitality.

Benefits of Membership

The League is the leading advocate for California cities. Protecting local control remains the cornerstone of League activities as we work in concert with cities, partners, and coalition members. Please find the enclosed "Benefits of Membership in the League of California Cities," a summary of the more significant benefits cities and city officials receive from League membership.

Litigation Strategy to Defend Revenue Protections

The League and city officials have invested tremendous human and financial resources over the past decade to secure meaningful constitutional protection of city revenue sources. Proposition 1A and Proposition 22 represent the will of the voters and significant victories for local control. However, it is now clear that defending and enforcing these protections will require vigilance and even litigation, possibly on a repeated basis, until the protections are generally understood and respected, especially by the Legislature and Administration.

The League currently has two lawsuits pending in the courts challenging state actions that violate Prop. 1A and Prop. 22. In *League of California Cities v. Chiang*, the League is challenging the state's shifting VLF from cities and directing this revenue to priorities the state has unilaterally deemed to be more important. In a second case, *League of California Cities v. Matasantos*, the League is challenging the unconstitutional "claw-back" penalties in the AB 1484 budget trailer bill that puts city sales and property tax revenues at risk. Every city in the state has an interest in the outcome of these two lawsuits.

This vital defensive strategy is expensive, but essential. Implementing this strategy is conducted at greatly reduced cost and effort if the League serves as the lead plaintiff on behalf of all cities. The alternative would be for each city or *ad hoc* groupings of cities to initiate separate lawsuits. By coordinating their efforts through the League, cities can leverage their resources for the benefit of all cities to challenge the state whenever it attempts to weaken the important local revenue protections California cities have worked so hard to achieve.

Voluntary Litigation Surcharge

As noted, the resources required to initiate litigation and bring it to a final conclusion are substantial. Throughout the ongoing economic downturn that cities have lived with for several years, the League has avoided imposing any increase in dues for membership in the League. Due to the recession, the League also has experienced a reduction in revenue from conference registrations and from other major revenue sources. To finance this new and important role for the League, the board of directors is asking that each city consider paying an optional surcharge equal to ten percent of the League dues to support vital litigation.

The surcharge is shown on the enclosed invoice. The recommended surcharge is optional; a city may pay the base dues and enjoy all the benefits of membership. However, we sincerely hope you will consider supporting this new and important role the League is undertaking because of its tremendous value to your city and all cities throughout the state.

Conclusion—California Cities Work Together

Through the League, all cities and all city officials have the opportunity to help shape solutions to the issues of greatest importance to our cities and the state of California. Working together, we pursue those solutions most effectively. It is important for cities to act energetically, in unison, and with renewed focus to amplify our voice in key statewide policy matters.

The board of directors encourages your enthusiastic support of and participation in the League of California Cities in 2013. We look forward to continuing our fight together to protect local control and help you provide outstanding service to the residents of your great city.

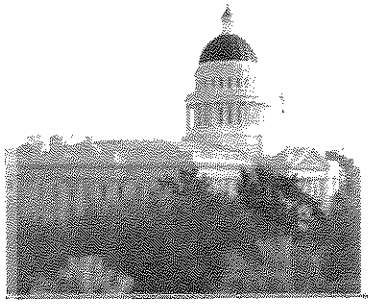
If you have any questions about this matter, please contact Dan Harrison, Director of Administrative Services, at dharrision@cacities.org or 916-658-8267.

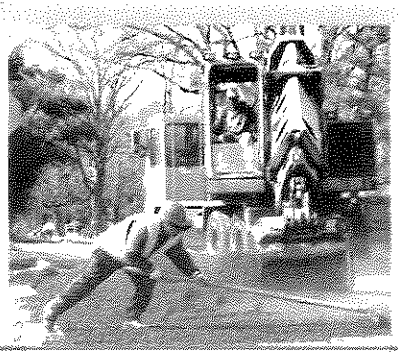
Enclosures:

- Dues invoice
- Return on Investment Report
- Benefits of Membership

Benefits of Membership in the League of California Cities

Founded in 1898, the League is the leading local control advocate for California cities. Through the League, cities collectively marshal the resources to defend and expand local control in the Legislature, at the ballot box, in the courts and through strategic outreach to inform and educate the public, policymakers and opinion leaders. League engagement has provided and protected hundreds of millions of dollars in revenue for cities in recent years and preserved local control against many threats to the land-use, employee relations and other authority of cities. All this is possible only through the collective involvement of virtually every city statewide.





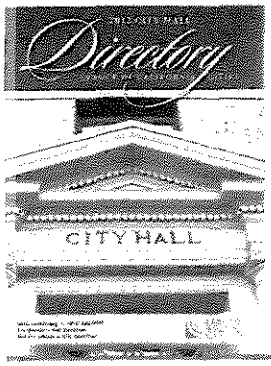
Among the many significant benefits cities receive from their League membership are:

Legislative and Ballot Measure Advocacy. A team of Sacramento-based and 16 field staff work with city officials to advocate for local control and secure fiscal resources for cities in both Sacramento and Washington, D.C. The League helped lead successful ballot measure campaigns in 2004, 2006, 2008 and 2010 that protected local tax funds and land-use authority.

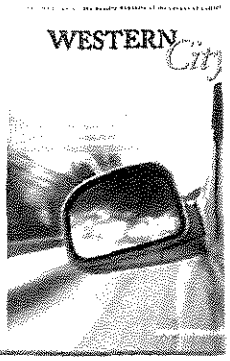
Member-Driven Policies and Services. League policies and priorities are formulated and established by mayors, council members and other officials from member cities who serve on the League board of directors, policy committees, divisions, departments, caucuses and task forces.

Legal Advocacy. The League conducts an active legal advocacy program in support of California cities. Members may request amicus support in cases to which they are a party if statewide interests are at stake. During 2011 and 2012, the League participated in 94 cases on behalf of member cities in federal and state courts, in addition to 10 requests for formal review and input from the California Attorney General. The League also filed lawsuits to challenge the constitutionality under Propositions 1A and 22 of the 2011 diversion of Vehicle License Fee funds from cities and the sales and property tax clawbacks in the 2012 redevelopment budget trailer bill.

Discounted Conference/Seminar Registration. Members receive deep discounts ($1,000) on registration fees for conferences and seminars, including the League Annual Conference & Expo, the City Managers' Conference, City Attorneys' Conference and other yearly meetings.



Local Leadership Toward Solving Climate Change



Leadership Opportunities. Elected city officials and staff from member cities may serve on League policy committees, the board of directors (staff representing their professional department) and as officers of the diversity caucuses. Staff may hold a leadership/officer position in their professional department, and elected officials may serve as officers of the League's 16 regional divisions.

Information. The League invests in comprehensive research on both city fiscal matters and other issues by conducting strategic surveys and substantive analyses of policy. Sponsored by the League, the League's Fiscal Consultant Michael Coleman publishes extensive data, statistics and analyses of California city and county finance, tax election results and more at the California Local Government Finance Almanac (www.CaliforniaCityFinance.com). League surveys focus on important city policies such as compensation, fiscal priorities, local services and more.

Research and Best Practices. The Institute for Local Government (www.ca-ilg.org) is the League's nonprofit research and education affiliate that promotes good government at the local level with practical, impartial and easy-to-use resources for California communities.

Publications. The League's publications, such as *Open and Public IV, The People's Business, The Municipal Law Handbook* and *The Proposition 218 Implementation Guide*, are considered the definitive sources on critical aspects of city government operations. The League's annual *City Hall Directory* provides contact information for every elected city official and key city department heads.

Recognition for Innovation. Member cities may seek prestigious recognition for innovation through both the League's Helen Putnam Award program (www.HelenPutnam.org) and the Institute for Local Government's Sustainability and Climate Change Beacon Award (www.ca-ilg.org/BeaconAward).

Relevant Communications. The League's newly redesigned website (www.cacities.org) serves as a major clearinghouse of news and information related to city issues and policy. Through League listservs, city officials may exchange best practices and other information. Members receive *CA Cities Advocate*, the League's almost-daily electronic newsletter; *Western City*; the League's award-winning monthly magazine; and announcements of educational and networking opportunities; and updates on legislative developments. The League's effective use of the social media platforms Facebook and Twitter keeps the membership updated in real time on developments in the Capitol and throughout California that affect cities.

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LEAGUE OF CALIFORNIA CITIES

LEAGUE MEMBERSHIP -- A GREAT INVESTMENT

Customized Return on Investment Report
December 2012

Los Alamitos	FY2005-06	FY2006-07	FY2007-08	FY2008-09	FY2009-10	FY2010-11	FY2011-12	FY2012-13	Total
Los Alamitos's Dues	5,132	5,347	5,507	5,507	5,507	5,507	5,507	5,507	43,521
VLF/PropertyTax Swap [1]	41,239	81,586	147,350	239,868	294,021	356,563	315,390	327,438	1,803,455
Prop. 42 (local streets)	53,515	87,930	0	105,049	115,312	⇩	⇩	⇩	361,805
HUTA state taking blocked					203,921	⇩	⇩	⇩	203,921
HUTA and Prop. 42 protected by Prop. 22 [2]						282,680	349,398	314,102	946,180
Property Tax loan securitized / prohibited by Prop. 22 [3]					283,252				283,252
VLF shift prohibited by Prop. 22 [4]						49,845			49,845
SB89 VLF Shift (Now under litigation)							-43,284	-44,907	-88,190
Redevelopment TI protected by Prop. 22						n/a			0
Redevelopment Disolution (net of ROPS) [5]							n/a	n/a	0
Total Return	94,754	169,516	147,350	344,916	896,507	689,088	621,504	596,633	3,560,269
Rate of Return	18:1	32:1	27:1	63:1	163:1	125:1	113:1	108:1	82:1

1. Net gain in revenues by virtue of the VLF/Property Tax Swap. Growth in PropTax in Lieu of VLF versus estimated growth in VLF had it remained.
2. Prop. 22 ended the Legislature's ability to borrow or delay HUTA and Prop. 42 gas tax funds.
3. Prop. 22 ended the Legislature's ability to borrow local property taxes. The FY09-10 loan was securitized. Under Prop1A('04) another borrowing could have occurred in 3 years.
4. Prop. 22 ended the Legislature's ability to shift revenue allocations from the 0.65% state Vehicle License Fee.
5. Estimated redvelopment TI net of pass through payments and ROPS returned to local agencies other than the city via property tax apportionment shares.

~ ~ ~ ~ ~

Our mission is to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

600 South Main Street, #940, Orange, CA 92868 | P: 714.953.1300 | F: 714.953.1302 | www.ACCOC.org

November 1, 2012

Angie Avery, City Manager
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, California 90720

Dear Angie,

Enclosed is your 2013 Association of California Cities – Orange County dues invoice.

We greatly appreciate the opportunity to work with you. In our first full year of operations, we are proud to have offered such an increased breadth and depth of service through our new organizational structure, while keeping dues stable for the fourth year in a row. We have been able to do this by finding ways to leverage your dues dollars to secure outside contributions, allowing us to provide increased levels of support to our member cities.

Leveraging Dues for Stronger City Advocacy
In 2012, we were able to secure cash and in-kind contributions in excess of total city dues. This has allowed us to provide such services as eHub, Capitol Track (customized legislative tracking for your city), research services, and regional advocacy on regulatory issues. In fact, just this month, we had a significant win at AQMD, by winning a regulatory exemption that will prevent increased costs (upwards of $60,000) to Orange County cities.

Cost-effective City Leader Education & Networking
Additionally, we provided over 22 educational programs and conferences for city staff and elected officials. All of our elected official programming supports effective partnership with city staff and regional partners. These educational events were provided at cost, and eliminated the need to expend funds on travel and registration fees common for similar, non-local events. Educational opportunities were provided on key issues brought to us by you - our members. Last year, we added four complimentary networking events - completely free for members. In short, ACC-OC is the best deal going for continuing elected leader education and regional relationship-building.

Increasing Staff Services While Keeping Dues Static
This year, in response to your input and feedback, our Board of Directors voted to double down on their efforts to fund increased service directly to city staff. In 2013, at no additional cost, you'll see our support service to you and your staff expanded through increased research services (at your request). When you need it, we will also provide direct support to your city to work with your staff on needed resources. For example, if your staff needs to research a specific policy being implemented elsewhere, **we will do the work for you** and prepare comprehensive reports for your staff. We do this for numerous cities across the region and have saved upwards of $13,000 for one city alone. Additionally, we will continue to increase educational offerings for city professionals across the region.

Affirming a Member Drive / Ground-up Approach
The ACC-OC not only works for you - as its member - but IS you. As you know, all of our programs and services are developed by and through city leader input and involvement. We are proud to serve you "from the ground-up," in a member driven manner that is unique in the state, and likely the nation. Not only do we thank you for your involvement, but for the opportunity to create more effective local government and public policy - and perhaps as important, meaningful partnerships and a voice with our state legislative representatives.

Telling Your Good News
Recently, you may have noticed a new focus on media attention on the good story of cities. We are proud of the new Cox Government Spotlight that highlights local government leaders, focusing attention on the positive stories that often go overlooked - what's going right! Our objective is to increase awareness to your residents of your success stories. We produce two programs monthly, and rebroadcast those segments broad and wide - throughout Orange County, and beyond.

With the recession now starting to fade, and the economy crawling into a new era of recovery - we see more hope in the future - and look forward to continuing our quest to protect local control, preserve city's autonomy, and drive the issues and objectives that you have brought, and will bring to us - to serve you in the coming year.

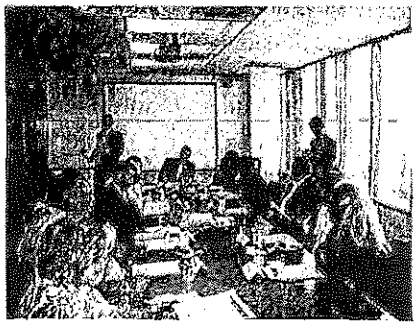
Yours' in service,

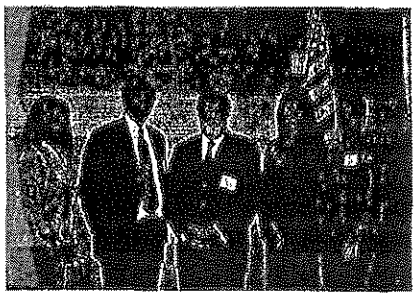
Lisa Bartlett
ACC-OC President

Lacy Kelly
ACC-OC CEO

ASSOCIATION OF CALIFORNIA CITIES
ORANGE COUNTY

MEMBER BENEFITS





The Hub for Good Public Policy

- **Job Creation & Economic Development Taskforce**: Working in collaboration with the private sector and the non-profit community, this committee looks at what cities can do to spur economic health in their cities, as well as what can be done on a regional level.

- **Local Government Innovation**: This committee is tasked with streamlining government and looking beyond Orange County's borders to identify other innovative ideas. The committee will look across all levels of government for what can be done to create efficiencies in local government.

- **100% Connectivity (Countywide Wireless):** This committee focuses on tackling barriers to countywide wireless connectivity, engaging partners and recommending tangible solutions to help the region move toward 100% coverage in OC cities.

- **Medical Marijuana Discussion Group**: This discussion group will look to help cities deal with the quagmire of challenges in managing medical marijuana dispensaries.

- **Additional Policy Committees:** Pension Reform, Redevelopment Reform, Regional Housing Needs Assessment Reform and Legislative Committee

Catalyst for Regional Collaboration

- **Platform for Model Ordinances**: ACC-OC serves as the platform for developing model ordinances for us across Orange County.

- **Resource for Statewide Issues**: Groups like CalFWD and the California Redistricting Commission rely on ACC-OC to collaborate with local leaders and vet policy solutions for statewide issues.

- **Collaboration Through All Levels of ACC-OC:** Member feedback drives the strategic direction from which the Board and Committees develop programs, policy and information.

- **Convening Stakeholders**: The ACC-OC regularly convenes stakeholders to develop solutions to urgent civic issues. Past efforts include:
    - California redistricting proposals
    - Sex offender policies
    - Statewide government reform

ASSOCIATION OF CALIFORNIA CITIES
ORANGE COUNTY

MEMBER BENEFITS

A Resource for City Leaders

- **Legislative Tracking**: ACC-OC provides you access to CapitolTrack legislative tracking software. Gain up-to-the-minute updates on legislation impacting local control, right from our website.

- **City Advocacy:** As our primary charge, we are your advocates. We defend local control in the press, court room and state legislature.

- **Educational Programming**: State, regional and local experts address issues important to members. The ACC-OC holds regular educational events at discounted rates for members.

- **City Leader Receptions**: ACC-OC hosts networking receptions for local leaders to interface with peers and community partners.

- **Sacramento Advocacy Trip**: ACC-OC partners with key business leaders on our annual trip to Sacramento to meet with influential members of the Legislature and the Governor's top staff.

- **Public Polling:** ACC-OC provides members exclusive access to polling data on issues important to cities, like economic development and the public's perceptions of local government.

- **Annual Conferences**: ACC-OC offers a variety of annual conferences each year, including: City Council Orientation, Infrastructure Conference and the OC Housing Summit.

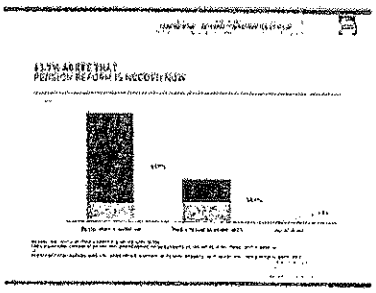
- **Policy Solutions/Best Practices:** ACC-OC's policy committees, comprised of members, develop Best Practices that are used across the County as baselines to implement effective public policy.

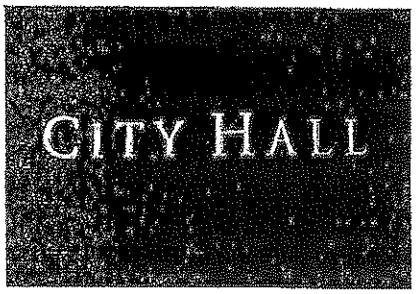
- ***e*Hub Online Policy Resource**: Save staff time and money by utilizing this centralized repository of hundreds of documents that would otherwise need to be researched by city staffs.

- **Affinity Program**: Discounted rates for commonly used services from exclusive ACC-OC providers.

- **Alerts & Information**: ACC-OC communicates via its website, e-newsletter, social media, the press, special events, press conferences, and other ways to ensure members are in the know.

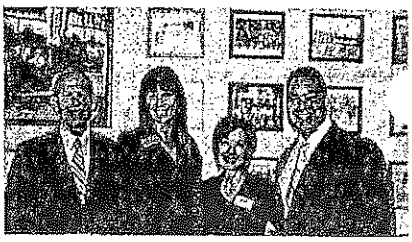
- **City Directory**: Each year, the ACC-OC produces a comprehensive directory of all city elected officials, special districts and state/federal delegation contacts.





eHUB

THE ONLINE RESOURCE FOR GOOD PUBLIC POLICY



ASSOCIATION OF CALIFORNIA CITIES
ORANGE COUNTY

2013 Events

ACC-OC events are held on the 2nd Thursday of the month, unless otherwise indicated.
Questions? Contact the ACC-OC office at 714-953-1300 or visit www.accoc.org

General Meeting: Is Your City Cyber-Secure?
January 10, 2013

Public Policy Academy for New and Returning Elected Officials
January 17-18, 2013

City Leader Reception: Angels Stadium
February 7, 2013

One Voice, Two Capitols Sacramento Advocacy Trip with OCBC
February 25-26, 2013

General Meeting: Fire Engine Staffing - a discussion on various local govt approaches
March 14, 2013

Board of Directors Installation Honoring Keith Curry, Incoming President
April 11, 2013

One Voice, Two Capitols Washington, D.C. Advocacy Trip with OCBC
April 22-24, 2013

4th Annual City Infrastructure Summit
May 16, 2013

2nd Annual Golden Hub of Innovation Awards
June 13, 2013

City Leader Reception: Disneyland Resort
July 11, 2013

General Meeting: Topic TBD
September 12, 2013

City Leader Reception: TBD
October 10, 2013

General Meeting: Topic TBD
November 14, 2013

Holiday Reception
December 12, 2013

City of Los Alamitos

Agenda Report	February 19, 2013
Discussion Items	Item No: 8B

To: Mayor Warren Kusumoto & Members of the City Council

From: Angie Avery, City Manager

Subject: Appropriation of Resources to the Los Alamitos Unified School District for Renovation of Oak Middle School

Summary: On September 17, 2012, the City Council approved the commitment of $300,000 to assist the Los Alamitos Unified School District with the renovation of the Oak Gymnasium and a Public Restroom Facility at Oak Middle School to benefit the community. The Council needs to formally appropriate the funds now, so that the donation can be made and the check sent to the School District.

Recommendation: Formally appropriate an amount not to exceed $300,000 or one-third of the cost of renovation, whichever cost is lower, for the renovation of the Oak Gymnasium and a new Public Restroom Facility at Oak Middle School. Authorize the City Manager to enter into a funding agreement with the Los Alamitos Unified School District in a form acceptable to the City Attorney.

Background

City/School Working Group

Two members of the City Council are appointed annually as representatives to the City/School District Working Group. Mayor Pro Tem Gerri Mejia and former Mayor Pro Tem Marilynn Poe were the Council representatives in the summer of 2012. The purpose of the Working Group is to meet on a quarterly basis to discuss issues of common interest, most notably the shared use of facilities.

At the July 17, 2012 City/School meeting, representatives of the District unveiled preliminary plans for renovation of Oak Middle School that included items of great interest to the City including the Oak Gym and a new proposed restroom facility for users of Oak Field. School District representatives asked the City representatives if the City Council would be able to contribute funds for the renovation of either or both facilities.

Oak Gymnasium

The conversation regarding the Oak Gym was significant because the School District does not have an obligation to renovate the facility using Measure K bond funds. The Oak Gym was built in 1974 with funds provided by the County of Orange, the School District, the City, and the Youth Center. The Gym is on School District property, the District utilizes it during the daytime hours for Oak Middle School students and the City utilizes it after school, nights and weekends for community recreation purposes. Maintenance and repair to the facility have mostly been shared through the years between the District and the City with neither side taking the lead. Currently the Gym is in poor shape and in need of renovation.

Public Restroom Facility for Oak Field

The School District also proposed to renovate an existing mechanical room separating the Oak Middle School boys and girls locker rooms and convert it into a permanent Public Restroom Facility to serve late afternoon, night time and weekend users of Oak Field. As you know, both Oak and McAuliffe fields get heavy use by local youth groups and do not have permanent restrooms. It is proposed that the building can accommodate three to four stalls each for both men and women and that these restrooms would be dedicated to community use only as the Oak students have their own restrooms for physical education students during the day.

Discussion

At the September 17, 2012 City Council meeting, the Council approved the commitment of funds not to exceed $300,000 or one-third of the cost of renovation, whichever is lower, for the renovation of the Oak Gymnasium and a new Public Restroom Facility at Oak Middle School.

The specific motion that was approved by a 4-1 vote by the Council is as follows:

1. Formally committed an amount not to exceed $300,000 or one-third of the cost of renovation, whichever cost is lower, for the renovation of the Oak Gymnasium and a new Public Restroom Facility at Oak Middle School.

2. Authorized the City Manager to investigate ownership and liability of the facility, to enter into a funding and shared use agreement with the Los Alamitos Unified School District in a form acceptable to the City Attorney.

The construction at Oak Middle School is scheduled to start on April 1, 2013, and the project will be completed by October 15, 2014. In order for the School District to start the work, they must show the State of California that they have the funds for the entire project, including the City's donation.

In consideration of the commitment of funds, it is the City's desire to continue to partner with the School District for the joint use of the Oak Gymnasium in the manner reflected in the current Joint Use Agreement, and that has served the community well since 1974.

The City Attorney has prepared a funding agreement that outlines how the funds will be spent and the rights of the City to receive a refund of the funds should the construction of the two facilities not be fully realized. (Attachment #1) The funding agreement has been approved by the Los Alamitos Unified School District Board as of its meeting on February 12, 2013.

At this time, the Council needs to appropriate the funds to the School District, so that the check can be cut and the funds can be delivered to the District. By appropriating the funds, the amount will be included in the City's budget process going forward.

Fiscal Impact

The City Council has previously approved the commitment of $300,000 to the School District. The action to appropriate the funds is a formal step necessary to prepare the check and deliver the funds to the School District. The funds will be taken out of the previously committed fund balance reserve.

When approved, the check will be prepared and the amount will be shown as prepaid on the list of major expenditures for the next Council meeting on March 18, 2013.

Submitted and Approved By:

Angie Avery
City Manager

Attachment: 1. *Funding Agreement between the City of Los Alamitos and the Los Alamitos Unified School District*

FUNDING AGREEMENT BETWEEN THE CITY OF LOS ALAMITOS AND THE LOS ALAMITOS UNIFIED SCHOOL DISTRICT

This Agreement is made and entered into as of February 19, 2013, by and between the City of Los Alamitos ("City"), a municipal corporation, and the Los Alamitos Unified School District ("District"), a public entity.

Recitals

A. City and District are parties to that certain Agreement originally entered into on February 28, 1974, and amended in 1982, which Agreement provides for shared use by City and District of certain public facilities located at Oak Middle School (the "Joint Use Agreement").

B. District intends to renovate the gymnasium and construct a new public restroom facility at Oak Middle School (the "Project"). City has determined that it is in the public interest and in furtherance of the purposes of the Joint Use Agreement that City provide funds to be utilized to construct the Project.

Based on the Recitals set forth above and in consideration of the mutual covenants set forth below, the parties agree as follows:

1. The parties represent and warrant to each other that each of the Recitals set forth above is true and correct.

2. Within five business days of the date of this Agreement, City shall deliver to District the sum of $300,000.00 (the "City Funds").

3. District shall use the City Funds only to pay for costs of the Project.

4. To the greatest extent permitted by applicable law, District shall hold harmless, defend and indemnify City, its officers, employees and agents, against any losses or damages of any nature arising from or related to the Project.

5. It is the intention of the parties that City's share of the cost of the Project not exceed one-third of the total cost of the Project. Within 30 days after completion of the Project, District shall provide City with an accounting of the total cost of the Project. In the event that the total cost is less than $900,000.00, at that time District shall refund a portion of the City Funds to City so that City's share of the cost of the Project is equal to one-third of the total cost.

6. District shall refund to City the entire amount of the City Funds in the event that: (i) District does not commence construction of the Project by October 1, 2013, or (ii) District does not complete the Project by October 15, 2015.

7. Following completion of the Project, the parties will continue to use the renovated and newly constructed facilities as set forth in the Joint Use Agreement.

8. This Agreement constitutes the entire agreement by and between the parties with respect to the Project, and may be amended only in writing.

9. In the event of a default, either party may avail itself of any and all remedies available at law or equity under California law for the purpose of enforcing the terms and conditions of this Agreement.

Intending to be legally bound, the parties' authorized representatives have executed this Agreement, below, as of February 19, 2013.

City of Los Alamitos

_____

Mayor

Attest:

_____

City Clerk

Approved as to form:

_____

City Attorney

Los Alamitos Unified School District

(by)

Attest:

(by)

City of Los Alamitos

Agenda Report	February 19, 2013
Discussion Items	Item No: 8C

To: Mayor Warren Kusumoto & Members of the City Council

Via: Angie Avery, City Manager

From: Steven A. Mendoza, Community Development Director

Subject: Continuance of the Business and Residential Improvement Program

Summary: This report provides a one year recap of the Business and Residential Improvement Program and a recommendation to continue the Program until June 30, 2013.

Recommendation: It is recommended that the City Council continue the Program through this fiscal year or until current funds are reserved (whichever comes first).

Background

In early 2012, the City of Los Alamitos explored ways to encourage rehabilitation of properties subsequently approving a program that incentivized construction by reimbursing permit fees. The program became The Los Alamitos Business and Residential Improvement Program, which reimburses permit related fees to parties that purchased construction supplies within the City. Funding of $162,096 was established for reimbursements and $2,810 for marketing.

Discussion

The Business and Residential Improvement Program reaches it's sunset date on March 5, 2013. All parties with funds reserved by that date would be honored, but no new funds would be reserved past March 5, 2013, unless extended by the City Council.

From the March 15, 2012 inception to January 30, 2013, $96,202.49 has been reserved for 234 property owners who have obtained permits to improve their properties. Of the 234 permits that have been issued, fourteen property owners have been refunded $9,173.60. Although the City expended $1,265.09 on publicity, and $9,173.60 on reimbursements, the recipients report spending over $96,000.00 at local businesses such as Ganahl, Royal Pane, and TKR Construction. Program milestones include:

- Serving 234 property owners within the City of Los Alamitos.

- Name Recognition – Multiple jurisdictions approached the City to inquire about the program. The fact that other communities have a desire to mimic the program solidifies the City Council's forward and progressive thinking in Community Development.

- Award Winning – The City was fortunate to be one of the Orange County cities recently honored by the Orange County Business Council during the 2nd Annual *Turning Red Tape into Red Carpet Awards*. The awards program was developed to recognize leaders in local government whose policies and programs eliminate the barriers to economic growth and private sector jobs creation.

- Along with the Award, the City was recognized in the December 2013 edition of OC Metro magazine.

- Site Visits – At the implementation stage of the program, the City was fortunate to have a homeowner and a business owner participate in a press event at their site to promote the program. In attendance at both of these events were the News Enterprise and OC Breeze.

- As an example of increasing sales at a Los Alamitos home improvement related businesses, the Business and Residential Improvement Program has cultivated relationships between homeowners and local businesses. The simple pairing of Ganahl Lumber with a local resident undertaking a home remodel resulted in a one-time local lumber order of approximately $24,000. This one meeting kept sales within the community and provided an incentive to businesses who have selected Los Alamitos as their home.

It is recommended that the Los Alamitos City Council continue the program through this fiscal year or until all current funds is reserved. Future funding may be considered during the budget process.

Fiscal Impact

Of the $162,096 budgeted for reimbursements, $9,173.60 has been rebated to program participants and Staff has reserved $96,202.49 on behalf of 234 Los Alamitos property owners leaving a balance of $56,719.91 for reimbursements.

Submitted By:

Steven A. Mendoza
Community Development Director

Approved By:

Angie Avery
City Manager

City of Los Alamitos

Agenda Report Discussion Items	February 19, 2013 Item No: 8D

To: Mayor Warren Kusumoto & Members of the City Council

Via: Angie Avery, City Manager

From: Steven A. Mendoza, Director of Community Development

Subject: Creation of Ad Hoc Subcommittee to Review City Attorney Proposals

Summary: This report establishes an Ad Hoc Subcommittee for review of City Attorney Request for Proposal (RFP) if more than 10 proposals are received.

Recommendation: Establish an Ad Hoc Subcommittee to review City Attorney Services Proposals and appoint two City Council Members.

Background

The City Council released a Request for Proposal (RFP) for City Attorney Services and it is expected that numerous firms will submit proposals.

Discussion

The City Council expressed interest in forming an Ad Hoc Subcommittee during its meeting of January 22, 2013. This subcommittee was to be created should more than 10 firms respond to help streamline the process. Proposals are due at noon on February 19, 2013. In the event less than 10 are received, no action will be necessary on this item. The Ad Hoc Subcommittee shall automatically cease upon appointment of the City Attorney.

Fiscal Impact

There are no costs related to the creation of a new subcommittee.

Submitted by:

Steven A. Mendoza
Community Development Director

Angie Avery
City Manager

City of Los Alamitos

Agenda Report	February 19, 2013
Discussion Items	Item No: 8E

To: Mayor Warren Kusumoto & Members of the City Council

From: Angie Avery, City Manager

Subject: Commitment of Resources to Hire a Police Officer to Serve as a School Resource Officer

Summary: This report gives the City Council the opportunity to make a commitment of funds to hire a Police Officer to serve as School Resource Officer (SRO).

Recommendation: Formally commit approximately $95,000 to fund one-half of the salary, benefits, training and equipment needs for a new Police Officer to work as a School Resource Officer.

Background

In a letter dated January 24, 2013, Los Alamitos Unified School District Board President David A. Boyer formally asked Mayor Warren Kusumoto for a commitment of support in funding two School Resource Officers (Police Officers) for the safety and security of the children attending District schools. (Attachment #1).

The School District has identified student safety as their highest priority goal and last summer they created a Violence Prevention and Response Task Force to identify priorities for student safety now and in the future. Most recently, and in light of the school shootings at Sandy Hook Elementary School late last year, the Board of Education gave Superintendent Dr. Sherry Kropp direction to hire a Director of Security, and to reach out to the cities of Los Alamitos, Seal Beach and the community of Rossmoor to secure two School Resource Officers.

Since the letter was written, staff has had numerous meetings with Dr. Sherry Kropp, Seal Beach City Manager Jill Ingram, Seal Beach Police Chief Joe Stilinovich, our Police Chief Todd Mattern and Captain Bruce McAlpine. The purpose of these meetings was to discuss the Board of Education's desire for two SRO's and the practical logistics and jurisdiction issues of having two sworn police officers patrol the schools in the District that are spread over two cities and the community of Rossmoor.

At the most recent meeting on February 7, 2013, all parties agreed that trying to figure out the jurisdiction issues were too great to overcome at this time in order to move the conversation forward. (An example of a jurisdiction question is: if the second SRO was a Los Al Police Officer, would they patrol Rossmoor and Seal Beach schools?). After a few hours spent discussing these types of questions, we agreed that our time could most effectively be spent focusing on the funding and duties of a single SRO that would serve Los Alamitos High School.

Most recently, with the parties focused on only one (1) SRO, it was discussed that a Police Officer would need to be hired for this capacity, but trained and capable of working as a regular Police Officer. The Los Alamitos Police Department has provided SRO's to work at Los Alamitos High School in the past, and that was the model that everyone was expecting and comfortable with. With the SRO as an assignment for a Los Alamitos police officer, it made the most sense that Los Alamitos bear the burden of the costs since our agency would be responsible for supervision, training and accountability of the officer.

To that end, the following formula is my recommendation as to how the funding would be shared to support the hiring of one new Police Officer to work as an SRO:

50% of the costs paid for by Los Alamitos
25% of the costs paid for by Seal Beach
25% of the costs paid for by Los Alamitos Unified School District

The cost of a police officer with a vehicle, arms, equipment, training, uniforms, etc is approximately $190,000 annually.

As recently as February 13, Superintendent Kropp confirmed that the Board of Education confirmed their willingness to pay 25% of the costs for a new SRO to be assigned to the high school.

To be determined at this time is the commitment from the City of Los Alamitos and the City of Seal Beach.

Discussion

The purpose of this report is to bring the City Council up to date with discussions between City of Los Alamitos, City of Seal Beach, and School District staff regarding funding and deploying a SRO at Los Alamitos High School. It should also be noted that Superintendent Sherry Kropp has talked to the Rossmoor representatives regarding their participation, but they are not able to participate in the funding at this time.

If the funds are committed by the parties, the next step would be to create a Memorandum of Understanding for a period of time (3 years or 5 years?) that would secure the funding so that the City of Los Alamitos could start the recruitment of a new police officer. The process to hire a new officer would take a number of months, but it is

anticipated that the SRO would be in place to start the new school year in September 2013. The commitment of funding would also allow the parties to focus on collaborating on the operational aspects of the SRO's assignment. It is anticipated that a new set of duties will emerge for the SRO just as the safety and security of students has emerged as the District's most important goal.

Fiscal Impact

By approving this item, the City Council will make a commitment in the FY 2013-14 budget to fund 50% of the cost of one Police Officer (approximately $95,000) to be assigned as an SRO to Los Alamitos High School.

Submitted and Approved By:

Angie Avery
City Manager

Attachment: 1. Letter from Los Alamitos Unified School District requesting School Resource Officers

Los Alamitos Unified School District

10293 Bloomfield Street • Los Alamitos, CA 90720-2200 (562) 799-4700 • FAX (562) 799-4730

January 24, 2013

Mr. Warren Kusumoto, Mayor
Los Alamitos City Council
3191 Katella Avenue
Los Alamitos, CA 90720

Dear Mayor Kusumoto,

The Los Alamitos Unified School District has five priority goals, and the most important goal is to ensure student safety. Last summer, the District created a Violence Prevention and Response Task Force, which is a group of qualified experts who have helped us create priorities moving forward. As a result, the Los Alamitos Unified School District will be hiring a consultant who will implement improvements and provide staff training and regular safety drills. In addition, the Board of Education has given the superintendent direction to work with the Cities of Los Alamitos and Seal Beach and the Orange County Sheriff's Department to secure two School Resource Officers (SROs). In light of the Sandy Hook Elementary shooting in Connecticut late last year, the need for dedicated officers for students' safety and security is paramount. There are over 9,800 students in our District, and the Violence Prevention and Response Task Force identified this need as paramount. As we write this letter, other cities, like Costa Mesa and Fullerton, have already moved to add this resource in tandem with the school districts.

Given our escalating concerns over student safety and recommendations of the Violence Prevention and Response Task Force, we respectfully request your assistance in acquiring two SROs to provide additional safety for our students. We would like one SRO placed at Los Alamitos High School (LAHS). LAHS is a large high school, serving 3200 students, and the need for an officer there full time, 180 days a year while students are in session, is critical. We'd like a second SRO to cover our other schools. This second SRO should know the principals, the physical lay-out of the schools, and be available to provide additional support as needed at any of our sites. As you know, both of our large middle schools and one elementary school are also located in the City of Los Alamitos, and the second SRO will be a tremendous asset to these sites.

We are requesting your commitment of support and direction to your staff to meet with our Superintendent, Dr. Kropp, and appropriate personnel to make this a reality as soon as possible. This is a work in progress, but we believe this is an essential first step to ensuring the continued safety of our students.

On behalf of the entire Los Alamitos Unified School District Board of Education, Dave Boyer, Dr. Jeff Barke, Meg Cutuli, Karen Russell, and Diana Hill, I request your commitment to helping us secure two School Resource Officers. We highly value and are extremely grateful for our continued partnership and see this as a critical need at this time. Please do not hesitate to discuss this with any of the Board members or our Superintendent.

Sincerely,

David A. Boyer
Board President
Los Alamitos Unified School District

c.c. Dr. Jeffrey Barke – Board Clerk
Meg Cutuli – Board Member
Karen Russell – Board Member
Diana Hill – Board Member
Dr. Sherry Kropp – Superintendent
Angie Avery – Los Alamitos City Manager

Board of Education: Jeffrey Barke • David Boyer • Megan Cutuli • Diana D. Hill • Karen Russell

City of Los Alamitos

Agenda Report Ordinances	February 19, 2013 Item No: 12A

To: Mayor Warren Kusumoto & Members of the City Council

From: Holly Whatley, Special Counsel

Via: Angie Avery, City Manager

Subject: Consideration of Adoption of Ordinance No. 13-01 Amending Chapter 9.14 of the Los Alamitos Municipal Code

Summary: Currently the Los Alamitos Municipal Code prohibits registered sex offenders from entering City parks without written permission from the Police Department. The ordinance adding these provisions to the Municipal Code was modeled on a County ordinance which was declared invalid by the Appellate Division of the Orange County Superior Court. The City has not enforced these provisions since the County ordinance was declared invalid. Staff therefore recommends amending this chapter to address various potential legal issues raised by the Court's decision.

Recommendation:

1. Discuss and consider an ordinance amending the Municipal Code to narrow application of the prohibition on sex offenders in City parks and providing for signage informing the public of such restrictions; and,

2. Introduce by title only and waive further reading of Ordinance No. 13-01, and set for second reading; and,

3. Read the title of Ordinance No. 13-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, ORANGE COUNTY, CALIFORNIA, AMENDING CHAPTER 9.14 OF TITLE 9 OF THE LOS ALAMITOS MUNICIPAL CODE "ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES" WHERE REGISTERED SEX OFFENDERS ARE PROHIBITED FROM ENTERING WITHOUT WRITTEN PERMISSION".

Background and Discussion

California has the highest population of sex offenders in the nation. Currently, Megan's Law[1] (Penal Code § 290 et seq.) requires registration of sex offenders, and publication

[1] Megan's Law is named after seven-year-old Megan Kanka, a New Jersey girl who was raped and killed by a known registered sex offender who had moved across the street from the family without their knowledge. In the wake of the

of approximately 75% of registrants online. Additionally, Jessica's Law (Proposition 83, passed by California voters on Nov. 7, 2006) provides for GPS tracking of parolees and limits where a sex offender can live. However, there are significant limitations in the ability of these laws to protect children from potential predators. Megan's Law provides public access to registrant's addresses, but does not otherwise inform the public of the registrant's daily whereabouts. Jessica's law only monitors 11% of offenders, and applies to residency as opposed to where an individual actually goes during waking hours. Furthermore, in Los Angeles County, the California Department of Corrections does not strictly enforce the residency requirements for sex offender parolees.

Statistics show that sex offenders have a measured recidivism rate as high as 12%, but this number may be artificially low due to underreporting of sex crimes.[2] Furthermore, the sex offenders who are at the highest risk of re-offending are those who target strangers as opposed to family members.[3] Studies also show that registration programs (such as Megan's Law) have very limited success in preventing sex offenders from re-offending,[4] suggesting that a more focused and direct restriction is needed to actually prevent sexual assaults on children. Attached to this staff report are publications and information sheets obtained from the United States Department of Justice and the National Criminal Justice Reference Service with data on sex offenders and analyses of factors contributing to recidivism rates.

Recognizing that Megan's Law and Jessica's Law did not address the threat sex offenders pose to children in public parks, the City Council adopted Chapter 9.14 of the Municipal Code in 2011, which prohibits registered sex offenders from entering City parks, as defined, without written permission from the Police Department. That chapter was adopted based on a County model, which was recently declared invalid by the Appellate Division of the Orange County Superior Court. One of the reasons for the Court's decision was that if every city adopted different restrictions, a registrant would not necessarily know what the rules of any particular city might be (or even which city he or she was in at the moment). In order to address this potential problem, and to provide notice to the public that specific areas are considered "child safety zones," we recommend posting signs at City parks informing the public and registered sex offenders of the City's rules.

Staff further recommends the proposed amendments to the Municipal Code that will narrow the definition of "sex offender" to the specific type of individual who poses a threat to children in the community. A person may be required to register as a sex offender for many reasons, some of which may not involve a threat to children. Therefore, staff recommends limiting the application of the ordinance to individuals who meet both of the following conditions: (1) the individual has been convicted of a sexual offense involving a minor and (2) the individual is required to register as a sex offender under Penal Code section 290 et seq. This will ensure that the restriction serves to

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tragedy, the Kankas sought to have local communities warned about sex offenders in the area. All states now have a form of Megan's Law.

[2] See Tewksbury, et al. (March 2012) *Sex Offenders: Recidivism and Collateral Consequences*, at p. 14. Found at https://www.ncjrs.gov/pdffiles1/nij/grants/238060.pdf

[3] *Id.* at p. 15.

[4] *Id.* at p. 60.

protect the public from the specific threat of child predators, without unnecessarily burdening the rights of individuals who may not present that threat.

A redline version of the proposed amendments is attached.

Fiscal Impact

None at this time.

Submitted:

Holly Whatley
Special Counsel

Approved By:

Angie Avery
City Manager

Attachments:

1. *Proposed Ordinance 13-01*
2. *Redline version of proposed amendments*
3. *California Department of Corrections Jessica's Law Fact Sheet*
4. *California Department of Corrections Sex Offender Information Overview*
5. *Center for Sex Offender Management, Recidivism for Sex Offenders (March 2001)*
6. *Printout of Megan's Law webpage for Los Angeles County (Feb. 14, 2013)*

ORDINANCE NO. 13-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, ORANGE COUNTY, CALIFORNIA, AMENDING CHAPTER 9.14 OF TITLE 9 OF THE LOS ALAMITOS MUNICIPAL CODE "ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES" WHERE REGISTERED SEX OFFENDERS ARE PROHIBITED FROM ENTERING WITHOUT WRITTEN PERMISSION

WHEREAS, on April 5, 2011, the Orange County Board of Supervisors unanimously adopted an Ordinance creating child safety zones to protect children from registered sex offenders; and

WHEREAS, the April 5, 2011 County of Orange Ordinance prohibited registered sex offenders from entering County parks without written permission from the Orange County Sheriff's Department, but did not apply to any City parks that are located in Orange County; and

WHEREAS, the City of Los Alamitos wanted to extend the County prohibition to City of Los Alamitos parks to establish Child Safety Zones in the City of Los Alamitos to further protect children from sexual predators in areas where children frequent; and

WHEREAS, on November 7, 2011, the City Council adopted Ordinance No. 11-09, adding Chapter 9.14 to Title 9 of the Los Alamitos Municipal Code, modeled on the Orange County ordinance, prohibiting sex offenders from entering City parks without written permission from the Police Department; and

WHEREAS, on November 15, 2012, the Appellate Division of the Orange County Superior Court declared the County Ordinance invalid based on California Constitutional provisions; and

WHEREAS, the City suspended enforcement of Chapter 9.14 of the Los Alamitos Municipal Code immediately upon learning of the Court's decision, and shortly thereafter posted a notice on the online version of the Municipal Code to that effect; and

WHEREAS, the Council wishes to amend Chapter 9.14 of the Los Alamitos Municipal Code to cure potential legal infirmities presented by the Court's decision with respect to the County Ordinance, and to narrow the application of the City Ordinance.

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

SECTION 1. Findings. The City Council finds as follows:

Statistical information from the United States Department of Justice indicates that supervised release of sex offenders is only partly effective in preventing the offender from committing another sex offense. Furthermore, studies show that registration and monitoring alone are not wholly effective in preventing sexual predators from locating and contacting potential victims.

City Parks are frequented by children, and offer opportunities for sexual predators to identify potential victims for future attacks, or to develop a trusting relationship which will expose those children to future abuse.

Although most sexual abuse occurs between family members, registered sex offenders are frequently prohibited from contact with minor family members, and they may seek victims elsewhere.

There are approximately 11,328 registered sex offenders listed on the Megan's Law website for Los Angeles County, any of which are within short driving distance to the parks in Los Alamitos.

SECTION 2. Chapter 9.14 of Title 9 of the Los Alamitos Municipal Code is hereby amended to read:

Chapter 9.14 ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES AND PROHIBITING SEX OFFENDERS FROM ENTERING CITY PARKS WITHOUT WRITTEN PERMISSION FROM THE LOS ALAMITOS POLICE DEPARTMENT

Sections:

9.14.010: Purpose and Intent
9.14.020: Definitions
9.14.030: Prohibitions
9.14.040: Penalties for Violations
9.14.050: Other prosecution authorized
9.14.060: Severability

9.14.010: Purpose and Intent

It is the purpose and intent of this ordinance to protect children from registered sex offenders by restricting sex offenders' access to locations where children regularly gather. It is intended to reduce the risk of harm to children by impacting the ability of sex offenders to be in contact with children. It is further the intent of this ordinance to provide additional restrictions beyond those provided for in state law by restricting sex offenders from certain locations, and by allowing for criminal penalties for violations of this ordinance. It is not the intent of this ordinance to allow conduct otherwise prohibited by state law, or to contradict state law. City of Los Alamitos parks are recognized by the Los Alamitos City Council as locations where children regularly gather.

9.14.020: Definitions

City of Los Alamitos Parks. For purposes of this ordinance, a City of Los Alamitos park may include any City-owned, leased, operated or maintained land before or after the effective dates of this ordinance by the City of Los Alamitos as a recreation area, including, but not limited to Labourdette Park, Laurel Park, Little Cottonwood Park, Orville Lewis Jr. Park, Roberts Park, Soroptimist Park, Stansbury Park, and Sterns Park.

Child or Children. For purposes of this ordinance, "child" means any person under eighteen years of age.

Sex Offender. For purposes of this ordinance, "sex offender" means any person for whom registration is required under Section 290 of the California Penal Code and who has been convicted of a sex offense against a child.

9.14.030: Prohibitions

A sex offender who enters into or upon any City of Los Alamitos park where children regularly gather, without written permission from the Los Alamitos Police Department is guilty of a misdemeanor. Each entry into any such area, regardless of the time period between entries, shall constitute a separate offense under this ordinance.

9.14.040: Penalties for violation.

Punishment for a violation of this section shall be as follows:

(1) Upon a first conviction, by imprisonment in a county jail for a period of not more than six months, or by a fine not exceeding five hundred dollars ($500), or by both imprisonment and a fine.
(2) Upon a second conviction, by imprisonment in a county jail for a period of not less than ten (10) days and not more than six months, or by both imprisonment and a fine not exceeding five hundred dollars ($500). Upon a second conviction, however, the person shall not be released on probation, parole, or any other basis until he or she has served not less than ten (10) days.
(3) Upon a third or subsequent conviction, by imprisonment in a county jail for period of not less than ninety (90) days and not more than six months, or by both imprisonment and a fine not exceeding five hundred dollars ($500). Upon a third or subsequent conviction, however, the person shall not be released on probation, parole, or any other basis until he or she has served not less than ninety (90) days.

9.14.050: Other prosecution authorized.

Nothing in this ordinance shall preclude or prohibit prosecution under any other provision of law.

9.14.060: Severability.

If any section, paragraph, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The City Council of the City of Los Alamitos hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 3. Signs shall be posted at each entrance to a City park, or in such conspicuous location so that they can be seen and read by individuals before entering park grounds. The signs shall read:

"NOTICE: Under Los Alamitos Municipal Code Section 9.14.030, individuals who have committed a sexual offense against a child and who are required to register under Penal Code Section 290 may not enter this park without prior written permission from the Los Alamitos Police Department."

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance and cause the same to be published in the manner required by law. This ordinance shall become effective when notice has been posted as provided in Section 3, but in no event sooner than thirty (30) days from and after its passage.

APPROVED, PASSED AND ADOPTED this 18th day of March, 2013.

_____
Warren Kusumoto, Mayor

ATTEST:

_____
Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

_____
Steve Skolnik, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LOS ALAMITOS)

I, Windmera Quintanar, CMC, City Clerk of the City of Los Alamitos, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 13-01, introduced at a regular meeting of the City Council of the City of Los Alamitos held on the 19th day of, February 2013, and was thereafter adopted at a regular meeting held on the 18th day of March, 2013, by the following vote:

AYES: COUNCILMEMBERS:

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

_____
Windmera Quintanar, CMC, City Clerk

Chapter 9.14 ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES AND PROHIBITING SEX OFFENDERS FROM ENTERING CITY PARKS WITHOUT WRITTEN PERMISSION FROM THE LOS ALAMITOS POLICE DEPARTMENT

Sections:

9.14.010: Purpose and Intent
9.14.020: Definitions
9.14.030: Prohibitions
9.14.040: Penalties for Violations
9.14.050: Other prosecution authorized
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Sex Offender. For purposes of this ordinance, "sex offender" means any person for whom registration is required ~~to register pursuant to~~under Section 290 of the California Penal Code ~~sections 290, et seq.~~and who has been convicted of a sex offense against a child.

9.14.030: Prohibitions

~~Any person required to register pursuant to California Penal Code sections 290, et seq.~~A sex offender who enters into or upon any City of Los Alamitos park where children regularly gather, without written permission from the Los Alamitos Police Department is guilty of a misdemeanor. Each entry into any such area, regardless of the time period between entries, shall constitute a separate offense under this ordinance.

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(3) Upon a third or subsequent conviction, by imprisonment in a county jail for period of not less than ninety (90) days and not more than six months, or by both imprisonment and a fine not exceeding five hundred dollars ($500). Upon a third or subsequent conviction, however, the person shall not be released on probation, parole, or any other basis until he or she has served not less than ninety (90) days.

9.14.050: Other prosecution authorized.

Nothing in this ordinance shall preclude or prohibit prosecution under any other provision of law.

9.14.060: Severability.

If any section, paragraph, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The City Council of the City of Los Alamitos hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

FACT SHEET

JESSICA'S LAW IMPLEMENATION

"Jessica's Law clearly states that sex offenders who are released from prison are not to live within 2,000 feet of schools and parks, among other restrictions. Following the passage of this new law, the state has been working aggressively to enforce these residency restrictions, and to utilize new technology such as GPS to monitor sex offenders more effectively. " "California's parole division is working closely with law enforcement at the local level to implement Jessica's Law, and to better monitor sex offenders released from prison." **-- Secretary James Tilton, Oct. 11, 2007.**

CDCR IS ENFORCING JESSICA'S LAW

- Proposition 83, commonly referred to as Jessica's Law, was passed by voters on Nov. 7, 2006;
- The law's most significant provisions prohibit sex offenders from residing within 2,000 feet of any school and park where children congregate, and mandate Global Positioning Satellite (GPS) supervision for life;
- The law also increases sentences for some sex crimes, including life sentences for some offenses that victimize children, and modifies the criteria for Sexually Violent Predators, thereby increasing the number of sex offenders who are eligible for a civil commitment to the California Department of Mental Health for treatment rather than being released on parole;
- Parole agents from the California Department of Corrections and Rehabilitation's (CDCR) Division of Adult Parole Operations are responsible for enforcing the terms and conditions of Jessica's Law while a parolee is under the state's jurisdiction.

JESSICA'S LAW PLACES STRICT RESIDENTIAL RESTRICTIONS ON SEX OFFENDER

- Sex offender parolees released from prison on or after Nov. 8, 2006 are prohibited from living within 2,000 feet of any school and park where children congregate;
- CDCR parole agents are actively enforcing Jessica's Law's 2,000 foot residency restrictions. Parolees found to be in non-compliant housing can be arrested for violating the terms and conditions of their parole, and referred to the Board of Parole Hearings for a revocation hearing, and possibly returned to prison.
- All parolees released from prison on or after Nov. 8, 2006 must comply with the law's residency requirements. Beginning on Aug. 17, 2007, all sex offender parolees subject to the provisions of Jessica's Law who were out of compliance with the residency restrictions, were notified in person and in writing of their obligation to relocate.
- CDCR parole agents gave parolees whose residences were measured by GPS and found to be within a 2,000 foot radius of a school and/or park a 45 day notice to find compliant housing. Due to legal challenges, some parolees were given up to 55 days to relocate;

CDCR CLOSELY MONITORS HOMELESS SEX OFFENDERS

- In response to Jessica's Law residency restrictions, some sex offenders have declared themselves homeless or transient. Parole agents strongly encourage sex offender parolees to find housing that is in compliance with Jessica's Law rather than registering as transient.

- Transient parolees are:
  - Given a priority for placement on GPS monitoring (only High Risk Sex Offenders);
  - Must have daily phone contact with their parole agent to ensure they are properly supervised, and must have in-person meetings at least once a week;
  - Are prohibited from loitering in or around schools or parks where children regularly gather and other special conditions;
  - Must re-register with their local police department every 30 days; and,
- If they do not comply with these and other special terms and conditions of their parole, they are subject to being arrested and referred to the Board of Parole Hearings for a revocation hearing.

CDCR HAS MORE ACTIVE GPS DEVICES IN THE NATION

Active Sex Offender Parolees	8,070
Active Jessica's Law Parolees	5,669
Non-Compliant Housing	1,171
HRSO on GPS (Active)	2,191
Sex Offenders on GPS (Passive)	555

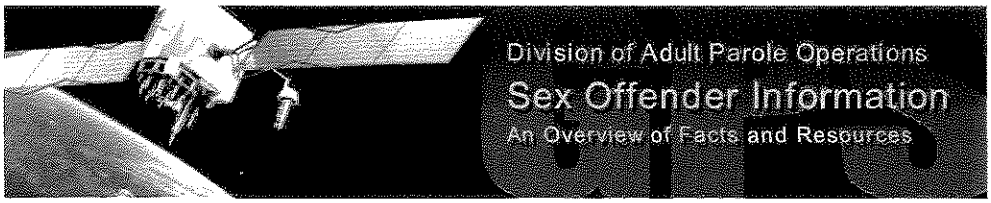
- CDCR began using GPS to monitor sex offenders in June 2005, almost a year and a half before Jessica's Law was adopted, and has more GPS units in the field than any other state or law enforcement agency in the country;
- More than 2,200 sex offenders are currently on GPS devices and actively monitored by CDCR parole agents;
- Special conditions of parole are also enforced that limit their contact with potential victims, and GPS tracking provides 24 hour a day monitoring of their movements;
- In fiscal year 2007/08, Governor Arnold Schwarzenegger augmented the budget of CDCR by $106 million specifically to fund the monitoring and regulation of sex offenders;
- CDCR's Parole Division is working as fast as possible to purchase the necessary GPS devices, strap them on sex offenders, and hire and train the agents to monitor them, and has an aggressive plan to bring online enough GPS devices to monitor all sex offender parolees under the state's jurisdiction. Under this intensive effort, CDCR estimates that all High Risk Sex Offenders will be outfitted with GPS units by March 2008 and that all sex offender parolees will be monitored by GPS by June 2009.

THE SEX OFFENDER MANAGEMENT BOARD (SOMB) IS WORKING TO STRENGTHEN JESSICA'S LAW NOW

- Assembly Bill 1015 created the SOMB to address issues, concerns, and problems related to community management of adult sexual offenders by developing recommendations to improve policies and practices;
- On Oct. 18, 2007, CDCR Secretary Tilton formally requested that the SOMB provide recommendations to the Administration within 60 days regarding life-time GPS monitoring, terms of that monitoring and which law enforcement agency is responsible for the life-time monitoring. ;
- Clarification is urgently needed for parolees who have completed their parole supervision but still require lifetime GPS supervision under Jessica's Law;
- In the meantime, CDCR is working in partnership with local law enforcement to notify them when a parolee subject to GPS monitoring under Jessica's Law is discharged by law from state jurisdiction;
- The goal of the SOMB is to ensure that Jessica's Law increases public safety, and improves the ability for law enforcement to monitor and protect children from sex offenders.

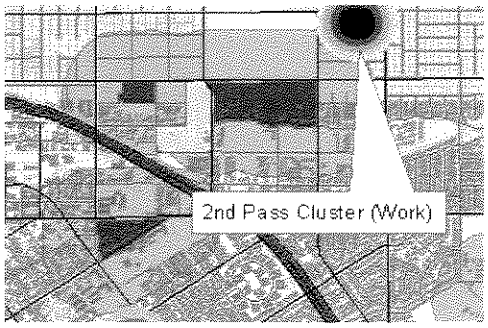
####

Attachment 4



Office of Governor
Edmund G. Brown Jr.
Visit his Website

Jessica's Law



The passage of Jessica's Law was a historic moment for the State of California, which has the highest population of sex offenders in the nation.

As this population grows, the process of tracking convicted sex offenders and protecting the public becomes increasingly complex. Jessica's Law enhances the state's abilities to detect, track and apprehend sexual offenders. Jessica's Law prohibits sex offenders from living within 2,000 feet of schools and parks.

To see what efforts CDCR has made in this area, and to understand the public safety tools at our disposal please see the Jessica's Law Implementation section below.

Parole Statistical Data

	August 29, 2011 Data
Total Parole Population	105,137
Total PC 290s on Parole	9,912
Active PC 290s in the community	7,022
PC 290s in community subject to Jessica's Law	6,968
Total High Risk Sex Offenders on Parole	2,077
Total Sex Offenders on GPS	7,010

Jessica's Law Implementation

Printable PDF Version of Jessica's Law Fact Sheet (PDF)

CDCR encourages discussion and even suggestions from local level on where to best provide transitional housing until parolees can find permanent and compliant residency for sex offender parolees.

CDCR IS ENFORCING JESSICA'S LAW

- Proposition 83, commonly referred to as Jessica's Law, was passed by voters on Nov. 7, 2006;
- The law's most significant provisions prohibit sex offenders from living within 2,000 feet of any school and park, and mandate Global Positioning System (GPS) supervision for life;
- With the exception of Los Angeles County, CDCR parole agents are actively enforcing Jessica's Law's 2,000 foot residency restrictions. Parolees found to be in non-compliant housing can be arrested for

Division of Adult Parole Operations Links

- 2011 Public Safety Realignment - DAPO Informational Overview
- 5 Year Road Map
- California Parole Apprehension Teams (CPAT)
- Lifer Parole Process
- Non-Revocable Parole
- Parole Requirements
- Parole Services
- Parolee Conditions
- Parole Museum
- Parolee On-Line Handbook
- Parolee Restitution Payment Instructions
- Restitution Responsibilities, Information for Adult Offenders
- Sex Offender Facts & Figures
- Sex Offender Management Board
- State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) Committee

Inside Parole

- Parole Blog or

Maps

- Public Information Officers & Regional Offices Map
- Google-Based Division Resources Map

Organizational Links

- Local Assistance Program
- Electronic Monitoring Unit
- Program Development Unit

violating the terms and conditions of their parole, and referred to the Board of Parole Hearings for a revocation hearing, and possibly returned to prison;

- Before a parolee is permitted to reside in any proposed residence, parole agents verify with GPS handheld devices (within six days of the parolee's release from prison, etc.) that the parolee's proposed residence is not within 2,000 feet of a school or park. Currently, in Los Angeles County, a Superior Court Judge has ruled that this restriction be stayed. The State of California is appealing the order.

- The law also increases sentences for some sex crimes, including life sentences for some offenses that victimize children, and modifies the criteria for Sexually Violent Predators, thereby increasing the number of sex offenders who are eligible for a civil commitment to the California Department of Mental Health for treatment rather than being released on parole;

- Parole agents from the California Department of Corrections and Rehabilitation's (CDCR) Division of Adult Parole Operations are responsible for enforcing the terms and conditions of Jessica's Law while a parolee is under the state's jurisdiction.

CDCR is not obligated to provide housing for parolees, but in some instances where it is in the interest of public safety, CDCR will work to ensure that a parolee is compliant with all state laws, including Jessica's Law.

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HOMELESS SEX OFFENDERS ARE MONITORED BY GPS

- Parole agents monitor the GPS "tracks" of homeless sex offenders to ensure that they are not loitering or staying in noncompliant locations.

- Homeless parolees are also required to have daily phone contact with their parole agent to ensure they are properly supervised, and to have in-person meetings at least once a week;

- Homeless sex offenders are required to re-register with their local police department every 30 days.

- If they do not comply with these and other special terms and conditions of their parole, they are subject to being arrested and referred to the Board of Parole Hearings for a revocation hearing, and possibly returned to prison.

CDCR LEADS THE NATION IN ACTIVE GPS

Governor Arnold Schwarzenegger augmented the department's 2007-08 budget by $106 million specifically to fund the monitoring and regulation of sex offenders.

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- CDCR began using GPS to monitor sex offenders in June 2005, almost a year and a half before Jessica's Law was adopted, and has more GPS units in the field than any other state or law enforcement agency in the country.

- GPS allows parole agents to enforce special conditions of parole that limit sex offenders contact with potential victims. GPS tracking provides 24 hour a day monitoring of their movements.

- CDCR was able to place all High Risk Sex Offenders on GPS units by April 2008 and is on track to have all sex offender parolees under its jurisdiction monitored by GPS by June 2009.

THE SEX OFFENDER MANAGEMENT BOARD (SOMB) IS WORKING TO STRENGTHEN JESSICA'S LAW NOW

- *Assembly Bill 1015 created the SOMB to address issues, concerns, and problems related to community management of adult sexual offenders by developing recommendations to improve policies and practices;*

- *SOMB is working to strengthen sex offender management practices across California;*

- On Oct. 18, 2007, then CDCR Secretary James Tilton wrote a letter formally requesting that the SOMB

provide recommendations to the Administration within 60 days regarding life-time GPS monitoring, terms of that monitoring and which law enforcement agency is responsible for the life-time monitoring;

- Clarification from the Legislature is urgently needed for parolees who have completed their parole supervision but still require lifetime GPS supervision under Jessica's Law;
- Currently, CDCR is working in partnership with local law enforcement to notify them when a parolee subject to GPS monitoring under Jessica's Law is discharged by law from state jurisdiction. This type of cooperation will benefit local communities and improve public safety.

News Relating to Jessica's Law

- CDCR Parole Agents Enforcing Special Limits on Sex Offenders for Halloween.
- CDCR Parole Agents Operations Boo! Sweep Video
- Parole Agents Begin Active Enforcement of 2,000 Foot Jessica's Law Residency Restrictions for Sex Offenders
- Parole Reform Increases Supervision of Serious Offenders; Adds Evidence-Based Screening to Reduce Recidivism
- CDCR Serves Jessica's Law Notices on Sex Offenders
- California Summit for Safe Communities Convenes to Discuss Solutions for Housing for Sex Offenders

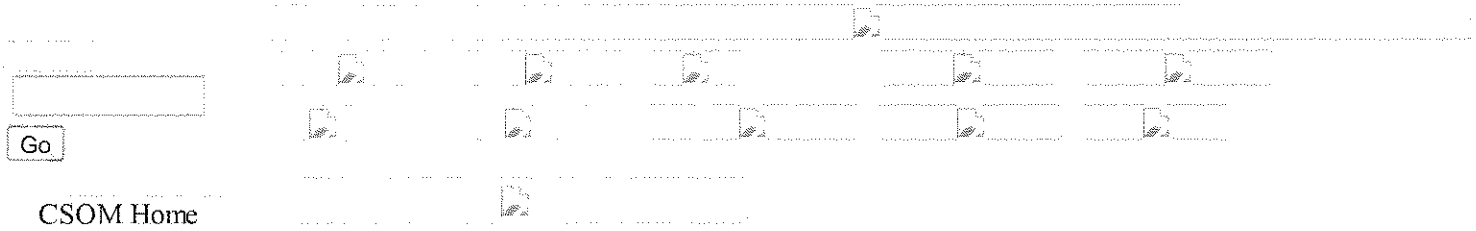
- Letter to the Sex Offender Management Board
- Sex Offender Management Board
- Fact Sheet on Parole Basics

Information from the Governor's Office Relating to Jessica's Law

- Governor Schwarzenegger Issues Statement on Supreme Court Order on Jessica's Law
- Governor Schwarzenegger Signs Bills to Increase Protections for Crime Victims in California
- Governor Schwarzenegger Issues Statement on Supreme Court's Order Refusing to Stop Further Enforcement of Jessica's Law
- Governor Schwarzenegger Signs Legislation to Fund Implementation of Jessica's Law
- Gov. Schwarzenegger Keynotes Summit on Sexual Predator Housing, Implementation of Jessica's Law
- Gov. Schwarzenegger Issues Statement on Dismissal of Lawsuit Challenging Jessica's Law
- Gov. Schwarzenegger Hosts Cyber Safety Summit to Help Protect California Children from Online Predators
- Gov. Schwarzenegger Signs Bills to Strengthen Support for Crime Victims
- Gov. Schwarzenegger Signs Strong Measures to Protect Californians against Sex Predators
- Gov. Schwarzenegger Orders the Implementation of Recommendations by the High Risk Sex Offender Task Force, Expands Purview to Include Sexually Violent Predators
- Gov. Schwarzenegger Orders Control Measures Protecting Communities against Paroled High Risk Sex Offenders
- Gov. Schwarzenegger Orders Task Force to Focus on Policies for Tracking Paroled Sex Offenders
- Schwarzenegger Speaks at Law Enforcement Legislative Day

- Protecting California's Children
- Assemblywoman Sharon Runner Discusses Teaming with Governor Schwarzenegger to Protect Children from Sexually Violent Predators in Governor's Weekly Radio Address
- Governor Schwarzenegger Highlights Public Safety Budget and Strategic Growth Plan to Protect California's Communities
- Governor Schwarzenegger Highlights Public Safety Budget and Strategic Growth Plan to Protect California's Communities
- Jessica's Law
- Governor Urges Passage of Jessica's Law in Weekly Radio Address

Attachment 5



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Recidivism of Sex Offenders
May 2001

Introduction

The criminal justice system manages most convicted sex offenders with some combination of incarceration, community supervision, and specialized treatment (Knopp, Freeman-Longo, and Stevenson, 1992). While the likelihood and length of incarceration for sex offenders has increased in recent years (since 1980, the number of imprisoned sex offenders has grown by more than 7 percent per year; in 1994, nearly one in ten state prisoners were incarcerated for committing a sex offense [Greenfeld, 1997]), the majority are released at some point on probation or parole (either immediately following sentencing or after a period of incarceration in prison or jail). About 60 percent of all sex offenders managed by the U.S. correctional system are under some form of conditional supervision in the community (Greenfeld, 1997).

While any offender's subsequent reoffending is of public concern, the prevention of sexual violence is particularly important, given the irrefutable harm that these offenses cause victims and the fear they generate in the community. With this in mind, practitioners making decisions about how to manage sex offenders must ask themselves the following questions:

- What is the likelihood that a specific offender will commit subsequent sex crimes?
- Under what circumstances is this offender least likely to reoffend?
- What can be done to reduce the likelihood of reoffense?

The study of recidivism—the commission of a subsequent offense—is important to the criminal justice response to sexual offending. If sex offenders commit a wide variety of offenses, responses from both a public policy and treatment perspective may be no different than is appropriate for the general criminal population (Quinsey, 1984). However, a more specialized response is appropriate if sex offenders tend to commit principally sex offenses.

The purpose of this paper is to examine the critical issues in defining recidivism and provide a synthesis of the current research on the reoffense rates of sex offenders. The following sections summarize and discuss research findings on sex offenders, factors and conditions that appear to be associated with reduced sexual offending, and the implications that these findings have for sex offender management. Although studies on juvenile sex offender response to treatment exist, the vast majority of research has concentrated on adult males. Thus, this paper focuses primarily on adult male sex offenders.

Issues in the Measurement of Sex Offender Recidivism

Research on recidivism can be used to inform intervention strategies with sex offenders. However, the way in which recidivism is measured can have a marked difference in study results and applicability to the day-to-day management of this criminal population. The following section explores variables such as the population(s) of sex offenders studied, the criteria used to measure recidivism, the types of offenses studied, and the length of time a study follows a sample. Practitioners must understand how these and other study variables can affect conclusions about sex offender recidivism, as well as decisions regarding individual cases.

Defining the Sex Offender Population Studied

Sex offenders are a highly heterogeneous mixture of individuals who have committed violent sexual assaults on strangers, offenders who have had inappropriate sexual contact with family members, individuals who have molested children, and those who have engaged in a wide range of other inappropriate and criminal sexual behaviors. If we group various types of offenders and offenses into an ostensibly homogenous category of "sex offenders," distinctions in the factors related to recidivism will be masked and differential results obtained from studies of reoffense patterns. Thus, one of the first issues to consider in reviewing any study of sex offender recidivism is how "sex offender" is defined; who is included in this category, and, as important, who is not.

Defining Recidivism

Although there is common acceptance that recidivism is the commission of a subsequent offense, there are many operational definitions for this term. For example, recidivism may occur when there is a new arrest, new conviction, or new commitment to custody. Each of these criteria is a valid measure of recidivism, but each measures something different. While the differences may appear minor, they will lead to widely varied outcomes.

- *Subsequent Arrest*—Using new charges or arrests as the determining criteria for "recidivism" will result in a higher recidivism rate, because many individuals are arrested but for a variety of reasons, are not convicted.

- *Subsequent Conviction*—Measuring new convictions is a more restrictive criterion than new arrests, resulting in a lower recidivism rate. Generally, more confidence is placed in reconviction, since this involves a process through which the individual has been found guilty. However, given the process involved in reporting, prosecution, and conviction in sex offense cases, a number of researchers favor the use of more inclusive criteria (e.g., arrests or charges).

- *Subsequent Incarceration*—Some studies utilize return to prison as the criterion for determining recidivism. There are two ways in which individuals may be returned to a correctional institution. One is through the commission of a new offense and return to prison on a new sentence and the other is through a technical violation of parole. The former is by far the more restrictive criterion, since an offender has to have been found guilty and sentenced to prison. Technical violations typically involve violations of conditions of release, such as being alone with minor children or consuming alcohol. Thus, the use of this definition will result in the inclusion of individuals who may not have committed a subsequent criminal offense as recidivists. When one encounters the use of return to prison as the criterion for recidivism, it is imperative to determine if this includes those with new convictions, technical violations, or both.

Underestimating Recidivism

Reliance on measures of recidivism as reflected through official criminal justice system data obviously omit offenses that are not cleared through an arrest or those that are never reported to the police. This distinction is critical in the measurement of recidivism of sex offenders. For a variety of reasons, sexual assault is a vastly underreported crime. The National Crime Victimization Surveys (Bureau of Justice Statistics) conducted in 1994, 1995, and 1998 indicate that only 32 percent (one out of three) of sexual assaults against persons 12 or older are reported to law enforcement. A three-year longitudinal study (Kilpatrick, Edmunds, and Seymour, 1992) of 4,008 adult women found that 84 percent of respondents who identified themselves as rape victims did not report the crime to authorities. (No current studies indicate

the rate of reporting for child sexual assault, although it is generally assumed that these assaults are equally underreported.) Many victims are afraid to report sexual assault to the police. They may fear that reporting will lead to the following:

- further victimization by the offender;
- other forms of retribution by the offender or by the offender's friends or family;
- arrest, prosecution, and incarceration of an offender who may be a family member or friend and on whom the victim or others may depend;
- others finding out about the sexual assault (including friends, family members, media, and the public);
- not being believed; and
- being traumatized by the criminal justice system response.

These factors are compounded by the shame and guilt experienced by sexual assault victims, and, for many, a desire to put a tragic experience behind them. Incest victims who have experienced criminal justice involvement are particularly reluctant to report new incest crimes because of the disruption caused to their family. This complex of reasons makes it unlikely that reporting figures will change dramatically in the near future and bring recidivism rates closer to actual reoffense rates.

Several studies support the hypothesis that sexual offense recidivism rates are underreported. Marshall and Barbaree (1990) compared official records of a sample of sex offenders with "unofficial" sources of data. They found that the number of subsequent sex offenses revealed through unofficial sources was 2.4 times higher than the number that was recorded in official reports. In addition, research using information generated through polygraph examinations on a sample of imprisoned sex offenders with fewer than two known victims (on average), found that these offenders actually had an average of 110 victims and 318 offenses (Ahlmeyer, Heil, McKee, and English, 2000). Another polygraph study found a sample of imprisoned sex offenders to have extensive criminal histories, committing sex crimes for an average of 16 years before being caught (Ahlmeyer, English, and Simons, 1999).

Offense Type

For the purpose of their studies, researchers must determine what specific behaviors qualify sex offenders as recidivists. They must decide if only sex offenses will be considered, or if the commission of any crime is sufficient to be classified as a recidivating offense. If recidivism is determined only through the commission of a subsequent sex offense, researchers must consider if this includes felonies and misdemeanors. Answers to these fundamental questions will influence the level of observed recidivism in each study.

Length of Follow-Up

Studies often vary in the length of time they "follow-up" on a group of sex offenders in the community. There are two issues of concern with follow-up periods. Ideally, all individuals in any given study should have the same length of time "at risk"—time at large in the community —and, thus, equal opportunity to commit subsequent offenses. In practice, however, this almost never happens. For instance, in a 10-year follow-up study, some subjects will have been in the community for eight, nine, or 10 years while others may have been out for only two years. This problem is addressed by using survival analysis, a methodology that takes into account the amount of time every subject has been in the community, rather than a simple percentage.

Additionally, when researchers compare results across studies, similar time at risk should be used in each of the studies. Obviously, the longer the follow-up period, the more likely reoffense will occur and a higher rate of recidivism will be observed. Many researchers believe that recidivism studies should ideally include a follow-up period of five years or more.

Effect on Recidivism Outcomes

What are we to make of these caveats regarding recidivism—do they render recidivism a meaningless concept? On the contrary, from a public policy perspective, recidivism is an invaluable measure of the performance of various sanctions and interventions with criminal offenders. However, there is often much ambiguity surrounding what appears to be a simple statement of outcomes regarding recidivism. In comparing the results of various recidivism studies, one should not lose sight of the issues of comparable study samples, criteria for recidivism, the length of the follow-up period, information sources utilized to estimate risk of reoffense, and the likelihood that recidivism rates are underestimated.

Factors Associated with Sex Offender Recidivism

In many instances, policies and procedures for the management of sex offenders have been driven by public outcry over highly publicized sex offenses. However, criminal justice practitioners must avoid reactionary responses that are based on public fear of this population. Instead, they must strive to make management decisions that are based on the careful assessment of the likelihood of recidivism. The identification of risk factors that may be associated with recidivism of sex offenders can aid practitioners in devising management strategies that best protect the community and reduce the likelihood of further victimization.

It is crucial to keep in mind, however, that there are no absolutes or "magic bullets" in the process of identifying these risk factors. Rather, this process is an exercise in isolating factors that *tend* to be associated with specific behaviors. While this association reflects a likelihood, it does not indicate that all individuals who possess certain characteristics will behave in a certain manner. Some sex offenders will inevitably commit subsequent sex offenses, in spite of our best efforts to identify risk factors and institute management and treatment processes aimed at minimizing these conditions. Likewise, not all sex offenders who have reoffense risk characteristics will recidivate.

This section explores several important aspects in the study of recidivism and identification of risk factors associated with sex offenders' commission of subsequent crimes.

Application of Studies of General Criminal Recidivism

The identification of factors associated with criminal recidivism has been an area of significant research over the past 20 years. This work has fueled the development of countless policies and instruments to guide sentencing and release decisions throughout the criminal justice system. If one assumes that sex offenders are similar to other criminal offenders, then the preponderance of research should assist practitioners in identifying risk factors in this population as well. Gottfredson and Hirschi (1990) argued that there is little specialization among criminal offenders. In this view, robbers also commit burglary and those who commit assaults also may be drug offenders. The extensive research on recidivism among the general criminal population has identified a set of factors that are consistently associated with subsequent criminal behavior. These factors include being young, having an unstable employment history, abusing alcohol and drugs, holding pro-criminal attitudes, and associating with other criminals (Gendreau, Little, and Goggin, 1996).

However, there is some evidence that suggests that sexual offending may differ from other criminal behavior (Hanson and Bussiere, 1998). Although sex offenders may commit other types of offenses, other types of offenders rarely commit sex offenses (Bonta and Hanson, 1995; Hanson, Steffy, and Gauthier, 1995). If this is the case, then a different set of factors may be associated with the recidivism of sex offenders than for the general offender population. This statement is reinforced by the finding that many persistent sex offenders receive low risk scores on instruments designed to predict recidivism among the general offender population (Bonta and Hanson, 1995).

Identification of Static and Dynamic Factors

Characteristics of offenders can be grouped into two general categories. First, there are historical characteristics, such as age, prior offense history, and age at first sex offense arrest or conviction. Because these items typically cannot be altered, they are often referred to as *static* factors. Second are those characteristics, circumstances, and attitudes that can change throughout one's life, generally referred to as *dynamic* factors. Examples of dynamic characteristics include drug or alcohol use, poor attitude (e.g., low remorse and victim blaming), and intimacy problems. The identification of dynamic factors that are associated with reduced recidivism holds particular promise in effectively managing sex offenders because the strengthening of these factors can be encouraged through various supervision and treatment strategies.

Dynamic factors can further be divided into *stable* and *acute* categories (Hanson and Harris, 1998). *Stable dynamic factors* are those characteristics that can change over time, but are relatively lasting qualities. Examples of these characteristics include deviant sexual preferences or alcohol or drug abuse. On the other hand, Hanson and Harris (1998) suggest that *acute dynamic factors* are conditions that can change over a short period of time. Examples include sexual arousal or intoxication that may immediately precede a reoffense.

Understanding Base Rates

Understanding the concept of "base rates" is also essential when studying sex offender recidivism. A base rate is simply the overall rate of recidivism of an entire group of offenders. If the base rate for an entire group is known (e.g., 40 percent), then, without other information, practitioners would predict that any individual in this group has approximately a 40 percent chance of recidivating. If static or dynamic factors related to recidivism are identified, error rates can be improved and this information can be used to make more accurate assessments of the likelihood of rearrest or reconviction. However, if the base rate is at one extreme or the other, additional information may not significantly improve accuracy. For instance, if the base rate were 10 percent, then practitioners would predict that 90 percent of the individuals in this group would not be arrested for a new crime. The error rate would be difficult to improve, regardless of what additional information may be available about individual offenders. In other words, if we simply predicted that no one would be rearrested, we would be wrong only 10 percent of the time. It is quite difficult to make accurate individual predictions in such extreme situations.

What has come to be termed as "the low base rate problem" has traditionally plagued sex offender recidivism studies (Quinsey, 1980). As noted previously, lack of reporting, or underreporting, is higher in crimes of sexual violence than general criminal violence and may contribute to the low base rate problem. The following studies have found low base rates for sex offender populations:

- Hanson and Bussiere (1998) reported an overall recidivism rate of 13 percent.
- Grumfeld and Noreik (1986) found a 10 percent recidivism rate for rapists.
- Gibbens, Soothill, and Way (1978) reported a 4 percent recidivism rate for incest offenders.

Samples of sex offenders used in some studies may have higher base rates of reoffense than other studies. Quinsey (1984) found this to be the case in his summary of sex offender recidivism studies, as have many other authors who have attempted to synthesize this research. There is wide variation in results, in both the amount of measured recidivism and the factors associated with these outcomes. To a large degree, differences can be explained by variations in the sample of sex offenders involved in the studies. Although this is a simple and somewhat obvious point, this basic fact is "responsible for the disagreements and much of the confusion in the literature" on the recidivism of sex offenders (Quinsey, 1984).

Furthermore, results from some studies indicate that there may be higher base rates among

Furthermore, results from some studies indicate that there may be higher base rates among certain categories of sex offenders (Quinsey, Laumiere, Rice, and Harris, 1995; Quinsey, Rice, and Harris, 1995). For example, in their follow-up study of sex offenders released from a psychiatric facility, Quinsey, Rice, and Harris (1995) found that rapists had a considerably higher rate of rearrest/reconviction than did child molesters.

Conversely, Prentky, Lee, Knight, and Cerce (1997) found that over a 25-year period, child molesters had higher rates of reoffense than rapists. In this study, recidivism was operationalized as a failure rate and calculated as the proportion of individuals who were rearrested using survival analysis (which takes into account the amount of time each offender has been at risk in the community). Results show that over longer periods of time, child molesters have a higher failure rate—thus, a higher rate of rearrest—than rapists (52 percent versus 39 percent over 25 years).

Making Sense of Contradictory Findings

Studies on sex offender recidivism vary widely in the quality and rigor of the research design, the sample of sex offenders and behaviors included in the study, the length of follow-up, and the criteria for success or failure. Due to these and other differences, there is often a perceived lack of consistency across studies of sex offender recidivism. For example, there have been varied results regarding whether the age of the offender at the time of institutional release is associated with subsequent criminal sexual behavior. While Beck and Shipley (1987) found that there was no relationship between these variables, Clark and Crum (1985) and Marshall and Barbaree (1990) suggested that younger offenders were more likely to commit future crimes. However, Grunfeld and Noreik (1986) argued that older sex offenders are more likely to have a more developed fixation and thus are more likely to reoffend. A study by the Delaware Statistical Analysis Center (1984) found that those serving longer periods of incarceration had a lower recidivism rate—while Roundtree, Edwards, and Parker (1984) found just the opposite.

To a large degree, the variation across individual studies can be explained by the differences in study populations. Schwartz and Cellini (1997) indicated that the use of a heterogeneous group of sex offenders in the analysis of recidivism might be responsible for this confusion:

> *"Mixing an antisocial rapist with a socially skilled fixated pedophile with a developmentally disabled exhibitionist may indeed produce a hodgepodge of results."*

Similarly, West, Roy, and Nichols (1978) noted that recidivism rates in studies of sex offenders vary by the characteristics of the offender sample. Such a situation makes the results from

follow-up studies of undifferentiated sex offenders difficult to interpret (Quinsey, 1998).

One method of dealing with this problem is to examine recidivism studies of specific types of sex offenders. This approach is warranted, given the established base rate differences across types of sex offenders. (Recent research suggests that many offenders have histories of assaulting across genders and age groups, rather than against only one specific victim population. Researchers in a 1999 study (Ahlmeyer, English, and Simons) found that, through polygraph examinations, the number offenders who "crossed over" age groups of victims is extremely high. The study revealed that before polygraph examinations, 6 percent of a sample of incarcerated sex offenders had both child and adult victims, compared to 71 percent after polygraph exams. Thus, caution must be taken in placing sex offenders in exclusive categories.) Marshall and Barbaree (1990) found in their review of studies that the recidivism rate for specific types of offenders varied:

- Incest offenders ranged between 4 and 10 percent.
- Rapists ranged between 7 and 35 percent.
- Child molesters with female victims ranged between 10 and 29 percent.
- Child molesters with male victims ranged between 13 and 40 percent.
- Exhibitionists ranged between 41 and 71 percent.

In summary, practitioners should recognize several key points related to research studies on sex offender recidivism. First, since sexual offending may differ from other criminal behavior, research specific to sex offender recidivism is needed to inform interventions with sex offenders. Second, researchers seek to identify static and dynamic factors associated with recidivism of sex offenders. In particular, the identification of, and support of, "positive" dynamic factors may help reduce the risk of recidivism. Third, although research studies on recidivism of sex offenders often appear to have contradictory findings, variations in outcomes can typically be explained by the differences in the study populations. Finally, since base rate differences have been identified across types of sex offenses, it makes sense to study recidivism of sex offenders by offense type.

Review of Studies

The following sections present findings from various studies of the recidivism of sex offenders within offense categories of rapists and child molesters (the studies included in this paper do not represent a comprehensive overview of the research on sex offender recidivism. The studies included represent a sampling of available research on these populations and are drawn from to highlight key points). Overall recidivism findings are presented, along with results concerning the factors and characteristics associated with recidivism.

Rapists

There has been considerable research on the recidivism of rapists across various institutional and community-based settings and with varying periods of follow-up. A follow-up study of sex offenders released from a maximum-security psychiatric institution in California found that 10 of the 57 rapists (19 percent) studied were reconvicted of a rape within five years, most of which occurred during the first year of the follow-up period (Sturgeon and Taylor, 1980). These same authors reported that among 68 sex offenders not found to be mentally disordered who were paroled in 1973, 19 (28 percent) were reconvicted for a sex offense within five years.

In a study of 231 sex offenders placed on probation in Philadelphia between 1966 and 1969, 11 percent were rearrested for a sex offense and 57 percent were rearrested for any offense (Romero and Williams, 1985). Rice, Harris, and Quinsey (1990) conducted a more recent study of 54 rapists who were released from prison before 1983. After four years, 28 percent had a reconviction for a sex offense and 43 percent had a conviction for a violent offense.

In their summary of the research on the recidivism of rapists, Quinsey, Lalumiere, Rice, and Harris (1995) noted that the significant variation in recidivism across studies of rapists is likely due to differences in the types of offenders involved (e.g., institutionalized offenders, mentally disordered offenders, or probationers) or in the length of the follow-up period. They further noted that throughout these studies, the proportion of offenders who had a prior sex offense was similar to the proportion that had a subsequent sex offense. In addition, the rates of reoffending decreased with the seriousness of the offense. That is, the occurrence of officially recorded recidivism for a nonviolent nonsexual offense was the most likely and the incidence of violent sex offenses was the least likely.

Child Molesters

Studies of the recidivism of child molesters reveal specific patterns of reoffending across victim types and offender characteristics. A study involving mentally disordered sex offenders compared same-sex and opposite-sex child molesters and incest offenders. Results of this five-year follow-up study found that same-sex child molesters had the highest rate of previous sex offenses (53 percent), as well as the highest reconviction rate for sex crimes (30 percent). In comparison, 43 percent of opposite-sex child molesters had prior sex offenses and a reconviction rate for sex crimes of 25 percent, and incest offenders had prior convictions at a rate of 11 percent and a reconviction rate of 6 percent (Sturgeon and Taylor, 1980). Interestingly, the recidivism rate for same-sex child molesters for other crimes against persons was also quite high, with 26 percent having reconvictions for these offenses. Similarly, a number of other studies have found that child molesters have relatively high rates of nonsexual offenses (Quinsey, 1984).

Several studies have involved follow-up of extra-familial child molesters. One such study (Barbaree and Marshall, 1988) included both official and unofficial measures of recidivism (reconviction, new charge, or unofficial record). Using both types of measures, researchers found that 43 percent of these offenders (convicted of sex offenses involving victims under the age of 16 years) sexually reoffended within a four-year follow-up period. Those who had a subsequent sex offense differed from those who did not by their use of force in the offense, the number of previous sexual assault victims, and their score on a sexual index that included a phallometric assessment (also referred to as plethysmography: a device used to measure sexual arousal (erectile response) to both appropriate (age appropriate and consenting) and deviant sexual stimulus material). In contrast to other studies of child molesters, this study found no difference in recidivism between opposite-sex and same-sex offenders.

In a more recent study (Rice, Quinsey, and Harris, 1991), extra-familial child molesters were followed for an average of six years. During that time, 31 percent had a reconviction for a second sexual offense. Those who committed subsequent sex offenses were more likely to have been married, have a personality disorder, and have a more serious sex offense history than those who did not recidivate sexually. In addition, recidivists were more likely to have deviant phallometrically measured sexual preferences (Quinsey, Lalumiere, Rice, and Harris, 1995).

In a study utilizing a 24-year follow-up period, victim differences (e.g., gender of the victim) were not found to be associated with the recidivism (defined as those charged with a subsequent sexual offense) of child molesters. This study of 111 extra-familial child molesters found that the number of prior sex offenses and sexual preoccupation with children were related to sex offense recidivism (Prentky, Knight, and Lee, 1997). However, the authors of this study noted that the finding of no victim differences may have been due to the fact that the offenders in this study had an average of three prior sex offenses before their prison release. Thus, this sample may have had a higher base rate of reoffense than child molesters from the general prison population.

Probationers

Research reviewed to this point has almost exclusively focused upon institutional or prison populations and therefore, presumably a more serious offender population. An important recent study concerns recidivism among a group of sex offenders placed on probation (Kruttschnitt, Uggen, and Shelton, 2000). Although the factors that were related to various types of reoffending were somewhat similar with regard to subsequent sex offenses, the only factor associated with reducing reoffending in this study was the combination of stable employment and sex offender treatment. Such findings emphasize the importance of both formal and informal social controls in holding offenders accountable for their criminal behavior. The findings also provide support for treatment services that focus on coping with inappropriate sexual impulses, fantasies, and behaviors through specific sex offender treatment.

Synthesis of Recidivism Studies

There have been several notable efforts at conducting a qualitative or narrative synthesis of studies of the recidivism of sex offenders (Quinsey, 1984; Furby, Weinrott, and Blackshaw, 1989; Quinsey, Lalumiere, Rice, and Harris, 1995; Schwartz and Cellini, 1997). Such an approach attempts to summarize findings across various studies by comparing results and searching for patterns or trends. Another technique, known as meta-analysis, relies upon a quantitative approach to synthesizing research results from similar studies. Meta-analysis involves a statistically sophisticated approach to estimating the combined effects of various studies that meet certain methodological criteria and is far from a simple lumping together of

disparate studies to obtain average effects.

Meta-analyses have certain advantages over more traditional summaries in that through the inclusion of multiple studies, a reliable estimation of effects can be obtained that is generalizable across studies and samples. As noted earlier, the results obtained from individual studies of sex offenders are heavily influenced by the sample of offenders included in the research. Therefore, there is much to be gained through the use of meta-analysis in summarizing sex offender recidivism (see Quinsey, Harris, Rice, and Lalumiere, 1993).

As has also previously been observed, it is imperative to distinguish between sex offense recidivism and the commission of other subsequent criminal behavior, as well as the type of current sex offense. One of the most widely recognized meta-analyses of sexual offender recidivism (Hanson and Bussiere, 1998) was structured around these dimensions.

Meta-Analysis Studies

In Hanson and Bussiere's meta-analysis, 61 research studies met the criteria for inclusion, with all utilizing a longitudinal design and a comparison group. Across all studies, the average sex offense recidivism rate (as evidenced by rearrest or reconviction) was 18.9 percent for rapists and 12.7 percent for child molesters over a four to five year period. The rate of recidivism for nonsexual violent offenses was 22.1 percent for rapists and 9.9 percent for child molesters, while the recidivism rate for any reoffense for rapists was 46.2 percent and 36.9 percent for child molesters over a four to five year period. However, as has been noted previously and as these authors warn, one should be cautious in the interpretation of the data as these studies involved a range of methods and follow-up periods.

Perhaps the greatest advantage of the meta-analysis approach is in determining the relative importance of various factors across studies. Using this technique, one can estimate how strongly certain offender and offense characteristics are related to recidivism because they show up consistently across different studies.

In the 1998 Hanson and Bussiere study, these characteristics were grouped into demographics, criminal lifestyle, sexual criminal history, sexual deviancy, and various clinical characteristics. Regarding demographics, being young and single were consistently found to be related, albeit weakly, to subsequent sexual offending. With regard to sex offense history, sex offenders were more likely to recidivate if they had prior sex offenses, male victims, victimized strangers or extra-familial victims, begun sexually offending at an early age, and/or engaged in diverse sex crimes.

The factors that were found through this analysis to have the strongest relationship with sexual offense recidivism were those in the sexual deviance category: sexual interest in children,

deviant sexual preferences, and sexual interest in boys. Failure to complete treatment was also found to be a moderate predictor of sexual recidivism. Having general psychological problems was not related to sexual offense recidivism, but having a personality disorder was related. Being sexually abused as a child was not related to repeat sexual offending.

Studies that Focus on Dynamic Factors

As noted earlier, the detection of dynamic factors that are associated with sexual offending behavior is significant, because these characteristics can serve as the focus of intervention. However, many recidivism studies (including most of those previously discussed) have focused almost exclusively on static factors, since they are most readily available from case files. Static, or historical, factors help us to understand etiology and permit predictions of relative likelihood of reoffending. Dynamic factors take into account changes over time that adjust static risk and informs us about the types of interventions that are most useful in lowering risk.

In a study focused on dynamic factors, Hanson and Harris (1998) collected data on over 400 sex offenders under community supervision, approximately one-half of whom were recidivists (for the purposes of this study, recidivism was defined as a conviction or charge for a new sexual offense, a non-sexual criminal charge that appeared to be sexually motivated, a violation of supervision conditions for sexual reasons, and self-disclosure by the offender). The recidivists had committed a new sexual offense while on community supervision during a five-year period (1992-1997). A number of significant differences in stable dynamic factors were discovered between recidivists and non-recidivists. Those who committed subsequent sex offenses were more likely to be unemployed (more so for rapists) and have substance abuse problems. The non-recidivists tended to have positive social influences and were more likely to have intimacy problems. There also were considerable attitudinal differences between the recidivists and non-recidivists. Those who committed subsequent sex offenses were less likely to show remorse or concern for the victim. In addition, recidivists tended to see themselves as being at little risk for committing new offenses, were less likely to avoid high-risk situations and were more likely to report engaging in deviant sexual activities. In general, the recidivists were described as having more chaotic, antisocial lifestyles compared to the non-recidivists (Hanson and Harris, 1998).

The researchers concluded that sex offenders are:

> *"...at most risk of reoffending when they become sexually preoccupied, have access to victims, fail to acknowledge their recidivism risk, and show sharp mood increases, particularly anger."*

In sum, because meta-analysis findings can be generalized across studies and samples, they offer the most reliable estimation of factors associated with the recidivism of sex offenders. Most meta-analysis studies, however, have focused on static factors. It is critical that more research be conducted to identify dynamic factors associated with sex offender recidivism. These factors will assuredly provide a foundation for developing more effective intervention strategies for sex offenders.

Characteristics* of recidivists include:

- multiple victims;
- diverse victims;
- stranger victims;
- juvenile sexual offenses;
- multiple paraphilias;
- history of abuse and neglect;
- long-term separations from parents;
- negative relationships with their mothers;

mothers;
- diagnosed antisocial personality disorder;
- unemployed;
- substance abuse problems; and
- chaotic, antisocial lifestyles.

*It should be noted that these are not necessarily risk factors.

Impact of Interventions on Sex Offender Recidivism

Although not the primary purpose of this document, a few words regarding sex offender treatment and supervision are in order. Factors that are linked to sex offender recidivism are of direct relevance for sex offender management. If the characteristics of offenders most likely to recidivate can be isolated, they can serve to identify those who have the highest likelihood of committing subsequent sex offenses. They can also help identify offender populations that are appropriate for participation in treatment and specialized supervision and what the components of those interventions must include.

Treatment

When assessing the efficacy of sex offender treatment, it is vital to recognize that the delivery of treatment occurs within different settings. Those offenders who receive treatment in a community setting are generally assumed to be a different population than those who are treated in institutions. Thus, base rates of recidivating behavior will differ for these groups prior to treatment participation.

Sex offender treatment typically consists of three principal approaches:

- the *cognitive-behavioral approach*, which emphasizes changing patterns of thinking that are related to sexual offending and changing deviant patterns of arousal;
- the *psycho-educational approach*, which stresses increasing the offender's concern for the victim and recognition of responsibility for their offense; and
- the *pharmacological approach*, which is based upon the use of medication to reduce sexual arousal.

In practice, these approaches are not mutually exclusive and treatment programs are increasingly utilizing a combination of these techniques.

Although there has been a considerable amount of writing on the relative merits of these approaches and about sex offender treatment in general, there is a paucity of evaluative research regarding treatment outcomes. There have been very few studies of sufficient rigor (e.g., employing an experimental or quasi-experimental design) to compare the effects of various treatment approaches or comparing treated to untreated sex offenders (Quinsey, 1998).

Using less rigorous evaluation strategies, several studies have evaluated the outcomes of offenders receiving sex offender treatment, compared to a group of offenders not receiving treatment. The results of these studies are mixed. For example, Barbaree and Marshall (1988) found a substantial difference in the recidivism rates of extra-familial child molesters who participated in a community based cognitive-behavioral treatment program, compared to a group of similar offenders who did not receive treatment. Those who participated in treatment

had a recidivism rate of 18 percent over a four-year follow-up period, compared to a 43 percent recidivism rate for the nonparticipating group of offenders.

However, no positive effect of treatment was found in several other quasi-experiments involving an institutional behavioral program (Rice, Quinsey, and Harris, 1991) or a milieu therapy approach in an institutional setting (Hanson, Steffy, and Gauthier, 1993).

On the other hand, an evaluation of a cognitive-behavioral program that employs an experimental design presented preliminary findings that suggest that participation in this form of treatment may have a modest (though not statistically significant) effect in reducing recidivism. After a follow-up period of 34 months, 8 percent of the offenders in the treatment program had a subsequent sex offense, compared with 13 percent of the control group, who had also volunteered for the program, but were not selected through the random assignment process (Marques, Day, Nelson, and West, 1994).

Some studies present optimistic conclusions about the effectiveness of programs that are empirically based, offense-specific, and comprehensive. A 1995 meta-analysis study on sex offender treatment outcome studies found a small, yet significant, treatment effect (Hall, 1995). This meta-analysis included 12 studies with some form of control group. Despite the small number of subjects (1,313), the results indicated an 8 percent reduction in the recidivism rate for sex offenders in the treatment group. (For the purposes of this study, recidivism was measured by additional sexually aggressive behavior, including official legal charges as well as, in some studies, unofficial data such as self-report.)

Recently, Alexander (1999) conducted an analysis of a large group of treatment outcome studies, encompassing nearly 11,000 sex offenders. In this study, data from 79 sex offender treatment studies were combined and reviewed. Results indicated that sex offenders who participated in relapse prevention treatment programs had a combined rearrest rate of 7.2 percent, compared to 17.6 percent for untreated offenders. The overall rearrest rate for treated sex offenders in this analysis was 13.2 percent. (Length of follow-up in this analysis varied from less than one year to more than five years. Most studies in this analysis indicated a three to five year follow-up period.)

The Association for the Treatment of Sexual Abusers (ATSA) has established a Collaborative Data Research Project with the goals of defining standards for research on treatment, summarizing existing research, and promoting high quality evaluations. As part of this project, researchers are conducting a meta-analysis of treatment studies. Included in the meta-analysis are studies that compare treatment groups with some form of a control group (average length of follow-up in these studies was four to five years). Preliminary findings indicate that the overall effect of treatment shows reductions in both sexual recidivism, 10 percent of the treatment subjects to 17 percent of the control group subjects, and general recidivism, 32 percent of the treatment subjects to 51 percent of the control group subjects (Hanson, 2000).

Just as it is difficult to arrive at definitive conclusions regarding factors that are related to sex offender recidivism, there are similarly no definitive results regarding the effect of interventions with these offenders. Sex offender treatment programs and the results of treatment outcome studies may vary not only due to their therapeutic approach, but also by the location of the treatment (e.g., community, prison, or psychiatric facility), the seriousness of the offender's criminal and sex offense history, the degree of self-selection (whether they chose to participate in treatment or were placed in a program), and the dropout rate of offenders from treatment.

Juvenile Treatment Research

Research on juvenile sex offender recidivism is particularly lacking. Some studies have examined the effectiveness of treatment in reducing subsequent sexual offending behavior in youth. Key findings from these studies include the following:

- Program evaluation data suggest that the sexual recidivism rate for juveniles treated in specialized programs ranges from approximately 7 to 13 percent over follow-up periods of two to five years (Becker, 1990).
- Juveniles appear to respond well to cognitive-behavioral and/or relapse prevention treatment, with rearrest rates of approximately 7 percent through follow-up periods of more than five years (Alexander, 1999).
- Studies suggest that rates of nonsexual recidivism are generally higher than sexual recidivism rates, ranging from 25 to 50 percent (Becker, 1990, Kahn and Chambers, 1991, Schram, Milloy, and Rowe, 1991).

In a recently conducted study, Hunter and Figueredo (1999) found that as many as 50 percent of youths entering a community-based treatment program were expelled during the first year of their participation. Those who failed the program had higher overall levels of sexual maladjustment, as measured on assessment instruments, and were at greater long-term risk for sexual recidivism.

Supervision

There has been little research on the effectiveness of community supervision programs (exclusively) in reducing reoffense behavior in sex offenders. The majority of supervision programs for sex offenders involve treatment and other interventions to contain offenders' deviant behaviors. Therefore, it is difficult to measure the effects of supervision alone on reoffending behavior—to date, no such studies have been conducted.

Evaluating the Effects of Interventions

Identification of factors associated with recidivism of sex offenders can play an important role in determining intervention strategies with this population. Yet, the effectiveness of

interventions themselves on reducing recidivism must be evaluated if the criminal justice system is to control these offenders and prevent further victimization. However, not only have there been few studies of sufficient rigor on treatment outcomes, less rigorous study results thus far have been mixed. Although one study may find a substantial difference in recidivism rates for offenders who participated in a specific type of treatment, another may find only a modest positive treatment effect, and still other studies may reveal no positive effects. There has been even less research conducted to evaluate the impact of community supervision programs in reducing recidivism. More studies measuring the effects of both treatment and supervision are necessary to truly advance efforts in the field of sex offender management.

Implications for Sex Offender Management

This paper presented a range of issues that are critical in defining the recidivism of sex offenders. Although there are certainly large gaps in criminal justice knowledge regarding the determinants of recidivism and the characteristics of effective interventions, what is known has significant implications for policy and intervention.

The heterogeneity of sex offenders must be acknowledged. Although sex offenders are often referred to as a "type" of offender, there are a wide variety of behaviors and offender backgrounds that fall into this classification of criminals (Knight and Prentky, 1990). As mentioned earlier, many sex offenders have histories of assaulting across sex and age groups —recent research (Ahlmeyer, Heil, McKee, and English, 2000) found that these offenders may be even more heterogeneous than previously believed.

Criminal justice professionals must continue to expand their understanding of how sex offenders are different from the general criminal population. Although some sex offenders are unique from the general criminal population (e.g., many extrafamilial child molesters), others (e.g., many rapists) possess many of the same characteristics that are associated with recidivism of general criminal behavior. As criminal justice understanding of these offenders and the factors associated with their behavior increases, more refined classification needs to be developed and treatment programs need to be redesigned to accommodate these differences.

Interventions should be based on the growing body of knowledge about sex offender and general criminal recidivism. Research demonstrates that while sex offenders are much more likely to commit subsequent sexual offenses than the general criminal population, they do not exclusively commit sexual offenses. Therefore, some aspects of intervention with the general criminal population may have implications for effective management of sex offenders. Quinsey (1998) has recommended that in the absence of definitive knowledge about effective sex offender treatment, the best approach would be to structure interventions around what is known about the treatment of offenders in general.

In the realm of interventions with general criminal offenders, there is a growing body of literature that suggests that the cognitive-behavioral approach holds considerable promise (Gendreau and Andrews, 1990). Cognitive-behavioral treatment involves a comprehensive, structured approach based on sexual learning theory using cognitive restructuring methods and behavioral techniques. Behavioral methods are primarily directed at reducing arousal and increasing pro-social skills. The cognitive behavioral approach employs peer groups and educational classes, and uses a variety of counseling theories. This approach suggests that interventions are most effective when they address the criminogenic needs of high-risk offenders (Andrews, 1982). The characteristics of programs that are more likely to be effective with this population include skill-based training, modeling of pro-social behaviors and attitudes, a directive but non-punitive orientation, a focus on modification of precursors to criminal behavior, and a supervised community component (Quinsey, 1998).

Although these program characteristics may be instructive in forming the basis for interventions with sex offenders, treatment approaches must incorporate what is known about this particular group of offenders. A number of characteristics that are typically associated with the recidivism of sex offenders were identified in this document, including: victim age, gender, and relationship to the offender; impulsive, antisocial behavior; the seriousness of the offense; and the number of previous sex offenses. Also, an influential factor in sex offender recidivism is the nature of the offender's sexual preferences and sexually deviant interests. The discovery and measurement of these interests can serve as a focus for treatment intervention.

Dynamic factors should influence individualized interventions. In addition, dynamic factors associated with recidivism should inform the structure of treatment and supervision, as these are characteristics that can be altered. These factors include the formation of positive relationships with peers, stable employment, avoidance of alcohol and drugs, prevention of depression, reduction of deviant sexual arousal, and increase in appropriate sexual preferences, when they exist.

Interventions that strive to facilitate development of positive dynamic factors in sex offenders are consistent with cognitive-behavioral or social learning approaches to treatment. Such approaches determine interventions based upon an individualized planning process, utilizing standard assessment instruments to determine an appropriate intervention strategy. As Quinsey (1998: 419) noted "with the exception of antiandrogenic medication or castration, this model is currently the only approach that enjoys any evidence of effectiveness in reducing sexual recidivism."

Conclusion

Although there have been many noteworthy research studies on sex offender recidivism in the last 15 to 20 years, there remains much to be learned about the factors associated with the likelihood of reoffense. Ongoing dialogue between researchers and practitioners supervising and treating sex offenders is essential to identifying research needs, gathering information about offenders and the events leading up to offenses, and ensuring that research activity can be translated into strategies to more effectively manage sex offenders in the community. Ultimately, research on sex offender recidivism must be designed and applied to practice with the goals of preventing further victimization and creating safer communities.

Practitioners must continue to look to the most up-to-date research studies on sex offender recidivism to inform their intervention strategies with individual offenders. Researchers can minimize ambiguity in study results by clearly defining measures of recidivism, comparing distinct categories of sex offenders, considering reoffense rates for both sex crimes and all other offenses, and utilizing consistent follow-up periods (preferably five years of follow-up or more). In order to reduce underestimations of the risk of recidivism, they also must strive to gather information about offenders' criminal histories from multiple sources, beyond official criminal justice data. In comparing results of various studies, practitioners should not lose sight of how these issues impact research outcomes.

Researchers must also continue to accumulate evidence about the relationship of static and dynamic factors to recidivism—such data can assist practitioners in making more accurate assessments of the likelihood of reoffending. In particular, researchers must strive to identify dynamic characteristics associated with sex offending behavior that can serve as the focus for intervention. This information can be utilized to categorize the level of risk posed by offenders, and help determine whether a particular offender is appropriate for treatment and specialized supervision. However, in order to make objective and empirically based decisions about the type of treatment and conditions of supervision that would best control the offender and protect the public, more rigorous research is needed to study the effects of various treatment approaches and community supervision on recidivism.

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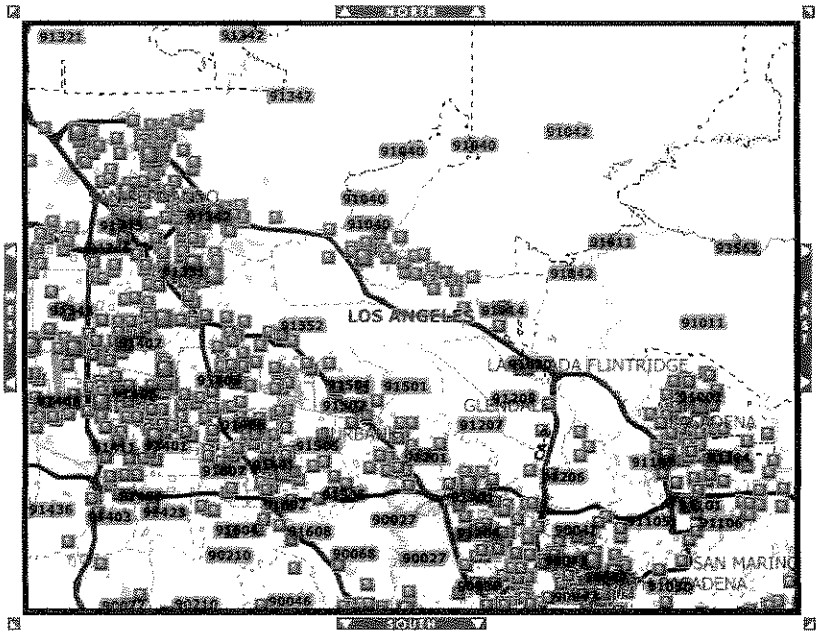

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