

Agenda Memo City Manager's Office

To: Mayor and Members of the Duarte City Council

From: Karen A. Herrera, Deputy City Manager

Date: 9/5/12

Re: Approval of Memorandum of Understanding Between City of Duarte and Duarte Community Television (DCTV)

Recommendation: City staff is recommending that the City Council approve and authorize the City Manager to execute, on behalf of the City, a Memorandum of Understanding between the City of Duarte and Duarte Community Television (DCTV), a California non-profit corporation to provide continuous public, educational, and government access programming, as well as studio operation services to the City of Duarte.

Background: Duarte Municipal Code Section 5.86.200 provides that the City may designate a non-profit organization to serve as the access management entity to provide public, educational, and government access programming services to the residents of the City. Since 1991, DCTV has been the non-profit access entity designated by the City to provide access management and filming services to the City. The non-profit has indicated its continuing interest in serving the public by providing these types of services. Historically, the City has financially supported this non-profit entity for the deliverance of these services; however, a formal agreement detailing services provided, payments, reporting requirements, etc. between the two entities has not existed.

Discussion: Staff has been working with the group for several months to detail services provided to the City resulting in the attached agreement. (See Attachment A) Specifically, the Memorandum defines how the non-profit will operate the public access cable channel for the community in a manner consistent with principles set forth in its Duarte Public Cable Access, Inc., official by-laws, rules and regulations, as well as its Articles of Incorporation with the primary purpose being to administer, coordinate, and assist government access, education access, and non-discriminatory access. The scope of work is as follows:

1. **Studio Operation** – Manage and staff a video production facility and equipment that shall be available for public use at such hours and times as determined by DCTV, not less than 15 hours per week, up to 21 hours per week. Any change in the hours of operation shall be posted twenty four (24) hours in advance of such change and when possible, prior notification will be listed on public access scroll and DCTV website. DCTV may choose to close its facility for up to two weeks per year for maintenance and/or other facility related issues. This closure shall be noticed a minimum of 30 days in advance of commencement. Current hours of operation are as follows:

- **First and Third Tuesdays** – 4:00 pm to 10:00 pm
- **Wednesday, Thursday & Friday** – 5:00 pm to 10:00 pm

2. **Equal Access** – Provide access to the use of the equipment, facilities, channels, and service on a non-discriminatory basis to all members of the community for non-commercial programming purposes, whether individuals, groups or organizations, on a first-come first-served non-discriminatory basis. Access to equipment and facilities shall be open to all those who

satisfactorily complete training class(es) provided by DCTV, or who receive a certification from DCTV, identifying said user as having satisfied training requirements through means other than DCTV training classes.

3. Operating Policies and Procedures – Follow reasonable policies, procedures, and guidelines for the use and operation of access equipment, facilities, and channel(s), and make policies, procedures, and guidelines available to the public. DCTV shall submit all changes, amendments, or alterations of policies, procedures, and guidelines to City for comment prior to formal ratification.

4. Rules and Regulations – Administer the public, educational, and government access channel(s) and facility in compliance with the Duarte Municipal Code and DCTV's adopted Rules and Regulations.

5. Training – Train Duarte residents and, when requested, City and school employees in the techniques of video production, and provide technical advice in the execution of productions. Such training shall be at such times and upon such terms as DCTV determines.

6. Playback/Cablecast – Provide for the playback/cablecasting of programs on public, educational, and government access channels. DCTV shall cablecast an average of 84 hours per week of local origination, replayed, and outside programming per week. Current schedule is 10:00 am to 10:00 pm, seven days per week, on a year-round basis.

7. Website – DCTV shall provide 24/7 on-demand programming on the web at www.dctvduarte.com.

8. Record and Produce City Special Events – Provide camera operators and production related support for up to ten special events per year. Such programs shall be at the City's request upon reasonable notice, complying with DCTV rules and regulations and their prior commitments. Program requests are not cumulative, vary from year to year, and could include any combination of the following:

- **State of the City/School District**
- **Mayor's Prayer Breakfast**
- **Concerts in the Park Series**
- **Route 66 Parade**
- **Annual City Picnic**
- **Candidates Forum**
- **Duarte Boxing Show**
- **Halloween Carnival**
- **Christmas Tree Lighting Ceremony**
- **Community Movie Night**
- **Various DUSD Sporting Events**
- **Veteran's Day Event**
- **Easter Egg Hunt**
- **Cesar Chavez Volunteer Event**
- **Groundhog Job Shadow Day**
- **Honor Among Ashes**
- **Martin Luther King Birthday Celebration Event**

9. Marketing – Actively promote the use and benefit of the public, educational, and government access channels and facility to cable subscribers, the public, access users, and Charter Communications.

10. Complaint Management – DCTV shall develop and implement a method of responding to complaints regarding its operations.

Also per the Memorandum, DCTV functions as an independent contractor; thus, is also responsible for maintaining all books and records in accordance with generally accepted accounting principles, actively recruiting board of director members for its seven-member board, engaging in fundraising, maintaining its own equipment, as well as the interior portion of the studio located at 1640 East Third Street, and having a \$1,000,000 public liability policy naming the City as additionally insured.

Fiscal Impact: The cost of the 12-month services agreement is \$43,500. On or before April 15th of each year, the City shall provide DCTV with an estimate of available PEG fees and general fund dollars that will be available for the upcoming fiscal year. DCTV, in turn, shall provide City with an Access Activities Plan and budget that will outline programs for the upcoming fiscal year including, but not limited to, training classes offered, number of hours of local original programming, capital budget, other activities, etc.

ATTACHMENT: Memorandum of Understanding between the City of Duarte and Duarte Community Television (DCTV)

Memorandum of Understanding Between City of Duarte and Duarte Community Television (DCTV)

OFFICE LOCATION

1634 Third Street, Duarte, CA 91010

MEMORANDUM OF UNDERSTANDING

The following is the Memorandum of Understanding (MOU) between DCTV and the City of Duarte, a municipal corporation ("City") and Duarte Community Television, a California nonprofit corporation ("DCTV"). This MOU is made and entered into as of September 11, 2012, by and sets forth the duties and responsibilities of the DCTV.

RECITALS

- A. The City desires to provide support for the use of cable access channels provided pursuant to 47 USC Section 531 of the Cable Communication Policy Act of 1934 as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection Act of 1992 (The Act") and the Telecommunications Act of 1996.
- B. The Duarte Municipal Code, Section 5.86.200 provides that the City may designate a nonprofit organization to serve as the access management entity to provided public, educational and government programming services and programming to the residents of the City.
- C. The State has granted one franchise to Charter Communication to operate cable television in the City.
- D. Both the State Franchise and Duarte Ordinance No. 794 provide that payments consisting of a franchise and PEG fees shall be made by cable service providers to the City for purposes consistent with state and federal law ie: capital equipment, facilities, educational and government access channels.

E. DCTV, being the nonprofit access entity designated by the City, has provided access management and filming services to the City since November, 1991 and has indicated its continuing interest in serving the public by providing continued public, education and government access programming and studio operation services.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth, the parties agree to the following:

Scope of Services – Operate the public, educational, government access cable channel for public/community access programming purpose in a manner consistent with principles set forth in Duarte Public Cable Access, Inc. DCTV, Official By-laws, rules and regulations, and Article of Incorporation with the primary purpose being to administer, coordinate and assist government access, education access and nondiscriminatory access.

1. **Studio Operation** – Manage and staff a video production facility and equipment that shall be available for public use at such hours and times as determined by DCTV not less than 15 hours per week, up to 21 hours per week. Any change in the hours of operation shall be posted twenty four (24) hours in advance of such change and when possible, prior notification will be listed on public access scroll and DCTV website. DCTV may choose to close its facility for up to two weeks per year for maintenance and/or other facility related issues. This closure shall be noticed a minimum of 30 days in advance of commencement. Current hours of operation are as follows:
 - **First and Third Tuesdays** – 4:00 pm to 10:00 pm
 - **Wednesday, Thursday & Friday** – 5:00 pm to 10:00 pm
2. **Equal Access** – Provide access to the use of the equipment, facilities, channels and service on a non-discriminatory basis to all member of the community for non-commercial programming purposes, whether individuals, groups or organization, on a first-come first serve basis non-discriminatory basis. Access to equipment and facilities shall be open to all those who satisfactorily complete training class(es) provided by DCTV or who receive a certification from the DCTV, identifying said user as having satisfied training requirements through means other than DCTV training classes.

3. **Operating Policies and Procedures** – Follow reasonable policies, procedures and guidelines for the use and operation of access equipment, facilities, and channel(s) and make policies, procedures, and guidelines available to the public. DCTV shall submit all changes, amendments or alterations of policies, procedures, and guidelines to City for comment prior to formal ratification.
4. **Rules and Regulations** – Administer the public, education and government access channel(s) and facility in compliance with the Duarte Municipal Code and DCTV's adopted Rules and Regulations.
5. **Training** – Train Duarte residents, and when requested City and school employees in the techniques of video production, and provide technical advice in the execution of productions. Such training shall be at such times and upon such terms as DCTV determines.
6. **Playback/Cablecast** – Provide for the playback/cablecasting of programs on public, educational and government access channels. DCTV shall cablecast an average of 84 hours per week of local origination, replayed and outside programming per week. Current schedule is 10:00 am to 10:00 pm, seven days per week on a year round basis.
7. **Website** – DCTV shall provide 24/7 on-demand programming on the web at www.dctvduarte.com
8. **Record and Produce City Special Events** – Provide camera operators and production related support for up to ten special events per year. Such programs shall be at the City's request upon reasonable notice complying with DCTV rules and regulations and their prior commitments. Program requests are not cumulative, vary from year to year and could include any combination of the following:
 - **State of the City/School Districts**
 - **Mayor's Prayer Breakfast**
 - **Concerts in the Park Series**
 - **Route 66 Parade**
 - **Annual City Picnic**
 - **Candidates Forum**
 - **Duarte Boxing Show**
 - **Halloween Carnival**

- **Christmas Tree Lighting Ceremony**
- **Community Movie Night**
- **Various DUSD Sporting Events**
- **Veteran’s Day Event**
- **Easter Egg Hunt**
- **Cesar Chavez Volunteer Event**
- **Groundhog Job Shadow Day**
- **Honor Among Ashes**
- **Martin Luther King Birthday Celebration Event**

9. **Marketing** – Actively promote the use and benefit of the public educational and government access channels and facility to cable subscribers, the public, access users, and Charter Communications.
10. **Complaint Management** – DCTV shall develop and implement a method of responding to complaints regarding its operations.

Section 2. Channel Open to Public – DCTV agrees to keep the access channels open to all potential users in the manner prescribe by FCC regulations, the Act and other laws. The City shall not have the authority to control the content of programming placed on the public access channels nor shall the City take any steps designed to control the content of such programming. However, nothing shall prevent the City from producing or sponsoring programming.

Section 3. Indemnification – DCTV shall indemnify, defend and hold harmless the City its officers, agents, and employees, and volunteers from and against any and all claims, suits, actions, causes of actions, losses, damage, or liabilities of any kind, nature or description, including payment of litigation costs and attorney’s fees to counsel of City’s choice, brought by any person or persons for or on account of any loss, damage, death or injury to person, property or an other interest, tangible or intangible, sustained by or accruing to any person or persons, however the same maybe caused, directly or indirectly arising or resulting from any alleged act or omission of DCTV, its officers, employees, agents, volunteers or subcontractors arising out of or resulting from the performance of this Agreement. DCTV shall indemnify and hold harmless City, its officers, agents, employees and volunteers from and against any and all claims or other injury, including costs of litigation and attorney’s feeds, arising from or in connection with claims or loss or damage to person or property arising out of the failure to comply with any applicable laws, rules, regulations or other requirements of local, state or federal authorities for claims of libel, slander, invasion of

privacy, or infringement of common law or statutory copyright, for breach of contract or other injury or damage in law or at equity which claim, directly or indirectly results from DCTV use of channels, funds, equipment, facility or staff granted under this MOU.

Section 4. Copyright Clearance – Before cablecasting video transmissions, DCTV shall require all users to agree in writing that they have made all legally necessary and appropriate arrangements to obtain all rights to all material cablecast and clearances from broadcast stations, networks, sponsors, music licensing organization, and without limitation from the foregoing, any and all other persons as may be necessary to transmit its or their program material over DCTV authorized channels. DCTV shall maintain for the applicable statute of limitations from City's inspection, upon reasonable notice by City, copies of all such user agreements. DCTV may conclusively rely upon such user agreement and is under no obligation to investigate or verify any of the information contained therein.

Section 5. Copyright and Ownership – DCTV shall own the copyright any programs that it may choose from time to time to produce. Copyright of programming produced by a member of the public shall be held by the person who produces that program, subject to the granting of license to DCTV.

Section 6. Distribution – a) DCTV may require that producers of programs using the equipment, facilities or staff of DCTV grant to DCTV a nonexclusive license to cable cast such program on channels operated by DCTV, and to copy, perform and/or prepare derivative works based upon the program for educational, training and/or promotional purposes b) DCTV may require that programs produced using DCTV equipment, facilities or staff be cablecast at least once on channels operated by DCTV. C) DCTV may require that programs produced using DCTV equipment, facilities or staff not be used for commercial purposes. D) At least at the beginning and the end of each day that video programming cablecast on the channels whose use is authorized by this MOU, DCTV shall display a credit stating "Partial Funding" for the operation of this channel is provided by the City of Duarte."

Section 7. Equipment – DCTV shall be responsible for maintenance of all equipment owned, leased or purchased in the operation of public access channel (s) in the City with funds received pursuant to this Agreement. In the event of the dissolution of DCTV, DCTV shall transfer all assets of DCTV funded with City dollars to either the City or another organization designated by the City to manage public access.

Section 8. Facility/Insurance – Based on the terms of the DCTV User Agreement, dated November 1991, with the City of Duarte, DCTV shall be entitled to exclusive possession of

portions of real property and non-exclusive use of other portions of the property located at 1640 East Third Street, Duarte. In summary, DCTV at its cost shall maintain in good condition all interior portions of the building and shall also comply with a maintenance schedule approved by the City Manager. The City at its cost shall maintain structural parts of the building including foundations, bearing and exterior walls, sub-flooring and roof, unexposed electrical, plumbing, sewage systems, heating, ventilating and air conditioning systems that are part of the building and pay all utilities except for telephone. DCTV shall maintain the interior area in a clean and sanitary condition plus maintain a public liability policy with single combined liability limit of \$1,000,000 per person, \$300,000 per accident and limits not less than insuring all liability of DCTV and its authorized representatives and shall name the City of Duarte employees, agents, etc. as additionally insured.

Section 9. - Non-discrimination in Employment and Service – DCTV shall not discriminate against any person, employee or applicant for employment or subcontractor on the basis of race, color, creed, religion, sex, sexual preference, marital status, ancestry, national origin or physical or mental handicap. Further DCTV shall not discriminate in the delivery of service on the basis of race, color, creed, religion, sex, sexual preference, marital status, ancestry, national origin or physical or mental handicap.

Section 10. – Independent Contractor – It is understood and agreed that DCTV is an independent contractor and that no relationship of principal/agent or employer/employee exists between the City and DCTV. If in the performance of this MOU any third persons employed by DCTV such person(s) shall be entirely and exclusively under the control, direction and supervision of DCTV. All terms of employment, including hours, wages, working conditions, discipline, hiring, discharge, or any other term of employment shall be determined by DCTV.

Section 11. Board of Directors Membership – DCTV shall actively recruit members of the public to serve on its seven member Board in accordance with its By-laws.

Section 12. Assignment or Subletting – Neither this MOU nor any interest in it shall be assigned or transferred by DCTV except as mutually agreed to, in writing, by both DCTV and the City.

Section 13. Annual Reporting – Prior to September 15th of each year, DCTV shall submit to City an annual report for the preceding fiscal year (July 1 – June 30). The report shall contain, the following information:

- Current and complete listing of DCTV's Board and their terms;

- Year end financial statements audited by an independent certified public accountant;
- Any revisions to the by laws, rules and regulations approved during the prior fiscal year;
- Statistics on programming and/or services provided.

Section 14. Records, Fiscal Audit – DCTV shall maintain all necessary books and records in accordance with generally accepted accounting principles and for a period of not less than three years following the expiration of this Agreement or such longer period as provided by law.

Section 15. Funding – The City agrees to make funds and resources available to DCTV in the amount of \$43,500 per fiscal year. Additional PEG fees paid to the City on an annual basis pursuant to the State Video franchising laws and Duarte Ordinance 794 may be requested on an as needed request basis for capital purchases only in compliance with State law.

Section 16. – Annual Plan and Budget – On or before April 15th City shall provide DCTV with an estimate of available PEG fees and general fund dollars that will be available for the upcoming fiscal year. DCTV in turn shall provide City with an Access Activities Plan and budget outlining programs for the upcoming fiscal year, including but not limited to: a) the no. of training classes offered, b) anticipated number of hours of local original programming, c) operating, facilities, and/or capital budget d) other activities planned by DCTV.

Section 17. Funding from Other Sources – DCTV is encouraged, during the course of this MOU to pursue supplemental funds from other sources, including but not limited to fundraising.

Section 18. Termination – The City may terminate this MOU at any time at the expiration of its term or any extension thereof with or without cause. The City will provide 60 days notice to DCTV of a public hearing before the City Council to consider termination.

Section 19 – Extension of MOU – MOU may be renewed or extended for additional one year terms pursuant to DCTV submitting on or before March 31 of the year it is set to terminate a letter requesting extension.

Section 20. – Time – Time is of the essence in this MOU and for the performance of all covenants and conditions of this Agreement.

Section 21. – Cooperation – Each party agrees to execute all documents and do all things necessary to appropriately carry out the provisions of this MOU.

Section 22. – Applicable Law – This MOU shall be interested and enforced under the laws of the State of California.

Section 23. – Notices – All notices and other communication to be given to either party shall be in writing, depositing the same in the United States mail, postage prepaid and addressed to the appropriate party as follows:

To DCTV: DCTV Board President
1634 Third Street
Duarte, CA 91010

To City: Karen Herrera
Deputy City Manager
1600 Huntington Drive
Duarte, CA 91010

Any party may change its address for notice by written notice to the other party at any time. The City shall designate a person who shall act as liaison between the City and DCTV.

Section 24. Entire MOU – This MOU is the entire agreement of the parties and supersedes all other prior agreements either written or oral. The MOU may be amended only by written agreement executed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed and entered into this MOU to be effective as of the Effective Date.

CONTRACTOR

Date: _____

By: _____
DCTV Board President

CITY OF DUARTE

Date: _____

By: _____
Darrell J. George, City Manager

APPROVED AS TO FORM:

Dan Slater, City Attorney



MEMORANDUM

To: Honorable Mayor and City Council

From: Rafael Casillas, P.E., Public Works Manager
Irma Hernandez, Senior Planner

Date: September 11, 2012

Subject: Budget Amendment and Award of Contract – Duarte Fitness Center Pool Improvements, City Project # 12-4

RECOMMENDED ACTION

Staff recommends that the City Council award a contract to Sea Clear Pools, Inc. for the Duarte Fitness Center Pool Improvements, which would fund the installation of energy efficiency measures on the two swimming pool pump motors, repair the associated electrical panel and replace seven substandard pool facility light standards. The project funding analysis are included along with the bid results and Staff recommends the contract be awarded to the lowest responsible and responsive bidder, Sea Clear Pools, Inc. of Torrance, California, in the amount not to exceed \$65,289.98. Staff is also recommending that City Council approve a budget amendment for \$75,000, approximately 15% above the contract award amount, in the event that additional electrical costs need to be incurred for this project.

SUMMARY

The total project cost will be reduced by a \$14,936 SCE rebate because eligible energy efficiency measures are being utilized. In addition to the SCE rebate, the City will also enjoy a significant savings in energy costs. This project is timely for several reasons in addition to the SCE rebate opportunity. Equipment replacement is necessary because of years of deferred maintenance. During the recent pool season, the large pool-pump motor broke and a temporary repair was made. This repair will not carry the pool through another season and a complete pool-pump motor replacement is required. The electrical panel serving the pool facility has been in need of repair for many years and is essential to the operation of the pump motors and new variable frequency drives that will allow the pool facility to operate efficiently. This project also calls for the replacement of the seven light poles and fixtures around the pool area. The current poles are cracked beyond repair, pose a hazard and require replacement. New poles with LED lighting fixtures are proposed.

BACKGROUND

At its 2009 Strategic Planning Workshop, the City Council set a goal of improving the environment by completing energy efficiency improvements identified through investment grade audits, which led to the implementation of energy efficiency upgrades on various city facilities' HVAC, lighting and building controls systems in late summer 2011.

In February 2012, an energy efficiency audit was completed on the city's pool facilities to identify potential energy conservation opportunities. The audit was available to the City at no cost, through the City's continued participation in the San Gabriel Valley Energy Wise Partnership (SGVEWP), a collaboration with the San Gabriel Valley Council of Governments and Southern California Edison. Based on the audit and preliminary analysis, it was determined that energy consumption at the pool facility could be reduced and save energy costs by implementing a variable frequency drive (VFD) systems on the pool facilities, resulting in substantial utility cost savings to the City. It was estimated that energy cost savings and utility incentives available to the City through SCE could result in a short simple payback period.

ANALYSIS

City Staff has worked with SGVEWP partners to estimate project costs including utility rebate incentives available for the project and collaborated with City Parks and Recreation staff to define the scope of work proposed under this award of contract while also taking into account an implementation schedule that would cause the least impact on the users of the City fitness and pool facilities. It is expected that the SCE rebate incentive and the energy cost savings generated will allow for the project to pay for itself within 3.0 years.

VFD - Energy Efficiency Measures

The water for the large 250,000 gallon City pool is circulated by a 20-HP pump, while the smaller 40,000 gallon pool has a 5-HP power pump. Currently, the pumps run all the time at full power. However, by installing variable frequency drives (VFDs) on the pool-pump motors, the City would be able to save energy by ramping the speed down to up to 50% during unoccupied hours, resulting in reduced energy consumption and energy cost savings up to 78% per year. The SCE (rebate) incentive offered to the City of Duarte is an enhanced incentive, meaning the City receives a greater monetary rebate per every kWh saved due to the leadership the City demonstrated when completing the previous energy efficiency project in the summer of 2011. Once the VFD energy efficiency project is completed, the City will be eligible for an even greater incentive for any future SCE eligible energy efficiency projects. The cost of the VFD project for both pools is estimated at \$18,670, and the SCE utility rebates through SCE are estimated at \$14,936 (SCE caps the incentive at 80% of the actual project cost).

Pool-Pump Motor, Electrical, and Lighting Upgrade Measures

While completing the energy audit and analysis, Staff identified various deficiencies to the pool-pump equipment, electrical equipment and exterior pole lights which pose a potential risk to staff and facility users. The deficiencies, if remain uncorrected, also compromise the efficient operation of the pool facility and any new energy conservation measures. Therefore, Staff has analyzing the extent of the necessary corrective measures and recommends prompt replacement and/or repairs to the equipment as follows:

- The large pool's 20-HP pool-pump motor requires replacement at this time. During the summer swim season (August 2012), the pool-pump motor stopped functioning as a result of

faulty electrical equipment. The pool-pump motor provides the required circulation to the water purification system as required by Department of Public Health (DPH). As a temporary measure, the motor was rebuilt and reinstalled, however a new pool pump motor is necessary as a permanent repair measure. The estimated cost for a new 20-HP pool-pump motor is \$4,470.

- The electrical equipment is faulty and requires repair in order to curb the deterioration it is causing on the pool-pump motor's service life. Repair of the electrical disconnect panel will reduce the potential of on-going pool equipment breakdowns and facility shutdowns. Any new energy efficiency measures and improvements to the pool-pump equipment will require the electrical equipment repairs. Staff recommends the contract be awarded with the alternate bid item, which repairs the electrical equipment at the cost of \$6,750 instead of replacing it, which would cost \$15,960. At this time, it appears that it will be feasible to repair the electrical equipment due to the VFD energy measures being proposed. However, a budget amendment is being proposed to cover complete electrical equipment replacement costs should it be necessary.
- The seven exterior pole lights around the pool area are extremely unstable and require complete replacement due to cracked weld-connections at the base of the poles. Temporary measures have been taken to secure the poles from falling, however Staff recommends the removal of the seven high-pressure sodium fixtures and poles and recommends replacement with new LED technology fixtures and new poles, utilizing the same footings, to reduce costs. The combined cost of the each LED fixture and pole is estimated at \$5,057 per light standard. However, Staff is working with Sea Clear Pools, Inc. to clarify the materials costs, since prior to going out to bid the City had estimated each LED fixture including the pole would cost in the range of \$1,650. The City also expects to receive a rebate for the LED fixtures in the range of \$381.

Staff recommends that the VFD energy efficiency measures, pool pump motor replacement, electrical repairs, and light replacements all be completed since they are considered essential to the function of the pool facility. The scope of work requires a specialty contractor(s) with experience in pool equipment and certified technicians by the DPH.

Project Summary and Payback Summary

The tables below show that the project will pay for itself within 3.0 years. The annual energy cost saving generated by the installation of the VFD technology on the two pool-pump motors are estimated at \$16,578. The estimated project cost with the SCE incentive is \$49,972.

Recommended Measure	Description of Measure	Estimated Costs and Rebates
(1) Variable Frequency Drives (VFD) - Energy Efficiency Measure	Retrofit the pumps with variable frequency drives (VFDs). The VFDs would be able to save energy by ramping the motor speed down and reducing energy costs up to 78% per year.	VFDs for both pools are estimated at \$18,670, and the SCE utility rebates through SCE are estimated at \$14,936 (SCE caps the incentive at 80% of the actual project cost).



Recommended Measure	Description of Measure	Estimated Costs and Rebates
(2) Replace the large pool's 20-HP pool-pump motor	As a temporary measure the motor was rebuilt and reinstalled, a permanent replacement pump motor is needed.	The estimated cost for a new 20-HP pool-pump motor is \$4,470.
(3) Repair or Replace Electrical Equipment associated with pool	The electrical equipment is faulty and requires repair in order to curb the deterioration it is causing on the pool-pump motor's service life.	The repair of the electrical equipment is estimated at \$6,750.
(4) Replace seven exterior pole lights around the pool area with new LED fixtures and poles.	Seven exterior pole lights around the pool area are extremely unstable due to cracked weld-connections at the base of the poles. Temporary measures have been taken to secure the poles from falling. Permanent replacements are necessary.	Range of \$1,650-\$5,057 per light standard. The City also expects to receive a rebate for the LED fixtures in the range of \$381. City staff is discussing this wide range in costs with Sea Clear Inc.

Project Payback Summary					
Measure	Cost	Units	Total Cost	SCE Rebate	Final Cost
#1	\$18,670	1 (includes 2 VFDs)	\$18,670	\$14,936	\$3,734
#2	\$4,470	1	\$4,470		\$4,470
#3	\$6,750	1	\$6,750		\$6,750
#4	\$5,057.14	7	\$35,399.98	\$381	\$35,018.98
		TOTAL PROJECT COST WITHOUT SCE INCENTIVE	\$65,289.98	TOTAL PROJECT WITH SCE INCENTIVE	\$49,972.98
		ESTIMATED ENERGY SAVINGS PER YEAR			\$16,578
		ESTIMATED SIMPLE PAYBACK WITH SCE INCENTIVE (IN YEARS)			3.0

Bid Process Results

The bid document was properly advertised pursuant to Public Contract Code. A mandatory job walk was held on August 21, 2012, and seven (7) different contractors were in attendance. On August 29, 2012, the City Clerk's Office publicly opened bids for the above project and only one bid was received. The following is the bid result for the Duarte Fitness Center Pool Improvements received on August 29, 2012:

Sea Clear Pools, Inc.

\$ 65,289.98

The lowest responsible and responsive bidder, Sea Clear Pools, Inc., has successfully performed similar projects. Therefore, this office respectfully recommends that the City Council authorize a budget amendment and award project "Duarte Fitness Center Pool Improvements" to Sea Clear Pool, Inc. of Torrance, for the bid amount submitted with the alternate bid item.

MEMORANDUM

TO: Mayor and Councilmembers

FROM: Darrell J. George, City Manager

DATE: September 6, 2012

SUBJECT: Conference Attendance – City Council Meeting of September 11, 2012



California Contract Cities Association
2012 Annual Fall Seminar
October 5-7, 2012
La Costa Resort & Spa, Carlsbad
Registration: \$415



Fall Is Here!

August 14, 2012

**"Better
Communities,
Better
Tomorrows"**

Our Special Events Committee Chair, Sandra Armenta along with her committee have worked to develop our Conference theme and slate of program speakers. Be sure to not miss this great educational opportunity for you and your city colleagues!

Visit our website for more information at:
www.contractcities.org

Fall Seminar Registration Now Open

Please be sure to join us for the 32nd Annual Fall Seminar in Carlsbad, CA at the La Costa Resort & Spa October 5-7. Be sure to make your seminar registration today and take advantage of the special room rate we have arranged with the La Costa Resort. This room block will be released on September 15, 2012. You must register before then to receive this special \$195.00 rate. Simply use the links below to download and fill out the forms then return them to our staff office by fax at (562) 622-9555.

[CLICK HERE to Download the Seminar Registration Form](#)
[CLICK HERE to Download the Hotel Reservation Form](#)

Invited Program Speakers Include

Lucy Jones, Geophysics and Seismology expert - Cal Tech
Cesar Millan, Television star, author and motivational speaker
Steve Cooley, Los Angeles County District Attorney
Captain John Stedman, LASD Emergency Preparedness Bureau
Lt. Bobby Wyche, LASD Emergency Preparedness Bureau
Chief Daryl Osby, Los Angeles County Fire Department



California Contract Cities Association
32nd Annual Fall Seminar * October 5 - 7, 2012

SEMINAR REGISTRATION INFORMATION

A paid registration is required for each conference attendee and/or guest. If more space is required, copy form. Registrants are solely responsible for compliance with the requirements of Government Code Sections 53232.2 and 53232.3 (AB 1234) regarding reimbursement of expenses associated with attendance at this event.

To accommodate conference delegates and participants, hotel headquarters (La Costa Resort & Spa) will give registrations to registered delegates and participants only. NO EXCEPTIONS WILL BE MADE.

REGISTRATION DESCRIPTIONS

DELEGATE REGISTRATION Mayors, Council Members, city staff, PAC members, county personnel and Associate Members.

GUEST REGISTRATION any person accompanying a registered Delegate that is not a colleague or anyone of the same as described in Delegate Registration.

REGISTRATION COST

NO Day Passes or individual tickets sold, no exceptions	<u>Delegate</u>	<u>Guest</u>
Includes seminar registration material, admission to all of the educational programs and activities: Friday Associate Members welcome reception, Saturday Continental Breakfast, sessions, lunch session, dinner, and Sunday Brunch	\$415.00	\$310.00

REGISTRATION DEADLINE DATE

Deadline for seminar registration is **Monday, October 1, 2012.** No cancellations accepted or refunds given after **Thursday, September 27, 2012.** Call our staff office regarding cancellations (**letter/email must follow**).

Kindly type or print clearly on the registration form, the names for each conference attendee and their spouse/partner or guest. **A paid registration is required for each member city's elected official and staff.** (If more space is required, copy form).

If paying by credit card:

Please mail or fax completed registration form with payment to the address listed on the reverse. **Forms received without payment in full (mail or fax), will not be processed and are not valid.**

La Costa Resort & Spa
2100 Costa Del Mar Road • Carlsbad, CA 92009
(800) 854-5000



Group # 5477KW

CALIFORNIA CONTRACT CITIES ASSOCIATION

OCTOBER 5 – 7, 2012

Individual Reservation Request

Group Reservations (760)931-7569

Name: _____

Address: _____

Phone #: _____ Fax #: _____ Email _____

Date of arrival: _____ Date of departure: _____

No. in Party: _____ King Bed _____ Double Beds _____

CHECK-IN TIME IS 4:00 PM

50% of room rate applies for early check-out

CHECK-OUT TIME IS 12:00PM

(Check-out after 12:00PM will be charged a full day's rate)

Accommodations may not be available if arrival time is prior to hotel check-in time. Rooms are assigned first-come-first-serve.

RESERVATION DEADLINE: SEPTEMBER 21, 2012

Room Rate: **\$195.00** per night (plus 10% federal, state & local tax)

Above rates are for single or double occupancy.

Complimentary Self-Parking - •Valet Parking - \$25

SPECIAL REQUESTS:

All reservation requests must be accompanied by the first night's deposit. To confirm your reservation, you must include either a credit card number or a check for the full amount of the first night's lodging plus tax, if paying with a check it needs to be mailed to the resort at least 2 weeks prior to arrival. Hotel will not hold any reservation after 4:00 p.m. unless secured by one of the above methods. **DEPOSITS REFUNDABLE WITH SEVEN DAY ADVANCE NOTICE.**

PAYMENT ENCLOSED: _____ CHECK \$ _____ (We do not accept checks upon departure.)

CREDIT CARD NUMBER _____ EXP. DATE _____

VISA MASTERCARD AMERICAN EXPRESS DINER'S CLUB DISCOVER

SIGNATURE _____ DATE _____

PLEASE MAIL FORM TO:

La Costa Resort & Spa
Attention: Group Room Reservations
2100 La Costa Del Mar Road
Carlsbad, CA 92009

OR Fax: (760)438-9007
(CREDIT CARD ONLY)

**NOTICE OF A PUBLIC HEARING
TO BE HELD BY THE DUARTE
CITY COUNCIL TO CONSIDER
ADOPTION OF THE
CONGESTION MANAGEMENT
PLAN (CMP) LOCAL
DEVELOPMENT REPORT AND
SELF-CERTIFICATION WITH
LOS ANGELES COUNTY
METROPOLITAN
TRANSPORTATION AUTHORITY
(MTA)**

NOTICE IS HEREBY GIVEN that, pursuant to State law, the City Council of the City of Duarte will hold a Public Hearing at 7:00 p.m., on Tuesday, September 11, 2012, in the Council Chambers, 1600 Huntington Drive, Duarte, California, to determine compliance with Los Angeles County's Congestion Management Plan. In accordance with the Congestion Management Plan of the Los Angeles County Metropolitan Transportation Authority, local jurisdictions are required to submit a resolution of self-certification stating the organization is in compliance with the State-mandated program. The City will review the mandates of this program and make a determination of compliance at this meeting. This project is statutorily exempt from the California Environmental Quality Act

(CEQA) pursuant to exemption in Section 15276, Class 1 of Title 14 of the California Code of Regulations.

Any interested party may appear in person, or by agent, and be heard. If this matter is challenged in Court, there will be a limit to only those issues that were raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing. Written correspondence may be sent to Duarte City Hall, City Clerk's Office, 1600 Huntington Drive, Duarte, CA 91010.

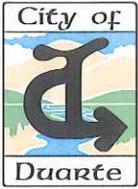
For further information, contact David F. Eoff IV, Assistant Planner, at (626) 357-7931 ext. 239, Monday through Thursday between the hours of 7:30 AM and 6:00 PM.

Marla Akana
City Clerk

PUBLISH: The Duartean, Thursday,
August 30, 2012

POSTED: Duarte City Hall, Duarte
Public Safety Office, Duarte Library
August 30, 2012

Published: August 30, 2012
Duartean Ad#221875



CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 11, 2012

TO: HONORABLE MAYOR AND DUARTE CITY COUNCIL

FROM: DAVID F. EOFF IV, ASSISTANT PLANNER

SUBJECT: CONGESTION MANAGEMENT PROGRAM, 2012 LOCAL DEVELOPMENT REPORT

SUMMARY

The Congestion Management Program (CMP) is a state-mandated program that assists local agencies in linking land use decisions with impacts on the regions transportation systems. It became effective in 1990 after voter approval of Proposition 111 and requires every city in Los Angeles County to implement the provisions of the County's CMP. Implementation and conformance of the program is necessary to assure the City of Duarte continues to receive State gas tax funds (Section 2105) and remains eligible for other State and Federal transportation funding.

Staff recommends that the City Council adopt Resolution 12-R-31 stating the City is in compliance with the Congestion Management Program.

BACKGROUND

Conformance with CMP is required on an annual basis. The City of Duarte is required to hold a public meeting when the Local Development Report (LDR) is adopted. Following the adoption, the LDR and other necessary documents must be submitted to the Los Angeles County Metropolitan Transportation Authority (MTA) for review. Once reviewed, MTA will determine if the City is in conformance with the provisions of the CMP. The following requirements of the CMP are the responsibility of each local jurisdiction within Los Angeles County (88 cities total):

- Ongoing implementation of the CMP Transportation Demand Management (TDM) ordinance;
- Ongoing implementation of the CMP Land Use Analysis program;
- Adoption and submittal of a CMP Local Development Report; and
- Adoption and submittal of a Resolution Self-Certifying compliance with local CMP requirements.

Duarte continues to implement the TDM ordinance and Land Use Analysis program as part of compliance with the CMP requirements. A self-certification resolution has been prepared, adopting the 2012 LDR and certifying the City of Duarte's on-going implementation of the CMP requirements. The deadline for local jurisdictions to submit the resolution to MTA is typically September 1st of each year, however MTA has granted Duarte an extension due to cancelation of the August 28, 2012 City Council meeting. A letter from MTA is attached for reference.

DEVELOPMENT ACTIVITY

For the 2012 reporting period of June 1, 2011 through May 31, 2012, The City of Duarte LDR includes permit issuance for: one multi-family residential dwelling unit (attached 2nd unit), and one commercial demolition of 2,430 square feet (Burger King).

PUBLIC NOTICE

MTA requires that the City Council adopt the LDR and CMP conformance by resolution through a public hearing process. A public notice was published August 30, 2012 in the Weekly Star, and was posted at City Hall, the Duarte Library, and the Duarte Public Safety office.

RECOMMENDATION

Staff recommends the Duarte City Council adopt Resolution 12-R-31 stating the City is in compliance with the Congestion Management Program for Los Angeles County Metropolitan Authority.

Respectfully Submitted,



David F. Eoff IV
Assistant Planner

Attachment: 2012 CMP Local Development Report Plan Summary
Resolution No. 12-R-31
MTA letter granting extension

Contact: **David F. Eoff IV, Assistant Planner**
 Phone Number: **626-357-7931**

**CONGESTION MANAGEMENT PROGRAM
 FOR LOS ANGELES COUNTY**

2011 DEFICIENCY PLAN SUMMARY

*** IMPORTANT: All "#value!" cells on this page are automatically calculated.
 Please do not enter data in these cells.**

DEVELOPMENT TOTALS

RESIDENTIAL DEVELOPMENT ACTIVITY

Dwelling Units

Single Family Residential	0.00
Multi-Family Residential	1.00
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY

1,000 Net Sq.Ft.²

Commercial (less than 300,000 sq.ft.)	(2.43)
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

NON-RETAIL DEVELOPMENT ACTIVITY

1,000 Net Sq.Ft.²

Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

OTHER DEVELOPMENT ACTIVITY

Daily Trips

ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

EXEMPTED DEVELOPMENT TOTALS

Exempted Dwelling Units	0
Exempted Non-residential sq. ft. (in 1,000s)	0

2. Net square feet is the difference between new development and adjustments entered on pages 2 and 3.

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE,
CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE
CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING
THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH
CALIFORNIA GOVERNMENT CODE SECTION 65089**

WHEREAS, CMP statute requires the Los Angeles County Metropolitan Transportation Authority (“LACMTA”), acting as the Congestion Management Agency for Los Angeles County, to annually determine that the County and cities within the County are conforming to all CMP requirements; and

WHEREAS, LACMTA requires submittal of the CMP Local Development Report by September 1 of each year; and

WHEREAS, the City Council held a noticed public hearing on September 11, 2012.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF DUARTE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the City has taken all of the following actions, and that the City is in conformance with all applicable requirements of the 2010 CMP adopted by the LACMTA Board on October 28, 2010.

The City has locally adopted and continues to implement a transportation demand management ordinance, consistent with the minimum requirements identified in the CMP Transportation Demand Management chapter.

The City has locally adopted and continues to implement a land use analysis program, consistent with the minimum requirements identified in the CMP Land Use Analysis Program chapter.

The City has adopted a Local Development Report, attached hereto and made a part hereof, consistent with the requirements identified in the 2010 CMP. This report balances traffic congestion impacts due to growth within the City with transportation improvements, and demonstrates that the City is meeting its responsibilities under the Countywide Deficiency Plan consistent with the LACMTA Board adopted 2003 Short Range Transportation Plan.

SECTION 2. That the City Clerk shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the Los Angeles County Metropolitan Transportation Authority.

SECTION 3. That the project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15276, Class 1 of Title 14 of the California Code of Regulations.

PASSED, APPROVED, and ADOPTED this 11th day of September, 2012.

Mayor John Fasana

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 12-31 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 11th day of September, 2012, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California



Metro

August 22, 2012

Mr. David F. Eoff IV
Assistant Planner
City of Duarte
1600 Huntington Dr.
Duarte, CA 91010

Dear Mr. Eoff:

MTA is in receipt of the City of Duarte's request for an extension for the submission of the 2012 Local Development Report (LDR) and self-certification resolution. We understand that your City Council will convene on September 11, 2012 and anticipate adoption of the resolution and LDR; please send your City's adopted resolution self-certifying conformance with the Congestion Management Program (CMP) and final LDR as soon as it is available.

You will be notified in advance of the meeting date when the MTA Board of Directors will make their annual finding regarding each local jurisdiction's conformance with the CMP.

Please contact me at 213-922-7414 or email at alameidas@mta.net if you have any questions. Thank you for your on-going efforts for successful implementation of the CMP.

Sincerely,

Stacy E. Alameda
Program Manager,
Congestion Management Program

MEMORANDUM

TO: Darrell J. George, City Manager

FROM: Kristen Petersen, Assistant City Manager

DATE: September 11, 2012

SUBJECT: TIMING OF SECOND PHASE BUDGET EXPENSE REDUCTIONS

Background

On April 30, 2012, Council held the first of two Budget workshops. There was a lot of discussion at that time about budget reductions and whether they would all be necessary in the event that a local revenue measure was successful in November. At the conclusion of the workshop Council directed staff to bring back a budget that included revenue enhancements and expense reductions that would be implemented immediately as of July as well as some that would be implemented in a second phase on January 1, 2013 in the event that a local revenue measure was not pursued or unsuccessful.

On May 1, 2012, at the second Budget workshop, Willdan Financial Services presented information on various local revenue measures and staff was directed to undertake a community-wide survey on various revenue options. In addition, the Council directed staff to bring back a budget that implemented \$500,000 in budget cuts and revenue increases as of July 1, 2012, and two specific expense reductions (mid week park restroom cleaning and a special assignment deputy), which would be implemented on January 1, 2013 absent the local revenue measure.

On June 12, 2012, Council unanimously voted to approve the 2012/13 Budget that was presented at the workshop with two amendments; a restoration of part time maintenance funding of \$41,000 and a phased approach to increasing parking permit fees first to \$100 and then to \$200 thereafter. Included in this motion was the implementation of the second phase cuts as of January 1, 2013 (reduced restroom cleaning and elimination of a special assignment deputy), if a revenue measure was not pursued or unsuccessful. Council's final budget reflected a deficit of \$58,900. However, taking into consideration the second phase reductions effective January 1, 2013, which would save approximately \$121,000, the Annual Budget would come into balance with a surplus of approximately \$62,100.

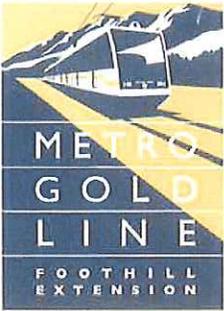
On July 31, 2012 the Council vote to pursue putting a sales tax measure on the ballot failed. Given that a revenue measure will not be pursued, staff recommended on August 14, 2012 that the second phase cuts (approved by Council for implementation as of January 1, 2013), be implemented immediately in order to provide the greatest savings and bring the annual budgeted expenditures into line with annual budgeted revenues. At that time, Council voted to continue the item until September 11th, after a Cashflow Workshop can be conducted. The Cashflow Workshop is scheduled to take place at 5pm, prior to the regular meeting on September 11, 2012.

Fiscal Impact

By waiting to implement the reductions in January as previously approved by Council, the City will save \$121,000. However, each month earlier the reductions are made will generate an additional savings of \$20,000/month. Thus, if implemented by October 1st, a total savings of \$181,000 would be realized.

Recommendation

It is recommended that the City Council reduce the mid week park cleaning and eliminate a special assignment deputy position as of October 1, 2012, instead of January 1, 2013 as previously approved.



**Metro Gold Line Foothill Extension
Construction Authority**

406 E. Huntington Drive, Suite 202
Monrovia, CA 91016-3633

626-471-9050 ph
626-471-9049 fx

www.foothillextension.org

August 30, 2012

The Honorable Jerry Brown
Governor of California
California State Capitol Suite 1173
Sacramento, CA 95814

**RE: Opposition to AB 1446 — Extension of Los Angeles County
Transportation Sales Tax**

Dear Governor Brown:

On behalf of the members of the Metro Gold Line Phase II Joint Powers Authority (JPA), an independent advisory board comprised of elected officials representing 14 cities surrounding the existing and future extensions of the Metro Gold Line light rail line (from the city of Los Angeles to the city of Ontario), we are writing to oppose AB1446 and request your veto of the bill.

AB 1446 would allow the L.A. County Metropolitan Transportation Authority (Metro) to ask voters to extend an existing ½ cent sales tax for transportation for 30 years. However, the sales tax has only been in effect for less than four years, and Metro has little to show voters in the way of accomplishments. I believe that Metro should not be asking voters to extend the tax this early in the process. It has another 27 years (until 2039) of sales tax revenue secured, and should take the time to prove to the voters a commitment and ability to successfully complete the list of promised projects.

More importantly, I believe that transportation is not the voters' top priority this November, providing little to no hope that the measure will achieve the necessary two-thirds approval. Voters are (and should be) focused on fixing the state's fiscal crisis and providing funding for schools. These are the critical and urgent issues facing the state. All other matters should wait for a future election so that they won't distract voters from these critical matters.

Executive Officer:

Habib F. Balian
Chief Executive Officer

As Governor, you alone have the power to stop AB 1446 and eliminate a ballot measure that will distract the voters from the vital issues facing the state. I respectfully request that you veto AB 1446 and tell Metro now is not the right time for this request of voters.

Sincerely,



Sam Pedroza
Chairman, Board of Directors
Metro Gold Line Phase II Joint Powers Authority

Cc: JPA Board

BILL NUMBER: AB 1446 ENROLLED
BILL TEXT

PASSED THE SENATE AUGUST 20, 2012
PASSED THE ASSEMBLY AUGUST 22, 2012
AMENDED IN SENATE AUGUST 15, 2012
AMENDED IN SENATE AUGUST 7, 2012
AMENDED IN SENATE JUNE 19, 2012
AMENDED IN ASSEMBLY MAY 17, 2012
AMENDED IN ASSEMBLY APRIL 26, 2012
AMENDED IN ASSEMBLY APRIL 17, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012

INTRODUCED BY Assembly Member Feuer
 (Coauthor: Assembly Member Brownley)

JANUARY 4, 2012

An act to amend Section 130350.5 of, and to add Section 130350.6 to, the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1446, Feuer. Los Angeles County Metropolitan Transportation Authority: transactions and use tax.

Existing law authorizes the Los Angeles County Metropolitan Transportation Authority (MTA) to impose, in addition to any other tax that it is authorized to impose, a transactions and use tax at a rate of 0.5% for not more than 30 years for the funding of specified transportation-related purposes pursuant to an adopted expenditure plan, subject to voter approval.

This bill would authorize the MTA to impose that transactions and use tax beyond its current duration, subject to voter approval. The bill would require the MTA to include, in the proposing ordinance, a new expenditure plan for the tax revenues. The bill would permit the MTA to secure bonded indebtedness payable from the proceeds of the tax imposed and would require that the proceeds from those bonds, and from the tax after repayment of bonded indebtedness, be used to accelerate the completion of specified projects and programs, and to fund specified operations. The bill would require the MTA to use any tax proceeds remaining after completion of designated capital projects and payment of bonded indebtedness for specified long-range transportation projects. The bill would make other related conforming changes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) Section 130350.5 of the Public Utilities Code authorizes the Los Angeles County Metropolitan Transportation Authority (MTA) to propose for voter approval a 30-year 1/2 cent sales and use tax dedicated to the construction and operation of transportation-related

projects, to be enumerated in a local ballot measure. In November 2008, more than 67 percent of Los Angeles County voters approved this tax pursuant to a ballot measure known as Measure R.

(b) The Measure R transit, highway, and other transportation projects became part of the MTA's Long Range Transportation Plan, along with an expenditure plan that spread the costs and construction of the Measure R projects over the 30-year duration of the 1/2 cent sales and use tax.

(c) Since 2008, the nation and the State of California have plunged into a recession. In Los Angeles County, 336,000 jobs have been lost since 2007. An estimated 582,900 people were unemployed in Los Angeles County as of October 2011. The construction industry has been hit particularly hard: more than 53,300 construction jobs have been lost since 2007, and some estimates put the percentage of area construction workers who are out of work as high as 40 percent.

(d) Traffic congestion is increasing throughout Los Angeles County, and new, environmentally sound transit options are desperately needed as alternatives to private vehicle trips and the economic, environmental, and health impacts that result from them.

(e) Therefore, the Legislature intends to authorize the MTA to seek voter approval to extend or eliminate the sunset date for the imposition of the Measure R sales and use tax authorization and allow the MTA to bond against the proceeds from the tax and build the Measure R projects and programs much sooner than originally contemplated. Providing for the imposition of this sales and use tax and for the accelerated completion of Measure R projects and programs would create more than 166,000 desperately needed jobs and dramatically improve the economy, environment, and public health of Los Angeles County.

(f) Any future ordinance related to a Measure R extension should provide the flexibility to amend the Measure R expenditure plan to allow net revenues to be transferred between transit capital and highway subfunds within a subregion, by a two-thirds vote of the MTA governing board.

SEC. 2. Section 130350.5 of the Public Utilities Code is amended to read:

130350.5. (a) In addition to any other tax that it is authorized by law to impose, the Los Angeles County Metropolitan Transportation Authority (MTA) may impose, in compliance with subdivision (b) and Section 130350.6, a transactions and use tax at a rate of 0.5 percent that is applicable in the incorporated and unincorporated areas of the county.

(b) For purposes of the taxing authority set forth in subdivision (a), all of the following apply:

(1) The tax shall be proposed in a transactions and use tax ordinance, that conforms with Chapter 2 (commencing with Section 7261) to Chapter 4 (commencing with Section 7275), inclusive, of the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), and that is approved by a majority of the entire membership of the authority.

(2) The tax may be imposed only if the proposing ordinance is approved by two-thirds of the voters, in the manner as otherwise required by law, voting on this measure, in an election held on November 4, 2008, or at a subsequent election and, if so approved, shall become operative as provided in Section 130352.

(3) The proposing ordinance shall specify, in addition to the rate of tax and other matters as required by the Transactions and Use Tax

Law, that the net revenues derived from the tax are to be administered by the MTA as provided in this section. Net revenues shall be defined as all revenues derived from the tax less any refunds, costs of administration by the State Board of Equalization, and costs of administration by the MTA. Such costs of administration by the MTA shall not exceed 1.5 percent of the revenues derived from the tax. The MTA shall, during the period in which the ordinance is operative, allocate 20 percent of all net revenues derived from the tax for bus operations to all eligible and included municipal transit operators in the County of Los Angeles and to the MTA, in accordance with Section 99285. However, the allocations to the MTA and eligible and included municipal operators shall be made solely from revenues derived from a tax imposed pursuant to this section, and not from local discretionary sources. Funds allocated by MTA to itself pursuant to this section shall be used for transit operations and shall not supplant funds from any other source allocated by MTA to itself for public transit operations. Funds allocated by MTA to the eligible and included municipal operators pursuant to this section shall be used for transit operations and shall not supplant any funds authorized by other provisions of law and allocated by MTA to the eligible and included municipal operators for public transit. In addition to this amount, the MTA shall allocate 5 percent of all net revenues derived from the tax, for rail operations. The MTA shall include the projects and programs described in subparagraphs (A) and (B) in the expenditure plan required under subdivision (f). The MTA shall include all projects and programs described in the expenditure plan required under subdivision (f) in its Long Range Transportation Plan (LRTP). The priorities for projects and programs described in subparagraphs (A) and (B) and in the expenditure plan required under subdivision (f) shall be those set forth in the expenditure plan. The funding amounts specified in subparagraphs (A) and (B) are minimum amounts that shall be allocated by the MTA from the net revenues derived from a tax imposed pursuant to this section. Nothing in this section prohibits the MTA from allocating additional net revenues derived from the tax to these projects and programs.

(A) Capital Projects.

(i) Exposition Boulevard Light Rail Transit Project from downtown Los Angeles to Santa Monica. The sum of nine hundred twenty-five million dollars (\$925,000,000).

(ii) Crenshaw Transit Corridor from Wilshire Boulevard to Los Angeles International Airport along Crenshaw Boulevard. The sum of two hundred thirty-five million five hundred thousand dollars (\$235,500,000).

(iii) San Fernando Valley North-South Rapidways. The sum of one hundred million five hundred thousand dollars (\$100,500,000).

(iv) Metro Gold Line (Pasadena to Claremont) Light Rail Transit Extension. The sum of seven hundred thirty-five million dollars (\$735,000,000).

(v) Metro Regional Connector. The sum of one hundred sixty million dollars (\$160,000,000).

(vi) Metro Westside Subway Extension. The sum of nine hundred million dollars (\$900,000,000).

(vii) State Highway Route 5 Carmenita Road Interchange Improvement. The sum of one hundred thirty-eight million dollars (\$138,000,000).

(viii) State Highway Route 5 Capacity Enhancement (State Highway Route 134 to State Highway Route 170, including access improvement

for Empire Avenue). The sum of two hundred seventy-one million five hundred thousand dollars (\$271,500,000).

(ix) State Highway Route 5 Capacity Enhancement (State Highway Route 605 to the Orange County line, including improvements to the Valley View Interchange). The sum of two hundred sixty-four million eight hundred thousand dollars (\$264,800,000).

(x) State Highway Route 5/State Highway Route 14 Capacity Enhancement. The sum of ninety million eight hundred thousand dollars (\$90,800,000).

(xi) Capital Project Contingency Fund. The sum of one hundred seventy-three million dollars (\$173,000,000).

(B) Capital Programs.

(i) Alameda Corridor East Grade Separations. The sum of two hundred million dollars (\$200,000,000).

(ii) MTA and Municipal Regional Clean Fuel Bus Capital (Facilities and Rolling Stock). The sum of one hundred fifty million dollars (\$150,000,000).

(iii) Countywide Soundwall Construction (MTA Regional List and Monterey Park/State Highway Route 60). The sum of two hundred fifty million dollars (\$250,000,000).

(iv) Local return for major street resurfacing, rehabilitation, and reconstruction. The sum of two hundred fifty million dollars (\$250,000,000).

(v) Metrolink Capital Improvements. The sum of seventy million dollars (\$70,000,000).

(vi) Eastside Light Rail Access. The sum of thirty million dollars (\$30,000,000).

(c) The MTA may incur bonded indebtedness payable from the proceeds of the tax provided by this section pursuant to the bond issuance provisions of Section 130500 et seq. of the Public Utilities Code, and any successor act. The MTA shall include in the expenditure plan, required under subdivision (f), the amount of net revenue specified for all projects and programs in subparagraphs (A) and (B) of paragraph (3) of subdivision (b) as a condition of the use and expenditure of the proceeds of the tax. The MTA shall maintain the current amount of any funding for the projects and programs specified in this section that has been previously programmed or received from sources other than the proceeds of the tax, and may not reallocate money that has been previously programmed or received for those projects and programs to other projects or uses.

(d) Notwithstanding Section 7251.1 of the Revenue and Taxation Code, the tax rate authorized by this section shall not be considered for purposes of the combined rate limit established by that section.

(e) A jurisdiction or recipient is eligible to receive funds from the local return program, described in clause (iv) of subparagraph (B) of paragraph (3) of subdivision (b) of this section and in subdivision (c) of Section 130350.6, only if it continues to contribute to that program an amount that is equal to its existing commitment of local funds or other available funds. The MTA may develop guidelines that, at a minimum, specify maintenance of effort requirements for the local return program, matching funds, and administrative requirements for the recipients of revenue derived from the tax.

(f) Prior to submitting the ordinance to the voters, the MTA shall adopt an expenditure plan for the net revenues derived from the tax. The expenditure plan shall include, in addition to other projects

and programs identified by the MTA, the specified projects and programs listed in paragraph (3) of subdivision (b), the estimated total cost for each project and program, funds other than the tax revenues that the MTA anticipates will be expended on the projects and programs, and the schedule during which the MTA anticipates funds will be available for each project and program. The MTA shall also identify in its expenditure plan the expected completion dates for each project described in subparagraph (A) of paragraph (3) of subdivision (b). To be eligible to receive revenues derived from the tax, an agency sponsoring a capital project or capital program shall submit to the MTA an expenditure plan for its project or program containing the same elements as the expenditure plan that MTA is required by this subdivision to prepare.

(g) The MTA shall establish and administer a sales tax revenue fund. The net revenue derived from the tax, after payment of any debt services and related obligations, shall be credited to this fund. The moneys in the fund shall be available to the MTA to meet expenditure and cashflow needs of the projects and programs described in the expenditure plan required under subdivision (f). In the event that there are net revenues in excess of the amount necessary to provide the amount of net revenues specified in the expenditure plan for the projects and programs described therein, the MTA may expend the excess net revenues on projects and programs in the expenditure plan or the LRTP. In the event that projects and programs in the expenditure plan are completed without the expenditure of the amount of net revenues specified, the MTA shall expend the excess net revenues on projects and programs in the expenditure plan or the LRTP within the same subregion as the project or program that is completed. For the purposes of this section, "subregion" shall be defined in the LRTP.

(h) If other funds become available and are allocated to provide all or a portion of the amount of net revenues specified in the expenditure plan for the projects or programs described therein, the MTA may expend the surplus net revenues on other projects and programs in the expenditure plan or the LRTP.

(i) (1) Notwithstanding subdivision (h), if a capital project or capital program described in clauses (i) to (x), inclusive, of subparagraph (A) of paragraph (3) of subdivision (b) and clauses (i) and (vi) of subparagraph (B) of paragraph (3) of subdivision (b), has been fully funded from other sources on or before December 31, 2008, the funds designated to the project or program in clauses (i) to (x), inclusive, of subparagraph (A) of paragraph (3) of subdivision (b) and clauses (i) and (vi) of subparagraph (B) of paragraph (3) of subdivision (b) shall remain in the subregion in which the project or program is located and shall be allocated to other projects or programs in the subregion prior to the expiration of the tax.

(2) A capital project or capital program funded with reallocated funds pursuant to paragraph (1) shall be included in the adopted 2008 Long Range Transportation Plan or the successor plan and shall be of regional significance as determined by the MTA. For purposes of this subdivision, "subregions" means the subregions as defined in the LRTP in effect as of January 1, 2008.

(j) Notwithstanding Section 130354, revenues raised under this section and Section 130350.6 may be used to facilitate the transportation of people and goods within Los Angeles County. The use of the revenues shall not be limited to public transit purposes.

(k) No later than 365 days prior to the adoption of an amendment

described in paragraph (1) to an expenditure plan adopted pursuant to subdivision (f), including, but not limited to, the expenditure plan adopted by the MTA board as "Attachment A" in Ordinance #08-01 adopted by the board on July 24, 2008, and in addition to any other notice requirements in the proposing ordinance, the board shall notify the Members of the Legislature representing the County of Los Angeles of all of the following:

(1) A description of the proposed amendments to the adopted expenditure plan that would do any of the following:

(A) Affect the amount of net revenues derived from the tax imposed pursuant to this act that is proposed to be expended on a capital project or projects identified in the adopted expenditure plan.

(B) Delay the schedule for the availability of funds proposed to be expended on a capital project or projects identified in the adopted expenditure plan.

(C) Delay the schedule for the estimated or expected completion date of a capital project or projects identified in the adopted expenditure plan.

(2) The reason for the proposed amendment.

(3) The estimated impact the proposed amendment will have on the schedule, cost, scope, or timely availability of funding for the capital project or projects contained in the adopted expenditure plan.

(1) The notification required pursuant to subdivision (k) shall be achieved by resolution adopted by the MTA board.

(m) The MTA board shall provide prior written notice to the Members of the Legislature representing the County of Los Angeles of any proposed amendments to the adopted expenditure plan that would accelerate funding for a capital project or projects in the adopted expenditure plan.

SEC. 3. Section 130350.6 is added to the Public Utilities Code, to read:

130350.6. (a) The tax authorized by Section 130350.5 may be imposed as set forth in paragraph (3) of subdivision (b) of Section 130350.5 in a transactions and use tax ordinance, or an amendment of the ordinance approved pursuant to paragraph (1) of subdivision (b) of Section 130350.5, that conforms with Chapter 2 (commencing with Section 7261) to Chapter 4 (commencing with Section 7275), inclusive, of the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), and that is approved by a majority of the entire membership of the authority. The tax may be imposed pursuant to this section only if the proposing ordinance, or amendment thereof, is approved by two-thirds of the voters, in the manner as otherwise required by law, voting on this measure, in a special or general election and, if so approved, shall become operative as provided in Section 130352. The proposing ordinance shall specify that the net revenues derived from the tax are to be administered by the Los Angeles County Metropolitan Transportation Authority (MTA) as provided in this section. Net revenues shall be defined as all revenues derived from the tax less any refunds, costs of administration by the State Board of Equalization, and costs of administration by the MTA. Such costs of administration by the MTA shall not exceed 1.5 percent of the revenues derived from the tax. The proposing ordinance shall be accompanied by a new expenditure plan for the net revenues derived from the tax. This new expenditure plan shall identify the years in which the MTA anticipates net revenues derived from the tax will be

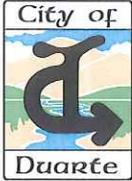
available to each project or program in the new expenditure plan.

(b) The MTA may incur bonded indebtedness payable from the proceeds of the tax authorized by this section pursuant to the bond issuance provisions of this chapter, and any successor act.

(c) Proceeds from the tax authorized by this section, including proceeds from bonds issued pursuant to subdivision (b), after payment of the bonded indebtedness, shall be used to accelerate the completion of the projects and programs identified in subparagraphs (A) and (B) of paragraph (3) of subdivision (b) of Section 130350.5, for the expenditure plan adopted by the MTA board on July 24, 2008, and for operations pursuant to paragraph (3) of subdivision (b) of Section 130350.5.

(d) Upon completion of the projects and programs identified in subparagraphs (A) and (B) of paragraph (3) of subdivision (b) of Section 130350.5 and the expenditure plan adopted by the MTA board on July 24, 2008, any funds remaining from the bonds described in subdivision (b) and any funds remaining from the proceeds of the tax authorized by this section, after payment of the bonded indebtedness, shall be expended by the MTA on projects and programs in the Long Range Transportation Plan or its successor plans, and for operations pursuant to paragraph (3) of subdivision (b) of Section 130350.5.

(e) To the extent that MTA deems it necessary to accelerate the completion of a project or program in a new expenditure plan adopted pursuant to this section, MTA shall expend funds derived from the sales tax authorized by Section 130350.5 according to the schedule described in the new expenditure plan adopted pursuant to this section. MTA shall make this determination by a majority vote of the MTA board.



MEMORANDUM

TO: DUARTE CITY COUNCIL

FROM: CESAR MONSALVE, PARKS AND RECREATION DIRECTOR

SUBJECT: APPLICATION FOR NAMING OF THE DUARTE TEEN CENTER'S MULTI-PURPOSE ROOM

DATE: 9/4/12

Recommendation

That the City Council approve the Parks and Recreation Commission's recommendation to name the Duarte Teen Center's Multi-Purpose Room after former Parks and Recreation Director Donna Georgino.

Background

At the August 13, 2012 regular meeting of the Duarte Parks and Recreation Commission, the commissioners were presented with the first application to name a facility, using the new City of Duarte Park and Facility Naming and Renaming Policy and Application process. The application was submitted by Marilyn Mays, Duarte Teen Center Supervisor and Mayor's Youth Council liaison on behalf of the Duarte Mayor's Youth Council to name the Duarte Teen Center's Multi-Purpose Room on behalf of retired Duarte Parks and Recreation Department Director, Donna Georgino.

Per the newly established policy, the Parks and Recreation Commission reviewed the application and after consideration and discussion, Commissioner Thaller moved to recommend to the Duarte City Council to approve the naming of the Duarte Teen Center's Multi-Purpose Room on behalf of retired Duarte Parks and Recreation Department Director, Donna Georgino. Seconded by commissioner Howard. The motion carried unanimously.

Discussion

As the Council will recall, the Duarte Parks and Recreation Commission was involved in a lengthy process to develop a naming and renaming policy for parks and facilities. This policy was adopted by a unanimous vote of the Duarte City Council at the April 24, 2012 regular meeting.

The Mayor's Youth Council originally proposed the multi-purpose room naming idea in December at Ms. Georgino's retirement dinner and have now followed through with the proposal using the proper application process. It is important to

note that the proposed naming is a room within an existing facility as opposed to the facility itself. The exterior entry area to the room would be fitted with a plaque indicating that the new name of the room would be the Donna Georgino Room.

Per the City of Duarte's Park and Facility Naming and Renaming Policy, the commission recommendation is now subject to Duarte City Council approval. If the recommendation is approved, staff will draft a resolution for consideration and approval. Attached is a copy of the completed form.



City of Duarte Application for Facility Naming or Renaming Consideration

Please complete this form to the best of your ability. The associated appropriate city commission may ask you to make a presentation as part of the consideration process.

1. Submitting Organization's or Individual's Name: City of Duarte Teen Center Mayor's Youth Council

2. Contact Name: Marilyn D. MAYS

Phone Number: 626-303-0863

Street Address: 1600 Huntington Drive Duarte, Ca. 91010

Email Address: MaysMG@accessduarte.com

3. Proposed name or renaming of land, building, tree, or facility or list object to be added such as park benches, trees, tables and related objects:

Teen Center Multi Purpose Room

4. If a person, are they deceased? Yes ___ (How many years? ___) No [checked]

5. Facility Address: (If a tree, bench, table or related object, please provide a map, drawing or photograph to identify the location.)

1400 Buena Vista Duarte, Ca. 91010

6. There may be a cost involved in naming a facility. Items including plaques will need to meet previously established City standards and will be subject to approval. Do you have the funds for such a purpose or would you be petitioning to cover the costs? Please explain:

MYC would like cost to be covered by City funds.

7. Reading the criteria listed; please list how the proposed name meets the criteria:

Multi Purpose Room - Naming to "The Georgino Room" in honor and dedication to retired Parks and Rec Director Donna Georgino for her ->

8. If naming after a person, for historical reference, please include with this application documentation (news clippings, photographs, etc.) that illustrate the contributions this individual(s) has made to the City of Duarte. Please also include any petitions and/or letters of support from community members.

By signing below, the applicant agrees to abide by the City of Duarte Park and Facility Naming and Re-Naming Policies:

Marilyn D. Mays
Signature of Applicant or Donor

7/30/12
Date

Please attach additional information if more space is needed for any of the above questions.

Neither the submittal of an application nor any recommendation by a city commission to the City Council constitutes a representation, warranty, or guaranty by the City that any application shall be approved by the City Council or if approved shall not include conditions that must be satisfied for the approval to be effective.

30 years of service and dedication to Duarte Youth. Donna Georgino was instrumental in the building of the Duarte Teen Center. Mayor's Youth Council would like for their meeting room to be a legacy of her work on behalf of all youth.



City of Duarte Park and Facility Naming and Renaming Policy and Application

The City of Duarte welcomes efforts by interested parties to apply to name or rename City-owned land, buildings, trees and facilities including park benches, tables and related objects. To accomplish this, interested parties must follow this application process and will be subject to the specific rules and criteria included and will be subject to approval.

Criteria for New Facilities, Parks, Buildings:

(The following criteria shall be used in selecting an appropriate name for City-owned land, buildings and parks and determine how objects can be added to new facilities or parks.)

1. Preserving the Location's Significance

The name shall have or preserve the geographic, environmental (relating to natural or physical features), historic or landmark connotation of particular significance to the area in which the land or facility is located, or for the City as a whole. Either connotation is equally valid.

2. Donations

Consideration may be given to naming the City-owned land or facility after an individual when the land or facility, or the money for its purchase has been donated by the individual, or when otherwise warranted by some contribution or service which is deemed to be of major and lasting significance to the acquisition of the piece of land, or planning, development, construction or renovation of the particular facility. Donation of land or resources shall not constitute an obligation by the City to name the land or facility or any portion thereof, after an individual or family.

3. Non-Historic Naming

Names honoring individuals or families, other than those of recognized historic importance, must be supported by compelling reasons.

4. Naming In Honor of Deceased

The naming of City-owned land, buildings, trees, and facilities in honor of deceased persons shall not take place until one year after their deaths, unless the City Council determines that there are overriding considerations for deviating from this policy guideline. This particular policy guideline is not intended in any way to reflect on the merits of any deceased individual who may have been a prominent civic leader. However, it is felt appropriate to establish such a waiting period to ensure that an individual's accomplishments and contributions will stand the test of time; and that decisions shall not be made on an emotional basis immediately following a person's death.

5. Cultural Diversity

The City encourages naming which reflects the City's ethnic and cultural diversity.

6. Political Naming

No City-owned land or facility shall be named after a seated elected or appointed official.

7. Previously Established City Standards for Specific Objects

The addition to and construction of donated objects to City-owned land, buildings, trees and facilities including park benches, tables and related objects must meet previously established City of Duarte standards and practices and meet all City of Duarte building codes, safety requirements and standards.

8. Preservation of Specific Objects

The preservation, maintenance and upkeep of a donated object on City-owned land, buildings and facilities including park benches, trees, tables and related objects will be the responsibility of the City. The City will provide equal preservation, maintenance and upkeep practices to donated objects as it does for any existing buildings, facilities, park benches, trees, tables and related objects.

9. Responsibility For Care and Replacement of Objects

The City will agree to accept responsibility for the maintenance and upkeep of a donated natural object such as a tree or bush and will be responsible for the repair or replacement due to age, weathering and vandalism. A replacement tree will not exceed 24" boxed and will be of the same species.

The repair and/or replacement of donated man-made objects such as a plaque or statue will be dealt with on a case-by-case basis and will be dependent on the object's historical significance and financial considerations.

The City's responsibility for the maintenance and upkeep of a donated object will last for a 25-year term. At the end of the term, the City may determine that the donated object is of historical significance and allow full non-term responsibility. If the City is desirous of no longer maintaining an object, the donor or living relatives of the donor if they are located will be contacted and will have the option to reapply through this process, subject to approval.

Criteria for Existing Facilities, Parks, Buildings:

(The following criteria shall be used in determining if City-owned land, buildings, parks or facilities can be renamed and how objects can be added to existing facilities or parks.)

1. Preserving the Location's Significance

The name shall have or preserve the geographic, environmental (relating to natural or physical features), historic or landmark connotation of particular significance to the area in which the land or facility is located, or for the City as a whole. Either connotation is equally valid.

2. Donations

Consideration may be given to naming the City-owned land or facility after an individual when the land or facility, or the money for its purchase has been donated by the individual, or when otherwise warranted by some contribution or service which is deemed to be of major and lasting significance to the acquisition of the piece of land, or planning, development, construction or renovation of the particular facility. Donation of land or resources shall not constitute an obligation by the City to name the land or facility or any portion thereof, after an individual or family.

3. Non-Historic Naming

Names honoring individuals or families, other than those of recognized historic importance, must be supported by compelling reasons.

4. Naming In Honor of Deceased

The naming of City-owned land, buildings, trees, and facilities in honor of deceased persons shall not take place until one year after their deaths, unless the City Council determines that there are overriding considerations for deviating from this policy guideline. This particular policy guideline is not intended in any way to reflect on the merits of any deceased individual who may have been a prominent civic leader. However, it is felt appropriate to establish such a waiting period to ensure that an individual's accomplishments and contributions will stand the test of time; and that decisions shall not be made on an emotional basis immediately following a person's death.

5. Cultural Diversity

The City encourages naming which reflects the City's ethnic and cultural diversity.

6. Political Naming

No City-owned land or facility shall be named after a seated elected or appointed official.

7. Existing Facilities and Land

The City shall not change the name of any existing facilities or City-owned land, particularly one whose name has City or regional significance unless there are compelling reasons to do so.

8. Previous Individual Naming

Names of City-owned land, buildings, trees, and facilities including park benches, tables and related objects shall not be named in honor of individuals when they have previously been named for other individuals.

9. Previously Established City Standards for Specific Objects

The addition to and construction of donated objects to City-owned land, buildings, trees and facilities including park benches, tables and related objects must meet previously established City of Duarte standards and practices and meet all City of Duarte building codes, safety requirements and standards.

10. Preservation of Specific Objects

The preservation, maintenance and upkeep of a donated object on City-owned land, buildings and facilities including park benches, trees, tables and related objects will be the responsibility of the City. The City will provide equal preservation, maintenance and upkeep practices to donated objects as it does for any existing buildings, facilities, park benches, trees, tables and related objects.

11. Responsibility For Care and Replacement of Objects

The City will agree to accept responsibility for the maintenance and upkeep of a donated natural object such as a tree or bush and will be responsible for the repair or replacement due to age, weathering and vandalism. A replacement tree will not exceed 24" boxed and will be of the same species.

The repair and/or replacement of donated man-made objects such as a plaque or statue will be dealt with on a case-by-case basis and will be dependent on the object's historical significance and financial considerations.

The City's responsibility for the maintenance and upkeep of a donated object will last for a 25-year term. At the end of the term, the City may determine that the donated object is of historical significance and allow full non-term responsibility. If the City is desirous of no longer maintaining an object, the donor or living relatives of the donor if they are located will be contacted and will have the option to reapply through this process, subject to approval.

Catastrophic Event

The City Council will retain the sole discretion in determining whether to rebuild or reinstall a building or facility or to retain the name if that building or facility has suffered catastrophic damage due to a natural or accidental destructive event.

Sponsorship Naming Rights

The City Council retains the sole authority to name or temporarily name for sponsorship purposes, City-owned land, buildings and facilities. Naming of facilities may be done in a manner which:

1. Incorporates the name of CITY OF DUARTE as appropriate.
2. Recognizes the geographic, topographic or historical significance associated with the City, provides resources to improve or maintain a public land, building or facility that will result in a significant public benefit.

A request for naming, renaming or temporarily naming for the purposes of sponsorship, City-owned land, buildings and facilities will be referred to the Parks and Recreation Commission for review and recommendation, prior to review and approval by the City Council.

Any City Council action shall be taken consistent with the Brown Act and other applicable laws.

Application Procedures

1. All requests concerning a suggested name to be given to City-owned land or facilities shall be made in writing on the approved application form included in this packet, and submitted to the City Clerk, who will forward it to the appropriate commission. The information on the application form must detail how the proposed name is consistent with the established criteria.
2. All submittals, whether from an individual, organization or City staff, must include the name and address of the submitter. No anonymous submittals will be accepted.
3. The City Council shall have the authority to initiate the naming process by referral of a public or staff request to the appropriate commission following the same established criteria and procedures.
4. The City Council can initiate the naming of lands or a facility at their own behest without a public request whenever deemed necessary or in the best interest of the City of Duarte following the same established criteria and procedures. Any City Council action shall be taken consistent with the Brown Act and other applicable laws.
5. Upon receiving a submittal, the commission will conduct a public hearing, confirm that the suggested name(s) meets the criteria and shall by majority vote render a decision and forward its recommendation to the City Council.

6. Upon approval of the recommendation by the City Council, staff shall prepare a resolution for consideration and approval by the City Council.

Neither the submittal of an application nor any recommendation by a city commission to the City Council constitutes a representation, warranty, or guaranty by the City that any application shall be approved by the City Council or if approved shall not include conditions that must be satisfied for the approval to be effective.



City of Duarte Application for Facility Naming or Renaming Consideration

Please complete this form to the best of your ability. The associated appropriate city commission may ask you to make a presentation as part of the consideration process.

1. Submitting Organization's or Individual's Name:

2. Contact Name: _____

Phone Number: _____

Street Address: _____

Email Address: _____

3. Proposed name or renaming of land, building, tree, or facility or list object to be added such as park benches, trees, tables and related objects:

4. If a person, are they deceased? Yes _____ (How many years? _____) No _____

5. Facility Address: (If a tree, bench, table or related object, please provide a map, drawing or photograph to identify the location.)

6. There may be a cost involved in naming a facility. Items including plaques will need to meet previously established City standards and will be subject to approval. Do you have the funds for such a purpose or would you be petitioning to cover the costs? Please explain:

7. Reading the criteria listed; please list how the proposed name meets the criteria:

8. If naming after a person, for historical reference, please include with this application documentation (news clippings, photographs, etc.) that illustrate the contributions this individual(s) has made to the City of Duarte. Please also include any petitions and/or letters of support from community members.

By signing below, the applicant agrees to abide by the City of Duarte Park and Facility Naming and Re-Naming Policies:

Signature of Applicant or Donor

Date

Please attach additional information if more space is needed for any of the above questions.

Neither the submittal of an application nor any recommendation by a city commission to the City Council constitutes a representation, warranty, or guaranty by the City that any application shall be approved by the City Council or if approved shall not include conditions that must be satisfied for the approval to be effective.