

City of Hermosa Beach

City Hall
1315 Valley Drive
Hermosa Beach, CA 90254



Special Meeting Agenda - Final

Thursday, February 15, 2024

6:00 PM

Call and Notice of Special Meeting:

The Mayor of the City of Hermosa Beach has called a Special Meeting of the City Council to consider and take action on only those matters set forth on the agenda.

City Council

Mayor

Justin Massey

Mayor Pro Tem

Dean Francois

Councilmembers

Rob Saemann

Mike Detoy

Ray Jackson

City Treasurer

Karen Nowicki

City Attorney

Patrick Donegan

Executive Team

Suja Lowenthal, City Manager

Angela Crespi, Deputy City Manager

Viki Copeland, Finance Director

Myra Maravilla, City Clerk

Paul LeBaron, Chief of Police

Joe SanClemente, Public Works Director

Carrie Tai, Community Development Director

Vanessa Godinez, Human Resources Manager

Lisa Nichols, Community Resources Manager

PUBLIC MEETING VIEWING OPTIONS

Hermosa Beach City Council meetings are open to the public and are being held in person in the City Hall Council Chambers located at 1315 Valley Drive, Hermosa Beach, CA 90254.

Public comment is only guaranteed to be taken in person at City Hall during the meeting or prior to the meeting by submitting an eComment for an item on the agenda.

As a courtesy only, the public may view and participate on action items listed on the agenda via the following:

*ZOOM - [https://us02web.zoom.us/j/89968207828?](https://us02web.zoom.us/j/89968207828?pwd=bXZmWS83dmxHWDZLbWRtK2RVaUxaUT092)

[pwd=bXZmWS83dmxHWDZLbWRtK2RVaUxaUT092](https://us02web.zoom.us/j/89968207828?pwd=bXZmWS83dmxHWDZLbWRtK2RVaUxaUT092)

*PHONE - Toll Free: (833) 548 0276; Meeting ID: 899 6820 7828, then #; Passcode: 472825

Please be advised that while the City will endeavor to ensure these remote participation methods are available, the City does not guarantee that they will be technically feasible or work all the time. Further, the City reserves the right to terminate these remote participation methods (subject to Brown Act restrictions) at any time and for whatever reason. Please attend in person or by submitting an eComment to ensure your public participation.

Similarly, as a courtesy, the City will also plan to broadcast the meeting via the following listed mediums. However, these are done as a courtesy only and are not guaranteed to be technically feasible. Thus, in order to guarantee live time viewing and/or public participation, members of the public shall attend in Council Chambers.

*CABLE TV - Spectrum Channel 8 and Frontier Channel 31 in Hermosa Beach

*YOUTUBE - <https://www.youtube.com/c/CityofHermosaBeach90254>

*LIVE STREAM - www.hermosabeach.gov and visit the Agendas/Minutes/Videos page

If you experience technical difficulties while viewing a meeting on any of our digital platforms, please try another viewing option. View City Council staff reports and attachments at www.hermosabeach.gov and visit the Agendas/Minutes/Video page.

Council Chambers WiFi

Network ID: CHB Guest

Password: chbguest

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) are available for check out at the meeting. If you require special assistance to participate in this meeting, you must call or submit your request in writing to the Office of the City Clerk at (310) 318 0204 or at cityclerk@hermosabeach.gov at least 48 hours before the meeting.

SUBMIT SUPPLEMENTAL ECOMMENTS

Submit an eComment via Speak Up Hermosa at hermosabeach.granicusideas.com by 3:00 p.m. on the meeting date. For items on the agenda, supplemental communications may be submitted via eComment or emailed to cityclerk@hermosabeach.gov. Supplemental emails should indicate the agenda item and meeting date in the subject line. Supplemental communications must be received by 3:00 p.m. on the date of the meeting to be posted to the corresponding agenda item before the meeting begins. Supplemental communications submitted after 3:00 p.m. on the date of the meeting but before the meeting ends will be posted to the agenda packet the next business day.

NOTICE OF SPECIAL MEETING AND AGENDA

NOTICE IS HEREBY GIVEN, that the Mayor of the City of Hermosa Beach has called a Special Meeting of the City Council to take place on Thursday, February 15, 2024 at 6:00 p.m. to consider and take action on only those matters set forth on the agenda below.

6:00 PM - OPEN SESSION

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ANNOUNCEMENTS - UPCOMING CITY EVENTS**
- 5. APPROVAL OF AGENDA**

This is the time for the City Council to discuss any changes to the order of agenda items.

6. CITY MANAGER REPORT**7. PUBLIC COMMENT**

This is the time for members of the public to address the City Council on any items within the Council's jurisdiction and on items where public comment will not be taken (City Manager Report, City Councilmember Comments, and Future Agenda Items).

The public is invited to attend and provide public comment. Public comments are limited to two minutes per speaker and shall only be taken from those present in City Council Chambers. No remote public comment will be taken during this time unless required by the Brown Act. A total of thirty minutes will be allocated to this initial public participation item. This time allotment may be modified due to time constraints at the discretion of the Mayor or City Council. Another period is also reserved for general comment later in the meeting for those that could not be heard at this time.

No action will be taken on matters raised during public comment, except that the Council may take action to schedule issues raised during public comment for a future agenda. Speakers with comments regarding City management or departmental operations are encouraged to submit those comments directly to the City Manager. Members of the audience will have a future opportunity to speak on items pulled from the Consent Calendar for separate discussion, Public Hearings, and Municipal Matters when those items are heard.

8. CITY COUNCILMEMBER COMMENTS**9. MUNICIPAL MATTERS**

a) [REPORT](#)
[24-0063](#)

CIVIC FACILITIES COMMUNITY ENGAGEMENT PLAN

(Continued from January 23, 2024)

(City Manager Suja Lowenthal)

Recommendation:

Staff recommends City Council:

1. Receive and provide comment on a recommended community engagement plan for civic facilities (Attachment 1);
2. Approve a Professional Services Agreement with Fullerton Consulting Partners, LLC to provide technical support services for the community engagement phase and development services to the City for a term ending December 31, 2025 at a not-to-exceed amount of \$43,750 (Attachment 2) and authorize the City Manager to execute and the City Clerk to attest to the proposed agreement, subject to approval by the City Attorney; and
3. If so desired, provide direction regarding the creation of an informal civic facilities community advisory group.

b) [REPORT](#)
[24-0064](#)

CONSIDERATION OF PLACING A LOCAL CONTROL CITY SERVICES MEASURE ON THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION BALLOT ASKING THE VOTERS TO APPROVE A GENERAL TRANSACTIONS AND USE TAX (SALES TAX or TUT) AT THE RATE OF THREE-QUARTER CENT (3/4¢)

(Continued from January 23, 2024)

(City Manager Suja Lowenthal)

Recommendation:

Staff recommends City Council:

1. Consider adding a measure to approve a general Transactions and Use Tax (Sales Tax or TUT) at the rate of three-quarter cent (3/4¢) to the November 5, 2024 General Municipal Election ballot and select one or more argument writer(s) in favor of this measure should a determination be made to submit this measure to the voters;
2. Adopt Resolution for the placement of a locally controlled general tax measure on the ballot for the November 5, 2024 General Municipal Election for the submission to the qualified voters of an ordinance to enact a General Transactions and Use Tax (Sales Tax or TUT) at the rate of three quarter cent (3/4¢) (Attachment 1);
3. Adopt Resolution requesting the Board of Supervisors render the election consolidation services for this measure (Attachment 2); and
4. Adopt Resolution setting priorities for filing a written Argument and Rebuttal Argument regarding an ordinance to enact a general Transactions and Use Tax (Sales Tax or TUT) at the rate of three-quarter cent (3/4¢) to be submitted to voters at the General Municipal Election to be held on Tuesday, November 5, 2024, and directing the City Attorney to prepare the impartial analysis (Attachment 3).

The Resolution to place the general Transactions and Use Tax (Sales Tax or TUT) measure on the ballot must be approved by a two-thirds (2/3) vote of the membership of the City Council (4 affirmative votes) to pass.

c) [REPORT](#)
[24-0067](#)

DISCUSSION REGARDING THE FEES FOR CONDITIONAL USE PERMITS (CUP) AND AMENDMENTS TO ENTITLEMENTS FOR OUTDOOR DINING

(Continued from January 23, 2024)

(Community Development Director Carrie Tai)

Recommendation: Staff recommends City Council discuss and provide direction regarding whether the current Conditional Use Permit (CUP) fees should be maintained or updated.

d) [REPORT](#)
[24-0065](#)

**DISCUSSION REGARDING THE REGULATION OF
BICYCLES AND ELECTRIC BICYCLES IN THE CITY**

(Continued from January 23, 2024)

(City Attorney Patrick Donegan)

Recommendation: Staff recommends City Council:

1. Receive and file information regarding the City's existing electric bicycle regulations, as well as additional regulations implemented by other jurisdictions; and
2. Provide direction on whether additional bicycle and electric bicycle ("e-bike") regulations are desired.

e) [REPORT](#)
[24-0066](#)

**CONSIDERATION OF A RESOLUTION AMENDING THE
RULES OF CONDUCT OF CITY COUNCIL MEETINGS AND
SUBSIDIARY CITY BOARDS AND COMMISSIONS**

(Continued from January 23, 2024)

(City Attorney Patrick Donegan)

Recommendation: Staff recommends City Council adopt a resolution amending the rules of conduct at City Council meetings and making these rules, where feasible, applicable to all subsidiary Boards and Commissions in the City (Attachment 1).

10. FUTURE AGENDA ITEMS

This is the time for Councilmembers to schedule future agenda items and to ask questions about the status of previously approved future agenda items. No discussion, debate, or public comment will be taken. Councilmembers should consider the city's work plan when considering new items. The tentative future agenda items document is provided for information only.

a) [24-0070](#)

TENTATIVE FUTURE AGENDA ITEMS

11. PUBLIC PARTICIPATION FROM THE PUBLIC

This time is set aside for the public to address the Council on any item of interest within the subject matter jurisdiction of the Council that could not be heard under Item 7 during the first public participation item because there were too many prior public speakers and the thirty minute maximum time limit was exhausted.

12. ADJOURNMENT

FUTURE MEETINGS AND CITY HOLIDAYS

CITY COUNCIL MEETINGS:

February 27, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

March 12, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

March 26, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

April 9, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

April 18, 2024 - Thursday - 6:00 PM - CIP Study Session

April 23, 2024 - Tuesday - No Meeting (Dark)

May 14, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

May 28, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

June 5, 2024 - Wednesday - 6:00 PM - Budget Study Session

June 11, 2024 - Tuesday - 5:00 PM - 8:00 PM (Budget Adoption)

June 25, 2024 - Tuesday - No Meeting (Dark)

July 9, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

July 15, 2024 - Monday - 6:00 PM - Mayor and Mayor Pro Tem Election

July 23, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

August 13, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

August 27, 2023 - Tuesday - No Meeting (Dark)

September 10, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

September 24, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

October 8, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

October 22, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

November 12, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

November 26, 2024 - Tuesday - No Meeting (Dark)

December 5, 2024 - Thursday - 6:00 PM - Certification of Election
Results and Installation of Elected Officials

December 10, 2024 - Tuesday - No Meeting (Dark)

December 24, 2024 - Tuesday - No Meeting (Dark)

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS:

February 20, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting
February 21, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting
March 7, 2024 - Thursday - 7:00 PM - Parks and Recreation Advisory Commission Meeting
March 19, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting
March 20, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting
March 20, 2024 - Wednesday - 6:00 PM - Public Works Commission Meeting
April 11, 2024 - Thursday - 7:00 PM - Parks and Recreation Advisory Commission Meeting
April 16, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting
April 17, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting
May 7, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting
May 15, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting
May 15, 2024 - Wednesday - 6:00 PM - Public Works Commission Meeting
May 21, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting
June 4, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting
June 18, 2024 - Tuesday - 5:00 PM - Civil Service Board Meeting
June 18, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting
July 2, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting
July 16, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting
July 17, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting
July 17, 2024 - Wednesday - 6:00 PM - Public Works Commission Meeting
August 6, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting
August 20, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting
August 21, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting
September 3, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting
September 17, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting
September 18, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting
September 18, 2024 - Wednesday - 6:00 PM - Public Works Commission Meeting
October 1, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting
October 15, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting
October 16, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting
November 4, 2024 - Monday - 7:00 PM - Parks and Recreation Advisory Commission Meeting
November 18, 2024 - Monday - 7:00 PM - Planning Commission Meeting
November 20, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting
November 20, 2024 - Wednesday - 6:00 PM - Public Works Commission Meeting
December 3, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting
December 16, 2024 - Monday - 7:00 PM - Planning Commission Meeting
December 18, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting

CITY OFFICES CLOSED FRIDAY-SUNDAY AND ON THE FOLLOWING DAYS:

February 19, 2024 - Monday - President's Day
April 1, 2024 - Monday - César Chávez Day
May 27, 2024 - Monday - Memorial Day
June 19, 2024 - Wednesday - Juneteenth
July 4, 2024 - Thursday - Independence Day
September 2, 2024 - Monday - Labor Day
November 11, 2024 - Monday - Veterans Day
November 28, 2024 - Thursday - Thanksgiving Day
December 25, 2024 - Wednesday - Christmas Day
January 1, 2025 - Wednesday - New Year's Day



Staff Report

Staff Report

REPORT 24-0063

**Honorable Mayor and Members of the Hermosa Beach City Council
Special Meeting of February 15, 2024**

CIVIC FACILITIES COMMUNITY ENGAGEMENT PLAN

(Continued from January 23, 2024)

(City Manager Suja Lowenthal)

Recommended Action:

Staff recommends City Council:

1. Receive and provide comment on a recommended community engagement plan for civic facilities (**Attachment 1**);
2. Approve a Professional Services Agreement with Fullerton Consulting Partners, LLC to provide technical support services for the community engagement phase and development services to the City for a term ending December 31, 2025 at a not-to-exceed amount of \$43,750 (**Attachment 2**) and authorize the City Manager to execute and the City Clerk to attest to the proposed agreement, subject to approval by the City Attorney; and
3. If so desired, provide direction regarding the creation of an informal civic facilities community advisory group.

Executive Summary:

City Council, at its November 29, 2023 facilities study session, directed staff to return with a minimum six-month civic facilities community engagement plan. Staff presents this item outlining a 12- to 18-month plan to engage the community regarding the City's aging facilities; and its current and future civic facility needs. Based on Council's direction, staff would finalize a scope of work and proceed with the issuance of a request for proposals (RFP) to secure a firm to provide the desired community outreach services. Staff would also proceed with the formation of an informal civic facilities community advisory group to carefully review and provide feedback regarding project options.

Background:

In addition to streets, sewers, and stormwater systems, civic facilities are an important component of the City's infrastructure. The City's facilities were constructed over 70 years ago and are severely aged; their replacement having been deferred for many years. Current and past City Councils have demonstrated a commitment to addressing these needs by making long-term financial planning and review of City infrastructure and facilities a top priority in its Capital Improvement Program (CIP) and

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strategic planning efforts.

Past facility studies were commissioned to assess the structural/seismic conditions (CivilSource Study, 2015) and space/operational needs of City buildings (Mary McGrath Architects Assessment, 2016). In parallel with these studies, a facilities workgroup was established comprising of representatives from the departments of Police, Fire, Public Works, Finance, and the City Manager. The workgroup enlisted the services of Mary McGrath Architects to assist in developing a City Facilities Strategic Plan. This high-level plan looked at: 1) Space Needs; 2) Facility Improvement/Development Scenarios, and; 3) Preliminary Order of Magnitude Costs (range of costs) for the Police and Fire Stations, City Hall, and Public Works Yard facility. The draft plan and development scenarios were reviewed and discussed by City Council at its May 4, 2016 facilities study session. The goal of the strategic plan and study session was to guide the community toward a long-term vision for core facilities and help the City Council prioritize and inform capital improvement decisions and potential funding alternatives.

Following Council direction, the City issued a Request for Proposals to identify a team qualified to perform a community-wide library services needs assessment in two phases. The first phase of work included conducting a space needs assessment with supporting community outreach, and the second phase of work would include using the identified space needs to develop conceptual plans and related budgets. Griffin Structures, Inc. was selected to perform the work and began Phase 1 in the fall of 2016. The final Library Needs Assessment report was submitted to the City in July 2017. Following completion of Phase 1 in 2017, Griffin Structures, Inc. and City staff proceeded with development of conceptual site plan options and related budget estimates, which were presented to City Council at its October 4, 2017 study session. Ultimately, City Council and the City Manager's Department opted to hold off on further investment of consultant time until funding opportunities were identified, and placed the project on hold.

Since 2017, the City Council made important decisions related to the City's fire services, the future of the fire station, and the closure of Bard Street, as well as the prioritization of the City's Corporate Yard Facilities renovation project (CIP 615). Each of these decisions has significant impacts on the City's budget and strategic planning of future civic facility improvements.

On November 29, 2023, City Council held a Facilities Study Session as an introductory informational workshop to build on facilities studies and strategic plans completed from 2013 through 2017 and to help develop a financing and development plan for a potential civic center revitalization. The study session format allowed staff, and an industry professional, to cover the City's current land inventory, identify operational and maintenance issues of the current buildings, review a possible plan of finance for a civic facilities project, outline a plan for project procurement, and provide an opportunity for Councilmembers to consider and ask questions regarding the City's civic facilities.

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At the conclusion of the special meeting, City Council directed staff to return to its January 23, 2024 meeting with a minimum six-month plan for community engagement regarding the City's aging facilities and current and future civic facility needs. Mayor Massey recommended the creation of an alternative body to the City Council to refine the options prior to larger community feedback and a recommendation to City Council. It was further suggested that a structured calendar with regular touch points be created to move the project forward to a decision point.

Past Council Actions

Meeting Date	Description
May 4, 2016	City Council held a study session to review and discuss a draft City Facilities Strategic Plan and development scenarios.
October 4, 2017	City Council received a presentation related to conceptual site plan options and related budget estimates for the library needs assessment.
October 2, 2019	City Council held a study session to receive information regarding the structure, principles, and benefits of public private partnerships.
November 29, 2023	City Council held a civic facilities study session as an introductory informational workshop building on facilities studies and strategic plans completed from 2013 through 2017 and to help develop a financing and development plan for a potential civic center revitalization. City Council directed staff to return with a recommended minimum six-month plan for community engagement.

Discussion:

As directed by City Council at its November 29, 2023 facilities study session, staff presents a proposed 12- to 18-month community engagement plan outlined as follows and in **Attachment 1**. The proposed plan is designed to both engage the community at large regarding the City's aging facilities and civic facility needs and to work intimately with an advisory body to review refine project options, assist with a recommendation to City Council, and act as ambassadors to the community at large.

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The proposed community engagement plan includes:

1. Formation of an informal civic facilities community advisory group with balanced representation to review and discuss project options, financing, and community feedback (up to four meetings).
2. Creation of a project website and social media materials.
3. Development of project messaging, a fact sheet, an online survey, and public comment cards.
4. Facilitate up to six meetings with community members (three in-person meetings, one virtual meeting, and two open house style gatherings).
5. Presentations to City's Boards and Commissions, as directed.
6. Attendance at up to 14 City or community events such as the Farmer's Market and Surfers Walk of Fame over the 12-to 18-month period.
7. Facilitate discussions with non-profit organizations and local businesses.

To implement the proposed 12- to 18-month community engagement plan, staff would require the assistance of a professional community engagement firm with relevant public project experience. As outlined in the following table, a review of similar recent projects indicates that the requested services may range from \$50,000 to \$150,000 depending on the final requested scope of work.

City	Project	Firm	Cost
City of Garden Grove	Civic Center Revitalization Project	PlaceWorks	Phase 1: \$50,000 <u>Phase 2: \$100,000</u> Total: \$150,000
City of Long Beach	Civic Center Project	Plenary	\$80,000

Upon City Council's approval of the proposed community engagement plan, staff would finalize a scope of work and proceed with the issuance of a request for proposals (RFP) for community outreach services, return to City Council at a future meeting for contract award, and proceed with the formation of an informal civic facilities community advisory group.

Staff also requests approval to execute a Professional Services Agreement with Fullerton Consulting Partners, LLC to at a not-to-exceed amount of \$43,750 and term ending December 31, 2025 to proceed with the next phase of the civic facilities project (**Attachment 2**). The prior agreement to prepare the initial feasibility study, which is now complete, carried a total not-to-exceed amount of \$29,925.

Staff Report

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Mr. Fullerton's knowledge and expertise would not only ensure that the community engagement phase builds upon the work already undertaken but would also provide the ability to test project scope alternatives against financial models and retain connection to market trends. Mr. Fullerton would participate in every meeting with members of the community serving as the technical support to the community engagement process, presenting the project and answering questions. Based on community input, Mr. Fullerton would assist with the development of a plan of finance and California Environmental Quality Act (CEQA) approval strategy.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

Governance Element

Goal 1. A high degree of transparency and integrity in the decision-making process.

Policies:

- **1.2 Strategic planning.** Regularly discuss and set priorities at the City Council and management level to prioritize work programs and staffing needs.
- **1.6 Long-term considerations.** Prioritize decisions that provide long-term community benefit and discourage decisions that provide short-term community benefit but reduce long-term opportunities.

Goal 2. The community is active and engaged in decision-making processes.

Policy:

- **2.4 Public forums.** Host periodic public forums on issues important to the community, facilitating these forums with the purpose of guiding City policy.

Goal 5. Small beach town character is reflected throughout Hermosa Beach.

Policies:

- **5.5 Community benefits.** Consider incentives for new development that provide a substantial economic benefit to the community such as retail sales taxes, transient occupancy taxes or higher-paying jobs. Prohibit the provision of incentives that outweigh the direct benefits from the use.
- **5.8 Public private partnerships.** Pursue the use of public-private partnerships to implement projects and efforts that maintain character and benefit the community.

Goal 6. A broad-based and long-term economic development strategy for Hermosa Beach that supports existing businesses while attracting new business and tourism.

Policy:

- **6.2 Regional presence.** Encourage economic development strategies that will make Hermosa Beach a driving force and jobs center behind the regional economy of the South Bay region.

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Infrastructure Element

Goal 1. Infrastructure systems are functional, safe, and well maintained.

Policy:

- **1.2 Priority investments.** Use City Council established priorities and the Capital Improvement Program (CIP) to identify and allocate funding for projects identified in the infrastructure plan.

Fiscal Impact:

If approved, the proposed contract with Fullerton Consulting Partners, LLC in the amount of \$43,750 would be funded through available CIP 605 City Facilities Condition and Needs Assessment budget in the Capital Improvement Fund. The current Fiscal Year 2023-24 budget for CIP 605 is \$474,012.

Agreement Request		
Request Amount	FY 2023–24 Budget Dept. Account #	Total Contract Amount
\$43,750	301-8605-4201	\$43,750

Based on review of similar efforts in other jurisdictions, a 12- to 18-month community outreach agreement engagement plan may cost between \$50,000 and \$150,000 depending on the final scope of work. After completion of the competitive selection process, staff would return to City Council at a future meeting with the recommended firm for contract award.

Attachments:

1. Proposed Community Engagement Plan
2. Daft Professional Services Agreement with Fullerton Consulting Partners, LLC
3. Link to May 4, 2016 City Council Staff Report
4. Link to October 4, 2017 City Council Staff Report
5. Link to October 2, 2019 City Council Staff Report
6. Link to November 29, 2023 City Council Staff Report

Respectfully Submitted by: Leo Zalyan, Management Analyst

Concur: Angela Crespi, Deputy City Manager

Concur: Joe SanClemente, Public Works Director

Concur: Carrie Tai, Community Development Director

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Patrick Donegan, City Attorney

Approved: Suja Lowenthal, City Manager

**CIVIC FACILITIES PROJECT
COMMUNITY ENGAGEMENT PLAN (12-18 Month Process)**

COMMUNITY ENGAGEMENT PLAN	12-18: MONTH PUBLIC OUTREACH PLAN	ADVISORY COMMITTEE MEETING PLAN
Creation of Project Website & Social Media Materials	Months 1 - 2	Meeting 1 - Possible Topic: Introductions and Project Options (Month 2)
Develop Project Messaging: Fact Sheet, Online Survey, and Comment Cards	Months 1 - 6	Meeting 2 - Possible Topic: Project Financing Conversation (Month 6)
Host Open House: 3 Tour of Facilities (Months 4, 10, 14)	Months 4 - 18	Meeting 3 - Possible Topic: Community Feedback Debrief and Prepare for City Council Meeting recommendations - (Month 10)
Host Community Meetings: 3 in-person (Months 3, 6, 12); 1 virtual (Month 13);	Months 3 - 14	Meeting 4 - If needed to finalize recommendations to City Council (Month 14)
Boards and Commission Presentations: (Planning, Parks, and Public Works)	Months 5 - 10	
Pop-up City Events: (14 events plus) *Farmer's Market (Fridays- 2x/monthly), Surfers Walk of Fame (April -2x)	Months 3 - 18	
Facilitate discussions with non-profit organizations and local businesses to gain support	Months 3 - 18	



**CONTRACT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF HERMOSA BEACH AND FULLERTON CONSULTING PARTNERS
TO PROVIDE A CIVIC CENTER COMMUNITY OUTREACH TECHNICAL SUPPORT**

This AGREEMENT is entered into this 15th day of February 2024, by and between the CITY OF HERMOSA BEACH, a California general law City and municipal corporation ("CITY") and FULLERTON CONSULTING PARTNERS LLC, a limited liability company ("CONSULTANT").

RECITALS

- A. The City and the CONSULTANT completed an Initial Feasibility Study regarding Civic Facilities and now desire to engage the community on the project scope and alternatives.
- B. The City will issue a request for Proposals (RFP) to secure an outside firm to provide community outreach services and will require CONSULTANTS assistance to present project alternatives and guide the community through the community engagement process.
- C. The City does not have the personnel able and/or available to perform the services required under this agreement and therefore, the City desires to contract for consulting services to accomplish this work.
- D. The CONSULTANT warrants to the City that it has the qualifications, experience and facilities to perform properly and timely the services under this Agreement.
- E. The City desires to contract with the CONSULTANT to perform the services as described in Exhibit A of this Agreement.

NOW, THEREFORE, based on the foregoing recitals, the City and the Consultant agree as follows:

- 1** CONSIDERATION AND COMPENSATION As partial consideration, CONSULTANT agrees to perform the work listed in the SCOPE OF SERVICES, attached as EXHIBIT A.

As additional consideration, CONSULTANT and CITY agree to abide by the terms and conditions contained in this Agreement.

As additional consideration, CITY agrees to pay CONSULTANT an amount not to exceed \$43,750, for CONSULTANT's services listed under EXHIBIT A, unless otherwise specified by written amendment to this Agreement.

No additional compensation shall be paid for any other expenses incurred, unless first approved by the City Manager or his/her designee.

CONSULTANT shall submit to CITY, by not later than the 10th day of each month, its invoice for services itemizing the fees and costs incurred during the previous month. CITY shall pay CONSULTANT all uncontested amounts set forth in CONSULTANT's invoice within 30 days after it is received.

- 2** SCOPE OF SERVICES. CONSULTANT will perform the services and activities set forth in the SCOPE OF SERVICE attached hereto as EXHIBIT A and incorporated herein by this reference.



Except as herein otherwise expressly specified to be furnished by CITY, CONSULTANT will, in a professional manner, furnish all of the labor, technical, administrative, professional and other personnel, all supplies and materials, equipment, printing, vehicles, transportation, office space, and facilities necessary or proper to perform and complete the work and provide the professional services required of CONSULTANT by this Agreement.

- 3 PAYMENTS. For CITY to pay CONSULTANT as specified by this Agreement, CONSULTANT must submit an invoice to CITY which lists the reimbursable costs, the specific tasks performed, and, for work that includes deliverables, the percentage of the task completed during the billing period in accordance with the schedule of compensation incorporated in "Exhibit A."
- 4 TIME OF PERFORMANCE. The services of the CONTRACTOR are to commence upon receipt of a notice to proceed from the CITY and shall continue until all authorized work is completed to the CITY's reasonable satisfaction, in accordance with the schedule incorporated in "Exhibit A," unless extended in writing by the CITY.
- 5 FAMILIARITY WITH WORK. By executing this Agreement, CONSULTANT represents that CONSULTANT has (a) thoroughly investigated and considered the scope of services to be performed; (b) carefully considered how the services should be performed; and (c) understands the facilities, difficulties, and restrictions attending performance of the services under this Agreement.
- 6 KEY PERSONNEL. CONSULTANT's key person assigned to perform work under this Agreement is Jeffrey Fullerton. CONSULTANT shall not assign another person to be in charge of the work contemplated by this Agreement without the prior written authorization of the City.
- 7 TERM OF AGREEMENT. The term of this Agreement shall commence upon execution by both parties and shall expire on December 31, 2025, unless earlier termination occurs under Section 11 of this Agreement, or this Agreement is extended in writing in advance by both parties.
- 8 CHANGES. CITY may order changes in the services within the general scope of this Agreement, consisting of additions, deletions, or other revisions, and the contract sum and the contract time will be adjusted accordingly. All such changes must be authorized in writing, executed by CONSULTANT and CITY. The cost or credit to CITY resulting from changes in the services will be determined in accordance with written agreement between the parties.
- 9 TAXPAYER IDENTIFICATION NUMBER. CONSULTANT will provide CITY with a Taxpayer Identification Number.
- 10 PERMITS AND LICENSES. CONTRACTOR will obtain and maintain during the term of this Agreement all necessary permits, licenses, and certificates that may be required in connection with the performance of services under this Agreement.
- 11 TERMINATION. Except as otherwise provided, CITY may terminate this Agreement at any time with or without cause. Notice of termination shall be in writing.

CONSULTANT may terminate this Agreement. Notice will be in writing at least 30 days before the effective termination date.

In the event of such termination, the CONTRACTOR shall cease services as of the date of termination, and all finished or unfinished documents, data, drawings, maps, and other materials prepared by CONSULTANT shall, at CITY's option, become CITY's property, and CONSULTANT will receive just and equitable compensation for any work satisfactorily completed up to the effective date of notice of termination.

Should the Agreement be terminated pursuant to this Section, CITY may procure on its own terms services similar to those terminated.



12 INDEMNIFICATION. CONSULTANT shall indemnify, defend with counsel approved by CITY, and hold harmless CITY, its officers, officials, employees and volunteers from and against all liability, loss, damage, expense, and cost (including without limitation reasonable attorneys fees, expert fees and all other costs and fees of litigation) of every nature arising out of or in connection with CONSULTANT's performance of work hereunder or its failure to comply with any of its obligations contained in this AGREEMENT, regardless of CITY'S passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the CITY. Should CITY in its sole discretion find CONSULTANT'S legal counsel unacceptable, then CONSULTANT shall reimburse the CITY its costs of defense, including without limitation reasonable attorneys fees, expert fees and all other costs and fees of litigation. The CONSULTANT shall promptly pay any final judgment rendered against the CITY (and its officers, officials, employees and volunteers) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this Agreement.

The requirements as to the types and limits of insurance coverage to be maintained by CONSULTANT as required by Section 17, and any approval of said insurance by CITY, are not intended to and will not in any manner limit or qualify the liabilities and obligations otherwise assumed by CONSULTANT pursuant to this Agreement, including, without limitation, to the provisions concerning indemnification.

13 ASSIGNABILITY. This Agreement is for CONSULTANT's professional services. CONSULTANT's attempts to assign the benefits or burdens of this Agreement without CITY's written approval are prohibited and will be null and void.

14 INDEPENDENT CONTRACTOR. CITY and CONSULTANT agree that CONSULTANT will act as an independent contractor and will have control of all work and the manner in which it is performed. CONSULTANT will be free to contract for similar service to be performed for other employers while under contract with CITY. CONSULTANT is not an agent or employee of CITY and is not entitled to participate in any pension plan, insurance, bonus or similar benefits CITY provides for its employees. Any provision in this Agreement that may appear to give CITY the right to direct CONSULTANT as to the details of doing the work or to exercise a measure of control over the work means that CONSULTANT will follow the direction of the CITY as to end results of the work only.

15 AUDIT OF RECORDS. CONSULTANT agrees that CITY, or designee, has the right to review, obtain, and copy all records pertaining to the performance of this Agreement. CONSULTANT agrees to provide CITY, or designee, with any relevant information requested and will permit CITY, or designee, access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this Agreement. CONSULTANT further agrees to maintain such records for a period of three (3) years following final payment under this Agreement.

CONSULTANT will keep all books, records, accounts and documents pertaining to this Agreement separate from other activities unrelated to this Agreement.

16 CORRECTIVE MEASURES. CONSULTANT will promptly implement any corrective measures required by CITY regarding the requirements and obligations of this Agreement. CONSULTANT will be given a reasonable amount of time as determined by the City to implement said corrective measures. Failure of CONSULTANT to implement required corrective measures shall result in immediate termination of this Agreement.



17 INSURANCE REQUIREMENTS.

- A. The CONSULTANT, at the CONSULTANT's own cost and expense, shall procure and maintain, for the duration of the contract, the following insurance policies:
1. Workers Compensation Insurance as required by law. The Consultant shall require all subcontractors similarly to provide such compensation insurance for their respective employees. Any notice of cancellation or non-renewal of all Workers' Compensation policies must be received by the CITY at least thirty (30) days prior to such change. The insurer shall agree to waive all rights of subrogation against the CITY, its officers, agents, employees, and volunteers for losses arising from work performed by the CONTRACTOR for City.
 2. General Liability Coverage. The CONSULTANT shall maintain commercial general liability insurance in an amount of not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury, and property damage. If a commercial general liability insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.
 3. Automobile Liability Coverage. CONSULTANT shall maintain personal automobile insurance for purposes of commuting.
 4. Professional Liability Coverage. The CONSULTANT shall maintain professional errors and omissions liability insurance for protection against claims alleging negligent acts, errors, or omissions which may arise from the CONSULTANT'S operations under this Agreement, whether such operations be by the CONSULTANT or by its employees, subcontractors, or subconsultants. The amount of this insurance shall not be less than one million dollars (\$1,000,000) on a claims-made annual aggregate basis, or a combined single-limit-per-occurrence basis. When coverage is provided on a "claims made basis," CONSULTANT will continue to renew the insurance for a period of three (3) years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover CONSULTANT for all claims made by CITY arising out of any errors or omissions of CONSULTANT, or its officers, employees or agents during the time this Agreement was in effect.
- B. Endorsements. Each general liability, automobile liability and professional liability insurance policy shall be issued by a financially responsible insurance company or companies admitted and authorized to do business in the State of California, or which is approved in writing by City, and shall be endorsed as follows. CONSULTANT also agrees to require all contractors, and subcontractors to do likewise.
1. "The CITY, its elected or appointed officers, officials, employees, agents, and volunteers are to be covered as additional insureds with respect to liability arising out of work performed by or on behalf of the CONSULTANT, including materials, parts, or equipment furnished in connection with such work or operations."
 2. This policy shall be considered primary insurance as respects the CITY, its elected or appointed officers, officials, employees, agents, and volunteers. Any insurance maintained by the CITY, including any self-insured retention the CITY may have, shall be considered excess insurance only and shall not contribute with this policy.
 3. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.
 4. The insurer waives all rights of subrogation against the CITY, its elected or appointed officers, officials, employees, or agents.



5. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected or appointed officers, officials, employees, agents, or volunteers.
 6. The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days written notice has been received by the CITY.
- C. CONSULTANT agrees to provide immediate notice to CITY of any claim or loss against Contractor arising out of the work performed under this agreement. CITY assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve CITY.
 - D. Any deductibles or self-insured retentions must be declared to and approved by the CITY. At the CITY's option, the CONSULTANT shall demonstrate financial capability for payment of such deductibles or self-insured retentions.
 - E. The CONSULTANT shall provide certificates of insurance with original endorsements to the CITY as evidence of the insurance coverage required herein. Certificates of such insurance shall be filed with the CITY on or before commencement of performance of this Agreement. Current certification of insurance shall be kept on file with the CITY at all times during the term of this Agreement.
 - F. Failure on the part of the CONSULTANT to procure or maintain required insurance shall constitute a material breach of contract under which the CITY may terminate this Agreement pursuant to Section 11 above.
 - G. The commercial general and automobile liability policies required by this Agreement shall allow City, as additional insured, to satisfy the self-insured retention ("SIR") and/or deductible of the policy in lieu of the Consultant (as the named insured) should Consultant fail to pay the SIR or deductible requirements. The amount of the SIR or deductible shall be subject to the approval of the City Attorney and the Finance Director. Consultant understands and agrees that satisfaction of this requirement is an express condition precedent to the effectiveness of this Agreement. Failure by Consultant as primary insured to pay its SIR or deductible constitutes a material breach of this Agreement. Should City pay the SIR or deductible on Consultant's behalf upon the Consultant's failure or refusal to do so in order to secure defense and indemnification as an additional insured under the policy, City may include such amounts as damages in any action against Consultant for breach of this Agreement in addition to any other damages incurred by City due to the breach.
- 18 USE OF OTHER CONSULTANTS.** CONSULTANT must obtain CITY's prior written approval to use any sub-consultants while performing any portion of this Agreement. Such approval must include approval of the proposed consultant and the terms of compensation.
- 19 FINAL PAYMENT ACCEPTANCE CONSTITUTES RELEASE.** The acceptance by the CONSULTANT of the final payment made under this Agreement shall operate as and be a release of the CITY from all claims and liabilities for compensation to the CONSULTANT for anything done, furnished or relating to the CONSULTANT'S work or services. Acceptance of payment shall be any negotiation of the CITY'S check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by the CITY shall not constitute, nor be deemed, a release of the responsibility and liability of the CONSULTANT, its employees, sub-consultants and agents for the accuracy and competency of the information provided and/or work performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by the CITY for any defect or error in the work prepared by the Consultant, its employees, sub-consultants and agents.



- 20 CORRECTIONS.** In addition to the above indemnification obligations, the CONSULTANT shall correct, at its expense, all errors in the work which may be disclosed during the City's review of the Consultant's report or plans. Should the Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by the CITY, and the cost thereof shall be charged to the CONSULTANT. In addition to all other available remedies, the City may deduct the cost of such correction from any retention amount held by the City or may withhold payment otherwise owed CONSULTANT under this Agreement up to the amount of the cost of correction.
- 21 NON-APPROPRIATION OF FUNDS.** Payments to be made to CONSULTANT by CITY for services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted fund. In the event that CITY does not appropriate sufficient funds for payment of CONSULTANT'S services beyond the current fiscal year, the Agreement shall cover payment for CONSULTANT'S services only to the conclusion of the last fiscal year in which CITY appropriates sufficient funds and shall automatically terminate at the conclusion of such fiscal year.
- 22 NOTICES.** All communications to either party by the other party will be deemed made when received by such party at its respective name and address as follows:

CITY	CONSULTANT
City of Hermosa Beach 1315 Valley Drive Hermosa Beach, CA 90254 ATTN: Suja Lowenthal	Fullerton Consulting Partners 26895 Aliso Creek Rd Aliso Viejo, CA 92656 ATTN: Jeffrey Fullerton

Any such written communications by mail will be conclusively deemed to have been received by the addressee upon deposit thereof in the United States Mail, postage prepaid and properly addressed as noted above. In all other instances, notices will be deemed given at the time of actual delivery. Changes may be made in the names or addresses of persons to whom notices are to be given by giving notice in the manner prescribed in this paragraph. Courtesy copies of notices may be sent via electronic mail, provided that the original notice is deposited in the U.S. mail or personally delivered as specified in this Section.

- A. SOLICITATION.** CONSULTANT maintains and warrants that it has not employed nor retained any company or person, other than CONSULTANT's bona fide employee, to solicit or secure this Agreement. Further, CONSULTANT warrants that it has not paid nor has it agreed to pay any company or person, other than CONSULTANT's bona fide employee, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Should CONSULTANT breach or violate this warranty, CITY may rescind this Agreement without liability.
- B. THIRD PARTY BENEFICIARIES.** This Agreement and every provision herein is generally for the exclusive benefit of CONSULTANT and CITY and not for the benefit of any other party. There will be no incidental or other beneficiaries of any of CONSULTANT's or CITY's obligations under this Agreement.
- C. INTERPRETATION.** This Agreement was drafted in, and will be construed in accordance with the laws of the State of California, and exclusive venue for any action involving this agreement will be in Los Angeles County.



- D. ENTIRE AGREEMENT.** This Agreement, and its Attachments, sets forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written.
- E. RULES OF CONSTRUCTION.** Each Party had the opportunity to independently review this Agreement with legal counsel. Accordingly, this Agreement will be construed simply, as a whole, and in accordance with its fair meaning; it will not be interpreted strictly for or against either Party.
- F. AUTHORITY/MODIFICATION.** The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein. This Agreement may be modified by written amendment with signatures of all parties to this Agreement. CITY's City manager, or designee, may execute any such amendment on behalf of CITY.
- 23 ACCEPTANCE OF FACSIMILE OR ELECTRONIC SIGNATURES.** The Parties agree that this Contract, agreements ancillary to this Contract, and related documents to be entered into in connection with this Contract will be considered signed when the signature of a party is delivered by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
- 24 FORCE MAJEURE.** Should performance of this Agreement be impossible due to fire, flood, explosion, war, embargo, government action, civil or military authority, the natural elements, or other similar causes beyond the Parties' control, then the Agreement will immediately terminate without obligation of either party to the other.
- 25 TIME IS OF ESSENCE.** Time is of the essence to comply with dates and schedules to be provided.
- 26 ATTORNEY'S FEES.** The parties hereto acknowledge and agree that each will bear his or its own costs, expenses and attorneys' fees arising out of and/or connected with the negotiation, drafting and execution of the Agreement, and all matters arising out of or connected therewith except that, in the event any action is brought by any party hereto to enforce this Agreement, the prevailing party in such action shall be entitled to reasonable attorneys' fees and costs in addition to all other relief to which that party or those parties may be entitled.
- 27 STATEMENT OF EXPERIENCE.** By executing this Agreement, CONSULTANT represents that it has demonstrated trustworthiness and possesses the quality, fitness and capacity to perform the Agreement in a manner satisfactory to CITY. CONSULTANT represents that its financial resources, surety and insurance experience, service experience, completion ability, personnel, current workload, experience in dealing with private consultants, and experience in dealing with public agencies all suggest that CONSULTANT is capable of performing the proposed contract and has a demonstrated capacity to deal fairly and effectively with and to satisfy a public agency.
- 28 OWNERSHIP OF DOCUMENTS.** It is understood and agreed that the City shall own all documents and other work product of the Consultant, except the Consultant's notes and workpapers, which pertain to the work performed under this Agreement. The City shall have the sole right to use such materials in its discretion and without further compensation to the Consultant, but any re-use of such documents by the City on any other project without prior written consent of the Consultant shall be at the sole risk of the City.



29 DISCLOSURE REQUIRED. (City and Consultant initials required at one of the following paragraphs)

By their initials next to this paragraph, City and Consultant hereby acknowledge that Consultant is not a "consultant" for the purpose of the California Political Reform Act because Consultant's duties and responsibilities are not within the scope of the definition of consultant in Fair Political Practice Commission Regulation 18700.3(a) and is otherwise not serving in staff capacity in accordance with the City's Conflict of Interest Code.

City Initials _____

Consultant Initials _____

30 COMPLIANCE WITH COVID-19 VACCINATION POLICY. All CONSULTANT'S employees, agents, officers and subcontractors who will be physically present in the City and have contact with City officials and employees or with the public shall be fully vaccinated from COVID-19. CONSULTANT agrees to certify in writing to CITY that it complies with the foregoing.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF HERMOSA BEACH

FULLERTON CONSULTING PARTNERS, LLC

Suja Lowenthal, City Manager

By: _____
Jeffrey Fullerton, Principal

ATTEST:

88-4394234

Myra Maravilla, City Clerk

Taxpayer ID No.

APPROVED AS TO FORM:

Patrick Donegan, City Attorney



Exhibit A

INTRODUCTION

The City of Hermosa Beach ("City") and Fullerton Consulting Partners LLC ("FCP") have been working together since April 26, 2023 to create an initial feasibility study to determine if the City has the opportunity to develop a unique civic center asset that will serve critical government needs while providing an iconic sense of place in the City's downtown core in a cost neutral manner. The original contract with FCP contemplated a three-phase work plan as follows:

Phase 1 - Initial feasibility study

Phase 2 - Obtain CEQA approval

Phase 3 - Project Procurement

FCP has completed the phase 1 scope contemplated under the original contract. Through that work several sites and project scope alternatives were identified. The work over the last several months has indicated that there is a viable path to provide the City's program on a cost natural basis. FCP's initial models determined that the combination of operational cost savings, new tax revenues (i.e. sales tax, occupancy tax and property tax), along with one-time funds from land sales would be more than sufficient to offset the cost of a new project. The final determination of project costs and offsetting revenue, however, are highly dependent on the final project scope, the project location and the uses for which residual real estate is developed. Further City Council has expressed a desire to not sell land.

The City staff and council have determined that it is desirable to engage the community now in discussions regarding the project scope and which, if any, City lands should be considered for development partnerships as part of the plan to finance the project. Phase 1 culminated with a City Council Facilities Study Session on November 29, 2023. The Council's direction at that time was for staff to come back to Council in January with a proposed community engagement plan.

FCP's original Phase 1 scope included outlining a procurement plan and budget for approval by the City Council. Based on feedback and direction from City Council in the study session, FCP is proposing to revise the project plan and make the Phase 2 scope primarily about community outreach. Allowing the opportunity for input at this phase will increase transparency in the project to ensure that community input is considered in the site selection, alternative refinement, and project design parameters prior to launching the CEQA and procurement processes.

OUTREACH CONSULTANT

To respond to the request of Council, the City desires to initiate an RFP for outreach services and contract independently with a consultant to facilitate community meetings as well as community engagement with social media and traditional press. The scope of these outreach services covered under that RFP is expected to include:

- 1) Working with a citizens advisory committee to vet project alternatives.
- 2) Hosting up to 6 community open house events at City owned venues such as the Clark



Building, Community Resources Building and the Kiwanis Center and potentially virtual meetings.

- 3) Developing project messaging, fact sheets and marketing materials.
- 4) Staffing pop-up project information booths at community events.
- 5) Providing press releases outreach to local print media outlets.
- 6) Creating a project website and related social media accounts, monitoring social media sites for conversations about the project and posting responses as approved and required.
- 7) Reporting feedback from community engagement.

FCP PHASE 2 SCOPE

To complement the community outreach scope, FCP is proposing as Phase 2 of its engagement the following services. These services will be performed within the proposed Phase 2 budget as outlined:

- 1) **Overall Team Coordination.** FCP will leverage knowledge gained in phase 1 of the project to provide leadership and direction to the outreach team. FCP will participate in bi-weekly meetings with City staff and other updates as needed. FCP will liaise with the outreach consulting team as needed to coordinate efforts and provide direction.
- 2) **Community Outreach Facilitator** FCP will assist City staff in developing a scope of services and RFP for the community outreach consultant. FCP will also review proposals and provide feedback to City staff.
- 3) **Community Meetings.** Jeffrey Fullerton will act as the lead consultant at community meetings presenting the project and answering questions from the community. It is anticipated that a City staff member will also be present at community meetings. FCP will assist the outreach consultant in the preparation of materials for the project based on work done during phase 1. It is anticipated that up to 6 of these meetings will be held. Some may be person and some virtual, but a hybrid format is not recommended.
- 4) **Working Group Discussions.** It is anticipated that a citizens advisory group will be formed as part of the outreach effort. FCP will help prepare for the small group community meetings and engage with local residents in the project options and alternatives.
- 5) **Public Communications.** FCP will assist the outreach consultant in the preparation of content for a project website and related social media sites. FCP will review and comment on press releases or social media posts and other community outreach.
- 6) **Financial Updates.** Concurrent with the community meetings FCP will update its financial models to test various development and project scope alternatives against the project cost budget. FCP will explore potential P3 development models that do not involve land sales (in response to the Council's requests) and test those against the baseline financial model. FCP will also stay in touch with local builders and developers to keep the City staff and Council informed of cost trends in the market. *FCP recommends that a hotel market study be independently commissioned by the City during the outreach phase to verify the capacity for additional hotel rooms in Hermosa Beach and TOT*



revenue projections. FCP will assist the consultant in the preparation of the market study and review any findings from the study. FCP will update the development plan and financial models with this new information as applicable.

- 7) **Project Plan Updates.** Based on the results of the community input meetings, market studies and other information from this phase, FCP will identify refinement, or potential additions to the alternatives identified in Phase 1, conduct informal market soundings with the development community and develop a plan of finance for the project. FCP will also develop a project schedule and work with City planning staff to recommend a CEQA approval strategy, then outline a plan for project delivery and present recommendations for next steps to staff and Council.

City of Hermosa Beach Civic Center Redevelopment Phase 2 Budget		
	Principal Jeffrey Fullerton	TOTAL
LABOR COSTS	\$ 350.00	
TASKS:		
Overall Team Coordination - Coordination meetings - Project summaries/progress updates - Check-in calls as needed	18	\$ 6,300.00
Communications Consultant Procurement - Assist City with development of communications consultant RFP - review of proposals	12	\$ 4,200.00
Community Meetings - Participation in 6 larger format community meetings - Assist in creation of presentation and educational materials	15	\$ 5,250.00
Working Group Discussions - Steering committee meetings - Outreach to property owners	25	\$ 8,750.00
Media Relations - Provide input on media inquiry responses and review of press releases. - Review website and social media site content. - Provide input on planned press releases and social media posts.	12	\$ 4,200.00
Financial Updates - Modeling - Review hotel market study - Identify P3 development partnership models	21	\$ 7,350.00



Project Updates - Alternative refinement - Schedule updates - Market sounding - Procurement Plan		
Total Estimated Hours	125	\$ 43,750.00

City Council Hybrid Meeting (Closed Session at 5:00 p.m. and Open Session at 6:00 p.m.)

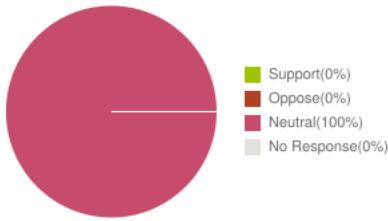
01-23-24 17:00

Agenda Name	Comments	Support	Oppose	Neutral
c) REPORT 24-0005 CIVIC FACILITIES COMMUNITY ENGAGEMENT PLAN (City Manager Suja Lowenthal)	1	0	0	1

Sentiments for All Agenda Items

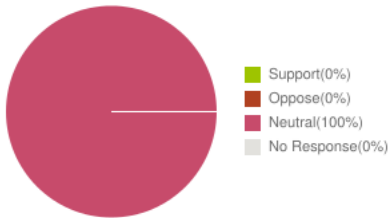
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for c) REPORT 24-0005 CIVIC FACILITIES COMMUNITY ENGAGEMENT PLAN (City Manager Suja Lowenthal)

Overall Sentiment



Michele Hampton

Location:

Submitted At: 2:56pm 01-21-24

I would like to know when the formation of an informal civic facilities community advisory group will take place. I would like to be a part of this. I also think that in a city of over 19,000 residents a committee should reflect a true percentage of that population. Not just a handful (20 people let's say) on this advisory group. Under the Governance Element for this agenda item: Goal 2. The community is active and engaged in decision-making processes. I pray that this will be what our community gets and deserves. Not blindsided residents as what has been done with so many other issues that our City Council just passes on their own. Put words into actions!!!



Staff Report

Staff Report

REPORT 24-0064

Honorable Mayor and Members of the Hermosa Beach City Council
Special Meeting of February 15, 2024

**CONSIDERATION OF PLACING A LOCAL CONTROL CITY
SERVICES MEASURE ON THE NOVEMBER 5, 2024 GENERAL
MUNICIPAL ELECTION BALLOT ASKING THE VOTERS TO
APPROVE A GENERAL TRANSACTIONS AND USE TAX (SALES
TAX or TUT) AT THE RATE OF THREE-QUARTER CENT (3/4¢)
(Continued from January 23, 2024)
(City Manager Suja Lowenthal)**

Recommended Action:

Staff recommends City Council:

1. Consider adding a measure to approve a general Transactions and Use Tax (Sales Tax or TUT) at the rate of three-quarter cent (3/4¢) to the November 5, 2024 General Municipal Election ballot and select one or more argument writer(s) in favor of this measure should a determination be made to submit this measure to the voters;
2. Adopt Resolution for the placement of a locally controlled general tax measure on the ballot for the November 5, 2024 General Municipal Election for the submission to the qualified voters of an ordinance to enact a General Transactions and Use Tax (Sales Tax or TUT) at the rate of three quarter cent (3/4¢) (**Attachment 1**);
3. Adopt Resolution requesting the Board of Supervisors render the election consolidation services for this measure (**Attachment 2**); and
4. Adopt Resolution setting priorities for filing a written Argument and Rebuttal Argument regarding an ordinance to enact a general Transactions and Use Tax (Sales Tax or TUT) at the rate of three-quarter cent (3/4¢) to be submitted to voters at the General Municipal Election to be held on Tuesday, November 5, 2024, and directing the City Attorney to prepare the impartial analysis (**Attachment 3**).

The Resolution to place the general Transactions and Use Tax (Sales Tax or TUT) measure on the ballot must be approved by a two-thirds (2/3) vote of the membership of the City Council (4 affirmative votes) to pass.

Staff Report

REPORT 24-0064

Executive Summary:

At its December 12, 2023 meeting, Mayor Massey requested, and Councilmembers Detoy and Jackson supported, directing staff to return to Council with an item regarding the placement a general Transactions and Use Tax (Sales Tax or TUT) at the rate of three quarters of one cent ($3/4\phi$) on the November 2024 General Municipal Election ballot.

Background:

At its March 3, 2022 meeting, City Council held a Revenue Study Session. The purpose of the study session was to review revenue sources with the intention to update or make recommendations for changes where necessary. Revenue sources including taxes; property-related revenue; parking fees and fines; and other service charges were reviewed. Staff provided oral reports regarding its progress updating some sources and recommendations for possible future updates on others. These updates are designed and intended to maintain strong, up-to-date, revenue streams to support the quality programs that residents want and deserve.

During the Revenue Study Session, the City's sales tax consultant presented information regarding a general Transactions and Use Tax (Sales Tax or TUT) at the rate of three quarters of one cent ($3/4\phi$) and provided an estimate of \$3,000,000 in additional annual General Fund revenue. At the end of the study session, an adjourned meeting was held wherein the City Council directed staff to bring back an item regarding placement of a general Transactions and Use Tax (Sales Tax or TUT) at the rate of three quarters of one cent ($3/4\phi$) on the November 8, 2022 General Municipal Election ballot.

Attachment 5 provides a link to the Revenue Study Session staff report and time markers to the presentation made at the study session by the City's sales tax consultant and to other comments or discussion about the transactions use tax (TUT). The time markers and items are also provided in the Past Council Actions table below.

At its July 26, 2022 meeting, City Council voted to add a measure to approve a general Transactions and Use Tax (Sales Tax or TUT) at the rate of three-quarter cent ($3/4\phi$) to the November 8, 2022 General Municipal Election ballot. Measure B was placed on the official ballot and asked Hermosa Beach registered voters the following question:

“To maintain Hermosa Beach's long-term financial stability with locally controlled funds, to be used for programs such as public safety/911 response, enforcement against property crime; street/pothole repair; protection of beach/coastal waters; school safety; cleaning of public areas; retention/attraction of local businesses; homeless services and for general governmental use; shall an ordinance be adopted establishing a $3/4\phi$ sales tax requiring public spending disclosure/independent audits, generating approximately \$3,000,000 annually until ended by voters?”

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Based on votes cast, Measure B did not pass. The final vote was 44.8 percent “Yes” and 55.20 percent “No”.

At its December 12, 2023 meeting, Mayor Massey requested, and Councilmembers Detoy and Jackson supported, directing staff to return to Council with a discussion item regarding the placement of a Sales Tax measure on the November 5, 2024 ballot.

Past Council Actions

Meeting Date	Description
March 3, 2022	Revenue Study Session. The following bullet points note the times during the meeting that pertain to the TUT. <ul style="list-style-type: none">• 1:06:36 to 1:45:14—Presentation by Bobby Young, Client Services Director – Sales Tax, HdL Companies.• 2:15:15—Councilmember Armato’s comments begin.• 2:18:63—Mayor Pro Temp Jackson’s comments begin.• 2:26:00—Councilmember Armato makes the motion to place the TUT on the November 2022 ballot. Mayor Detoy seconds the motion.• Motion carries 4–0
July 26, 2022	City Council voted to add a measure to approve a general Transactions and Use Tax (Sales Tax or TUT) at the rate of three-quarter cent (3/4¢) to the November 8, 2022 General Municipal Election ballot.
December 12, 2023	At its December 12, 2023 meeting, Mayor Massey requested, and Councilmembers Detoy and Jackson supported, directing staff to return to Council with a discussion item regarding the placement of a Sales Tax measure on the November 2024 ballot.

Discussion:

Residents have recently prioritized City services they would like additional local funding for including preventing thefts and property crimes; supporting public safety and 911 emergency response; recruiting and retaining well-trained police officers; protecting coastal waters and beaches from pollution; supporting safe schools; and, keeping parks and public areas safe and clean.

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A sizeable portion of sales tax dollars collected in Hermosa Beach comes from tourists and visitors from surrounding areas. This measure would help make sure they are paying their fair share for police; for keeping our beach, Pier Plaza, and other public areas clean and safe; and for maintaining our roads and other community resources and infrastructure, such as our iconic Pier, in good condition and not left to be paid exclusively by City residents.

Hermosa Beach currently has a 9.50 percent sales tax on all purchases made in the City. Of that, 8.50 percent goes to the state and Los Angeles County agencies with 1 percent returning to Hermosa Beach to be spent locally.

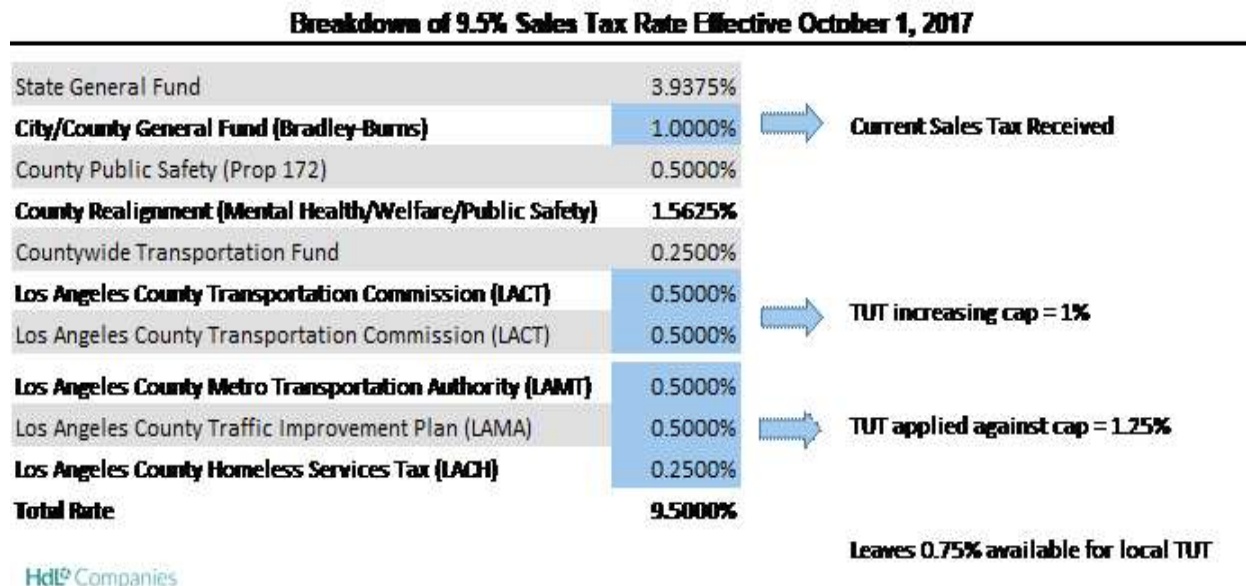
Every year Los Angeles County collects five million dollars from Hermosa Beach from the last three county sales taxes alone, but only 13 cents on the dollar is returned to Hermosa Beach. By law, all funds raised by this measure are legally required to be used in Hermosa Beach, ensuring local control of Hermosa Beach tax dollars and a guaranteed source of funding for essential City services.

Residents also continue to prioritize public safety services and in 2022 alone, there were just over 600 thefts and burglaries reported, including 99 thefts from motor vehicles in the 1.4 square miles of the City. Finalized data for 2023 for all incidents, crime and quality of life, will be available approximately two weeks from the publishing of the agenda for the January 23 meeting. Staff can speak to the data during oral presentation of the item. The data across all incidents that require public safety resources is one aspect of resource allocation needs. The other aspect is the evolving approaches driven by technology applied by the Police Department to mitigate and prevent incidents. The Department's enhanced use of technology has assisted in arrests and crime prevention. Funding from this measure could provide the Hermosa Beach Police Department additional resources to make neighborhoods and streets safer, increase police patrols, reduce response times, and increase crime prevention programs.

California has a sales tax rate of 7.25 percent. Los Angeles County, cities, and special districts within the County may increase the sales tax by a cap of 3 percent or to a combined rate of 10.25 percent. The County has already utilized 2.25 percent of the allowable 3 percent threshold, so 0.75 percent remains that may be added. A 0.75 percent TUT in Hermosa Beach is estimated to add \$3 million in revenue to be spent locally.

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According to HdL, the City’s sales tax consultant, Los Angeles County sought and received State legislative approval to propose a new 0.5% TUT for Homelessness and have it not count against the sales tax cap. If a new tax is proposed and approved by the voters, the current County Tax (Measure H), which is set at 0.25%, would expire. If this were to occur, there would be an additional 0.25% under the overall sales tax cap. If desired, the City could explore the option of proposing a 1% TUT instead of 0.75%. Estimated revenue for a 1% TUT would be \$4,000,000. Should City Council contemplate a 1% TUT, it would require developing a contingent ballot measure with the additional 0.25% dependent on what happens with any Los Angeles County measure.

Presenting a balanced budget has been particularly challenging with the last two budgets and the budget for 2022-23 due to the pandemic and now with the additional effect of world events. The City maintained its Contingency Funds according to financial policies at 16 percent of operating expenses but has found it necessary to use one-time funds to bridge the gaps in revenue, even with freezing of positions and reducing expenditures. In order to maintain the level of service expected by residents, ensure long-term fiscal sustainability, to respond to evolving public service and public safety demands, and make progress toward funding of deferred capital needs, additional funds are necessary.

Advantages of adopting a TUT measure include:

- the tax is paid regionally, not entirely by residents;
- revenue generated in Hermosa Beach stays in Hermosa Beach;

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- the tax has a statutory cap;
- revenue from autos purchased by residents comes to the City rather than going to the City where the auto was purchased; and
- revenue from deliveries to the City for building supplies, equipment and bulk fuel also comes to the City.

The City's sales tax consultant indicates that they have not seen any measurable impact of the TUT on consumer buying habits because consumers are typically focused on the base cost of the item being purchased.

According to the California Department of Tax and Fee Administration, 56 cities out of 88 in Los Angeles County have a TUT. Four cities in Los Angeles County, Baldwin Park, Malibu, Monterey Park, and Torrance, added the tax through ballot measures in 2022. In California, 285 cities out of 489 (58%) have a TUT.

Hermosa Beach should take advantage of the additional 0.75 percent tax that is available to ensure long-term fiscal sustainability.

Arguments in Favor and Against

The City Clerk will accept arguments in favor and against the proposed measure by **Thursday, August 1, 2024, at 12:00 p.m.** Each argument is limited to 300 words and will be titled "Argument In Favor of Measure ___" and "Argument Against Measure ___" in the Official Sample Ballot Booklet submitted to voters. Please email cityclerk@hermosabeach.gov or submit a hard copy (**Attachment 3**) by the deadline.

Per California Elections Code Section 9282 and 9287, the City Council has priority to and may authorize one or two members of the City Council to author the Argument in Favor. Should the City Council choose not to authorize one or two members of the City Council to author the Argument in Favor and more than one argument is submitted (in favor or against) to the Elections Official, the Elections Official will select an argument in accordance with California Elections Code Section 9287.

Rebuttals to Argument in Favor and Against

When the arguments are submitted, the Elections Official shall send a copy of the Argument in Favor to the authors of the Argument Against and the Argument Against to the authors of the Argument in Favor, along with a copy of the impartial analysis. An argument author may authorize another person to sign the rebuttal to the opposing argument using the form provided by the Elections Official (**Attachment 4**) and in accordance with California Elections Code Section 9285. Rebuttals to the Arguments in Favor and Against are due by **Thursday, August 8, 2024, at 12:00 p.m.** and are limited to 250 words.

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Consolidation with Los Angeles County

The Los Angeles County Registrar-Recorder/County Clerk requests a formal decision by the City Council via resolution to render services and consolidate the Special Municipal Election with the Statewide General Municipal Election on November 5, 2024. Approving the staff recommendation will allow Los Angeles County to carry out all consolidation services outlined in **Attachment 2** for this measure.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

Governance Element

Goal 1. A high degree of transparency and integrity in the decision-making process.

Policies:

- **Open Meetings.** Maintain the community's trust by holding meeting in which decisions are being made, that are open and available for all community members to attend, participate, or view remotely.
- **1.6 Long-term considerations.** Prioritize decisions that provide long-term community benefit and discourage decisions that provide short-term community benefit but reduce long-term opportunities.

Goal 2. The Community is active and engaged in decision-making processes.

Policy:

- **2.3 Public participation guidelines.** Establish parameters and guidelines to ensure public participation in promoted through diverse methods.

Goal 5. Small beach town character is reflected throughout Hermosa Beach.

Policies:

- **5.5 Community benefits.** Consider incentives for new development that provides a substantial economic benefit to the community such as retail sales taxes, transient occupancy taxes or higher-paying jobs. Prohibit the provision of incentives that outweigh the direct benefits from the use.
- **5.7 Visitor and resident balance.** Recognize the desire and need to balance visitor-serving and local-serving uses as a key to preserving character and the economic vitality of the community.

Goal 6. A broad-based and long-term economic development strategy for Hermosa Beach that

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supports existing businesses while attracting new business and tourism.

Policy:

- **6.1 Long-term economic development.** Support the development and implementation of long-term economic development strategies that seek to establish and keep new businesses and a strong middle class in Hermosa Beach over the decades to come.

Fiscal Impact:

Fiscal impacts associated with adding a sales tax measure to the Official Sample Ballot is \$7,573.38 without the full text of the ordinance. Should the City Council choose to have the full text of the ordinance printed in addition to the Impartial Analysis, the cost would be \$13,934.22. If approved, the amount will be budgeted in FY 2024-25. No additional cost to the budgeted total is expected from including this measure on the ballot.

Attachments:

1. Resolution (Sales Tax)-Add to Ballot
2. Resolution (Sales Tax)-Consolidate
3. Resolution (Sales Tax)-Arguments, Rebuttals & Impartial Analysis
4. Argument & Rebuttal Form
5. Authorization for Another Person to Sign Rebuttal Argument Form
6. Link to March 3, 2022 Revenue Study Session Staff Report
7. Link to July 26, 2022 City Council Staff Report
8. Link to December 12, 2023 City Council Agenda

Respectfully Submitted by: Myra Maravilla, City Clerk

Concur: Angela Crespi, Deputy City Manager

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Patrick Donegan, City Attorney

Approved: Suja Lowenthal, City Manager

**CITY OF HERMOSA BEACH
RESOLUTION NO. RES-24-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE PLACEMENT OF AN ORDINANCE ON THE BALLOT TO ENACT A LOCALLY CONTROLLED GENERAL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF THREE-QUARTER CENT (3/4 ¢) PURSUANT TO CALIFORNIA PROPOSITION 218

WHEREAS, the City Council of the City of Hermosa Beach ("City") is authorized to levy a Transactions and Use Tax ("sales tax") for general purposes pursuant to California Revenue and Taxation Code section 7285.9, subject to approval by a majority vote of the electorate pursuant to Article XIII C, section 2 of the California Constitution ("Proposition 218"); and

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be called and held in the City of Hermosa Beach on November 5, 2024; and

WHEREAS, pursuant to California Elections Code section 9222, the City Council has authority to place local measures on the ballot to be considered at a Municipal Election; and

WHEREAS, the City Council would like to submit to the voters at the November 5, 2024 General Municipal Election a measure enacting a locally controlled general transactions and use tax at a rate of three quarter cent (3/4 ¢) on the sale and/or use of all tangible personal property sold at retail in the City until it is ended by voters, as more specifically set forth in the attached proposed ordinance adding Chapter 3.44 to Title 3 of the City's Municipal Code; and

WHEREAS, the ¾ cent sales tax is a general tax, the revenue of which will be placed in the City's general fund and will be used to pay for important general City services; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218, an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, pursuant to Proposition 218 (California Constitution, Article XIII C, § 2(b)), the general rule is that any local election for the approval of an increase to a general tax must be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, the next regularly scheduled general election at which City Council members are to be elected is November 5, 2024; and

WHEREAS, pursuant to Government Code section 53724 ("Proposition 62") and Revenue and Taxation Code section 7285.9, a two-thirds (2/3) vote of all members of the City Council is required to place the Measure on the November 5, 2024 ballot; and

WHEREAS, the ordinance to be considered by the qualified voters and the terms of approval, collection and use of the general sales tax are described and provided for in the ordinance/measure attached hereto as Exhibit "A" (the "Measure") and by this reference made an operative part hereof, in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

SECTION 2. Calling of Election. Pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Hermosa Beach, California, on Tuesday, November 5, 2024, a General Municipal Election for the purpose of submitting the Measure attached hereto as Exhibit "A" and incorporated herein by this reference to the qualified electors of the City.

SECTION 3. The City Council, pursuant California Elections Code Section 9222, hereby orders that the following question be submitted to the qualified electors of the City of Hermosa Beach and printed on the November 5, 2024 General Municipal Election ballot:

Shall the measure protecting essential services such as police, crime prevention, parks, recreation, to improve streets and sidewalks, protection of beach/coastal waters, cleaning of public areas, addressing homelessness, school safety, supporting local businesses, and for other general governmental use by enacting a 3/4¢ transaction and use (sales) tax providing approximately \$3,000,000 annually, until ended by voters, with annual audits and all funds staying local, be adopted?	YES
	NO

SECTION 4. Conduct of Election. The City Clerk is authorized, instructed, and directed to coordinate with the County of Los Angeles Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. Notice of the election is hereby given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. Placement on the ballot. The full text of the Measure shall not be printed in the Sample Ballot Booklet, and a statement shall be printed in the ballot pursuant to Elections Code § 9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk.

SECTION 8. Filing with County. The City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, November 5, 2024, file with the Board of Supervisors and the Registrar-Recorder/County Clerk of the County of Los Angeles, State of California, a certified copy of this Resolution.

SECTION 9. Public Examination. Pursuant to California Elections Code § 9295, this Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.

SECTION 10. The City Clerk is hereby authorized and directed to appropriate the necessary funds to pay for the City’s cost of placing the Measure on the election ballot.

SECTION 11. That the vote requirement for the measure to pass is a majority (50% + 1) of the votes cast.

SECTION 12. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 13. The City Council authorizes the City Clerk to administer said election and all the City shall reimburse Los Angeles County for all reasonable and actual election expenses upon presentation of a properly submitted bill.

SECTION 14. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

SECTION 15. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED and ADOPTED this 15th Day of February, 2024.

Mayor Justin Massey

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney

Exhibit "A"

Chapter 3.44 - Transactions and Use Tax

Sections:

3.44.010 - Purpose.

3.44.020 - Contract With State.

3.44.030 - Transactions Tax Rate.

3.44.040 - Place of Sale.

3.44.050 - Use Tax Rate.

3.44.060 - Adoption of Provisions of State Law.

3.44.070 - Limitations on Adoption of State Law and Collection of Use Taxes.

3.44.080 - Permit Not Required.

3.44.090 - Exemptions and Exclusions.

3.44.100 - Amendments.

3.44.110 - Enjoining Collection Forbidden.

3.44.120 - Duration of Tax

Sections:

3.44.010 - Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record-keeping upon persons subject to taxation under the provisions of this ordinance.

3.44.020 - Contract With State.

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.44.030- Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of three quarters of one percent (3/4 %) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3.44.040 - Place of Sale.

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

3.44.050 - Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of three quarters of one percent (3/4 %) of the sales price of

the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.44.060 - Adoption of Provisions of State Law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.44.070 - Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
 1. The word "State" is used as a part of the title of the State Controller, State Treasurer, California Victim Compensation Board, California Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California;
 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.
5. For the purposes of subparagraphs (3) and (4) of this subsection, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.
5. For the purposes of subparagraphs (3) and (4) of this subsection, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for, a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.44.100 - Amendments.

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3.44.110 - Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.44.120 – Duration of Tax.

The tax imposed by this chapter shall continue until this ordinance is repealed.

CITY OF HERMOSA BEACH
RESOLUTION NO. RES-24-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO § 10403 OF THE CALIFORNIA ELECTIONS CODE

WHEREAS, on January 23, 2024, the City Council of the City of Hermosa Beach called a General Municipal Election to be held on November 5, 2024 for the purpose of submitting to the voters the question relating to a locally controlled general transactions and use tax (sales tax) at the rate of three-quarter (3/4 ¢); and

WHEREAS, it is therefore desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, vote center and election workers of the two elections be the same, and that the Registrar-Recorder/County Clerk of the County of Los Angeles canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Request for Consolidation. Pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of submitting to the voters a ballot measure relating to the a general transactions and use tax (sales tax) at the rate of three-quarter (3/4 ¢).

SECTION 2. Measure Language. A measure is to appear on the ballot as follows:

Shall the measure protecting essential services such as police, crime prevention, parks, recreation, to improve streets and sidewalks, protection of beach/coastal waters, cleaning of public areas, addressing homelessness, school safety, supporting local businesses, and for other general governmental use by enacting a 3/4¢ transaction and use (sales) tax providing approximately \$3,000,000 annually, until ended by voters, with annual audits and all funds staying local, be adopted?	YES
	NO

SECTION 3. Canvass of Returns. The Los Angeles Registrar-Recorder/County Clerk is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General Municipal Election. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to California Elections Code Section 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

SECTION 4. Necessary Steps. The Board of Supervisors is requested to issue instructions to the County election department to take any and all steps necessary for holding of the consolidated election.

SECTION 5. Costs. The City Council determines and declares that the City will pay to the County the reasonable and actual expenses incurred by the County by the consolidation of the General Municipal Election with the Statewide General Election. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill. The City Manager of the City of Hermosa Beach is authorized and directed to pay for the expenses incurred after receiving a statement from the County of Los Angeles.

SECTION 6. Filing of Resolution. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the election department of the County of Los Angeles.

SECTION 7. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

SECTION 8. Effective Date of Resolution. This Resolution shall become effective upon its adoption, and the City Clerk shall certify the vote adopting this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED on this 15th day of February, 2024.

Justin Massey
PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney

**CITY OF HERMOSA BEACH
RESOLUTION NO. RES-24-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT AND REBUTTAL ARGUMENT REGARDING A LOCALLY CONTROLLED ORDINANCE TO ENACT A GENERAL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF THREE-QUARTER CENT (3/4 ¢) TO BE SUBMITTED TO VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 2024, AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election will be held in the City of Hermosa Beach, California, on Tuesday, November 5, 2024, at which there will be submitted to the voters the following question:

Shall the measure protecting essential services such as police, crime prevention, parks, recreation, to improve streets and sidewalks, protection of beach/coastal waters, cleaning of public areas, addressing homelessness, school safety, supporting local businesses, and for other general governmental use by enacting a 3/4¢ transaction and use (sales) tax providing approximately \$3,000,000 annually, until ended by voters, with annual audits and all funds staying local, be adopted?	YES
	NO

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Primary Arguments. That the City Council authorizes (i) the Mayor, City Council or any members(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor or against the City measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed below by the City Clerk, after which no arguments for or against the City measure for or against the City measure may be submitted to the City Clerk.

That arguments for the measures specified above shall not exceed **300** words and must be accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, and Division 9 of the Elections Code of the State of California.

The argument may not be signed by more than five authors. Arguments shall be accompanied by a "Form of Statement to be Filed by Author(s) of Argument."

Arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting them or, if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. Arguments may be changed or withdrawn until and including the date fixed by the City Clerk (**12:00 p.m., Thursday, August 1, 2024**), after which no arguments for or against the measures may be submitted to the City Clerk.

SECTION 2. Rebuttal Arguments. That pursuant to Sections 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall immediately send a copy of the argument in favor of the measure to the author(s) of the argument against the measure, and a copy of the argument against the measure to the author(s) of the argument in favor of the measure.

The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding **250** words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors. A rebuttal argument shall be accompanied by a "Form of Statement to be Filed by Author(s) of Argument."

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting them or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The deadline for filing rebuttal arguments will be **12:00 p.m., Thursday, August 8, 2024**.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

SECTION 3. Impartial Analysis. Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of primary arguments for or against the Measure.

The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. The full text of the Measure shall not be printed in the Sample Ballot Booklet. Printed immediately below the impartial analysis, in no less than 10-font bold type, will be: **“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please contact the Office of the City Clerk at (310) 318-0204 or at cityclerk@hermosabeach.gov and a copy will be mailed at no cost to you.”**

The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments (**12:00 p.m., Thursday, August 1, 2024**).

SECTION 3. Prior Resolutions. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

SECTION 4. November 5, 2024 General Municipal Election. That the provisions of Section 1 and Section 2 shall apply only to the election to be held on November 5, 2024, and shall then be repealed.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter it into the book of original Resolutions, and shall make a minute of the passage and adoption thereof in the minutes of the meeting at which the Resolution is adopted.

PASSED, APPROVED and ADOPTED on this 15th day of February, 2024.

Mayor Justin Massey
PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney



LOS ANGELES COUNTY REGISTRAR-RECORDER/COUNTY CLERK

DEAN C. LOGAN
Registrar-Recorder/County Clerk

ARGUMENTS AND REBUTTAL FORM

ELECTION DATE: _____ MEASURE I.D. (If any): _____

JURISDICTION: _____

(Please mark (X) in the appropriate box)

<input type="checkbox"/> Direct Argument in Favor (Supporters)	<input type="checkbox"/> Direct Argument Against (Opponents)
<input type="checkbox"/> Rebuttal to Argument in Favor	<input type="checkbox"/> Rebuttal to Argument Against

Statements will be printed in uniform type, style and spacing according to the County's system requirements. When preparing your statement, please use block paragraphs and single space format. **Entire statements in all capital letters, bold and italics (or any combination of enhancements) are not acceptable. Indentations cannot be accommodated.** Words to be printed in **boldface type**, underscored and/or CAPITALIZED are to be clearly indicated. All statements should be checked by the authors for spelling and punctuation as the elections official is not permitted to edit any material contained therein. **NOTE:** Rebuttal arguments are not direct arguments. For example, a rebuttal to a direct argument in favor of a measure is NOT a direct argument against a measure. Please also note that rebuttal arguments are allowed only when both a direct argument for AND against a measure are filed. Word limit for direct Arguments in favor and against may not exceed **300 words**, Rebuttals for and against may not exceed **250 words**.

OFFICIAL BALLOT MEASURE LABEL

Type list of names to appear in the ballot label as Supporters/Opponents (125 Characters)

Please use this space to type your statement. If you need additional space, please attach a typed statement to this form. Statements should be typed in upper- and lower-case letters. Statement will be typeset in the Official Sample Ballot Booklet using a standard font and size determined by the County.
ALL AUTHORS MUST SIGN ON THE REVERSE SIDE

**DECLARATION BY AUTHOR(S) OF ARGUMENTS OR REBUTTALS
INCLUDING THE OFFICIAL BALLOT LABEL SUPPORTERS/OPPONENTS**

All arguments concerning measures filed pursuant to Division 9, Section 9600 of the Elections Code shall be accompanied by the following declaration to be signed by each author of the argument/rebuttal. Names and titles listed will be printed in the Voter Information portion of the Official Sample Ballot Booklet and listed as a Supporter/Opponent on the Official Ballot Measure Label.

The undersigned author(s) of the:

<input type="checkbox"/> Direct Argument in Favor (Supporters)	<input type="checkbox"/> Direct Argument Against (Opponents)
<input type="checkbox"/> Rebuttal to Argument in Favor	<input type="checkbox"/> Rebuttal to Argument Against

of ballot measure (Name and/or letter): _____

Jurisdiction Name & Title of Election: _____

to be held on (Date of the Election): _____

hereby state that such argument is true and correct to the best of his/her/their knowledge and belief.

List by Priority	<input type="checkbox"/> BUSINESS	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> NON-PROFIT ORGANIZATION	SIGNATURE	DATE
1	NAME (PRINT):				
	TITLE (PRINT):				
	ABBREVIATED NAME/TITLE:				
	ADDRESS:				
	<input type="checkbox"/> BUSINESS	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> NON-PROFIT ORGANIZATION	SIGNATURE	DATE
2	NAME (PRINT):				
	TITLE (PRINT):				
	ABBREVIATED NAME/TITLE:				
	ADDRESS:				
	<input type="checkbox"/> BUSINESS	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> NON-PROFIT ORGANIZATION	SIGNATURE	DATE
3	NAME (PRINT):				
	TITLE (PRINT):				
	ABBREVIATED NAME/TITLE:				
	ADDRESS:				
	<input type="checkbox"/> BUSINESS	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> NON-PROFIT ORGANIZATION	SIGNATURE	DATE
4	NAME (PRINT):				
	TITLE (PRINT):				
	ABBREVIATED NAME/TITLE:				
	ADDRESS:				
	<input type="checkbox"/> BUSINESS	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> NON-PROFIT ORGANIZATION	SIGNATURE	DATE
5	NAME (PRINT):				
	TITLE (PRINT):				
	ABBREVIATED NAME/TITLE:				
	ADDRESS:				
	<input type="checkbox"/> BUSINESS	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> NON-PROFIT ORGANIZATION	SIGNATURE	DATE

OFFICE USE ONLY

Time Stamp

Number of Words	Number of Characters	Project Code Number	Election Deputy

CONTACT INFORMATION

IMPORTANT FILING INFORMATION: I, _____ am the designated filer of the above titled argument/rebuttal. Please notify me of any questions pertaining to this filing. Below is my contact information.

Mailing Address: _____ E-Mail Address: _____

Contact Numbers: _____

Daytime

Evening

Fax

**OFFICIAL BALLOT MEASURE LABEL
SUPPORTERS/OPPONENTS GUIDELINES**

Pursuant to Assembly Bill No. 1416 dated September 29, 2022 amended Sections 303, 9050, 9051, 9053, 13282 and added 9170. Jurisdictions for Local and Statewide Measures if applicable, shall provide Election Officials with a list of Supporters and or Opponents (*i.e., nonprofit organizations, businesses, or individuals*) taken from the list of Supporters and or Opponents as part of the ballot label. The criteria for the ballot label are as follows.

Listing Criteria:

- Listing is limited to 125-Characters (**Spaces, Commas, Semicolons, and other characters are included in count**).
- Listing is limited to five (5) Supporters and or Opponents.
- To be within the limit of 125-Characters, names may be shorted, and acronyms may be used (**Please note if list provided is over the limit the Election Officials may shorten or remove name(s) from list to meet criteria**).
- List provided must be in ranking order from 1 to 5 (**This will ensure names with high ranking are not removed by the Election Officials if adjustments are required to meet the 125-Character criteria**).
- Measures that share Counties shall not include list of supporters or opponents if the other County with the same measure does not include list of supporters or opponents.
- If listing is not provided or there are none that meet the requirements “None Submitted” will be listed in place of names.

SAMPLE

Supporters: BetMGM LLC; Betfair Interactive US LLC (FanDuel Sportsbook); Crown Gaming, Inc. (Draftkings); Yesto Prop 27.com; Local Corp. **Opponents:** San Manuel Band of Mission Indians, the Pechanga Band of Luiseno Indians; the Yocha Dehe Wintun Nation; Goodwill Southern Ca.

Word Count ? X

Statistics:

Pages	1
Words	17
Characters (no spaces)	108
Characters (with spaces)	124
Paragraphs	0
Lines	2

Include textboxes, footnotes and endnotes

Close

Supporters: BetMGM LLC; Betfair Interactive US LLC (FanDuel Sportsbook); Crown Gaming, Inc. (Draftkings); Yesto Prop 27.com; Local Corp.

Opponents: San Manuel Band of Mission Indians, the Pechanga Band of Luiseno Indians; the Yocha Dehe Wintun Nation; Goodwill Southern Ca.

YES on Measure 1

NO on Measure 1

Word Count ? X

Statistics:

Pages	1
Words	20
Characters (no spaces)	106
Characters (with spaces)	125
Paragraphs	0
Lines	2

Include textboxes, footnotes and endnotes

Close



**AUTHORIZATION FOR ANOTHER PERSON TO SIGN
REBUTTAL ARGUMENT**
(Elections Code Sections 9167, 9317 & 9504)

I, _____ authorize the person listed below to
(Print name of **AUTHOR** of the Argument)

sign the rebuttal to the argument in favor against Measure _____
(Check one) (Letter)

for the _____ election to be
(Jurisdiction)

held on _____ .
(Date)

Any Author of the Argument may be replaced with another author to sign the Rebuttal.

(Print name of Rebuttal Author)

(Signature of Rebuttal Author)

(Title to appear on Rebuttal)

Signature of Argument Author: _____ Date: _____

Attach this form to the "Declaration by Authors Form" submitted with the Rebuttal Argument.

City Council Hybrid Meeting (Closed Session at 5:00 p.m. and Open Session at 6:00 p.m.)

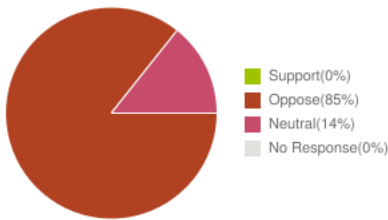
01-23-24 17:00

Agenda Name	Comments	Support	Oppose	Neutral
i) REPORT 24-0001 CONSIDERATION OF PLACING A LOCAL CONTROL CITY SERVICES MEASURE ON THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION BALLOT ASKING THE VOTERS TO APPROVE A GENERAL TRANSACTIONS AND USE TAX (SALES TAX or TUT) AT THE RATE OF THREE QUARTER CENT (3/4¢) (City Manager Suja Lowenthal)	7	0	6	1

Sentiments for All Agenda Items

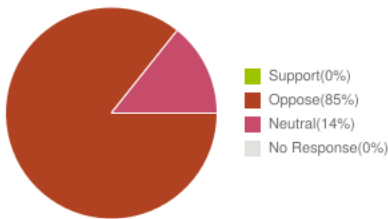
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for i) REPORT 24-0001 CONSIDERATION OF PLACING A LOCAL CONTROL CITY SERVICES MEASURE ON THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION BALLOT ASKING THE VOTERS TO APPROVE A GENERAL TRANSACTIONS AND USE TAX (SALES TAX or TUT) AT THE RATE OF THREE QUARTER CENT (3/4¢)
(City Manager Suja Lowenthal)

Overall Sentiment



Carolyn Petty

Location: 90254

Submitted At: 12:47pm 01-23-24

I strongly oppose this proposal. The residents have spoken out against this resoundingly. If this City Council and City Manager respected the will of the voters, you would have taken heed and dramatically changed the way you manage the city's finances. Instead, you have continued to run in the opposite direction - case in point is tonight's agenda, loaded with new ways to spend money, including another raise and bonus for the City Manager. Do you not even see the irony of this? If money is so tight, why do you continue to pay her more money? If money is so tight why do you keep engaging consultants, instead of having city staff do the work? The City Manager's budget has grown from \$900k to a whopping \$2.6M since Suja was hired. Perhaps you could start

cutting before you ask the residents to shell out more money into a giant slush fund.

Raymond Dussault

Location: 90254, HERMOSA BEACH
Submitted At: 11:19am 01-23-24

I am writing to express my strong opposition to the proposal to re-introduce a tax increase on the ballot. This move, coming so swiftly after the community voiced its clear dissent in the last election, raises serious concerns about ethical governance, fiscal responsibility, and adherence to the democratic process.

It is disheartening to witness the attempt to resurrect a tax increase that was resoundingly voted down by the community just last year.

The citizens of Hermosa Beach, to my recollection, spoke with a clear and united voice – rejecting this tax increase despite heavy pressure from Staff and Council to vote otherwise. Now, we find ourselves facing a renewed push for a tax increase, a move that feels disrespectful to the sentiments expressed by the very community you serve.

The proposal for new spending items in the agenda, combined with the city staff's track record of projects being mismanaged, delayed, and exceeding budgetary limits, raises concerns about the responsible use of taxpayer funds. No one believes these general fund dollars will go anywhere but to new City Manager support staff, new salary increase and more consultant fees.

Finally, the ethical implications of re-proposing a tax increase that faced opposition last year cannot be understated. I urge the council to reconsider the decision to place the tax increase on the ballot yet again and instead engage in a comprehensive and transparent discussion with the community.

Thank you for your attention to this matter, and I trust that the council will uphold the principles of accountability and fiscal responsibility in all decisions affecting our beloved Hermosa Beach.

Elka Worner

Location: 90254, Hermosa Beach
Submitted At: 11:08am 01-23-24

Residents voted against a sales tax increase two years ago. There's no need to burden us with this again. If the city needs more money, maybe they should stop spending for costly consultants, useless studies and staff and salary increases. The city should demonstrate some fiscal restraint before shouldering residents with a tax increase, no matter how insignificant they claim it is. Our small businesses are already struggling. Don't make it harder for them or for residents.

Robert Aronoff

Location: 90254, Hermosa Beach
Submitted At: 12:08am 01-23-24

If the City needs more money, start by denying the City Manager another raise or bonus. She has a contract and is not entitled to a raise. She has done nothing to earn a bonus. It is outrageous that the Council would consider raising our taxes so that City Manager can get more money.

Tony Higgins

Location:
Submitted At: 11:45am 01-22-24

Dear City Council,

The people spoke in the last election when they roundly rejected the sales tax increase and sent the message the city needed to look at other options and propose a budget to live within its means.

But what does city staff and a couple of council members bent of subverting the will of the people do:

(1) they subvert the will of the people by trying to put the same rejected measure on the 2024 ballot,

(2) they bring in highly paid consultants that tell us we need a new showcase 50 million dollar city hall and big hotel to reinvigorate our downtown business district and,

(3) staff tells us we need to give our City Manager an unscheduled bonus or raise despite the fact that most projects continue to come in late and way over budget.

Take the park restroom project. It was way over budget, late and ended up with lawsuits. Think about the Clark building. This project has been going on nearly 5 years and is way late and over budget. Take the City Yard or even the purchase of police vehicles.

Either late or over budget or both.

Our city manager has had 5 years to correct trend. She is not up to the task.

And now you want to give her an unscheduled raise and give her more money with a tax increase the people already rejected?

SEE 1/23/2024 CITY COUNCIL MEETING AGENDA ITEM 14 d.

Then for icing on the cake you put the tax increase ballot measure as the last item on the 1/23 city council agenda.

SEE 1/23/2024 CITY COUNCIL MEETING AGENDA ITEM 14 i

This tax increase, given it was already soundly rejected by the voters in the last election deserves its own dedicated public hearing with plenty of publicity and public notice.

For staff to bring this ballot measure back as the last item on the agenda for approval in the wee hours of the night speaks volumes to how manipulative and corrupt certain members of the city council and our city manager have become.

Give us a dedicated, well noticed public hearing on the tax ballot initiative!

Anthony Higgins

Randy Balik

Location:

Submitted At: 9:33am 01-22-24

No. No. No. We just did this. We just had this on the ballot. We voted NOOOOOO! So here we are again, trying to get this back on the ballot again??? Did you not hear us a little over a year ago? Are you going to keep contemplating this until we're asleep at the wheel and it passes? It's like a petulant child asking for the same thing over and over until a parent is beaten down and the 'no' turns to 'yes.' C'mon on! First priority, spend our money wisely and establish a reasonable and workable budget. It's not easy, I know. But do that hard work first. Make the hard budgeting choices with the money you have first. Throwing more of OUR money your way via a hefty new sales tax is NOT the answer - it's the easy way out. And to those residents who will speak out in favor of this as you did last time around (which is absolutely your right and your prerogative), please do not insult us this time around by supporting this via demeaning anecdotal examples about how little this will increase the cost of a sandwich (yes, I remember...it wasn't that long ago!). The fact is 3/4 cent for every single purchase, big and small, will add up to A LOT of extra expenditures for all of us. No. No. No.

Michele Hampton

Location:

Submitted At: 4:00pm 01-21-24

In 2022 this did not pass (Measure B) by the voters of Hermosa, BUT if the City Council wants this to pass in November 2024 I feel that the City Council needs to ensure the residents that the funds would be used as stated per the concerns of Hermosa residents:

"Residents have recently prioritized City services they would like additional local funding for including preventing

thefts and property crimes; supporting public safety and 911 emergency response; recruiting and retaining well-trained police officers; protecting coastal waters and beaches from pollution; supporting safe schools; and, keeping parks and public areas safe and clean." Crime is a huge issue. Let's get more police by using this fund, if passed, to protect our community and insure safety.

From: [tony.higgins](#)
To: [City Council](#); [Suja Lowenthal](#); [City Clerk](#); [Patrick Donegan](#)
Subject: Re: Sales Tax increase
Date: Monday, January 22, 2024 1:05:59 PM
Attachments: [image0.png](#)

I inadvertently included the wrong screenshot in my attached email related to the city manager compensation increase.

This email corrects that.

But why did the city manager compensation increase agenda item suddenly appear on the 1/23/2024 agenda in the first place?

Why wasn't it properly noticed as a future agenda item in the Dec 12, 2023 city council meeting staff report?

Why was this suddenly "sprung" on us?

Could it be the city manager didn't want this future agenda item included in the staff report to mute public opposition?

CORRECTED LETTER:

January 21, 2024
Dear City Council,

The people spoke in the last election when they roundly rejected the sales tax increase and sent the message the city needed to look at other options and propose a budget to live within its means.

But what does city staff and a couple of council members bent of subverting the will of the people do:

(1) they subvert the will of the people by trying to put the same rejected measure on the 2024 ballot,

(2) they bring in highly paid consultants that tell us we need a new showcase 50 million dollar city hall and big hotel to reinvigorate our downtown business district and,

(3) staff tells us we need to give our City Manager an unscheduled bonus or raise despite the fact that most projects continue to come in late and way over budget.

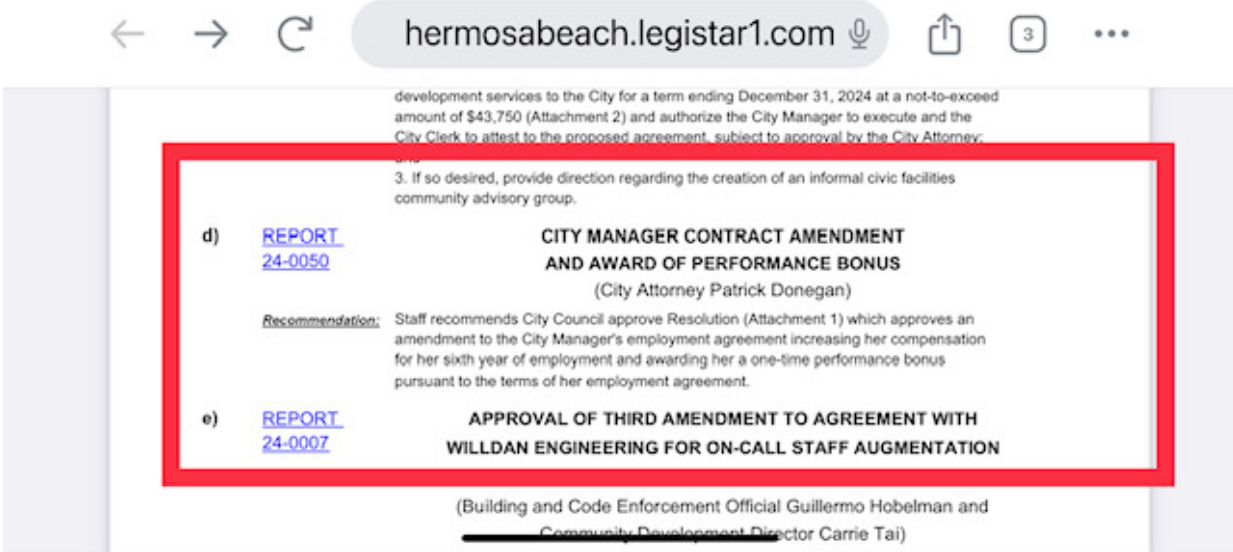
Take the park restroom project. It was way over budget, late and ended up with lawsuits. Think about the Clark building. This project has been going on nearly 5 years and is way late and over budget. Take the City Yard or even the purchase of police vehicles.

Either late or over budget or both.

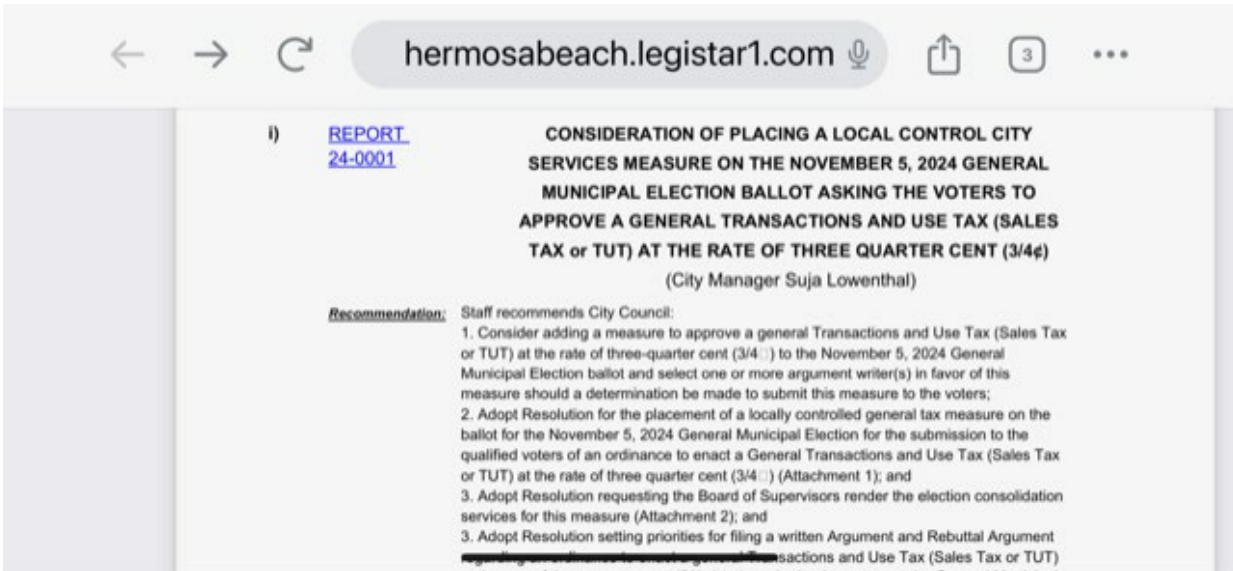
Our city manager has had 5 years to correct this trend. She is not up to the task.

And now you want to give her an unscheduled raise and give her more money with a tax increase the people already rejected?

CORRECTED SCREENSHOT:



Then for icing on the cake you put the tax increase ballot measure as the last item on the 1/23 city council agenda.



This tax increase, given it was already soundly rejected by the voters in the last election deserves its own dedicated public hearing with plenty of publicity and public notice.

For staff to bring this ballot measure back as the last item on the agenda for approval in the wee hours of the night speaks volumes to how manipulative and corrupt certain members of the city council and our city manager have become.

Give us a dedicated, well noticed public hearing on the tax ballot initiative!

Anthony Higgins

1/23/2024

City of Hermosa Beach
Hermosa Beach, CA 90254

Dear City Council,

Subject: Concerns Regarding the Hermosa Beach Chamber of Commerce

I am writing to you to share my concerns about recent activities that have come to my attention involving the Hermosa Beach Chamber of Commerce. As background, I have owned a business in Hermosa Beach for close to 30 years and have served on and off the Board of the Hermosa Beach Chamber of Commerce for 10 years, including being elected its first female Chairman. I am bringing this matter to your attention as a key partner of the Chamber in hopes you can assist in correcting these issues through an independent review.

In early 2022, I began expressing concern to the Executive Board about undisclosed and unapproved financial transactions between various Board Members, our Executive Director, and the Chamber. As a tax-exempt organization (a non-profit) we are prohibited from using income or assets to excessively benefit an individual that has a close relationship with the tax-exempt organization or can exercise significant influence over the organization. Additionally, we are required to pay taxes and provide the public accurate financial statements and disclosures as part of our 990 and 199 filings.

One of the ways the Chamber ensures compliance with disclosures is a Conflict-of-Interest Policy and State Laws that requires any Board Member or Employee to disclose a potential financial transaction to the Full Board to allow for evaluating a proposed transaction for appropriateness or possible inurement before voting to approve or deny the transaction. The Board must take a formal vote and the disclosure, discussion and vote is required to be documented in the Minutes of the Meeting. An additional oversight measure to ensure non-disclosures may be uncovered is the legal and absolute right of every Board Member to review all financial transactions.

As I became increasingly concerned about what I believe might be inappropriate and undisclosed financial transactions, I became more vocal and requested financial detail (e.g. invoices, etc.) beyond the summary financials provided to the Board. My requests were met with resistance and shortly thereafter I was removed from the Board by our Vice Chair of Finance, Tom Bakaly. The official reason I was provided for my removal was "lack of qualification". My removal violated our Bylaws and State law. After failed attempts to be peacefully reinstated, I contacted an attorney and was quickly reinstated. Thereafter, I spent the next 3-6 months gaining access to the financial details of the Chamber I requested before my removal.

The following is a summary of findings from my review that I have disclosed to the Board that continue to be unresolved. I believe they put the Chamber's non-profit status in jeopardy. As an economic partner to the Chamber, I wish to notify you of my findings and hope you take steps to fully assess and resolve these matters before providing the organization continued financial support.

Self Dealing / Inurement Transactions

Over the period of late 2021 through 2023, the Chamber has made \$160,863 in payments to Board Members and the Executive Director as detailed below.

Fiesta Beer Garden - \$133,386 - In coordination with Jessica Accamando, Board Member and Chairman Dave Davis worked on a plan in 2021 to change the beer and wine providers in the Beer Garden. The original arrangement was with AB Beverage would include: (1) \$20,000 payment to the Chamber for marketing exposure at the event (2) sell the Chamber beer at wholesale keg price (approx. \$150/keg costing the Chamber approx. \$1.50/beer). Volunteer non-profit organizations would pour the beer for not cost but would keep tips from customers. The

Chamber would profit substantially from the difference between the sales price and the beer cost as well as the marketing income.

The new arrangement was to replace AB Beverage with primarily Board Member businesses including Chairman Davis's business, Hermosa Brewing Company, Executive Committee Member and Board Member Kathy Knoll's business, Uncorked, and Board Member Tim Shea's business, The Brew Halls as the primary key vendors. This arrangement would include: (1) \$0 payment to the Chamber for marketing exposure at the event (2) be paid \$4.00-5.00 per beer sold for "staffing" (3) reimbursement for supplies and cups. Instead of volunteer non-profit organizations pouring, Mr. Davis and Ms. Knoll and their staff would pour and keep all tips.

A. \$113,386.00 In Payments to Board Members Dave Davis, Kathy Knoll and Tim Shea for Beer Garden Profit Sharing in 2021-2023.

- \$42,730 in payments to Chairman of the Board, Dave Davis's Company (Member)
 - 2023 – Dave Davis (Chamber Chairman): Payment made in 2023 totaling \$13,256 to Hermosa Brewing Company, LLC in which Chairman of the Board Dave Davis is a Member of the LLC.
 - 2022 – Dave Davis (Chamber Chairman): Payment made in 2022 totaling \$16,362 to Hermosa Brewing Company, LLC in which Chairman of the Board Dave Davis is a Member of the LLC.
 - 2021 – Dave Davis (Chamber Chairman): Payment made in 2022 totaling \$13,112 to Hermosa Brewing Company in which Chairman of the Board Dave Davis is a Member of the LLC.
- \$22,659 in payments to Board Director, Kathy Knoll Company (Managing Member)
 - 2023 – Kathy Knoll (Former Chamber Director): Payment made in 2022 totaling \$5,947 to Uncorked/The Wine Shop, LLC in which Kathy Knoll the Manager Member of the LLC.
 - 2022 – Kathy Knoll (Chamber Director): Payment made in 2022 totaling \$7,802 to Uncorked/The Wine Shop, LLC in which Kathy Knoll the Manager Member of the LLC.
 - 2021 – Kathy Knoll (Chamber Director): Payment made in 2021 totaling \$8,910 to Uncorked/The Wine Shop, LLC in which Kathy Knoll the manager member of the LLC.
- \$32,436 in payments to Board Director, Tim Shea's Company (Operating Partner)
 - 2023 – Tim Shea (Former Chamber Director): Payment made in 2022 totaling \$9,614 to The Brews Hall in which Tim Shea was an Operating Partner of The Brews Hall in Torrance.
 - 2022 – Tim Shea (Chamber Director): Payment made in 2022 totaling \$12,362 to The Brews Hall in which Tim Shea was an Operating Partner of The Brews Hall in Torrance.
 - 2021 – Tim Shea (Chamber Director): Payment made in 2021 totaling \$10,460 to The Brews Hall in which Tim Shea was an Operating Partner of the Brews Hall in Torrance. This appears to meet the \$10,000 reporting threshold.

Marketing - Hiring of NuVooDoo Media Services - \$20,729 - In 2021, Jessica Accamando hired NuVooDoo Media services for marketing services without Board approval and made unapproved and undisclosed payments on behalf of the Chamber via wire transfers and payment on her Chamber credit card. Jessica Accamando had recently worked for NuVooDoo Media and her Spouse, Ashley Tull, was an employee of the Company and was hired through NuVooDoo to do work for the Chamber. Additionally, hourly staff hired by Jessica for 2021-2023 included NuVooDoo Media employees Mille S. and Shy B.

- **\$20,749 In Undisclosed and Unapproved Payments to President/CEO's (Jessica Accamando) prior employer/partner and Spouse's Employer (NuVooDoo Media).**
 - 2021 – Two undisclosed wire transfers made in 2021 totaling \$15,750 to NuVooDoo Media Services.
 - 2021 Two undisclosed Credit Card charges in 2022 totally \$5,000 to NuVooDoo Media Services.

Marketing – Bridget Prendergast - \$23,158 - In 2021, Jessica Accamando hired Bridget Prendergast for marketing and design services without Board approval and made unapproved and undisclosed payments on behalf of the Chamber via payroll payments. Chamber President, Jessica Accamando owns and operates an outside business Creative Fish Studio. Bridget Prendergast located in Portland has worked for her as an employee, independent contractor, COO and partner during 2021-2023. Jessica hired Bridget / Creative Fish to perform work for the Chamber from 2021-2023.

- **\$23,158 In Undisclosed and Unapproved Payments to Presidents/CEO's (Jessica Accamando) partner/employee in Creative Fish Studio (Bridget Prendergast) for marketing and design services.**
 - 2023 – Bridget Prendergast (Employee/Business Partner of Chamber President): Payment made in 2023 totaling \$7,058 to Bridget Prendergast Member of Creative Fish, LLC for creative services. Hourly rate ranging from \$60/hour - \$85/hour.
 - 2022 – Bridget Prendergast (Employee/Business Partner of Chamber President): Payment made in 2023 totaling \$13,190 to Bridget Prendergast COO of Creative Fish for creative services. Hourly rate ranging from \$60/hour - \$85/hour.
 - 2021 – Bridget Prendergast (Employee/Business Partner of Chamber President): Payment made in 2023 totaling \$2,910 to Bridget Prendergast for creative services. Hourly rate ranging from \$60/hour - \$85/hour.

Marketing – Ashley Tull - \$3,570 - In 2022, Jessica Accamando hired Ashley Tull for hourly services without Board approval and made unapproved and undisclosed payments on behalf of the Chamber via ACH payments.

- **\$3,570 In Undisclosed and Unapproved Payments to President/CEO's (Jessica Accamando) Spouse (Ashley Tull) for undisclosed services during Fiesta Hermosa.**
 - 2022 - Ashley Tull (Spouse of Chamber President Jessica Accamando) was paid via \$3,570 via ACH by Jessica Accamando for undisclosed services at Fiestas. Hourly rate ranging from \$50/hour - \$25/hour.

Misappropriation of Public Funds

CDTFA - The Chamber had misrepresented financial transactions on tax returns to the CDTFA in 2021 and 2022 to avoid paying sales tax to the State. Specifically, the return attest that all sales of merchandise were sold to resellers or resold instead of reporting the significant retail sales of good and services. The CDTFA is aware of this issue and has required new returns to be submitted resulting in an estimated tax liability from 2021-2023 of approximately \$50,000. The Chamber is currently under examination by the CDTFA.

SBA PPP Loan - On 02/09/2021, the Chamber received a PPP loan from the SBA in the amount of \$31,487. The PPP loan program was established to encourage organizations to retain and pay employees during the COVID pandemic. The SBA program allowed for full or partial loan forgiveness if the organization used loan proceeds for Qualified Employee Payroll.

The Chamber had between the months 02/09/2021 - 07/26/2021 (the Covered Period) to use the loan for qualified employee payroll expenses to be eligible for full or partial loan forgiveness. Actual payroll during the Covered Period was approximately \$4,300, for employees Maureen Hunt and Rachel Bonds between 2/09/2021-2/28/21 (based on HBCC General Ledger Detail).

On 02/09/2022 Jessica Accamando signed PPP Loan Forgiveness Application Form 3508S. On the application, she certified on behalf of Borrower (Dave Davis – Chairman, and Tom Bakaly – VP Finance, see Borrower Attachments) that \$25,000 was spent on Payroll Costs. She represented that Borrower complied with all requirements of the Paycheck Protection Program Rules and that the application was true and correct in all material respects under penalty of law. Based on my review of documents provided by accounting, it appears Payroll Costs were inflated and misrepresented by approximately \$20,000 resulting in full PPP loan forgiveness and accordingly

misappropriation of public funds. I estimate the actual qualified loan forgives to be approximately \$7,000 resulting in an outstanding and undisclosed loan liability of \$24,500.

Summary

I understand the importance of due process and am not seeking immediate action without a proper investigation. However, given the potential impact of these actions on the community and the reputation of Hermosa Beach, I urge the city to take these concerns seriously and consider a thorough investigation into the matter. As the 990 filings that made public are inaccurate as to the financial position of the Chamber it is necessary that the public be aware.

I trust that the City of Hermosa Beach will handle this matter with the utmost seriousness and transparency. I am willing to provide any further information or assistance that may be required in this regard.

Thank you for your attention to this important matter. I look forward to your response and am hopeful for a resolution that upholds the integrity and values of our community.

Sincerely,

Andrea Jacobsson



Staff Report

Staff Report

REPORT 24-0067

**Honorable Mayor and Members of the Hermosa Beach City Council
Special Meeting of February 15, 2024**

**DISCUSSION REGARDING THE FEES FOR CONDITIONAL USE
PERMITS (CUP) AND AMENDMENTS TO ENTITLEMENTS FOR
OUTDOOR DINING**

(Continued from January 23, 2024)

(Community Development Director Carrie Tai)

Recommended Action:

Staff recommends City Council discuss and provide direction regarding whether the current Conditional Use Permit (CUP) fees should be maintained or updated.

Executive Summary:

Staff received inquiries from the business community regarding the application fees to amend a Conditional Use Permit (CUP). The current fee to amend an entitlement, including CUPs, is \$5,197. The cost for a new CUP application is \$5,900. Considering the recent inquiries, and the relatively small difference of \$703 in cost between the two application types, staff initiated a review of the subject application fees to provide the City Council with an opportunity to discuss whether to initiate an amendment to the master fee schedule to adjust the fees.

Background:

Fees and associated charges are established for the purpose of recovering the cost of providing services. Pursuant to the Hermosa Beach Municipal Code (HBMC) Chapter 2.64, it is the intent of the City Council to require the ascertainment and recovery of costs reasonably borne from fees and charges levied in providing regulation, products, or services. The costs reasonably borne by the City consist of the following:

- A. All applicable direct costs including, but not limited to salaries, wages, fringe benefits, services and supplies, operations expenses, contracted services, special supplies, and any other direct expense incurred;
- B. All applicable indirect costs including, but not restricted to, building maintenance and operations, equipment maintenance, communication, printing and reproduction, and like

Staff Report

REPORT 24-0067

distributed expenses;

- C. Fixed assets recovery expenses, consisting of depreciation on fixed assets, and additional charges, calculated on the cost divided by the approximate life expectancy of the fixed asset;
- D. General overhead, expressed as a percentage, distributing and charging the expenses of the city council, city manager, finance department, city treasurer, city clerk, city attorney's office, community promotion, personnel office, and all other staff and support services; and
- E. Departmental overhead, expressed as a percentage, distributing, and charging the cost of each department head and his or her supporting expenses.

Fee studies consist of evaluating the time spent on a requested service, such as application review, and accounting for the staff and City overhead cost. Since the last comprehensive study for fees was adopted by the City Council on September 27, 2016, fees have been adjusted annually in December based on the Consumer Price Index (CPI) for Los Angeles, Long Beach, and Anaheim (**Attachment 1**).

Following the end of the COVID-19 pandemic response in February 2023, staff transmitted three notices to businesses announcing that temporary outdoor dining and retail areas would need to be removed, or applications submitted to legalize them permanently. The timing of these notices was coordinated with a similar effort for businesses operating on public property (Pier Plaza and on-street areas).

Staff identified 10 businesses requiring the CUP amendment. At the time this report was drafted 4 of the 10 businesses filed an application for a CUP amendment and paid the required filing fee. CUP Amendments are necessary when a business holds a CUP and seeks to amend its alcohol service area to reflect an expansion. The review of the CUP fees was initiated in response to businesses on private property seeking to convert its COVID-era temporary outdoor areas to permanent installations.

Past Council Actions

Meeting Date	Description
September 27, 2016	City Council adopted 2016 Master Fee Schedule Update

Staff Report

REPORT 24-0067

Discussion:

The current fee for an entitlement amendment, including CUPs, is \$5,197. The cost of a new application is \$5,900 (**Attachment 2**). Given the difference of \$703 between a new CUP and an amendment, staff initiated a review of the fees. The City's policy is to update user fees at least every five years to ensure cost recovery and subsidy levels are correct and to ensure the fees accurately reflect City processes. Staff's review consisted of reassessing the time inputs for the cost detail worksheets, prepared in 2016, with current processes and examined the CUP charged by adjacent cities (**Attachment 3**). Staff plans to conclude an update of the user fee study (cost of services study) by June 2024.

The following table summarizes the staff time spent on CUP and CUP amendment applications. Upon review, staff determined that the unit times do not reflect current City processes. Specifically, review time for both Police and Building and Safety staff is not included by the fees collected for CUP and CUP amendments. Staff finds that any update to the current fees would be expected to result in some increase unless the City Council elected to subsidize the fee charged for these application types.

Summary of Detailed Review Time by Current Review Procedures			
Department	Position	Unit Time	
		New CUP	CUP Amendment
Police	Police Lieutenant	0.5	Not Included
Fire	Fire Captain/Fire Marshal	0.5	0.75
Building & Safety	Bldg. & Code Enfor. Official	Not Included	Not Included
Planning	Administrative Assistant	3.0	3.0
Planning	Bldg. & Planning Tech.	1.67	1.67
Planning	Com Dev Director	3.83	3.33
Planning	Senior/Assoc/Asst Planner	21.58	20.58
Public Works	Admin Assoc/Asst Engineer	1.0	1.0

Staff reviewed application fees charged by other southern California cities and summarized them below.

Staff Report

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CUP Fees by City		
City	New CUP Fee	CUP Amendment Fee
El Segundo	\$17,246	-
Santa Monica	\$8,374 (alcohol)	\$6,716
	\$16,667.43 (all other)	
Manhattan Beach	\$11,294	\$7,662
Torrance	\$6,201	\$6,307
Hermosa Beach	\$5,900	\$5,197
Hawthorne	\$4,300	-
Redondo Beach	\$3,208	\$1,605

Of the cities surveyed, the fees for Hermosa Beach fall within the average to low end of the range. The fee charged for new CUPs is approximately \$2,124 less than the average and the amendment fee is comparable to the average. Staff finds that the CUP fees should be updated to reflect the current processes and acknowledges that this would likely result in an increase to fees if the City were to achieve 100 percent cost recovery. Past user fee studies adopted by City Council were set to recover 100 percent of costs for these fees. Typically, services that benefit the community as a whole are supported by tax dollars and services that benefit an individual or group are set to recover the cost of the services offered. If set to less than 100%, the amount subsidized is paid by the general taxpayer.

City Council is tasked with balancing a range of priorities which includes being fiscally responsible and supporting business community. The City Council could choose to pursue less than 100 percent cost recovery for certain applications by amending the Master Fee Schedule to reflect a subsidized application fee.

If the Council finds that subsidizing the applications is desired, staff recommends City Council direct staff to return with a new CUP Amendment fee specific to the legalization of COVID-era outdoor dining and retail spaces permitted by the City. This would provide a select number of businesses with the benefit of a reduced application fee, while businesses who no longer operate COVID-era outdoor spaces would not be eligible. Additionally, staff requests City Council provide direction on whether the City will refund any difference in application fees to businesses who already submitted applications.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with PLAN

Staff Report

REPORT 24-0067

Hermosa, the City's General Plan, was adopted by the City Council in August 2017. The review of the application fees aligns with the guiding principles of the General Plan which seeks to achieve the vision of PLAN Hermosa by taking actions that help to contribute to the economic and fiscal stability of the city. Relevant General Policies are listed below:

Governance Element

Goal 1. A high degree of transparency and integrity in the decision-making process.

Policies:

- **1.1 Open meetings.** Maintain the community's trust by holding meetings in which decisions are being made, that are open and available for all community members to attend, participate, or view remotely.
- **1.2 Strategic planning.** Regularly discuss and set priorities at the City Council and management level to prioritize work programs and staffing needs.
- **1.6 Long-term considerations.** Prioritize decisions that provide long-term community benefit and discourage decisions that provide short-term community benefits but reduce long-term opportunities.

Fiscal Impact:

There is no fiscal impact related to the recommended action. However, depending on City Council direction, staff would evaluate any fiscal impacts to the General Fund.

Attachments:

1. Link to September 27, 2016 City Council
2. 2023-2024 Master Fee Schedule
3. CUP Fee Study Worksheets

Respectfully Submitted by: Alexis Oropeza, Planning Manager

Concur: Carrie Tai, Community Development Director

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Patrick Donegan, City Attorney

Approved: Suja Lowenthal, City Manager

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
DEVELOPMENT SERVICES USER FEES					
S-001	CONDITIONAL USE PERMIT - COMM/OTHER**	Res 84-4735	001-3812	\$5,717 per application	\$5,900 per application
S-002	CONDITIONAL USE PERMIT - FENCE/WALL**	HBMC 17.46	001-3864	\$2,474 per application	\$2,553 per application
S-003	CONDO - CUP/PDP**	84-4735	001-3899	\$5,937 per application plus \$220 per unit over 2 units	\$6,127 per application plus \$227 per unit over 2 units
	MINOR CONDITIONAL USE PERMIT**	Res 20-7256	001-6886	\$2,489 per application	\$2,569 per application
S-004	PRECISE DEVELOPMENT PLAN**	Res 90-5351	001-3867	Commercial/Mixed Use- \$6,244 per application Residential- \$5,937 per application	Commercial/Mixed Use- \$6,444 per application Residential- \$6,127 per application
S-004A	PRECISE DEVELOPMENT PLAN- COASTAL ZONE PERMIT **	Res 16-7045	001-3867	Administrative Permit alone- \$604 per application Administrative Permit with another application- \$302 Plus \$4,502 if hearing is required.	Administrative Permit alone- \$623 per application Administrative Permit with another application- \$312 Plus \$4,646 if hearing is required.
S-005	TEXT AMENDMENT**	Res 16-7045	001-3886	\$6,672 per application	\$6,885 per application
S-006	ZONE CHANGE**	84-4735	001-3811	\$4,765 per application	\$4,917 per application
S-007	VARIANCE**	HBMC 17.46	001-3808	\$4,406 per application	\$4,547 per application
S-008	SIGN VARIANCE**	HBMC 17.46	001-6802	\$3,146 per application	\$3,247 per application
S-009	PARKING PLAN**	Res 85-4884	001-3857	\$5,275 per application	\$5,444 per application
S-010	AMENDMENT TO PLANNING ENTITLEMENT**	Res 84-4735/ Res 93-5634	001-3805	\$5,036 per application	\$5,197 per application
S-011	TIME EXTENSION **	Res 16-7045	001-3883	\$1,159 per application	\$1,196 per application
S-012	TENTATIVE MAP**	HBMC 17.46	001-3809	\$5,501 per map	\$5,677 per map
S-013	FINAL MAP**	Res 84-4735	001-3810	\$825 per map	\$851 per map
S-014	LOT LINE ADJUSTMENT**	Res 88-5144	001-3884	Applicant Requested - \$3,443 per application Condition of Approval or Combining Lots - \$478 per application	Applicant Requested - \$3,553 per application Condition of Approval or Combining Lots - \$493 per application

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
S-015	GENERAL PLAN AMENDMENT - TEXT**	Res 84-4735	001-6803	\$6,095 per application or deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.	\$6,290 per application or deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.
S-016	GENERAL PLAN AMENDMENT - MAP**	Res 84-4735	001-6803	\$4,528 per application	\$4,673 per application
S-017	MURAL REVIEW**	Res 16-7045/ 20-7256	001-6801	\$545 per application.	\$562 per application.
S-018	TEMPORARY USE PERMIT**	Res 16-7045	001-6804	\$555 per application	\$573 per application
S-019	SLOPE/GRADE HEIGHT DETERMINATION**	Res 16-7045	001-3888	\$3,325 per application	\$3,431 per application
S-020	HEIGHT LIMIT EXCEPTION**	Res 92-5577	001-3898	\$4,628 per application	\$4,776 per application
S-021	LEGAL DETERMINATION**	Res 16-7045	001-3870	\$4,735 per application	\$4,887 per application
S-022	UNUSUAL ARCHITECTURAL/BUILDING REVIEW**	Res 16-7045	001-6805	\$2,864 per application	\$2,956 per application
S-023	DETERMINATION OF SIMILAR USE**	Res 16-7045	001-6806	\$2,316 per application 50% of this fee would be credited towards future code text amendment fees related to the same project.	\$2,390 per application 50% of this fee would be credited towards future code text amendment fees related to the same project.
S-024	PLANNING COMMISSION INTERPRETATION**	Res 16-7045	001-6807	\$1,750 per application	\$1,806 per application
S-025	REQUEST FOR REASONABLE ACCOMODATION**	Res 16-7045	001-6808	\$1,052 per application	\$1,086 per application
S-026	CATEGORICAL EXEMPTION**	Res 16-7045	001-6809	\$220 per application	\$227 per application
S-027	INITIAL STUDY/NEGATIVE DECLARATION**	84-4735	001-3803	\$3,997 per application	\$4,125 per application
S-028	RECIRCULATED NEGATIVE DECLARATION**	Res 16-7045	001-3803	\$2,479 per application	\$2,558 per application
S-029	ENVIRONMENTAL IMPACT REPORT REVIEW	Res 16-7045	001-2110	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.
S-030	PLANNING SIGN PERMIT**	Ord 77-574	001-3802	\$749 per application	\$773 per application
S-030A	PLANNING A-FRAME SIGN PERMIT**	Res 16-7045	001-3239	New-\$190 per application Annual Renewal- \$114 per renewal	New-\$196 per application Annual Renewal- \$118 per renewal
S-031	MASTER SIGN PROGRAM**	Ord 77-574	001-3802	\$775 per application	\$800 per application
S-032	TEMPORARY SIGN PERMIT**	Res 16-7045	001-3215	\$100 per application	\$103 per application

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
	MINOR PLANNING SIGN REVIEW**	Res 20-7256	001-6887	\$137 per application	\$141 per application
S-033	ADMINISTRATIVE USE PERMIT**	Res 10-6718	001-3226	\$585 per application Temp Minor Special Event (Expedited 3 Day Review)- 200% x fee.	\$604 per application Temp Minor Special Event (Expedited 3 Day Review)- 200% x fee.
S-034	ADMIN PERMIT - ABANDON CUP**	Res 10-6722	001-3859	\$756 per application	\$780 per application
S-035	DEED RESTRICTION/COVENANT REVIEW**	Res 16-7045	001-6810	\$806 per application	\$832 per application
S-036	DEVELOPMENT AGREEMENT	Res 16-7045	001-2110	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.
S-037	LANDSCAPE PLAN REVIEW**	Res 16-7045	001-6811	\$347 per application	\$358 per application
S-038	PLANNING LANDSCAPE DOC PACKAGE REV**	Res 16-7045	001-6812	\$649 per application	\$670 per application
S-039	APPEAL TO THE PLANNING COMMISSION**	Res 16-7045	001-6820	\$2,997 per appeal	\$3,093 per appeal
S-040	APPEAL TO THE CITY COUNCIL**	Res 16-7045/ Exec Order	001-3891 001-3890 001-3856 001-1121-4323 (advertising) 001-3825 (poster)	\$2,054 per appeal plus: Second Noticing: Residential: Second Notice 300' Radius \$284 Legal Ad \$190 Poster \$213 Total: \$687 Non-Residential: Second Notice 500' Radius \$630 Legal Ad \$190 Poster \$213 Total: \$1,033	\$2,120 per appeal plus: Second Noticing: Residential: Second Notice 300' Radius \$293 Legal Ad \$196 Poster \$220 Total: \$709 Non-Residential: Second Notice 500' Radius \$650 Legal Ad \$196 Poster \$220 Total: \$1,066
S-041	PRELIMINARY PLAN REVIEW**	Res 16-7045	001-6813	\$152 per meeting This fee will credited against future fees for a consistent project.	\$157 per meeting This fee will credited against future fees for a consistent project.
S-042	EXTRA MEETING**	Res 16-7045	001-6814	\$737 per meeting	\$761 per meeting
S-043	SPECIAL MEETING**	Res 16-7045	001-6815	\$1,524 per meeting	\$1,573 per meeting
S-044	TRAFFIC/SPECIAL STUDY REVIEW	Res 16-7045	001-6816	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
S-045	EXTRA PLAN REVIEW	Res 16-7045	001-6817	Actual charges at the fully allocated hourly rates for all personnel involved plus any outside costs.	Actual charges at the fully allocated hourly rates for all personnel involved plus any outside costs.
S-046	ZONING LETTER**	Res 16-7045	001-3895	\$226 per letter	\$233 per letter
S-047	NEW/MODIFIED BUSINESS ZONING REVIEW**	Res 16-7045	001-6818	\$75 per business	\$77 per business
S-048	PUBLIC NOTICING**	Res 16-7045	001-3868	300 foot radius: First Notice - \$950	300 foot radius: First Notice - \$980
			001-3890	Second Notice - \$284	Second Notice - \$293
		Res 78-4239	001-3825	500 foot radius: First Notice - \$1,579 Second Notice - \$630 Poster - \$213 Enhanced Noticing/Outreach- Actual Cost Legal Ad (Easy Reader)- \$181	500 foot radius: First Notice - \$1,630 Second Notice - \$650 Poster - \$220 Enhanced Noticing/Outreach- Actual Cost Legal Ad (Easy Reader)- \$187
S-049	GENERAL PLAN MAINTENANCE**	Res 16-7045	001-3804	\$3 per \$1,000 building permit valuation This fee is applied to all residential and commercial construction with a valuation of \$100,000 or more per site/project.	\$3 per \$1,000 building permit valuation This fee is applied to all residential and commercial construction with a valuation of \$100,000 or more per site/project.
S-049A	RECORDS TECHNOLOGY SYSTEM	Res 16-7045	001-6866	7% of all Building Permit Plan Check fees, Planning fees, and Engineering Fees.	7% of all Building Permit Plan Check fees, Planning fees, and Engineering Fees.
S-050	HISTORIC RESOURCE REVIEW**	Res 16-7045	001-6819	Minor Certification - \$957 Major Certification - \$2,594 Nomination - \$2,971 Removal - \$4,943 Waiver of 90% of fees available (limited to 2 waivers per fiscal year)	Minor Certification - \$988 Major Certification - \$2,677 Nomination - \$3,066 Removal - \$5,101 Waiver of 90% of fees available (limited to 2 waivers per fiscal year)
S-051	BUILDING PERMIT OR PLAN CHECK/INSPECTION	HBMC 15.04/ HBMC 15.16/ HBMC 15.12/ HBMC 15.32	001-3204 building permits. See Exhibit C for Plumbing/Mechanical/Electrical Permit accounts + plan check when required 001-3813	Permit fees are calculated based on the construction valuation of the project as provided in Table 3-A (see Exhibit B, page 26) Plan Check fees are 80% of the Building Permit Fee. The valuation for new construction will be increased using the Engineering News Record Construction Cost Index, applied to square footage table in permit software, which will bring the costs current. Expedited plan check fee is 150% of the standard plan check fee.	Permit fees are calculated based on the construction valuation of the project as provided in Table 3-A (see Exhibit B, page 26) Plan Check fees are 80% of the Building Permit Fee. The valuation for new construction will be increased using the Engineering News Record Construction Cost Index, applied to square footage table in permit software, which will bring the costs current. Expedited plan check fee is 150% of the standard plan check fee.
				See Exhibit C, for individual plumbing, mechanical, and electrical fees. These Fees are increased by the CPI Index starting 9/1/13	See Exhibit C, for individual plumbing, mechanical, and electrical fees. These Fees are increased by the CPI Index starting 9/1/13

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
S-052	SOLAR PLAN CHECK/INSPECTION**	Res 16-7045	001-6821	\$679 per system	Residential Solar: 1-15kW: \$450, with anything over 15kW is an additional \$15 per additional 1kW Commercial Solar: 1-50kW: \$701, with anything over 50kW is an additional \$7 per additional 1kW
S-053	TEMPORARY CERTIFICATE OF OCCUPANCY**	Res 16-7045	001-6822	\$75 per application	\$77 per application
S-054	DAMAGED BUILDING INSPECTION**	Res 16-7045	001-6823	\$100 per inspection	\$103 per inspection
S-055	EXTENDED CONSTRUCTION HOURS REVIEW**	Res 16-7045	001-6824	\$125 per application	\$129 per application
S-056	OCCUPANT LOAD REVIEW**	Res 16-7045	001-3204	\$1,405 per application	\$1,450 per application
S-057	BUILDING ADDRESS CHANGE**	Res 16-7045	001-3817	\$284 per address	\$293 per address
S-058	RESIDENTIAL BUILDING REPORT/INSPECT**	Res 84-4736	001-3801	\$289 per building	\$298 per building
S-059	APPEAL TO BOARD OF APPEALS**	Ord N.S. 508	001-3806	\$1,737 per appeal	\$1,793 per appeal
S-059A	USE OF ALTERNATE MAT'L/METHODS **	Res 16-7045	001-6868	\$213 per review	\$220 per review
S-061	CLEAN BAY RESTAURANT-NPDES INSPECT**	Res 16-7045	001-6825	\$251 per annual inspection- Clean Bay Restaurant \$40 per annual inspection- Grease Control Device	\$259 per annual inspection- Clean Bay Restaurant \$41 per annual inspection- Grease Control Device
S-062	LIGHT INDUSTRY-NPDES INSPECTION**	Res 16-7045	001-6826	\$251 per inspection (2 inspections in 5 years)	\$259 per inspection (2 inspections in 5 years)
S-063	STORMWATER MITIGATION PLAN REVIEW**	Res 16-7045	001-6827	\$604 per application If contract services are used, charge the actual cost of the contract services.	\$623 per application If contract services are used, charge the actual cost of the contract services.
S-064	PUBLIC IMPROVEMENT PLAN CHECK**	Res 16-7045	001-6828	Single Family Residence/Multi Family Residence/Commercial- \$1,367 per plan plus \$226 per each additional dwelling unit up to 4 units. Multi Family Residential over 4 dwelling units/Other- Deposit determined by staff (minimum of \$2,500) with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.	Single Family Residence/Multi Family Residence/Commercial- \$1,411 per plan plus \$233 per each additional dwelling unit up to 4 units. Multi Family Residential over 4 dwelling units/Other- Deposit determined by staff (minimum of \$2,500) with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.
S-065	STREET/ROW VACATION REVIEW	Res 16-7045	001-6829	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
S-066	ENGINEERING STUDY REVIEW	Res 16-7045	001-6830	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs. Stop Sign or Traffic Review Resident Requests - No charge for the first review. For any review within two years of the last review charge full costs of the review. Fee Cushion Installation-No Charge Speed Cushion Removal- Actual Costs	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs. Stop Sign or Traffic Review Resident Requests - No charge for the first review. For any review within two years of the last review charge full costs of the review. Fee Cushion Installation-No Charge Speed Cushion Removal- Actual Costs
S-067	ASSESSMENT DIST FORMATION RESEARCH	Res 16-7045	001-6831	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.
S-068	BLUEPRINT/PLAN SHEET REPRODUCTION **	Res 82-4500	001-3838	\$43 per sheet for the first sheet plus \$5 per each additional sheet or actual cost if using an outside copier.	\$44 per sheet for the first sheet plus \$5 per each additional sheet or actual cost if using an outside copier.
S-069	NON-UTIL STREET EXCAVATION PERMIT**	Ord 84-762	001-3831	\$761 per permit	\$785 per permit
S-070	UTILITY TRENCH SERVICE CONNECT PERMIT**	Ord 84-762/ Res 16-7045	001-3816	0-25 linear feet - \$636 25-100 linear feet - \$1,114 100+ linear feet - \$226 for each additional 150 linear feet Over 1,000 linear feet- Actual Costs Utility Infrastructure Work- Actual Costs	0-25 linear feet - \$656 25-100 linear feet - \$1,150 100+ linear feet - \$233 for each additional 150 linear feet Over 1,000 linear feet- Actual Costs Utility Infrastructure Work- Actual Costs
S-071	SEWER LATERAL INSTALLATION PERMIT**	Dept Policy	160-3832	\$675 per permit	\$697 per permit
S-072	SEWER CAP**	Dept Policy	160-3829	\$152 per permit	\$157 per permit
S-073	MATERIAL STORAGE DROP-OFF PERMIT**	Res 79-4303 & 79-4304	001-3815	\$251 per permit Permit is valid for one day	\$259 per permit Permit is valid for one day
S-074	STAGING RIGHT-OF-WAY PERMIT**	Res 79-4303 & 79-4304	001-3815	\$251 per permit plus \$16 per meter per day Permit is valid for one day	\$259 per permit plus \$17 per meter per day Permit is valid for one day
S-075	CRANE RIGHT-OF-WAY PERMIT**	Res 79-4303 & 79-4304	001-3815	\$251 per permit Permit is valid for one day	\$259 per permit Permit is valid for one day
S-076	SCAFFOLDING RIGHT-OF-WAY PERMIT**	Res 79-4303 & 79-4304	001-3815	\$326 per permit, plus \$24 per day after 14 days	\$336 per permit, plus \$25 per day after 14 days
S-077	TEMPORARY FENCE RIGHT-OF-WAY PERMIT **	Res 79-4303 & 79-4304	001-3815	\$251 per permit, plus \$16 per day after 14 days	\$259 per permit, plus \$17 per day after 14 days
S-078	VALET PARKING RIGHT-OF-WAY PERMIT**	1771367	001-3815	New/Annual - \$213 per permit plus \$17 per meter per day	New/Annual - \$220 per permit plus \$18 per meter per day
S-079	ROLL-OFF BIN RIGHT-OF-WAY PERMIT**	Res 79-4303 & 79-4304	001-3815	\$176 per permit Permit is valid for 14 days	\$182 per permit Permit is valid for 14 days

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
S-080	PERMANENT ENCROACHMENT PERMIT**	Res 88-5202	001-3834	\$1,448 per permit	\$1,494 per permit
S-081	OUTDOOR DINING ENCROACHMENT PERMIT**	Council Action May 1988	001-3834	A-Frame- \$320 Commercial Awning only- \$320 Other- \$1,242 (Outdoor Dining)	A-Frame- \$330 Commercial Awning only- \$330 Other- \$1,282 (Outdoor Dining)
S-082	NEWSRACK PERMIT**	Res 00-6096	001-3219	New - \$397 per permit plus \$51 per news rack Annual - \$31 per news rack	New - \$410 per permit plus \$53 per news rack Annual - \$32 per news rack
S-083	WIDE/LONG LOAD PERMIT**	Res 16-7045	001-3815	Single Trip - \$20 Annual Permit - \$114 Fees are set by the State	Single Trip - \$20 Annual Permit - \$114 Fees are set by the State
S-084	TRAFFIC PLAN REVIEW**	Res 16-7045	001-6849	\$484 per plan or actual costs as determined by City staff	\$499 per plan or actual costs as determined by City staff
S-084A	PUBLIC TREE REMOVAL PERMIT**	Ord 19-1397	001-6881	\$225 per tree	\$232 per tree
S-084B	PUBLIC TREE INSTALLATION REVIEW**	Res 16-7045	001-6870	\$226 per tree	\$233 per tree
S-084C	DISABLED PARK SPACE INSTALLION **	Res 16-7045	001-6869	\$2,769 per request, with a waiver for those with a household income under \$75,000.	\$2,858 per request, with a waiver for those with a household income under \$75,000.
S-084D	PUBLIC BENCH DEDICATION **	Res 16-7045	001-3903	Bench- \$1,466 plus the cost of the bench, materials ad plaque. Plaque Replacement- \$529 plus the cost of the plaque and materials. Remains a Donation.	Bench- \$1,513 plus the cost of the bench, materials ad plaque. Plaque Replacement- \$546 plus the cost of the plaque and materials. Remains a Donation.
S-084E	EXTRA PLAN CHECK/INSPECTION	Res 16-7045	001-3813	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs.
	WIRELESS ENCROACHMENT PERMIT APPLICATION	Res 20-7266		\$2,500.00 per application in the form of a deposit to be drawn down for actual hours spent reviewing and processing application	\$2,500.00 per application in the form of a deposit to be drawn down for actual hours spent reviewing and processing application
	SIDEWALK VENDING PERMIT**	Res 19-7170	001-6882	\$383 Initial Permit \$383 Annual Renewal	\$395 Initial Permit \$395 Annual Renewal
	TOBACCO RETAILER LICENSE**	Res 18-7156	001-3880	\$474 Initial Application \$403 Annual Renewal	\$489 Initial Application \$416 Annual Renewal

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
	SHORT TERM VACATION RENTAL**	Ord 19-1365	001-6883	\$1,980 Initial Permit \$1,712 Annual Renewal	\$2,043 Initial Permit \$1,767 Annual Renewal
	LIMITED LIVE ENTERTAINMENT PERMIT FEE	Res 18-7151	001-6874	\$280 permit fee	\$289 permit fee
	M-1 ZONE LIMITED EVENTS PERMIT**	Ord 20-1412	001-6884	\$293 application fee	\$302 application fee
COMBINATION FEES PRESENTED AT THE SAME TIME:					
HIGHEST FEE		100% OF THE FEE			
2ND HIGHEST FEE		50% OF THE FEE			
ALL OTHER FEES		25% OF THE FEE			
CEQA AND PUBLIC NOTICING FEES ARE EXEMPTED					
OTHER DEVELOPMENT FEES (INFORMATION ONLY)					
	FIRE FLOW FEE	HBMC 15.20.140	180-3912	1. Residential = \$.094 per square foot of net floor area. 2. Non-Residential \$0.119 per square foot of net floor area. The calculation of floor area shall include the floor area of all structures including the main structure and any accessory structures, including, but not limited to garages, structural decks, balconies, and shall be measured from the outside of the walls or perimeter of said structures. For new projects, the net floor area shall be calculated as the total floor area of the new structure minus any floor area of any existing legally permitted structures demolished as part of the new project. For existing structures that add floor area, the fee shall be applied to the net increase in floor area.	1. Residential = \$.094 per square foot of net floor area. 2. Non-Residential \$0.119 per square foot of net floor area. The calculation of floor area shall include the floor area of all structures including the main structure and any accessory structures, including, but not limited to garages, structural decks, balconies, and shall be measured from the outside of the walls or perimeter of said structures. For new projects, the net floor area shall be calculated as the total floor area of the new structure minus any floor area of any existing legally permitted structures demolished as part of the new project. For existing structures that add floor area, the fee shall be applied to the net increase in floor area.
PARKS/REC FACILITY TAX (INFORMATION ONLY)					
	PARKS/REC FACILITY TAX	HBMC 3.20.050	125-3116	\$8,925. Evaluate for Increase with User Fee Changes each year - Increase for cost of living change based on BLS - LA/Long Beach/ Anaheim CPI for June All Urban Consumers. Increase was 8.6% for June 2022.	\$9,148. Evaluate for Increase with User Fee Changes each year - Increase for cost of living change based on BLS - LA/Long Beach/ Anaheim CPI for June All Urban Consumers. Increase was 2.5% for June 2023.
	PARKS/REC IN LIEU FEE	Res 86-849	125-3910	\$14,096. Per condominium unit. Parks/Rec Facility Tax credit(s) are applied if a previous dwelling unit(s) existed, not to exceed the new dwelling unit(s) total.	\$14,096. Per condominium unit. Parks/Rec Facility Tax credit(s) are applied if a previous dwelling unit(s) existed, not to exceed the new dwelling unit(s) total.

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
PUBLIC SAFETY SERVICES USER FEES					
Effective 12/31/2017, fire inspection and permit services are performed by Los Angeles County Fire Department and fees are collected by the County per the Los Angeles County Fee Schedule.					
S-085	POLICE FALSE ALARM RESPONSE**	HBMC 8.24	001-3863	3 free responses in a calendar year Each subsequent response: Burglary Alarm - \$111 Robbery Alarm - \$314	3 free responses in a calendar year Each subsequent response: Burglary Alarm - \$115 Robbery Alarm - \$324
S-086	POLICE ALARM PERMIT**	HBMC 8.24	001-3862	New/Annual - \$22 per permit	New/Annual - \$23 per permit
S-087	DUI COLLISION RESPONSE	Res 16-7045	001-6832	Charge the fully allocated hourly rate for all emergency personnel responding, not to exceed \$12,000 per incident by State law.	Charge the fully allocated hourly rate for all emergency personnel responding, not to exceed \$12,000 per incident by State law.
S-087A	LOUD PARTY RESPONSE	Res 16-7045	001-3869	First Response in an evening- No Charge Each Subsequent Response- Actual Cost	First Response in an evening- No Charge Each Subsequent Response- Actual Cost
S-088	VEHICLE IMPOUND RELEASE**	Council Action 8/85	001-3841	\$259 per vehicle	\$267 per vehicle
S-088A	IMPOUND RELEASE OF BICYCLES, SCOOTERS, & OTHER WHEELED MOBILITY DEVICES **	Res 18-7142	001-6873	\$158	\$163
S-089	VEHICLE IDENTIFICATION VERIFICATION	Res 16-7045	001-6833	This service is no longer provided.	This service is no longer provided.
S-090	CITATION SIGN-OFF **	Res 16-7045	001-6834	Resident - No Charge Non-Resident - \$56 per citation	Resident - No Charge Non-Resident - \$58 per citation
S-091	VEHICLE REPOSSESSION	AB1972-Jan 94	001-3818	\$15 per vehicle This fee is set by the State	\$15 per vehicle This fee is set by the State
S-092	BOOKING PROCESSING**	Res 16-7045	001-3301	\$420 per booking	\$433 per booking
S-093	TAXICAB INSPECTION**	Res 16-7045	001-6835	First Inspection - No Charge (part of franchise fee) Subsequent Inspection - \$65 One Day Taxicab Franchise Fee - \$43	First Inspection - No Charge (part of franchise fee) Subsequent Inspection - \$67 One Day Taxicab Franchise Fee - \$44
S-094	POLICE BUSINESS BACKGROUND CHECK**	Res 16-7045	001-6836	\$320 per application plus any state fees	\$330 per application plus any state fees
S-095	CONCEALED WEAPONS PERMIT	Res 16-7045	001-3228	Fees are set by the State (Penal Code sec 12054): New Application - \$100 (\$20 collected upon application and the balance collected if the license is issued.) Renewal - \$25 Amended - \$10 Psychological testing costs are to be added to the above fees up to \$150 State background check fees are to be added to the above fees	Fees are set by the State (Penal Code sec 12054): New Application - \$100 (\$20 collected upon application and the balance collected if the license is issued.) Renewal - \$25 Amended - \$10 Psychological testing costs are to be added to the above fees up to \$150 State background check fees are to be added to the above fees

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
S-096	VERIFICATION/CLEARANCE FORM/LETTER**	CC Action 8/85	001-3818	\$207 per letter	\$214 per letter
S-097	AMPLIFIED SOUND PERMIT**	HBMC 9.28.020	001-3214	\$195 per permit	\$201 per permit
S-098	BLOCK PARTY PERMIT**	HBMC 9.28.020	001-3214	\$232 per permit	\$239 per permit
S-099	NON-RESIDENT BABY SEAT INSPECTION	N/A	N/A	This service is no longer provided.	This service is no longer provided.
S-100	PRIVATE SPECIAL EVENT PERMIT (In the Public right-of-way)**	Res 16-7045	001-3229	Event in the Public Right-of-Way- \$684 per application. Residential Private Event- \$875 per application plus \$500 deposit.	Event in the Public Right-of-Way- \$684 per application. Residential Private Event- \$875 per application plus \$500 deposit.
S-101	POLICE REPORT REPRODUCTION	Govt Code Section 6253	001-3818	\$0.20 per copy	\$0.20 per copy
S-102	POLICE AUDIO/VIDEO/DVD COPY **	Res 16-7045	001-3818	\$17 per disk/tape	\$18 per disk/tape
S-103	POLICE PHOTO REPRODUCTION **	Dept Policy	001-3818	\$17 per photograph or disk/device	\$18 per photograph or disk/device
S-103A	FINGERPRINTING ON REQUEST **	Res 16-7045	001-3818	\$31 per Scan	\$32 per Scan
S-104	ANIMAL CONTROL SERVICES **	HBMC 6.08.050	001-3202	Dog License: Spayed/Neutered - \$25 Other - \$106	Dog License: Spayed/Neutered - \$26 Other - \$109
		HBMC 6.12.010	001-3202	Cat License: Spayed/Neutered - \$14 Other - \$34 Lost Tag - \$6 Change Owner: Spayed Neutered - \$14 Other - \$34	Cat License: Spayed/Neutered - \$14 Other - \$35 Lost Tag - \$6 Change Owner: Spayed Neutered - \$14 Other - \$35
		HBMC 6.04.050-060	001-3212	Animal/Fowl Permit - \$105	Animal/Fowl Permit - \$108
		HBMC 6.04-070	001-3212	Animal/Fowl Appeal - \$105	Animal/Fowl Appeal - \$108
S-105	ANIMAL RELEASE REDEMPTION **	HBMC 6.08.130	001-3213	First Offense - \$60 Second Offense - \$133 Third and Subsequent Response - \$224	First Offense - \$61 Second Offense - \$137 Third and Subsequent Response - \$231
S-106	DECEASED ANIMAL PICK-UP **	Res 16-7045	001-6837	\$70 per animal	\$72 per animal
S-107	ANIMAL TRAP RENTAL	Res 16-7045	001-6838	This service is no longer provided.	This service is no longer provided.
S-108	PET HOME QUARANTINE REVIEW **	Res 16-7045	001-6839	\$70 per animal	\$72 per animal
S-108A	NON-HOUSEHOLD PET ANIMAL PERMIT **	Res 16-7045	001-3212	\$130 per application	\$134 per application
S-109	MULTIPLE DOG REVIEW **	Res 16-7045	001-6840	\$130 per application	\$134 per application
S-109A	JAIL SERVICES **	Res 16-7045	001-3819	\$312 per day	\$322 per day
S-120	OPEN FIRE PERMIT **	HBMC 15.20.010	001-3217	\$26 per permit (Community Resources)	\$27 per permit (Community Resources)

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
OTHER PUBLIC SAFETY SERVICES FEES (INFORMATION ONLY)					
S-122	AMBULANCE RESPONSE - Basic Life Support (BLS)	Res 16-7045	001-3840	Maximum allowable county rates as calculated by the L.A. County Emergency Medical Services Agency, 7/1/22 to 6/30/23 rates: Transport - non emergency \$1,687 - 911 emergency \$1,809 - Standby time for prescribed level of service and for each 30 minutes after the first 30 minutes \$129 Per mile charge - \$29 - Waiting time for each 30 minute after initial 30 minutes at request of person hiring ambulance \$143 - Oxygen - \$108 - Service between 7pm and 7am additional maximum charge \$29 Neonatal - \$271 - Ventilator \$209 - Disposable supplies \$31	Maximum allowable county rates as calculated by the L.A. County Emergency Medical Services Agency, 7/1/23 to 6/30/24 rates: Transport - non emergency \$2,024 - 911 emergency \$2,171- Standby time for prescribed level of service and for each 30 minutes after the first 30 minutes \$164 Per mile charge - \$28 - Waiting time for each 30 minute after initial 30 minutes at request of person hiring ambulance \$172 - Oxygen - \$114 - Service between 7pm and 7am additional maximum charge \$30 Neonatal - \$288 - Ventilator \$221 - Disposable supplies \$33
S-123	AMBULANCE RESPONSE - Advanced Life Support (ALS)	Res 16-7045	001-3840	Maximum allowable county rates as calculated by the L.A. County Emergency Medical Services Agency, 7/1/22 to 6/30/23 rates: Transport - non emergency \$2,532 911 emergency \$2,710 - Standby time for prescribed level of service and for each 30 minutes after the first 30 minutes \$129 Per mile charge - \$29 - Waiting time for each 30 minute after initial 30 minutes at request of person hiring ambulance \$143 - Oxygen - \$108 - Service between 7pm and 7am additional maximum charge \$29 Neonatal - \$271 - Ventilator \$209 - Disposable supplies \$31	Maximum allowable county rates as calculated by the L.A. County Emergency Medical Services Agency, 7/1/23 to 6/30/24 rates: Transport - non emergency \$3,038 911 emergency \$3,252 - Standby time for prescribed level of service and for each 30 minutes after the first 30 minutes \$164 Per mile charge - \$28 - Waiting time for each 30 minute after initial 30 minutes at request of person hiring ambulance \$172 - Oxygen - \$114 - Service between 7pm and 7am additional maximum charge \$30 Neonatal - \$288 - Ventilator \$221 - Disposable supplies \$33
	SPECIAL EVENT SECURITY **	Dept. Policy	001-3823	\$136.00/per hour per officer	\$140.00/per hour per officer
	WITNESS FEE	Govt Code Section 68097.2	001-3818	\$326.00	\$326.00
RECREATION SERVICES USER FEES					
S-126	AFTERSCHOOL PROGRAM	Res 16-7045 Res 15-6986	001-3894	Afterschool Program: \$1900 annually for 5 day program \$1200 annually for 3 day program Prices are market based and do not increase annually based on CPI. Fees are subject to increase.	Afterschool Program: \$1900 annually for 5 day program \$1200 annually for 3 day program Prices are market based and do not increase annually based on CPI. Fees are subject to increase.
S-126A	SUMMER CAMP PROGRAM	Res 16-7045	001-3893	Resident-\$185 per week Non-Resident- \$195 per week Prices are market based and do not increase annually based on CPI. Fees are subject to increase.	Resident-\$185 per week Non-Resident- \$195 per week Prices are market based and do not increase annually based on CPI. Fees are subject to increase.

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
S-127	RECREATION CLASSES			Various fees set by the instructor offering the class:	Various fees set by the instructor offering the class:
		Res 16-7045	001-3836	Refund Transaction - \$16	Refund Transaction - \$16
		Res 16-7045	001-3833	Non-Resident Rate: \$0-\$99 class fee - \$5 \$100+ class fee - \$10	Non-Resident Rate: \$0-\$99 class fee - \$5 \$100+ class fee - \$10
S-127	RECREATION CLASSES	Res 16-7045	001-3852	Administrative Fee - 10% of class fee	Administrative Fee - 10% of class fee
S-128	PRIVATE SPECIAL EVENTS ** (Coordinating privately-run special events that are provided in the public right-of-way)	Res 16-7045	001-3418	Commercial Application Fee - \$996 Commercial Category I - 70/30 revenue split with the City receiving 30% Commercial Category II - \$3,169 Commercial Category III - \$3,487 Commercial Category IV - \$6,341 Non-Profit - \$664 application fee plus \$2 per participant Co-Sponsor - \$335 per sponsor Set Up - \$300 per day Tear Down - \$300 per day Event Supervisor - \$398 per day City Pass Thru - \$332 application fee	Commercial Application Fee - \$1,028 Commercial Category I - 70/30 revenue split with the City receiving 30% Commercial Category II - \$3,270 Commercial Category III - \$3,599 Commercial Category IV - \$6,544 Non-Profit - \$685 application fee plus \$2 per participant Co-Sponsor - \$346 per sponsor Set Up - \$310 per day Tear Down - \$310 per day Event Supervisor - \$411 per day City Pass Thru - \$343 application fee
S-129	EXCURSIONS	Res 16-7045	001-4601-4201	The fee will vary depending on the excursion. Fees will include the excursion cost and the staff costs associated with each excursion.	The fee will vary depending on the excursion. Fees will include the excursion cost and the staff costs associated with each excursion.
S-130	THEATER SERVICES	Res 16-7045	001-3406	Community Theater reservation fees and 2nd Story Theater reservation fees vary based on type of group, and staff and equipment use (see Exhibit E)	Community Theater reservation fees and 2nd Story Theater reservation fees vary based on type of group, and staff and equipment use (see Exhibit E)
S-131	RECREATION FACILITY RENTALS **	Res 16-7045	001-3405	Application Fee - \$22 Recreation Facilities - Various fees depending on the room, type of group, and staff and equipment use (see Exhibit D) Pier Plaza: \$398 per day staff fee plus \$13,272 per day for Commercial Rentals Outdoor Fitness Permit- \$122 per month with a \$120 annual fee	Application Fee - \$23 Recreation Facilities - Various fees depending on the room, type of group, and staff and equipment use (see Exhibit D) Pier Plaza: \$411 per day staff fee plus \$13,697 per day for Commercial Rentals Outdoor Fitness Permit- \$126 per month with a \$124 annual fee

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
S-132	BALLFIELD RENTALS **	Res 16-7045	001-3405	Field use- \$11 per hour Lighted Fields (7-10 pm)- \$23 per hour Field Changeover Fee: To be determined by the Community Resources Department (must be paid by priority user groups, AYSO Region 18 and Hermosa Beach Little League, prior to start of season)	Field use- \$11 per hour Lighted Fields (7-10 pm)- \$24 per hour Field Changeover Fee: To be determined by the Community Resources Department (must be paid by priority user groups, AYSO Region 18 and Hermosa Beach Little League, prior to start of season)
S-132A	NEW BEACH VOLLEYBALL COURT	N/A	N/A	No fee recommended as of the 2015 User Fee Study.	No fee recommended as of the 2015 User Fee Study.
S-133	FILM PERMIT **	Res 16-7045	001-3418	Filming: Application/Permit Fee - \$634 Student Application Fee - \$122 Location Fee - \$1,479 - \$3,318 per location per day Film Prep or Strike Fee - \$132-\$1,314 per location per day Still Photography: Application Fee - \$265 Location Fee: First Location - \$257 Each Additional Location - \$132	Filming: Application/Permit Fee - \$654 Student Application Fee - \$126 Location Fee - \$1,526 - \$3,424 per location per day Film Prep or Strike Fee - \$136-\$1,356 per location per day Still Photography: Application Fee - \$273 Location Fee: First Location - \$265 Each Additional Location - \$136
			001-3842	Parking Meter - \$25	Parking Meter - \$26
*The Recreation Services fees listed above are set by the market.					
OTHER RECREATION SERVICES FEES (INFORMATION ONLY)					
	HERMOSA SR CENTER DONATIONS/MEMBERSHIPS		001-3908	Varies	\$10
	PRE-APPROVED PRIVATE INSTRUCTOR			\$30 (Program is being phased out and not open to new instructors.)	\$30 (Program is being phased out and not open to new instructors.)
	TENANT/USERS' LIABILITY INSURANCE PROGRAM (TULIP)	Res 08-6598	001-3897	\$65.00	N/A
MAINTENANCE SERVICES USER FEES					
S-134	BANNER HANGING **	Res 16-7045	001-3211	City Install- \$718 per banner Outside Contractor- \$65 per banner plus contractor costs	City Install- \$741 per banner Outside Contractor- \$67 per banner plus contractor costs
OTHER MAINTENANCE SERVICES FEES (INFORMATION ONLY)					
	IN-LIEU FEE FOR STREET PAVEMENT	Ord 09-1301 (Determined by City Engineer)	301-3913	Based on most recent unit prices for said work performed by competitive bidding for the City's annual street improvement program plus 30% for design, construction management, inspection & testing expenses. Costs to be updated annually.	Based on most recent unit prices for said work performed by competitive bidding for the City's annual street improvement program plus 30% for design, construction management, inspection & testing expenses. Costs to be updated annually.
	LIBRARY GENERAL MAINTENANCE	Ord 84-762	001-3827	Contract with County	Contract with County

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
	HIGHWAY MAINTENANCE	Ord 84-762	001-3507	\$1,892 - Maximum allowed by State contract.	\$1,892 - Maximum allowed by State contract.
ADMINISTRATIVE SERVICES USER FEES					
S-140	GARAGE SALE PERMIT **	Ord 82-682	001-3209	\$8 per permit	\$8 per permit
S-142	NSF CHECK PROCESSING **	Govt Code Section 6157	001-3837	\$57 per NSF check	\$59 per NSF check
S-143	DOCUMENT REPRODUCTION	State Evidence Code Section 1560:1563	001-3839	\$0.20 per copy FPPC-related copies - \$0.10 per copy	\$0.20 per copy FPPC-related copies - \$0.10 per copy
S-143A	ELECTRONIC FILE COPY **	Res 16-7045		\$5 per device	\$5 per device
S-144	DOCUMENT CERTIFICATION **	Res 16-7045	001-6847	\$3 per document	\$3 per document
S-145	APPEAL TO CITY COUNCIL OF PUBLIC WORKS DIRECTOR DECISION (ENCROACHMENTS) **	HBMC 12.16.110	001-3814	\$3,129 per appeal plus noticing costs and poster/advertising costs	\$3,229 per appeal plus noticing costs and poster/advertising costs
S-147	INITIATIVE PROCESSING	Res 16-7045	001-2110	\$200 per initiative, refunded if within one year of filing the notice of intent, the elections official certifies the sufficiency of the petition. This is the maximum fee amount is set by State law (Elections Code Section 9202(b)).	\$200 per initiative, refunded if within one year of filing the notice of intent, the elections official certifies the sufficiency of the petition. This is the maximum fee amount is set by State law (Elections Code Section 9202(b)).
S-102	AUDIO/VIDEO/DVD COPY	Res 82-4215	001-3839	\$16 per disk/tape	\$16 per disk/tape
The City maintains a separate Business License Tax Schedule, which is adjusted annually on July 1 based on the April CPI.					
S-150	NEW BUSINESS REGISTRATION **	Res 16-7045	001-3877	\$41 In-City, \$24 Out-of-City	\$42 In-City, \$25 Out-of-City
S-151	BUSINESS REGISTRATION RENEWAL **	Res 16-7045	001-3879	\$20 per Renewal	\$21 per Renewal
S-152	DUPLICATE BUSINESS LICENSE **	Ord 82-682	001-3115	\$9 per duplicate	\$9 per duplicate
S-153	CREDIT CARD PROCESSING	Res 16-7045	001-6867	2.75% of the amount charged	2.75% of the amount charged
	MAILING FEE	Government Code Section 6253b - California Public Records Act	001-3896	\$3.00	\$3.00

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
OTHER FEES (INFORMATION ONLY)					
	PARKING METER RATES	Ord 23-1461	001-3842	\$1.25/hr rate effective 2-18-09. \$1.25 to \$1.50/hr demand pricing on smart meters 7/1/2015.	\$2/hr from 10:00 am to 8:00 p.m and \$2.50/h from 8:00 p.m to 2:00 am rate effective 6-22-2023.
	PARKING LOT RATES	Ord 23-1461	001-3845	Set by Council Action 8/13/01 at \$.75/hr. Increased 8/1/03 TO \$1.00/HR; Increased to \$1.25/hr Effective 7/1/2010. \$1.25 to \$1.50/hr demand pricing on pay by space meters 7/1/2015	\$2/hr from 10:00 am to 8:00 p.m and \$2.50/h from 8:00 p.m to 2:00 am rate effective 6-22-2023.
	PARKING STRUCTURE RATES	Ord 23-1461	001-3846	Set by Council Action 8/13/01 at \$.75/hr. Increased 8/1/03 TO \$1.00/HR; Increased to \$1.25/hr Effective 7/1/2010.	\$2/hr from 10:00 am to 8:00 p.m and \$2.50/h from 8:00 p.m to 2:00 am rate effective 6-22-2023.
	COMM OUTDOOR DINING QUARTERLY FEE	Res 23-7379	001-6890	\$2.00/Sq. Ft.	\$4.00/Sq. Ft. - Pier Plaza, closes after midnight, category created by City Council 7/11/2023 Rate increase 07/01/2024 - \$5.00/Sq. Ft. ¹
\$3.00/Sq. ft EFFECTIVE 10/1/2007 FOR BUSINESSES OPEN AFTER MIDNIGHT.					
\$4.00/Sq. ft EFFECTIVE 10/1/2008 FOR BUSINESSES OPEN AFTER MIDNIGHT.				\$2.00/Sq. Ft. - Pier Plaza, closes before midnight, category created by City Council 7/11/2023 Rate increase 07/01/2024 - \$3.00/Sq. Ft. ²	
\$5.00/Sq. ft EFFECTIVE 10/1/2009 FOR BUSINESSES OPEN AFTER MIDNIGHT. \$2.00/Sq. ft CLOSSES BEFORE MIDNIGHT					
Snack shop category created by City Council 6/12/07 @ \$1.00 per sq. ft.				\$1.00/Sq.Ft. - Pier Plaza, closes encroachment before 11pm; off-Pier Plaza; on-street; sidewalk; retail, category created by City Council 7/11/2023 Rate increase 07/01/2024 - \$2.00/Sq. Ft. ³	
Retail Display Free First Year. Rate TBD for Subsequent years				Retail Display Free First Year. Rate TBD for Subsequent years	
	TEMPORARY OUTDOOR DINING/RETAIL PERMIT	Ord 23-1463	001-6885	\$179- Admin Permit \$323- Initial Encroachment Fee (if on public property)	\$185- Admin Permit \$333- Initial Encroachment Fee (if on public property) The temporary outdoor dining that the off-street program ends December 1, 2023. The on-street program is continuing for now.

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
	TEMPORARY OUTDOOR DINING ENCROACHMENT	Ord 23-1463	001-6890	Effective March 1, 2022 \$1.50/square foot.	Effective July, 11 2023: Pier Plaza, closes after midnight \$4/square foot . Pier Plaza, closes before midnight \$2/square foot. Pier Plaza, closes before 11 p.m; off-Pier Plaza; on-street; sidewalk; retail \$1/square foot. The temporary outdoor dining that the off-street program ends December 1, 2023. The on-street program is continuing for now.
	BINGO PERMITS	HBMC 5.12	001-3210	\$93.00	\$93.00
	OCCUPANCY PERMIT/COMMERCIAL INSPECTION	Uniform Fire Code Sec 103.3	001-3207	\$159- To be handled by Code Enforcement instead of Fire Inspector	\$159- To be handled by Code Enforcement instead of Fire Inspector
S-136	PARKING PERMIT, ANNUAL	Res 23-7360	001-3843	\$40.00 - No future increases without Council Approval \$20.00- Half Year (50% of Full Year)	\$50.00 - No future increases without Council Approval Residential Parking Permits are limited to three per year per residence, to vehicles registered to the residence \$25.00- Half Year (50% of Full Year)
	PARKING PERMIT, REPLACEMENT	Res 82-4524	001-3843	\$3.00 - No future increases without Council Approval	\$3.00 - No future increases without Council Approval
	PARKING PERMIT, EMPLOYEES (Revised 4-10-07)	CC 2/28/23 Minutes Action	001-3843	\$143.00 - No future increases without Council Approval	\$175.00 - No future increases without Council Approval
	PARKING PERMIT, EMPLOYEES LOT C Monthly	CC 2/28/23 Minutes Action	001-6892		\$75.00 - No future increases without Council Approval
	PARKING PERMIT, EMPLOYEES LOT C Daily	CC 2/28/23 Minutes Action	001-6891		\$38.00 - No future increases without Council Approval
	PARKING PERMIT, DAILY	CC 2/28/23 Minutes Action	001-3844	\$5.00 - No future increases without Council Approval	\$6.00 - No future increases without Council Approval
	MONTHLY LOT PERMIT, 24 HR.	CC 2/28/23 Minutes Action	001-3858	\$62.00 No future increases without Council Approval	\$75.00 No future increases without Council Approval
	MONTHLY LOT PERMIT, DAILY	CC 2/28/23 Minutes Action	001-3858	\$31.00 No future increases without Council Approval	\$38.00 No future increases without Council Approval
	PARKING PERMIT, DRIVEWAY	HBMC 10.32.080	001-3848	\$170 - No future increases without Council Approval	\$170 - No future increases without Council Approval
	PARKING PERMIT, GUEST	Res 85-4793	001-3849	\$1.00 - No future increases without Council Approval	\$1.00 - No future increases without Council Approval
	PARKING PERMIT, CONTRACTOR	CC 2/28/23 Minutes Action	001-3850	\$34.00 - No future increases without Council Approval	\$42.00 - No future increases without Council Approval
	OVERSIZED VEHICLES	Ordinance	001-6861	Annual Registration \$51; max of 9 permits annually (no cost)	Annual Registration \$53; max of 9 permits annually (no cost)

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
S-138	PARKING LOT MONTHLY PASS PROCESSING	Res 16-7045	001-3858	Processing fee - \$7 (in addition to parking rates). <i>Not currently charged, under review</i>	Processing fee - \$7 (in addition to parking rates). <i>Not currently charged, under review</i>
S-139	DAILY PARKING LOT PROCESSING	Res 16-7045	001-3844	Processing fee - \$7 (in addition to parking rates). <i>Not currently charged, under review</i>	Processing fee - \$7 (in addition to parking rates). <i>Not currently charged, under review</i>
	REFUSE LIEN FEE	Res 87-5024	001-3807	\$14	\$14
	COMPOSTING WORM BIN PROCESSING	Res 16-7045	117-3874	Compost Bin - \$35 per bin Worm Bin - \$70 per bin These fees charged at actual cost and are managed by the Environmental Programs Manager (no changes for 2021-22)	Compost Bin - \$35 per bin Worm Bin - \$70 per bin These fees charged at actual cost and are managed by the Environmental Programs Manager (no changes for 2023-24)
	DRONE, UNMANNED AIRCRAFT PERMIT	Res 16-1363	001-3236	Initial Permit \$145 - Annual Renewal \$75 Adopted 6/15/16	Initial Permit \$145 - Annual Renewal \$75 Adopted 6/15/16
	IN-LIEU PARKING FEE		001-3847	\$28,900/space	\$28,900/space
	CANNABIS DELIVERY PERMIT APPLICATION FEE	Res 23-7389	001-6891	\$702 per application	\$702 per application
ADMINISTRATIVE FINES (INFORMATION ONLY)					
	ADMINISTRATIVE CITATIONS	Res 07-6526	001-3305	\$100 first violation \$200 second violation of the same provision of the code within one year \$500 for each additional violation of the same provision of the code within one year	\$100 first violation \$200 second violation of the same provision of the code within one year \$500 for each additional violation of the same provision of the code within one year
	SOCIAL HOST ORDINANCE	Res 16-7033	001-3305	1st. violation \$2,500 - 2nd. Violation \$5,000 - 3rd. Violation \$10,000 Adopted 6/15/16	1st. violation \$2,500 - 2nd. Violation \$5,000 - 3rd. Violation \$10,000 Adopted 6/15/16
	VIOLATION OF THE CITY'S TREE ORDINANCE	Res 19-7215	001-3305	\$250 for a first violation, \$500 for a second violation within one year of the first violation, and \$1,000 for each additional violation within one year of the first violation.	\$250 for a first violation, \$500 for a second violation within one year of the first violation, and \$1,000 for each additional violation within one year of the first violation.
	SIDEWALK VENDING VIOLATIONS	Res 19-7170	001-3305	Vending without a sidewalk vending permit-\$250 for a first violation, \$500 for a second violation within one year of the first violation, and \$1,000 for each additional violation within one year of the first violation. Upon proof of a valid permit, the administrative fine assessed will be reduced to \$100 for a first violation, \$200 for a second violation within one year of the first violation, and \$500 for each additional violation within one year of the first violation.	Vending without a sidewalk vending permit-\$250 for a first violation, \$500 for a second violation within one year of the first violation, and \$1,000 for each additional violation within one year of the first violation. Upon proof of a valid permit, the administrative fine assessed will be reduced to \$100 for a first violation, \$200 for a second violation within one year of the first violation, and \$500 for each additional violation within one year of the first violation.

**MASTER FEE SCHEDULE
EXHIBIT A**

REF #	Service Title	Legal Authority	Account Number	Fees Effective 12/1/22	Fees Effective 12/1/23
	VIOLETION OF SECTIONS 12.20.020 AND 12.28.010 OF TITLE 12 (STREETS, SIDEWALKS, AND PUBLIC PLACES) AND SECTION 6.08.020 OF TITLE 6 (ANIMALS), WHICH PERTAIN TO ANIMALS BEING MAINTAINED AND UNLEASHED IN AREAS WITHIN THE CITY.	Res 21-7297	001-3305	\$250 per violation	\$250 per violation
	VIOLETION OF SHORT-TERM VACATION RENTAL ORDINANCE	Ord 19-1395	001-3305	2 Bdr or less units: 1st violation \$2,500 - 2nd. violation \$5,000 - 3rd. violation \$7,500 (in a 12 mos period) Adopted 10/22/19.	2 Bdr or less units: 1st violation \$2,500 - 2nd. violation \$5,000 - 3rd. violation \$7,500 (in a 12 mos period) Adopted 10/22/19.
				3 Bdr or more units: 1st Violation \$5,000 - 2nd. Violation \$10,000 - 3rd. Violation \$15,000 (in a 12 mos period) Adopted 10/22/19.	3 Bdr or more units: 1st Violation \$5,000 - 2nd. Violation \$10,000 - 3rd. Violation \$15,000 (in a 12 mos period) Adopted 10/22/19.
	FINE FOR AN ADMINISTRATIVE CITATION UNDER HERMOSA BEACH MUNICIPAL CODE SECTION 1.10.040 RELATED TO CANNABIS DELIVERY	Res 23-7389		\$20,000 per occurrence, the City Manager can approve a waiver for a first-time offense if a true and complete application for a lawful permit is made by the violating business operator.	\$20,000 per occurrence, the City Manager can approve a waiver for a first-time offense if a true and complete application for a lawful permit is made by the violating business operator.

Rounding criteria (effective 9/1/97): If new fee increase is \$.50 or less round down to nearest dollar; if new fee increase is \$.51 or more, round up to the nearest dollar.

Services set by the fee study are denoted by a reference number. Other fees not set by the fee study have no reference number but are included for ease of administration.

** Subject to annual Consumer Price Index (CPI) adjustment. The September 2023 All Urban Consumers CPI Index is 3.2%. Only Fees greater than \$16 dollars went up due to the rounding criteria.

¹ Outdoor Dining Fee Schedule Future Increases: July 1, 2024: \$5.00, July 1, 2025: \$6.00

² Outdoor Dining Fee Schedule Future Increases: July 1, 2024: \$3, July 1, 2025: \$4.00

³ Outdoor Dining Fee Schedule Future Increases: July 1, 2024: \$2, July 1, 2025: \$2.50

**MASTER FEE SCHEDULE
EXHIBIT B**

CITY OF HERMOSA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION

**BUILDING PERMIT FEES
(TABLE 3A)
Effective 12-1-05**

TOTAL VALUATION	FEE
\$1 to \$500	\$35.84
\$501 to \$2,000	\$35.84 for the first \$500 plus \$5.76 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 to \$25,000	\$122.24 for the first \$2,000 plus \$22.40 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$637.44 for the first \$25,000 plus \$16.96 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$1,061.44 for the first \$50,000 plus \$11.20 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 and up	\$1,621.44 for the first \$100,000 plus \$9.28 for each additional \$1,000 or fraction thereof.

- State Seismic Fee: 0.013% of project valuation, minimum \$0.50 (residential) or 0.028% of project valuation, minimum \$0.50 (commercial)
- State Building Standards Administration Fee: \$1 for every \$25,000 project valuation
- General Plan Maintenance Fee: \$3 per \$1,000 in valuation; applies to projects with valuation of \$100,000 or more.
- **Plan Check fee is equal to 80% of the Building Permit fee.**

OTHER INSPECTIONS AND FEES:

- | | |
|--|-----------------------|
| 1. Quadruple permit fee for illegal construction
(City Building Code 107.2) | Four times permit fee |
| 2. Inspections outside of normal business hours
(minimum charge - four hours) | \$75 per hour |
| 3. Inspections for which no fee is specifically indicated
(minimum charge - four hours) | \$75 per hour |
| 4. Additional plan review for revisions, additions, etc.
(minimum charge - one hour) | \$118 per hour |
| 5. Expedited plan review | \$112.5 per hour |

These fees are set by the Government Codes. There are no changes for FY 2023-24

MASTER FEE SCHEDULE EXHIBIT C

SCHEDULE A - PLUMBING PERMIT FEES (001-3206)**

Fee Service Name/Description	Fees Effective 12/1/2022	Fees Effective 12/1/2023
EACH PLUMBING FIXTURE, TRAP, OR SET OF FIXTURES ON ONE TRAP (INCLUDING WATER, DRAIN PIPING & BACKFLOW PROTECTION)	\$28.00	\$29.00
EACH BUILDING SEWER OR TRAILER PARK SEWER	\$56.00	\$58.00
RAINWATER SYSTEM PER DRAIN (INSIDE BUILDING)	\$28.00	\$29.00
EACH WATER HEATER AND/OR VENT	\$28.00	\$29.00
EACH PIPING SYSTEM OF 1 TO 5 OUTLETS	\$43.00	\$44.00
EACH GAS OUTLET OVER 5	\$8.00	\$8.00
EACH INDUSTRIAL WASTE PRE-TREATMENT INTERCEPTOR INCLUDING TRAP & VENT (EXCEPTING KITCHEN-TYPE GREASE INTERCEPTORS FUNCTIONING AS FIXTURE TRAPS)	\$73.00	\$75.00
UNDERSINK GREASE TRAP (FORMERLY GREASE TRAP PERMIT)	\$43.00	\$44.00
EACH INSTALLATION, ALTERATION OR REPAIR OF WATER PIPING AND/OR WATER TREATING EQUIPMENT	\$13.00	\$13.00
EACH REPAIR OR ALTERATION OF DRAINAGE OR VENT PIPING	\$13.00	\$13.00
EACH LAWN SPRINKLER SYSTEM ON ANY ONE METER INCLUDING BACKFLOW PROTECTION DEVICES):	\$28.00	\$29.00
ATMOSPHERIC-TYPE VACUUM BREAKERS (NOT INCLUDING ABOVE):		
1 TO 5	\$28.00	\$29.00
OVER 5, EACH	\$8.00	\$8.00
EACH BACKFLOW PROTECTIVE DEVICE (OTHER THAN ATMOSPHERIC-TYPE VACUUM BREAKERS):		
2 INCHES AND SMALLER	\$28.00	\$29.00
OVER 2 INCHES	\$28.00	\$29.00
FIRE SPRINKLER PIPING SYSTEM:	\$28.00	\$29.00
1 TO 10 HEADS	\$50.00	\$52.00
11 TO 25 HEADS	\$82.00	\$85.00
26 TO 50 HEADS	\$114.00	\$118.00
51 TO 100 HEADS	\$175.00	\$181.00
101 TO 200 HEADS	\$245.00	\$253.00
201 TO 300 HEADS	\$312.00	\$322.00

MASTER FEE SCHEDULE EXHIBIT C

SCHEDULE A - PLUMBING PERMIT FEES (001-3206)**

FIRE SPRINKLER PIPING SYSTEM:

301 TO 500 HEADS	\$405.00	\$418.00
501 TO 1000 HEADS	\$609.00	\$628.00
1001 OR MORE HEADS	\$875.00	\$903.00

MISCELLANEOUS (BUT NOT INCLUDED ABOVE)	\$43.00	\$44.00
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FEE FOR ISSUING EACH PERMIT	\$80.00	\$83.00
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SUPPLEMENTAL ISSUANCE FEE	\$23.00	\$24.00
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ADDITIONAL PLAN CHECK	Hourly Rates	Hourly Rates
ADDITIONAL INSPECTION	Hourly Rates	Hourly Rates
OTHER INSPECTIONS NOT SPECIFIED	Hourly Rates	Hourly Rates

MASTER FEE SCHEDULE EXHIBIT C

SCHEDULE B - MECHANICAL PERMIT FEES (001-3227)**

Fee Service Name/Description	Fees Effective 12/1/2022	Fees Effective 12/1/2023
HEATING, VENTILATIONS, AIR CONDITIONING OR REFRIGERATION FORCED-AIR OR GRAVITY-TYPE FURNACE (INCLUDING CUTS AND VENTS)		
UP TO 100,000 BTU	\$56.00	\$58.00
OVER 100,000 BTU	\$56.00	\$58.00
FLOOR FURNACE	\$73.00	\$75.00
HEATER - SUSPENDED, RECESSED, WALL OR FLOOR MOUNTED	\$56.00	\$58.00
GAS PIPING SYSTEM OF 1 TO 5 OUTLETS	\$43.00	\$44.00
GAS PIPING SYSTEM OF 6 OR MORE OUTLETS, PER OUTLET	\$8.00	\$8.00
APPLIANCE VENT - ONLY	\$43.00	\$44.00
BOILER - UP TO 3 HP OR 100,000 BTU	\$56.00	\$58.00
COMPRESSOR - 3 TO 15 HP OR 100,001 TO 500,000 BTU	\$56.00	\$58.00
ABSORPTION - 15 TO 30 HP OR 500,001 TO 1,000,000 BTU	\$56.00	\$58.00
SYSTEM - 30 TO 50 HP OR 1,000,000 TO 1,750,000 BTU	\$129.00	\$133.00
OVER 50 HP OR OVER 1,750,000 BTU	\$129.00	\$133.00
AIR HANDLING UNITS INCLUDING DUCTS - UNDER 10,000 C.F.M.	\$73.00	\$75.00
OVER 10,000 C.F.M.	\$73.00	\$75.00
EVAPORATIVE COOLER (NON-PORTABLE)	\$56.00	\$58.00
VENT FAN / SINGLE DUCT	\$43.00	\$44.00
MECHANICAL VENT	\$43.00	\$44.00
MECHANICAL EXHAUST HOOD	\$43.00	\$44.00
DOMESTIC-TYPE INCINERATOR	\$56.00	\$58.00
COMMERCIAL / INDUSTRIAL INCINERATOR	\$87.00	\$90.00
REPAIR, ALTER, OR ADDITION TO EACH HEATING APPLIANCE, REFRIGERATION UNIT, COMFORT COOLING UNIT, OR SYSTEM (INCLUDING CONTROLS)	\$56.00	\$58.00
ANY EQUIPMENT REGULATED (BUT NOT INCLUDED ABOVE)	\$148.00	\$153.00

MASTER FEE SCHEDULE EXHIBIT C

SCHEDULE B - MECHANICAL PERMIT FEES (001-3227)**

MISCELLANEOUS	\$43.00	\$44.00
FEE FOR ISSUING EACH PERMIT	\$80.00	\$83.00
SUPPLEMENTAL PERMIT	\$23.00	\$24.00
ADDITIONAL PLAN CHECK	Hourly Rates	Hourly Rates
ADDITIONAL INSPECTION	Hourly Rates	Hourly Rates
OTHER INSPECTIONS NOT SPECIFIED	Hourly Rates	Hourly Rates

MASTER FEE SCHEDULE EXHIBIT C

SCHEDULE C - ELECTRICAL PERMIT FEES (001-3205)**

Fee Service Name/Description	Fees Effective 12/1/2022	Fees Effective 12/1/2023
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NEW GENERAL USE BRANCH CIRCUITS
RATING, TYPE OR USE OF BRANCH CIRCUITS

15 OR 20 AMP, 120V LIGHTING OR GENERAL USE
RECEPTACLE, DWELLING APPLIANCES 15 TO 50 AMPS,
NON-DWELLING MOTORS OR APPLIANCES SUPPLYING
LOADS NOT EXCEEDING 3 HP OR KVA

1. 1 TO 10 BRANCH CIRCUITS	\$56.00	\$58.00
2. 11 TO 40 BRANCH CIRCUITS	\$115.00	\$119.00
3. 41 OR MORE BRANCH CIRCUITS	\$170.00	\$175.00
4. 15 OR 20 AMP 208V TO 277V LIGHTING	\$28.00	\$29.00
5. ALL OTHER LIGHTING BRANCH CIRCUIT 600V OR LESS	\$28.00	\$29.00

FEES FOR ADDING OUTLETS (TO EXISTING BRANCH CIRCUITS)
OR TEMPORARY LIGHTS & YARD LIGHTING

NUMBER OF OUTLETS OR LAMP HOLDERS

1. 1 TO 5 INCLUSIVE	\$28.00	\$29.00
2. 6 TO 10 INCLUSIVE	\$43.00	\$44.00
3. FOR EACH ADDITIONAL 10 OUTLETS OR FRACTION THEREOF	\$26.00	\$27.00
4. 50 OR LESS LAMP HOLDERS, TOTAL FEE	\$87.00	\$90.00
5. 51 TO 100 LAMP HOLDERS, TOTAL FEE	\$129.00	\$133.00
6. EACH 100 LAMP HOLDERS OR FRACTION THEREOF OVER 100	\$87.00	\$90.00

FEES FOR MOTORS, TRANSFORMERS, HEATING APPLIANCES,
AND MISCELLANEOUS EQUIPMENT OR APPLIANCES

H.P., K.W., OR K.V.A. RATING OF EQUIPMENT

1. OVER 3 AND NOT OVER 5	\$87.00	\$90.00
2. OVER 5 AND NOT OVER 20	\$87.00	\$90.00
3. OVER 20 AND NOT OVER 50	\$87.00	\$90.00
4. OVER 50 AND NOT OVER 100	\$87.00	\$90.00
5. OVER 100	\$87.00	\$90.00

MASTER FEE SCHEDULE EXHIBIT C

SCHEDULE C - ELECTRICAL PERMIT FEES (001-3205)**

FEES FOR REQUIRED FIRE WARNING, COMMUNICATIONS AND EMERGENCY CONTROL SYSTEMS

1. UP TO 50 DEVICES	\$45.00	\$46.00
2. 51 TO 100 DEVICES	\$84.00	\$87.00
3. 101 TO 200 DEVICES	\$129.00	\$133.00
4. 201 TO 300 DEVICES	\$171.00	\$176.00
5. 300 TO 500 DEVICES	\$219.00	\$226.00
6. OVER 500 DEVICES	\$257.00	\$265.00
7. EACH CONTROL PANEL, STANDBY POWER PANEL, ANNUNCIATOR PANEL, OR SIMILAR MAIN PIECE OF CONTROL EQUIPMENT	\$45.00	\$46.00

FEES FOR SERVICE AND SWITCHBOARD SECTIONS

AMPACITY AND VOLTAGE RATINGS OF SERVICE ENTRANCE CONDUCTORS, SERVICES SWITCHES OR CIRCUIT BREAKERS OR SWITCHBOARD SECTIONS

1. 200 AMP OR LESS RATINGS - 600V OR LESS	\$73.00	\$75.00
2. 201 TO (AND INCLUDING) 600 AMP - 600V OR LESS	\$73.00	\$75.00
3. OVER 600 AMP - 600V OR LESS	\$73.00	\$75.00
4. OVER 600V RATINGS	\$73.00	\$75.00
5. TEMPORARY POWER POLE	\$56.00	\$58.00

MISCELLANEOUS (BUT NOT INCLUDED ABOVE)	\$43.00	\$44.00
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MISCELLANEOUS:

FEE FOR ISSUING EACH PERMIT	\$80.00	\$83.00
FEE FOR ISSUING EACH SUPPLEMENTAL PERMIT	\$23.00	\$24.00

ADDITIONAL PLAN CHECK	Hourly Rates	Hourly Rates
ADDITIONAL INSPECTION	Hourly Rates	Hourly Rates
OTHER INSPECTIONS NOT SPECIFIED	Hourly Rates	Hourly Rates

Rounding criteria (effective 9/1/97): If new fee increase is \$.50 or less round down to nearest dollar; if new fee increase is \$.51 or more, round up to the nearest dollar.

**** September 2023 All Urban Consumers CPI Index is 3.2%.**

Only Fees greater than \$16 dollars went up due to the rounding criteria.

**MASTER FEE SCHEDULE
EXHIBIT D**

RECREATION FACILITIES AND FEES**	
<u>Clark Building</u>	\$27 application fee \$39 per hour resident fee \$84 per hour non-resident fee Staff fee billed at T-12 hourly rate \$32 per hour non-profit fee \$340 refundable security deposit \$136 refundable security deposit for non-profit
<u>Community Center</u>	\$27 application \$32 per hour rental fee \$27 per hour rental fee non-profit \$70 refundable security deposit
<u>Gym</u>	\$27 application fee \$69 per hour rental fee \$136 refundable security deposit \$32 per hour non-profit rental fee
<u>Tennis Courts</u>	\$9 per hour resident reservation \$18 per hour instructor/Pro \$11 all lighted hours (Resident) or \$22 (Instructor) \$18 annual membership fee
<u>Pickleball Courts</u>	\$9 per hour resident reservation \$18 annual membership fee
<u>Parks</u>	\$27 application fee \$27 fire permit fee \$54 rental fee (4 hour block) \$27 bouncer permit fee

Rounding criteria (effective 9/1/97): If new fee increase is \$.50 or less round down to nearest dollar; if new fee increase is \$.51 or more, round up to the nearest dollar.

**** September 2023 All Urban Consumers CPI Index is 3.2%.**

Only Fees greater than \$16 went up due to the rounding criteria.

**MASTER FEE SCHEDULE
EXHIBIT E**

COMMUNITY THEATRE RESERVATION FEES		
	Non-Profit Rate	Commercial Rate
Performance Day <i>(minimum of four hours required per day)</i>	\$59 per hour	\$118 per hour
Rehearsal Days <i>(minimum of four hours required per day)</i>	\$28 per hour	\$59 per hour
Security Deposit <i>*must be received with application to hold dates</i>	\$500	\$500
Application Fee <i>*must be received with application to hold dates</i>	\$100	\$100
Venue Host <i>The Venue Host is the liaison between the renter and Community Theatre and is required for the entire duration of the reservation</i>	Billed at T-6 Hourly Rate	Billed at T-6 Hourly Rate
Light Technician <i>(minimum of four hours required per day)</i> <i>The Light Technician is responsible for setup and operation of all theatre lighting equipment</i>	Billed at T-6 Hourly Rates	Billed at T-6 Hourly Rates
Sound Technician <i>(minimum of four hours required per day)</i> <i>The Sound Technician is responsible for setup and operation of all theatre sound equipment</i>	Billed at T-6 Hourly Rates	Billed at T-6 Hourly Rates
AV Technician <i>(minimum of four hours required per day)</i> <i>The AV Technician is responsible for setup and operation of all projector equipment and is required on site during the use of the projector, in addition to the Sound and Light Technician</i>	Billed at T-6 Hourly Rates	Billed at T-6 Hourly Rates
Theatre Marquee	\$59	\$59
Piano (Baby Grand)	\$118	\$118
Projector	\$295	\$295
Cyclorama or Backdrop	\$118	\$118

2ND STORY THEATRE RESERVATION FEES		
	Non-Profit Rate	Commercial Rate
Performance or Rehearsals	\$26 per hour	\$31 per hour
Security Deposit <i>* must be received with application to hold dates</i>	\$250	\$250
Application Fee <i>* must be received with application to hold dates</i>	\$26	\$26
Venue Host/Technician <i>(required for the entire duration of reservation)</i>	Billed at T-6 Hourly Rate	Billed at T-6 Hourly Rate
Projector and Screen	\$118	\$118

Rounding criteria (effective 9/1/97): If new fee increase is \$.50 or less round down to nearest dollar; if new fee increase is \$.51 or more, round up to the nearest dollar.

**** September 2023 All Urban Consumers CPI Index is 3.2%.**

Only Fees greater than \$16 went up due to the rounding criteria.

**CITY OF HERMOSA BEACH
REVENUE AND COST SUMMARY WORKSHEET
FY 2015-2016**

SERVICE CONDITIONAL USE PERMIT - COMM/OTHER		REFERENCE NO. S-001	
PRIMARY DEPARTMENT PLANNING	UNIT OF SERVICE APPLICATION	SERVICE RECIPIENT Developer/Resident/Business	
DESCRIPTION OF SERVICE Review of a proposed conditional use permit to establish a commercial or other use to determine conformance with City codes and standards, including evaluation of impacts on the surrounding area, city services, and the environment.			
CURRENT FEE STRUCTURE \$4,995 per application			
<u>REVENUE AND COST COMPARISON</u>			
UNIT REVENUE:	\$4,995.00	TOTAL REVENUE:	\$24,975
UNIT COST:	\$4,538.20	TOTAL COST:	\$22,691
UNIT PROFIT (SUBSIDY):	\$456.80	TOTAL PROFIT (SUBSIDY):	\$2,284
TOTAL UNITS:	5	PCT. COST RECOVERY:	110.07%
SUGGESTED FEE FOR COST RECOVERY OF: 100% \$4,540 per application			

June 12, 2016

**CITY OF HERMOSA BEACH
COST DETAIL WORKSHEET
FY 2015-2016**

SERVICE CONDITIONAL USE PERMIT - COMM/OTHER					REFERENCE NO. S-001		
NOTE Unit Costs are an Average of Total Units					TOTAL UNITS 5		
<u>DEPARTMENT</u>	<u>POSITION</u>	<u>TYPE</u>	<u>UNIT TIME</u>	<u>UNIT COST</u>	<u>ANN. UNITS</u>	<u>TOTAL COST</u>	
POLICE	POLICE LIEUTENANT		0.50	\$145.99	5	\$730	
FIRE	FIRE CAPTAIN/FIRE MARSHAL		0.50	\$93.28	5	\$466	
PLANNING	ADMIN ASSISTANT		3.00	\$322.05	5	\$1,610	
PLANNING	BLDG & PLANNING TECH		1.67	\$138.39	5	\$692	
PLANNING	COM DEV DIRECTOR		3.83	\$853.59	5	\$4,268	
PLANNING	SENIOR/ASSOC/ASST PLANNER		21.58	\$2,599.53	5	\$12,998	
BUILDING & SAFETY	BLDG & CODE ENF OFFICIAL		1.00	\$204.73	5	\$1,024	
PUBLIC WORKS ADMIN	ASSOC/ASST ENGINEER		1.00	\$180.68	5	\$903	
		TYPE SUBTOTAL	33.08	\$4,538.24		\$22,691	
TOTALS			33.08	\$4,538.20		\$22,691	

**CITY OF HERMOSA BEACH
REVENUE AND COST SUMMARY WORKSHEET
FY 2015-2016**

SERVICE AMENDMENT TO PLANNING ENTITLEMENT		REFERENCE NO. S-010	
PRIMARY DEPARTMENT PLANNING	UNIT OF SERVICE APPLICATION	SERVICE RECIPIENT Developer/Resident/Business	
DESCRIPTION OF SERVICE Review of a request to amend an approved Conditional Use Permit, Precise Development Permit, Parking Plan, or similar entitlement, for conformance with city codes and standards, including evaluation of impacts on the surrounding area and city services.			
CURRENT FEE STRUCTURE \$3,916 per application			
REVENUE AND COST COMPARISON			
UNIT REVENUE:	\$3,916.00	TOTAL REVENUE:	\$19,580
UNIT COST:	\$4,002.20	TOTAL COST:	\$20,011
UNIT PROFIT (SUBSIDY):	\$(86.20)	TOTAL PROFIT (SUBSIDY):	\$(431)
TOTAL UNITS:	5	PCT. COST RECOVERY:	97.85%
SUGGESTED FEE FOR COST RECOVERY OF: 100% \$4,000 per application			

June 12, 2016

**CITY OF HERMOSA BEACH
COST DETAIL WORKSHEET
FY 2015-2016**

SERVICE AMENDMENT TO PLANNING ENTITLEMENT					REFERENCE NO. S-010		
NOTE Unit Costs are an Average of Total Units					TOTAL UNITS 5		
<u>DEPARTMENT</u>	<u>POSITION</u>	<u>TYPE</u>	<u>UNIT TIME</u>	<u>UNIT COST</u>	<u>ANN. UNITS</u>	<u>TOTAL COST</u>	
FIRE	FIRE CAPTAIN/FIRE MARSHAL		0.75	\$139.92	5	\$700	
PLANNING	ADMIN ASSISTANT		3.00	\$322.05	5	\$1,610	
PLANNING	BLDG & PLANNING TECH		1.67	\$138.39	5	\$692	
PLANNING	COM DEV DIRECTOR		3.33	\$742.16	5	\$3,711	
PLANNING	SENIOR/ASSOC/ASST PLANNER		20.58	\$2,479.07	5	\$12,395	
PUBLIC WORKS ADMIN	ASSOC/ASST ENGINEER		1.00	\$180.68	5	\$903	
		TYPE SUBTOTAL	30.33	\$4,002.27		\$20,011	
TOTALS			30.33	\$4,002.20		\$20,011	



Staff Report

Staff Report

REPORT 24-0065

Honorable Mayor and Members of the Hermosa Beach City Council
Special Meeting of February 15, 2024

**DISCUSSION REGARDING THE REGULATION OF
BICYCLES AND ELECTRIC BICYCLES IN THE CITY**
(Continued from January 23, 2024)
(City Attorney Patrick Donegan)

Recommended Action:

Staff recommends City Council:

1. Receive and file information regarding the City's existing electric bicycle regulations, as well as additional regulations implemented by other jurisdictions; and
2. Provide direction on whether additional bicycle and electric bicycle¹ ("e-bike") regulations are desired.

Executive Summary:

As requested by City Council at its September 12, 2023 and October 10, 2023 meetings, staff presents this report regarding the City's existing electric bicycle (e-bike) regulations and possible options for further regulation of bicycles and electric bicycles. Further, enforcement options are provided and a draft ordinance (**Attachment 1**) is included to help guide the discussion only.

Background:

At its September 12, 2023 meeting, Councilmember Saemann requested, and Mayor Jackson supported, directing staff to return with an information item regarding the City's current e-bike regulations and an update on what other jurisdictions are doing to address some of the negative impacts of e-bike use in its respective jurisdiction. At its October 10, 2023 meeting, the City Council discussed the item and expressed interest in further discussing specific regulations and enforcement options to address this issue.

¹ HBMC § 10.04.010 defines electric bicycle into three different classes consistent with how the State defines them. However, for purpose of the City's area-specific regulations, the City does not differentiate between the various classes of e-bike. State law does have some regulations dealing with helmets, age restrictions, and what class of bike path each class of e-bike can be operated on.

Staff Report

REPORT 24-0065

Past Board, Commission, and Council Actions

Meeting Date	Description
September 12, 2023	Councilmember Saemann requested, and Mayor Jackson supported, directing staff to return with an information item covering existing e-bike regulations in the City and options for further regulation.
October 10, 2023	Consensus by a majority of Council members to bring back more specific regarding additional regulations on the use of bicycles and e-bikes in the City and options for enforcement and impoundment.

Discussion:

Existing City Regulation

The Hermosa Beach Municipal Code (“HBMC”) currently prohibits the use of e-bikes, while the electric-propelled power is in use, anywhere on the Strand, Pier Plaza, or beach (HBMC § 12.20.220.). Riders are permitted to ride on e-bikes on the Strand, Pier Plaza, or beach, as long as they do not utilize the electric motor or other electric propelled power. A violation of this section is an infraction. Enforcement of this type of regulation is challenging in cases where the speed of the rider makes it difficult to determine if the electric power is in use.

Section 12.28.010 (l) also limits the use of bicycles and e-bikes in City parks to only those designated roads or drives provided for such purpose. Riding a bicycle or e-bike over grass, or other areas of a City park not designated for use by bicycles, is prohibited. A violation of this section is also an infraction.

Recent Enactments by Other Jurisdictions

The City is not alone in addressing the e-bike issue in its jurisdiction. At its September 5, 2023 meeting, the City of Manhattan Beach adopted an urgency ordinance regulating e-bikes in its jurisdiction. Among other things, its ordinance:

- Prohibits riding on City sidewalks, plazas, grass areas, the Strand, parking structures owned or operated by the City, County, or State, and Veterans Parkway.
- Prohibits riding at speeds over 15 miles per hour on the Marvin Braude Bike Trail (i.e. Beach

Staff Report

REPORT 24-0065

Bike Path) and maintains the current “Walk Only Zone” on both sides of the pier.

- Requires wearing of properly strapped helmets for all riders under 18 years of age.
- Requires riders to use bike lanes where possible, and on streets without bike lanes, to ride close to the right curb or edge of roadway.
- Requires riders to ride in single file, and not more than two abreast.
- Prohibits riding on the back of a bicycle or e-bike without a seat.
- Prohibits speeding, racing, or stunt activity.
- Reaffirms requirements to yield to pedestrians at all times.
- Stipulates that violations of the ordinance will result in a first-time fine of \$500 and a misdemeanor charge. The second violation within a year will result in a \$750 fine and will increase to \$1,000 for each additional violation within a year of the first violation.

The Manhattan Beach urgency ordinance stipulates that violations of this new urgency ordinance may be prosecuted as “an infraction, misdemeanor, or administrative citation.” This is worth noting as most of the prohibited actions in the Manhattan Beach ordinance are likely prohibited in one way or the other in the City via existing Municipal Code provisions and/or the California Vehicle Code. However, reliance on the California Vehicle Code removes some measure of local control over the fine amounts and processing of the citations as violations of the Vehicle Code are processed and assessed (*i.e.*, fine amounts) by State law and the court system.

At its September 19, 2023 meeting, the City of Huntington Beach introduced on first reading an amendment to its e-bike regulations. Among other things, this ordinance allows the impounding of the e-bike if it is being ridden by a juvenile and the juvenile is cited or arrested for a violation of the City’s e-bike regulations. The e-bike is then subject to release to a responsible adult upon the payment of an impound fee. The process of readily releasing the impounded e-bike likely curtails any due process arguments regarding the seizure of property in that no other requirements are required to get the e-bike back (*e.g.*, admission of guilt for the underlying citation or arrest, completion of e-bike training, *etc.*).

Options for the City and Draft Ordinance

As e-bikes increase in popularity, other types of conveyances are now produced that do not fit neatly into the categories defined by existing State law regulating e-bikes. While not necessarily impactful to the City’s existing e-bike regulations, it indicates that the industry is one that will continue to change and evolve and is not limited in scope by existing State definitions.

The City’s existing ordinance is relatively unambiguous as it states that one cannot ride with electric power in use on the Strand, Pier Plaza, or beach. However, enforcement has proven somewhat challenging as being completely sure the electric power is in use is not always straightforward and the City’s Police Department has other enforcement responsibilities in the City.

Staff Report

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A violation of the City's e-bike regulations is limited to an infraction and the limited fine amount associated with an infraction, which is \$100 for the first violation, \$200 for the second violation of the same provision of the code within one year, and \$500 for each additional violation of the same provision of the code within one year.

Existing regulations on e-bikes are found in two different sections based on the location for which the e-bikes are in use. Section 12.20.220 (Strand/Pier Plaza regulations) and 12.28.010 (regulations on City parks). Chapter 10.12 (Traffic Rules) also contains existing rules regarding bicycles, skateboards, and other wheeled devices in the City. Although regulations within the traffic rules are not geared toward the issues the City is facing with dangerous and prolific e-bike use, it is a logical place for City-wide e-bike regulation and related dangerous riding of bicycles. Thus, the attached draft ordinance (**Attachment 1**) proposes the addition of Section 10.12.175 specifically dealing with the operation and use of bicycles and Electric Bicycles e-bikes in the following ways:

- Prohibiting the riding of bicycles, e-bikes and all other categories of wheeled devices in an unsafe manner.¹
- Requiring a properly fitted helmet for all riders under the age of 18.
- Prohibiting riding on the back without a proper seat designed for carrying passengers.
- Prohibiting the towing of other vehicles.
- Prohibiting the attaching or getting towed/pulled by another vehicle when someone is riding/on the bicycle, e-bike or other wheeled device.
- Prohibiting the parking of bicycles, e-bikes and all other categories of wheeled device outside of designated areas on Pier Plaza.
- Prohibiting the operation under the influence of alcohol or drugs.
- Yielding to pedestrians when required.
- Maintaining the prohibition on the use of e-bike motor on the Strand and only allow the riding of e-bikes in City parks in designated areas.

The draft ordinance also increases the enforcement options for City by making violations of this new section, as well as other City Municipal Code sections on e-bikes, subject to administrative citations and providing discretion to Hermosa Beach Police Department to impound any bicycle, e-bike, or other wheeled device ridden by a juvenile in violation of the City's regulation or if an adult is riding any of these in a manner that is dangerous to others. Impounded bikes would be released upon the payment of an impound fee.

¹ Defined to include, among other things, riding on a sidewalk without due caution for pedestrians; riding against flow of traffic, not yielding to other vehicles or pedestrians, intentionally swerving around stopped or slowed traffic, not obeying posted signs, and unsafe trick riding or racing.

Staff Report

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Staff recommends City Council consider the City's current regulations, options for not only additional operational regulations but also enforcement options and provide direction on the draft ordinance. If desired, City Council should direct staff to schedule a public hearing for formal consideration of an ordinance.

Fiscal Impact:

There is no fiscal impact associated with the recommended action.

Attachment:

Draft Ordinance

Respectfully Submitted by: Patrick Donegan, City Attorney

Legal Review: Patrick Donegan, City Attorney

Approved: Suja Lowenthal, City Manager

**CITY OF HERMOSA BEACH
ORDINANCE NO. ORD-24-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA ADDING SECTION 10.12.175 TO THE HERMOSA BEACH MUNICIPAL CODE REGARDING SAFETY AND OPERATIONAL REGULATIONS RELATED TO BICYCLES, AND ELECTRIC/MOTORIZED BICYCLES IN THE CITY, AMENDING SECTION 1.10.040 TO MAKE VIOLATIONS OF CERTAIN MUNICIPAL CODE REGULATIONS RELATED TO BICYCLES AND ELECTRIC/MOTORIZED BICYCLES SUBJECT TO ADMINISTRATIVE CITATIONS AND DETERMINE THE AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council held a duly noticed public hearing on [INSERT DATE] to consider a text amendment to portions of Hermosa Beach Municipal Code Title 10 and Title 1.

SECTION 2. Under Section 15061 (b) (3) of the California Environmental Quality Act (CEQA), the ordinance qualifies as a “common sense exemption” as CEQA only applies to projects which have the potential for causing a significant effect on the environment.

SECTION 3. The City Council finds the proposed code additions and amendments are consistent with the City’s General Plan.

SECTION 4. Section 10.12.175 (Operation and Use of Bicycles and Electric Bicycles) is added to Chapter 10.12 (Traffic Rules) of Title 10 (Vehicles and Traffic) of the Hermosa Beach Municipal Code to read as follows:

10.12.175 Use of bicycles, electric bicycles and other wheeled devices.

A. It is unlawful for any person to ride or operate any bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance unless such ride or operation complies with the following:

1. No person shall ride or operate a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance in an unsafe manner. Unsafe manner means a rider violating any existing Hermosa Beach Municipal Code, California Vehicle Code or other existing law. Unsafe manner can also be defined as operating in such a way as to constitute a danger to the operator, a passenger, other motorists, other riders, or pedestrians in the area. Other examples of unsafe manner include, but are not limited to:

(a) Riding on a sidewalk without due caution for pedestrians.

(b) Riding on a sidewalk, street, bicycle path or bicycle lane against the flow of traffic.

(c) Not yielding to other vehicles when required.

(d) Intentionally swerving around stopped or slowed traffic on streets, sidewalks, bicycle paths or lanes.

(e) not obeying posted signs regulating the riding or operation of the bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance.

(d) Unsafe trick riding or racing.

2. All operators and passengers under 18 years of age shall wear a helmet properly strapped while riding or operating a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance.

3. No person riding or operating a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall transport another person upon the bicycle, electric bicycle, or motorized bicycle unless such passenger is seated upon a separate, attached seat designed for such use.

4. No person riding or operating a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall tow any other vehicle.

5. No person riding or operating a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall cling or attach themselves or their bicycle, electric bicycle, or motorized bicycle to any other moving vehicle or persons in any other vehicle.

6. No person shall park any bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance outside of designated areas on Pier Plaza.

7. All persons riding or operating a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall yield to pedestrians when required.

8. It shall be unlawful for any person to operate a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance upon any street, highway, path, lane or any area of the City while under the influence of an alcoholic beverage and/or any drug.

B. Notwithstanding any other provision of this Code, nothing is intended to apply or otherwise restrict bicycles, electric bicycles, motor-driven cycles, pocket bikes or any other electric or motorized conveyances operated by any officer employed by the City while on duty, or as utilized in a safe manner by physically disabled persons as defined under the Americans with Disabilities Act (42 U.S.C. Section 12101 *et seq.*)

C. Violations. Violations of this section are subject to the following standards.

1. In addition to any other penalty authorized by law, violations of this section as well as section 12.20.220 and 12.28.010 are subject to the administrative citations and penalties provisions in Chapter 1.10.

2. If a juvenile is cited for violating this section, the City officer issuing the citation may impound the bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance to the Hermosa Beach Police Department, such that the bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall be released to a responsible adult upon payment of the impound fee established by the City Council. In the event an adult is cited for violating this section for a violation that endangers the safety of others, the City officer issuing the citation may impound the bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance to the Hermosa Beach Police Department, such that the bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall be released upon payment of the impound fee established by the City Council.

SECTION 5. Section 1.10.040 (Code violations subject to administrative penalty procedures) of Chapter 1.10 (Administrative Citations and Penalties) of Title 1 (General Provision) is amended to add the following code section to the list of violations subject to the administrative penalty procedures and other provisions of Chapter 1.10:

Section 10.12.175, Use of bicycles, electric bicycles and other wheeled devices.

Section 12.20.220, Motorized and electric wheeled devices.

Section 12.28.010, Park regulations generally.

SECTION 6. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

SECTION 7. Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 8. Certification. The City Clerk is directed to certify the passage and adoption of this ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this 15th Day of February, 2024.

Mayor Justin Massey
PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney

City Council Hybrid Meeting (Closed Session at 5:00 p.m. and Open Session at 6:00 p.m.)

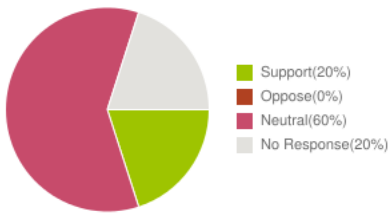
01-23-24 17:00

Agenda Name	Comments	Support	Oppose	Neutral
h) REPORT 24-0043 DISCUSSION REGARDING THE REGULATION OF BICYCLES AND ELECTRIC BICYCLES IN THE CITY (City Attorney Patrick Donegan)	5	1	0	3

Sentiments for All Agenda Items

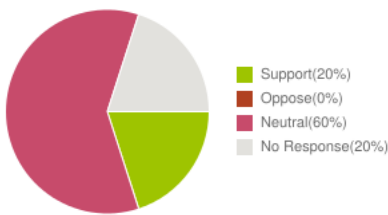
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for h) REPORT 24-0043 DISCUSSION REGARDING THE REGULATION OF BICYCLES AND ELECTRIC BICYCLES IN THE CITY (City Attorney Patrick Donegan)

Overall Sentiment



Raymond Dussault

Location: 90254, HERMOSA BEACH

Submitted At: 11:46am 01-23-24

I hope this message finds you well. I am writing to bring attention to a concerning issue that has been on the minds of many residents – the inadequate enforcement of current e-bike regulations and the noticeable absence of late-night police presence on Pier Plaza.

Recently, there has been a growing chorus of concerns regarding the lack of effective enforcement for existing e-bike regulations, a matter that not only compromises the safety of residents but also underscores the need for improved resource allocation. Residents are consistently told that there are insufficient resources to address these challenges adequately.

One incident, in particular, brought this issue sharply into focus. As I left Hennessey's around midnight, a group of e-bike riders speeding down the Strand and onto Pier Plaza at dangerous speeds nearly collided with patrons. What was more disconcerting was the presence of two HBPD vehicles, seemingly oblivious to the reckless riders, parked nose-to-tail at the turn-around by Beach House on 14th St., engaged in a casual conversation.

This raises several questions – why were these officers not responsive to the out-of-control e-bike riders, and is the turnaround by Beach House on 14th Street deemed a high-crime area warranting such vigilant attention? It doesn't appear to be.

While we advocate for improved e-bike regulations to ensure the safety of our community, it is equally crucial to address resource allocation that aligns with the needs and desires of residents.

I implore the City Council to consider a comprehensive approach that includes both strengthening e-bike regulations and ensuring that our law enforcement resources are strategically deployed to safeguard the well-being of residents. By doing so, we can foster a community that prioritizes safety, responsible resource allocation, and effective governance.

Thank you for your time and attention to this matter. I trust that the City Council will take the necessary steps to address these concerns and enhance the overall safety and well-being of our beautiful Hermosa Beach.

Robert Aronoff

Location: 90254, Hermosa Beach

Submitted At: 4:48pm 01-22-24

Electric bikes on The Strand are dangerous, a nuisance, noisy and unnecessary. In the past few years, The Strand has been transformed from a quiet recreational path into a freeway. The Strand was never intended to be a highway. There is no reason that electric bikes need to be on The Strand. They are not part of our community commitment to exercise and fitness. A regular bike is for exercise and fitness. An electric bike on The Strand is for someone too lazy to pedal or looking to speed.

I live on The Strand and can hear in my house electric bikes buzzing by at all hours. I often see 2 or 3 children on a bike without helmets, speeding and doing tricks. A serious accident is inevitable. More than once while walking on The Strand I have been bumped by electric bikes.

There are two existing laws that should not be changed. They need to be enforced:

- (1) The 8mph speed limit, and
- (2) the prohibition against riders utilizing the electric motor or other electric propelled power while on The Strand.

The argument that is difficult to tell whether a rider is using electric power or not is simply BS and an excuse by the Chief of Police not willing to enforce the law.

Proposed Section 10.12.175 is good. But will it get any enforcement action? No, not until the Counsel gets a Police Chief who can see who is peddling a bike, and who is not. We need a Police Chief who is concerned with public safety and is willing to enforce the law.

The proposed ordinance does not address safety education, and it should. You have to be 15½ and pass a test to ride a motorcycle. Why shouldn't an e-bike rider be of a minimum age and have some safety training?

Finally, barriers at the walk-zone by the pier do nothing to slow the e-bike riders. The barriers just cause a hazard as oncoming traffic is forced to face each other while the bikes try to weave through a more narrow path. Get rid of the barriers, put up some signs and enforce the law.

David Grethen

Location:

Submitted At: 2:28pm 01-22-24

Based on Staff report review, it appears that the following two provisions of the recently revised Manhattan Beach code are NOT included in the Hermosa Beach recommendation.

1. Requires riders to use bike lanes where possible, and on streets without bike lanes, to ride close to the right curb or edge of roadway.
2. Requires riders to ride in single file, and not more than two abreast.

Please consider the desirability and appropriateness of these for Hermosa Beach as well (with enforceability in mind as always and considering implementation on streets with sharrows versus without sharrows).

David Grethen

Public Works Commission (public right-of-way usage issue)

Vincent Busam

Location: 90254, Hermosa Beach

Submitted At: 7:07am 01-22-24

Bikes and E-Bikes are a very important part of our city's transportation infrastructure. The recent E-Bike boom has benefitted the city greatly. It's an easier way for many residents to get around town. It greatly lowers the impact of travel on our shared roads and parking space. It reduces congestion. Even with valid safety concerns, they are a big safety improvement over having more cars on the road, especially more cars operated by younger citizens who make up a large percentage of e-bike users. I want to live in a city that prioritizes biking, walking, ride-share and other more efficient ways of travel. So the most important thing to consider in this discussion is to make sure we do not discourage biking at all.

Most of the laws in this proposal are already on the books, is a new ordinance really needed?

Specific to Pier Plaza - ticketing for illegal parking should only happen if there are sufficient legal places to park bikes. If the existing spots are full of bikes, the city should add more before citing - there is plenty of space to do this.

Additionally, Manhattan Beach added a couple laws which are very dangerous, and we should not follow in Hermosa. Specifically, the rules prohibiting riding two-abreast, and as close to the right hand curb as possible. These laws end up encouraging drivers to more dangerously pass bike riders, increasing the likelihood of collisions. The primary purpose here is to let motorists drive faster around our streets. Travel on our streets (other than PCH) in Hermosa should be slower, and e-bikes are generally operating at a good speed for our streets.

Michele Hampton

Location:

Submitted At: 3:13pm 01-21-24

I am all in for more safety laws for those that ride e-bikes here in Hermosa Beach. As noted in the Legislation Text for this agenda item that the challenge is still law enforcement for this. We just need more police here in Hermosa. But on that note, I think it would be beneficial for the City Council to not just "If desired" by the City Council as stated in this Legislation Text ("If desired, City Council should direct staff to schedule a public hearing for formal consideration of an ordinance.") You SHOULD have a public hearing on this matter.



Staff Report

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REPORT 24-0066

Honorable Mayor and Members of the Hermosa Beach City Council
Special Meeting of February 15, 2024

**CONSIDERATION OF A RESOLUTION AMENDING THE
RULES OF CONDUCT OF CITY COUNCIL MEETINGS AND
SUBSIDIARY CITY BOARDS AND COMMISSIONS**

(Continued from January 23, 2024)

(City Attorney Patrick Donegan)

Recommended Action:

Staff recommends City Council adopt a resolution amending the rules of conduct at City Council meetings and making these rules, where feasible, applicable to all subsidiary Boards and Commissions in the City (**Attachment 1**).

Executive Summary:

Since returning to in-person meetings after the COVID-19 pandemic, City Council maintained a modified meeting format allowing remote participation by the public. The use and efficacy of this feature was continually monitored and, along with other format and operational issues pertaining to City Council meetings, was discussed in depth by City Council at its December 12, 2023 meeting. The proposed resolution reflects the direction provided by City Council regarding the format and operations of City Council meetings and directs subsidiary bodies to adhere to these same rules, where feasible.

Background:

Consistent with the social distancing mandates and other applicable health orders related to the COVID-19 pandemic, the City Council (and other City Boards and Commissions) conducted its meetings solely via Zoom. Emerging from the pandemic, the City Council first instituted hybrid meetings where Council Members could attend either in-person, in City Hall Council Chambers, or remotely. The public was also provided the option to attend in-person or attend and participate via the remote option.

City Council currently meets in-person, subject to the Brown Act's remote attendance rules when applicable, but still allows members of the public to view and participate (*i.e.*, provide public comments during the various portions of the meeting when called upon) remotely. However, no

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formal action or policy was adopted by either the City Council or any City Board or Commission related to the use and implementation of remote participation by the public.

At its September 26, 2023 meeting, the City Council was the target of a coordinated attack where multiple members of the public flooded the City's Zoom meeting requesting to comment. These commenters proceeded to make hateful, bigoted, anti-semitic and sexist remarks intended to disrupt the meeting. These comments were not related to City business in any way and instead were vile attempts to stoke a reaction from City officials and disrupt the City Council's public meeting. Unfortunately, Hermosa Beach was not alone in that other jurisdictions still allowing remote participation by the public were also victims of these coordinated "Zoom bombs" where similar racist, anti-semitic, bigoted and sexist comments were made in an attempt to disrupt the meeting.

Since that September 26, 2023 City Council meeting, the Zoom live comment participation function has not been provided at City Board and Commission meetings, but residents and members of the public can still view the meetings via Zoom as well as other technology based platforms listed on the agenda. Remote participation was suspended for a variety of reasons including the lack of City staff required to monitor and handle such a coordinated attack, should it occur at a Board or Commission meeting. The public was still able to submit written comments to these bodies, as well as attend in-person at the meetings.

In the absence of any action by the City Council, the City's Boards and Commissions were advised that each respective meeting body could set its own policy regarding remote participation subject to the availability of staff and City resources. As the City's ultimate decision-maker, the City Council has the discretion to set rules for all of its subsidiary bodies. Absent direction or action by the City Council, these bodies would be afforded the discretion to make their own policies subject to staffing and operational limitations.

At the November 14, 2023 City Council meeting, Councilmembers Jackson and Detoy and Mayor Massey expressed their support for an agenda item where public participation via remote platform could be discussed. Council further directed staff to include other possible changes to the format and timelines for certain items at City Council meetings for discussion. These additional discussion items include, but are not limited to, options to ensure that items on the agenda are heard in a timely manner and are not delayed into the late evening by lengthy periods of public comment.

At its December 12, 2023 meeting, City Council discussed the details of this report in-depth and directed City staff to return with a resolution effectuating the changes to the format and operations of the City Council meetings and when feasible, make the format and operations of subsidiary bodies the same to ensure consistency citywide.

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Past Council Actions

Meeting Date	Description
November 14, 2023	Request by Councilmembers Jackson and Deto and Mayor Massey to place this item on a future agenda
December 12, 2023	City Council discussion and direction to City staff to make changes to the format and operations of City Council meetings and when feasible, make these same changes to subsidiary City bodies

Discussion:***Remote Participation***

With the City Council (and City Boards and Commissions) meeting in person in City Council chambers, the Brown Act does not legally mandate that the public be allowed to participate remotely. Only if a member of the City Council is attending the meeting under the remote participation rules under AB 2449 does the Brown Act require that the public also be allowed to attend and participate remotely. AB 2449, among other things, allows remote participation for “just cause” or “emergency circumstances” without identifying and making this remote location accessible to the public. The “old” Brown Act teleconferencing rules that require notice on the alternative location on the agenda and access to the public similarly does not require that the City allow remote participation by the public - unless they are physically present at the alternative location. However, nothing in the Brown Act would prevent the City Council from allowing remote public participation.

Remote participation allows members of the public the opportunity to view or listen in to City meetings and participate when an item of interest is called. City staff expected increased public participation from members of the public that typically would not participate. Staff has not seen the expected increase in public participation.

The technical responsibilities of hosting and running the remote platform requires a dedicated staff member to monitor and run the remote platform meeting while ensuring that the bandwidth required for the remote platform does not contribute to other technical issues. Finally, when a meeting is noticed that guarantees a public comment option, members of the public shall be allowed to attend and participate remotely. Should the City’s ability to host and run the remote platform meeting be compromised, the meeting cannot continue.

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Despite the technical challenges associated with managing remote participation, it continues to allow members of the public who cannot attend in person the ability to comment in real time when the item is heard. While written comments are available to members of the public, remote public participation allows for a commenter to listen to the staff report and any questions the City Council may posit in real-time to better inform their comments . However, staff does not expect that public participation will generate a diverse group of the public to participate remotely with the continuation of a remote public participation.

City staff surveyed other jurisdictions and the City would not be alone in limiting public participation to in person only. The results of the survey are attached as **Attachment 2**. As noted above, the City Council should also consider remote participation rules/policies for its subsidiary Boards and Commissions.

Format and Structure of Meetings

The City Council has the discretion to set the structure and format of its meetings, provided they adhere to local and State law. Currently, City Council meetings solicit general public comment which are within the Council's jurisdiction, but not listed on the agenda as an action item. There is currently no time limit for general public comment which can result in numerous public commenters speaking on one or more items not listed on the agenda for an extended period of time. Lengthy general public comment periods in addition to Proclamations/Presentations, City Councilmember Comments, and/or Consent Calendar Items that get pulled for separate discussion can result in the Council's legal Public Hearings heard late into the meeting, causing other items listed on the agenda to be heard later into the evening. Members of the public have expressed their frustration that the items listed on the agenda are not heard until hours after the meeting start time.

Staff reviewed how other jurisdictions have balanced the allowance of general public comment while still efficiently getting to the City's business items on the agenda at a reasonable hour so that those who are in attendance are not forced to wait until unreasonably late hours to participate in an item.

Ultimately, City Council directed staff to bifurcate the general public comment opportunity by limiting the first general public comment opportunity to two minutes per speaker, not to exceed 30 minutes. A second public comment opportunity would open at the latter part of the meeting to give any an additional opportunity to members of the public wishing to address the Council on a matter not listed on the agenda, but within the Council's jurisdiction. City Council directed staff to modify the agenda so that general public comment be provided in person only. However, action items would have a remote public participation option and both in person and remote public comments for items on the agenda are limited to three minutes per speaker instead of two minutes.

The modifications to the City Council agenda format are implemented for the January 23, 2024

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meeting. Any subsequent Board and Commission agendas scheduled after the direction provided by City Council at their December 12, 2023 meeting have also been modified to implement the changes. City Council may wish to consider additional modifications to the format and structure of its meeting agendas or its Boards and Commissions.

City Council Direction and Resolution

At its December 12, 2023 meeting the City Council discussed the format and operations of City Council meeting and directed staff to bring back a resolution effectuating the following changes:

- (i) remote participation (Zoom), unless otherwise required by law, will only be allowed for items on the agenda not during the general public comment period and only as a courtesy;
- (ii) the first general public comment period will be limited to thirty (30) minutes and if necessary, a second general public comment period will appear at the end of the agenda for any remaining public comments;
- (iii) general public comments will be limited to two (2) minutes per speaker;
- (iv) general written comments will no longer be included as a separate item on the agenda (*i.e.*, no more Written Comment Report);
- (v) removal of the procedure involving the City Clerk distributing photos of video to the City Council at the request of members of the public (member of the public can still send those items directly to City officials if they desire);
- (vi) subsidiary bodies, when feasible, will adhere to the same rules and procedures to maintain consistency throughout City bodies.

Other changes to the resolution include removing redundant language that repeats state law that the City Council (and other City Brown Act bodies) must already adhere to. This was done to ensure that a situation does not arise where State law is amended and conflicts with the City's adopted resolution. A copy of the exiting City Council Resolution (Resolution No. 15-6988) is attached as **Attachment 3** and a redline of this resolution is attached as **Attachment 4**.

Finally, at the request of the City Attorney's office, the City Council should consider the efficacy of Robert's Rules of Order and if a switch to Rosenberg's Rules of Order (**Attachment 5**) is appropriate. Currently, City meetings are governed by Robert's Rules of Order. These rules are made up of hundreds of pages of technical and nuanced rules that are more geared toward large legislative bodies such as Congress. Rosenberg's Rules of Order is a simplified set of parliamentary rules widely used by other jurisdictions in California in lieu of Robert's Rules because other jurisdictions have found them practical, logical, simple, easy to learn and user friendly. While there are differences in that Robert's Rules contemplates way more scenarios (many of which are inapplicable to a five-member body like the City Council), Rosenberg's Rules are derived from Robert's Rules in that the City's meetings would more or less run the same under the chair (*i.e.*, Mayor) with the typical procedure of a motion to take action as well as a super majority required for items like a motion to

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end debate.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

Governance Element

Goal 1. A high degree of transparency and integrity in the decision-making process.

Policies:

- **1.1 Open Meetings.** Maintain the community's trust by holding meetings in which decisions are being made, that are open and available for all community members to attend, participate, or view remotely.
- **1.4 Consensus oriented.** Strive to utilize a consensus-oriented decision-making process.

Goal 2 The community is active and engaged in decision-making processes.

Policy:

- **2.3 Public participation guidelines.** Establish parameters and guidelines to ensure public participation is promoted through diverse methods.

Fiscal Impact:

There is no fiscal impact associated with the recommended action.

Attachments:

1. Draft Resolution
2. Allowance of Remote Participation Survey
3. Resolution No. 15-6988
4. Redline of Resolution No. 15-6988
5. Rosenberg's Rules of Order

Respectfully Submitted by: Patrick Donegan, City Attorney

Concur: Myra Maravilla, City Clerk

Noted for Fiscal Schedule: Viki Copeland, Finance Director

Legal Review: Patrick Donegan, City Attorney

Approved: Suja Lowenthal, City Manager

**CITY OF HERMOSA BEACH
RESOLUTION NO. RES-24-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, ESTABLISHING RULES FOR THE CONDUCT OF CITY COUNCIL
MEETINGS AND SUBSIDIARY BOARDS AND COMMISSIONS**

WHEREAS, all City Council meeting agenda types are posted and noticed in accordance with local and State law; and

WHEREAS, established meeting procedures follow the Brown Act in accordance with Government Code Section 54950 *et seq.*; and

WHEREAS, this Resolution establishes the procedures for the conduct of all meetings of the City Council and its subsidiary Boards and Commissions and establishes procedures that will be convenient for the public and contribute to the orderly conduct of the City's business; and

WHEREAS, the procedures herein are in addition to, and not in place of, applicable ordinances and statutes, and in the event of conflict between this Resolution and applicable ordinances or statutes, the latter shall govern.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

The following rules of order and decorum for the conduct of City Council meetings are hereby adopted.

SECTION 1. SCOPE.

1.1 Resolution No. 15-6988 is hereby rescinded and the rules of order and decorum for City Council meetings and other City Boards and Commissions are hereby adopted.

SECTION 2. MEETINGS.

2.1 Regular Meetings. Pursuant to the authority set forth in Municipal Code section 2.04.010, the City Council shall conduct its meetings pursuant to the dates and times fixed by Resolution and approved by the City Council each December for the following year. Regular meetings shall be conducted in the location set forth in Municipal Code section 2.04.020. Closed Sessions shall be conducted in the location identified on the agenda.

2.2 Other Meetings. All other meeting types shall be called and noticed according to applicable local and State law.

2.3 Quorum. Three members of the City Council shall constitute a quorum and shall be sufficient to transact business. If fewer than three Councilmembers appear at a Regular meeting, any member, or if all members are absent, the City Clerk, shall adjourn the meeting to a stated day and hour.

2.4 Recording of Meetings. All open and public meetings of the City Council shall be cablecast and webcast live or videorecorded for airing on the City's government channel and viewing on the City's website. In the event that technical difficulties prevent the cablecasting, webcasting and/or recording of a meeting, the City Attorney, in consultation with the City Manager and City Council, may determine whether or not to proceed with the meeting pursuant to State law.

SECTION 3. POSTING NOTICE AND AGENDA.

3.1 Location of Posting. The City Clerk shall designate the location between City Hall and the Police Department as the City's official physical posting location, which is a place the public has unrestricted access and where postings are not likely to be removed or obscured by other posted material. The City's website shall serve as the digital posting location.

SECTION 4. WRITTEN COMMENTS.

4.1 Description of Written Comments by the Public. Written comments shall include emails, e-comments, or letters addressed to the City Council. The subject of each written comment should refer to an item listed on the agenda for a specific City Council meeting. All written comments should be addressed to the City Council and submitted to the City Clerk.

4.2 Timeline for Submitting Written Comments. All written comments should be submitted to the City Clerk by the deadline set forth on the meeting agenda. Instructions for submitting a written comment shall be included in the agenda, delivered to the City Council, and made public before the meeting.

SECTION 5. ORDER OF BUSINESS.

5.1 The order of business at meetings of the City Council shall be as follows, in accordance with the procedures specified below:

1. CALL TO ORDER

The Presiding Officer shall call the meeting to order.

2. PLEDGE OF ALLEGIANCE

The Presiding Officer shall designate a person to lead the Pledge of Allegiance.

3. ROLL CALL

The City Clerk shall call the roll of the City Council beginning with Councilmembers, the Mayor Pro Tempore called fourth and the Mayor called last. Members present and absent shall be entered into the minutes.

4. CLOSED SESSION REPORT

The Mayor or the City Attorney shall announce the basis for the Closed Session and those actions taken as are required to be reported by the Brown Act.

5. ANNOUNCEMENTS

Councilmembers may make any announcements at this time.

6. APPROVAL OF AGENDA

The City Council may change the order in which it takes up items on the agenda, remove and/or continue agenda items.

7. PROCLAMATIONS/PRESENTATIONS

This time is reserved for the reading and awarding of proclamations and commendations for members of the community, service organizations and others that have merited recognition by the Council. In addition, visiting dignitaries may be introduced at this time.

8. CITY MANAGER REPORT

The City Manager and staff may provide brief progress reports on City business.

9. PUBLIC COMMENT

Oral comments from members of the public are accepted here as set forth in Section 6, herein. All comments from members of the public relative to Consent Calendar items must be heard at this time unless a Councilmember agrees to remove a Consent Calendar item at the request of a member of the public made at this time.

10. CITY COUNCILMEMBER COMMENTS

Councilmembers may briefly respond to public comments, ask a question for clarification or make brief announcements or report on activities or meetings attended.

11. CONSENT CALENDAR

The City Council may approve items of a routine nature in a single motion by adopting the Consent Calendar. Before approval of the Consent Calendar, the City Council may pull an item(s) for separate discussion.

12. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION

Items removed from the Consent Calendar for separate discussion shall be heard at this time.

13. PUBLIC HEARINGS

The Council shall conduct all public hearings as set forth in Section 7.

14. MUNICIPAL MATTERS

The Council shall take up all matters of new and old business.

15. FUTURE AGENDA ITEMS

Two Councilmembers may direct staff to bring back an informational item and a majority of the Council may direct staff to bring back an action item. No discussion, action or public comments shall be taken at this time.

16. PUBLIC COMMENT

This time is set aside for the public to address the Council on any item of interest within the subject matter jurisdiction of the Council that could not be heard under Item 9 during the first public participation item because there were too many prior public speakers and the thirty minute maximum time limit was exhausted.

17. ADJOURNMENT

SECTION 6. PUBLIC COMMENT.

6.1 General Public Comment. During the first general Public Comment section of the agenda, any member of the public may address the City Council on items appearing on the Consent Calendar. Comments concerning other items on the agenda will be heard at the time the item is considered during the course of the meeting; however, they may be offered at this time if the member of the public cannot be in attendance later in the evening. At this time, members of the public may also comment upon any other items of interest that are within the subject matter jurisdiction of the City Council. Any Councilmember may request that matters addressed under

Public Comment be placed for information or action on a subsequent agenda under FUTURE AGENDA ITEMS; however, no action shall be taken on items not appropriately placed on the agenda except upon a majority determination that an "emergency situation" exists as defined by State law.

The public comment period during the general Public Comment shall be limited to no more than two (2) minutes for each speaker, unless the Presiding Officer determines that good cause exists to extend the time and doing so will not be arbitrary or unfair.

Further, this first Public Comment section shall be limited to a total of thirty (30) minutes. The Presiding Officer also may allow additional time for the spokesperson of a group if doing so will limit the number of persons speaking and avoid repetitious presentations. Unless required by law, public comment will only be taken by those physically in City Council Chambers. Those viewing the meeting via remote public participation options or listening in telephonically will not be allowed to make general public comments.

Pictures and pre-recorded videos will not be digitally displayed in the Council Chambers during the meeting. However, members of the public can send such items to the City Clerk for distribution to the City Council by the deadline listed on the agenda for the City Council meeting. Members of the public wishing to distribute materials to the City Council after the deadline set forth on the agenda may do so in person by providing sufficient copies for all Councilmembers, the City Manager, the City Attorney, and the City Clerk.

6.2 Public Comment for Agenda Items. Any member of the public may address the City Council on agenda items appearing on the City Council agenda. After the staff presentation and any clarifying factual/technical questions by the City Council, the Presiding Officer shall then solicit public comment. Each speaker under this public comment period shall be limited to no more than three (3) minutes for each speaker, unless the Presiding Officer determines that good cause exists to extend the time and doing so will not be arbitrary or unfair. The Presiding Officer may allow additional time for the spokesperson of a group if doing so will limit the number of persons speaking and avoid repetitious presentations. Public comment will be taken first by those physically in City Council Chambers during the time the item is called. Public comment will then be opened up to those viewing the meeting via remote public participation options or listening in telephonically and will similarly be limited to three (3) minutes. Unless mandated by law, this remote participation is done as a courtesy only and is not guaranteed. The City reserves the right to terminate this medium at any time and for any reason.

6.3 Procedure. Upon addressing the City Council, each speaker may choose to state his or her name and city of residence and then identify the subject or subjects

upon which he or she intends to speak. Speakers shall address their comments or questions to the City Council as a whole, and not to any particular Council or staff member or to the audience.

SECTION 7. PUBLIC HEARINGS.

Matters which are required to be heard in a noticed public hearing shall be conducted in the following manner:

7.1 Time for Consideration. Matters noticed as public hearings shall commence no earlier than the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

7.2 Continuance of Hearings. Any public hearing being held or noticed or ordered to be held by the City Council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.

7.3 Conduct of Hearings. When a matter for public hearing comes before the City Council, the Presiding Officer shall open the public hearing and follow the process as legally required.

7.4 Written Evidence. All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence of any kind. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record.

7.5 Definition of "Ex Parte" Communication. "Ex parte communication" shall mean any oral or written communication between a member of the Council and any person, which meets all of the following requirements: (i) it is directed toward the merit or outcome of a quasi-judicial matter within the Council's jurisdiction; (ii) an application, recommendation or appeal on the matter has been submitted to the Council; (iii) the communication imparts substantive factual information which constitutes the basis of or otherwise influences the Councilmember's deliberation or decision on the matter; (iv) the information is not included in the staff report or other written materials contained in the agenda of the meeting at which the matter is to be heard or otherwise on the official record of the proceeding on the matter; and (v) the communication does not occur in a public meeting as defined in the Ralph M. Brown Act (California Government Code Section 54950, *et seq.*).

SECTION 8. PROCEDURES FOR THE CONDUCT OF MEETINGS.

8.1 Robert's Rules. Unless otherwise specified in this Resolution or by other ordinance or resolution, meetings of the City Council will be conducted to the extent practicable in accordance with the most recently revised edition of Robert's Rules of Order. In the event of any conflict between Robert's Rules and this Resolution, the

Municipal Code or of State law, the latter three sources of authority shall govern.

8.2 Motions. The Mayor or any member of the Council may bring a properly agendized matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Councilmember properly recognized by the Presiding Officer. Debate shall be closed upon consent (implicit or explicit) of a majority of the City Council. Once the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed, unless the Council overrules the Presiding Officer by a majority vote. A motion that results in a tie vote does not pass.

8.3 Voting. Every Councilmember should vote unless disqualified by reason of a financial or common law conflict of interest. A Councilmember may change his or her vote prior to the time that the Presiding Officer or City Clerk announces the outcome of the vote on the motion, and not after.

SECTION 9. DECORUM.

9.1 Rules for City Councilmembers. Members of the City Council shall conduct themselves in an orderly and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the City Council is maintained at all times. Members of the Council shall maintain a polite, respectful and courteous manner when addressing one another, City staff and members of the public during meetings.

- a. Role of the Presiding Officer. The Presiding Officer of the City Council, who shall be the Mayor, or in the Mayor's absence the Mayor Pro Tempore, or in their absence any other member designated by the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed. The Presiding Officer shall maintain control of communication between Councilmembers and between the Council, staff and the public.
- b. Communication with Councilmembers.
 - 1) Councilmembers should request the floor of the Presiding Officer before speaking.
 - 2) A Councilmember who is speaking shall attempt to avoid repetition and shall endeavor to limit his or her comments to the subject matter at hand. Councilmembers should endeavor to express their views without engaging in lengthy debates.

- 3) When one Councilmember is speaking, other Councilmembers shall not interrupt or otherwise disturb the speaker.

9.2 Communication with Members of the Public Addressing the Council.

- a. Councilmembers may, after requesting the floor of the Presiding Officer, question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.
- b. Councilmembers shall not engage the person addressing the Council in a dialogue with the City Council or City staff but shall confine communication to a question-and-answer format.
- c. If a member of the audience has addressed the Council on matters which are not on the agenda, Councilmembers shall refrain from extended discussions of the matter. If a Councilmember so wishes, the Councilmember may, during the Future Agenda Items portion of the meeting, direct the City Manager to place the matter on the next agenda.

9.3 Rules for City Staff.

- a. Decorum. City staff shall not engage in public dialogue or debate with members of the public during public meetings. When addressed by the Council, staff shall respond in a polite and respectful manner,
- b. Role of the City Manager. The City Manager's duties during City Council meetings include keeping a record of concerns raised by the Council regarding staff matters and directions for future staff action.

9.4 Rules for the Public.

- a. Members of the Audience. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting unfeasible. A member of the audience repeatedly or continuously engaging in any such conduct shall, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.
- b. Persons Addressing the City Council.
 - 1) Any person wishing to speak shall approach the speaker podium when called upon by the Presiding Officer.
 - 2) No person shall address the City Council without first being recognized

by the Presiding Officer.

- 3) Each person addressing the City Council shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.
- 4) Persons addressing the City Council shall adhere to the time limit established for public comment and conclude their comments when requested to do so by the Presiding Officer.

9.5 Enforcement.

- a. Upon a violation of the rules of order and decorum established in Section 9.4 of this resolution, the procedure to enforce the rules is as follows:
 - 1) Warning. The Presiding Officer shall request that a person who is violating the rules of decorum cease such conduct. If after receiving a warning from the Presiding Officer, the person persists in the violation, the Presiding Officer shall order the person to leave the City Council meeting. If the person does not leave the meeting, the Presiding Officer may order any law enforcement officer who is on duty at the City Council meeting as sergeant-at-arms to remove the person from the City Council chambers.
 - 2) Removal. Any law enforcement officer who is serving as sergeant-at-arms at the City Council meeting shall carry out the orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the Presiding Officer, it shall be the duty of the sergeant-at-arms to remove from the City Council meeting any person who is disturbing the proceedings of the City Council.
 - 3) Resisting Removal. Any person who resists removal by the sergeant-at-arms may be charged with any applicable ordinance or law.
 - 4) Motion to Enforce. If the Presiding Officer of the City Council fails to enforce the rules of order and decorum set forth above, any member of the City Council may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the City Council, the majority may designate another

member of the City Council to act as Presiding Officer for the purpose of enforcing the rules of order and decorum established above.

- 5) Clearing the Room. If a meeting of the City Council is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the Presiding Officer or a majority of the City Council may exercise the authority granted in the California Government Code Section 54957.9 by ordering the meeting room cleared and continuing in session in the manner authorized by Section 54957.9 of the Government Code. Members of the press shall be permitted to remain unless they have participated in the disruption.

SECTION 10. To the extent feasible (i.e., technical and staffing limitations, nature of the agenda and business before the body, need, etc.) all subsidiary boards and commissions in the City shall adhere to these rules of order and decorum for their respective meetings.

SECTION 11. The City Clerk shall certify to the passage and adoption of this Resolution, shall enter the same in the book of original Resolutions of said city; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this 15th Day of February, 2024.

Mayor Justin Massey
PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney

MEMO



Date: December 11, 2023
To: Honorable Mayor and Members of the City Council
From: Myra Maravilla, City Clerk
Re: 12/12/23 Agenda, Item 14e – SUPPLEMENTAL INFORMATION FOR DISCUSSIONS AND DIRECTION TO CITY STAFF REGARDING REMOTE PARTICIPATION AT CITY MEETINGS AS WELL AS OTHER FORMAT AND OPERATIONAL CONCERNS RELATED TO CITY COUNCIL MEETINGS

The purpose of this memo is to provide an updated attachment “Allowance of Remote Participation Survey” containing additional information and clarification regarding the use of remote (Zoom) participation.

To ensure uniform interpretation, cities and towns indicating discontinued use of remote (Zoom) participation since the end of the COVID-19 emergency were further analyzed. An additional analysis was conducted to determine whether those cities continue to offer the platform as an additional viewing/streaming option for members of the public. Staff manually reviewed each city’s agenda to identify whether it offered remote participation (i.e. receiving comments) or remote streaming and viewing only.

Additionally, staff manually verified survey results for accuracy and several cities were moved under the correct highlighted response for one or more questions. Some of the cities updated by staff include San Bernardino, Hesperia, San Rafael, and Laguna Beach.

In addition to minor updates within the survey, the attachment includes the additional analysis on page 8 of the attachment.

Zoom Public Participation Survey

Conducted by the Office of the City Clerk

Introduction:

The City Clerk's office created a five-question survey to gage the use of Zoom as a public participation tool amongst California cities. The survey was sent to the South Bay City Clerks directly and separately sent to the Cal Cities City Clerk Listserv, a monitored email distribution, which includes member cities. The Cal Cities Listserv does not include non-member cities. We received 73 responses from unique cities, towns, and special districts as of December 6, 2023, the date on which this report was written. However, the survey will remain open until December 12, 2023 at noon. Supplemental entries received after the date this report is written will be added to the agenda as a supplemental item.

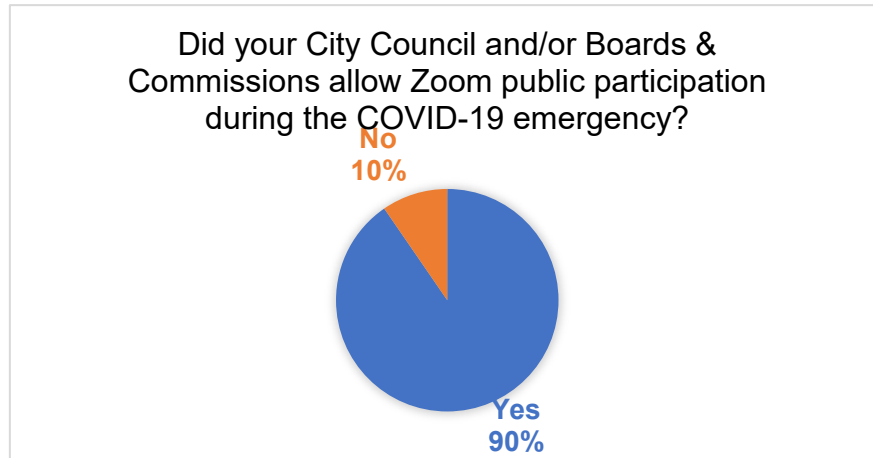
Survey Start Date: November 27, 2023 at 2:30 p.m.

Survey End Date: December 12, 2023 at 12:00 p.m.

The list of respondents is found below. South Bay Cities are bolded.

- | | | |
|-------------------------------------|------------------------------------|--------------------------------|
| 1. Bakersfield | 25. Hesperia | 49. Plymouth |
| 2. Berkeley | 26. Inland Empire Utilities Agency | 50. Port Hueneme |
| 3. Brentwood | 27. Irwindale | 51. Rancho Palos Verdes |
| 4. Buena Park | 28. Kingsburg | 52. Red Bluff |
| 5. Carson | 29. Laguna Beach | 53. Redondo Beach |
| 6. Citrus Heights | 30. Laguna Hills | 54. Rolling Hills |
| 7. Coachella | 31. Lake Elsinore | 55. Salinas |
| 8. Coronado | 32. Lakeport | 56. San Anselmo |
| 9. Costa Mesa | 33. Lawndale | 57. San Bernardino |
| 10. Cotati | 34. Lemon Grove | 58. San Bruno |
| 11. Danville | 35. Live Oak | 59. San Dimas |
| 12. Desert Water Agency | 36. Loomis | 60. San Fernando |
| 13. East Bay Regional Park District | 37. Los Angeles | 61. San Jose |
| 14. El Centro | 38. Manhattan Beach | 62. San Luis Obispo |
| 15. El Segundo | 39. Monterey | 63. San Rafael |
| 16. Emeryville | 40. Morgan Hill | 64. Santa Cruz |
| 17. Fairfax | 41. Mt. Shasta | 65. Saratoga |
| 18. Farmersville | 42. Napa | 66. Scotts Valley |
| 19. Firebaugh | 43. Newark | 67. Sebastopol |
| 20. Fremont | 44. Norwalk | 68. Sonoma |
| 21. Fresno | 45. Oceanside | 69. St. Helena |
| 22. Fullerton | 46. Patterson | 70. Sunnyvale |
| 23. Gardena | 47. Perris | 71. Thousand Oaks |
| 24. Glendora | 48. Petaluma | 72. Tulare |
| | | 73. Victorville |

Question 1: Did your City Council and/or Boards & Commissions allow Zoom public participation during the COVID-19 emergency?



Question 1 Responses:

Response: No

1. Bakersfield
2. Hesperia
3. Kingsburg
4. Laguna Hills
5. Lemon Grove
6. San Bernardino
7. Tulare

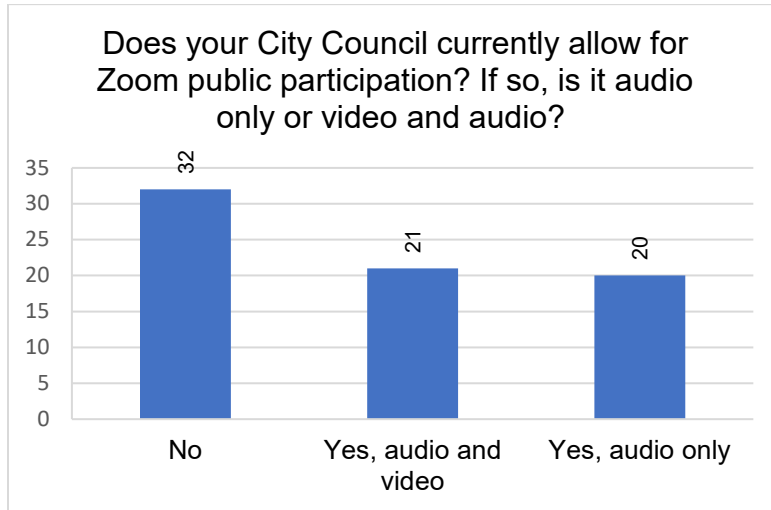
Response: Yes

1. Berkeley
2. Brentwood
3. Buena Park
- 4. Carson**
5. Citrus Heights
6. Coachella
7. Coronado
8. Costa Mesa
9. Cotati
10. Danville
11. Desert Water Agency
12. East Bay Regional Park District
13. El Centro
- 14. El Segundo**
15. Emeryville
16. Fairfax

17. Farmersville
18. Firebaugh
19. Fremont
20. Fresno
21. Fullerton
- 22. Gardena**
23. Glendora
24. Inland Empire Utilities Agency
25. Irwindale
26. Laguna Beach
27. Lake Elsinore
28. Lakeport
- 29. Lawndale**
30. Live Oak
31. Loomis
32. Los Angeles
- 33. Manhattan Beach**
34. Monterey
35. Morgan Hill
36. Mt. Shasta
37. Napa
38. Newark
39. Norwalk
40. Oceanside
41. Patterson

42. Perris
43. Petaluma
44. Plymouth
45. Port Hueneme
- 46. Rancho Palos Verdes**
47. Red Bluff
- 48. Redondo Beach**
- 49. Rolling Hills**
50. Salinas
51. San Anselmo
52. San Bruno
53. San Dimas
54. San Fernando
55. San Jose
56. San Luis Obispo
57. San Rafael
58. Santa Cruz
59. Saratoga
60. Scotts Valley
61. Sebastopol
62. Sonoma
63. St. Helena
64. Sunnyvale
65. Thousand Oaks
66. Victorville

Question 2: Does your City Council currently allow for Zoom public participation? If so, is it audio only or video and audio?



Question 2 Responses:

Response: No

- 1. Bakersfield
- 2. Citrus Heights
- 3. Danville
- 4. **El Segundo**
- 5. Farmersville
- 6. Firebaugh
- 7. Fremont
- 8. **Gardena**
- 9. Hesperia
- 10. Irwindale
- 11. Kingsburg
- 12. Laguna Hills
- 13. Lake Elsinore
- 14. **Lawndale**
- 15. Lemon Grove
- 16. Morgan Hill
- 17. Napa
- 18. Newark
- 19. Oceanside
- 20. Patterson
- 21. Perris
- 22. Petaluma
- 23. Port Hueneme
- 24. **Rolling Hills**
- 25. San Bernardino
- 26. San Bruno

- 27. San Dimas
- 28. San Rafael
- 29. Scotts Valley
- 30. St. Helena
- 31. Tulare
- 32. Victorville
- Response: Yes, audio and video**
- 1. Berkeley
- 2. Buena Park
- 3. **Carson**
- 4. Coachella
- 5. Desert Water Agency
- 6. East Bay Regional Park District
- 7. El Centro
- 8. Fresno
- 9. Glendora
- 10. Lakeport
- 11. Live Oak
- 12. Loomis
- 13. Norwalk
- 14. Plymouth
- 15. **Rancho Palos Verdes**
- 16. Red Bluff
- 17. San Jose
- 18. San Luis Obispo

- 19. Sebastopol
- 20. Sonoma
- 21. Thousand Oaks
- Response: Yes, audio only**
- 1. Brentwood
- 2. Coronado
- 3. Costa Mesa
- 4. Cotati
- 5. Emeryville
- 6. Fairfax
- 7. Fullerton
- 8. Inland Empire Utilities Agency
- 9. Laguna Beach
- 10. Los Angeles
- 11. **Manhattan Beach**
- 12. Monterey
- 13. Mt. Shasta
- 14. **Redondo Beach**
- 15. Salinas
- 16. San Anselmo
- 17. San Fernando
- 18. Santa Cruz
- 19. Saratoga
- 20. Sunnyvale

Question 2 Analysis:

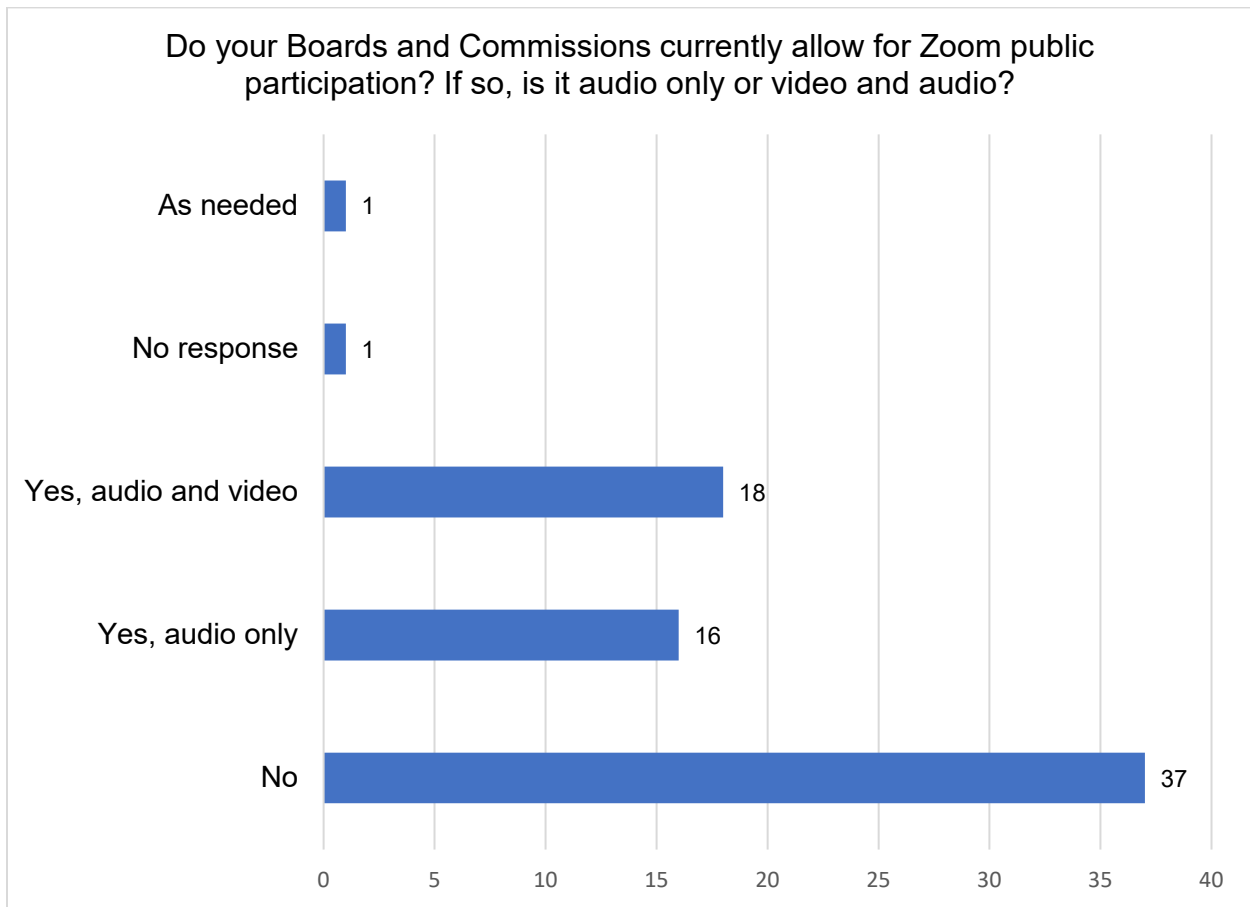
Of the 66 jurisdictions that indicated they offered Zoom during the COVID-19 emergency, 25 have since discontinued the use of Zoom for public participation. Some jurisdictions that indicated they have discontinued the use of Zoom for public participation added, without being prompted, they continue to offer the Zoom platform as a viewing option and is available for staff and consultants to provide virtual staff presentations (see SUPPLEMENTAL data on page 8).

One jurisdiction, unprompted, indicated they discontinued Zoom public participation option due to hate speech. Another jurisdiction, also unprompted, indicated they discontinued their use of Zoom public participation due to the threat of Zoom bombing.

The City of Scotts Valley temporarily discontinued Zoom for Council meetings, but not for Boards and Commissions. They did not indicate the reason.

The Cities of Brentwood and Saratoga only take in-person public comment at the beginning of the meeting for non-agenda items. They take Zoom comments at the end of their meetings for non-agenda items.

Question 3: Do your Boards and Commissions currently allow for Zoom public participation? If so, is it audio only or video and audio?



Question 3 Responses:

Response: No

1. Bakersfield
2. Berkeley

3. Carson

4. Citrus Heights
5. Danville

6. El Segundo

7. Farmersville
8. Firebaugh
9. Fremont

10. Gardena

11. Hesperia
12. Inland Empire Utilities Agency

13. Irwindale

14. Kingsburg

15. Laguna Hills

16. Lake Elsinore

17. Lawndale

18. Lemon Grove

19. Morgan Hill

20. Napa

21. Newark

22. Oceanside

23. Patterson

24. Perris

25. Petaluma

26. Port Hueneme

27. Rolling Hills

28. Salinas

29. San Bernardino

30. San Bruno

31. San Dimas

32. San Luis Obispo

33. San Rafael

34. Santa Cruz

35. St. Helena

36. Tulare

37. Victorville

Response: Yes, audio and video

1. Buena Park

2. Coachella

3. Desert Water Agency

4. East Bay Regional Park District

5. El Centro

6. Fresno

7. Glendora

8. Lakeport

9. Live Oak

10. Loomis

11. Norwalk

12. Plymouth

13. Rancho Palos Verdes

14. Red Bluff

15. San Anselmo

16. San Jose

17. Sebastopol

18. Sonoma

Response: Yes, audio only

1. Brentwood

2. Coronado

3. Costa Mesa

4. Cotati

5. Emeryville

6. Fairfax

7. Fullerton

8. Laguna Beach

9. Manhattan Beach

10. Monterey

11. Mt. Shasta

12. Redondo Beach

13. San Fernando

14. Saratoga

15. Scotts Valley

16. Sunnyvale

Response: No response

1. Los Angeles

Response: As needed

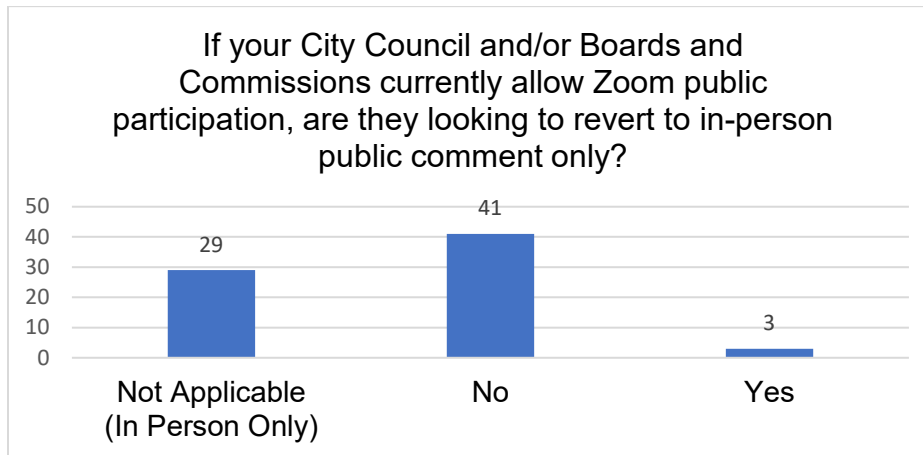
1. Thousand Oaks

Question 3 Analysis:

The Cities of Berkeley, Carson, San Luis Obispo, Inland Empire Utilities Agency, Salinas, San Bernardino, and Santa Cruz indicated they do allow Zoom public participation for City Council (or governing board) meetings (audio OR audio and video), but not for their Boards and Commissions.

The Cities of Fairfax, Loomis, Morgan Hill, and Mt. Shasta indicated that only their Planning Commission allow for Zoom public participation.

Question 4: If your City Council and/or Boards & Commissions currently allow Zoom public participation, are they looking to revert to in-person public comment only?



Question 4 Responses:

Response: No

1. Berkeley
2. Brentwood
3. Buena Park
4. **Carson**
5. Coachella
6. Coronado
7. Costa Mesa
8. Cotati
9. Desert Water Agency
10. East Bay Regional Park District
11. El Centro
12. Emeryville
13. Fairfax
14. Fresno
15. Fullerton
16. Glendora
17. Inland Empire Utilities Agency
18. Lakeport
19. Laguna Beach
20. Live Oak
21. Loomis
22. Los Angeles
23. Monterey
24. Mt. Shasta
25. Plymouth

26. Rancho Palos Verdes

27. Red Bluff
28. **Redondo Beach**
29. Salinas
30. San Anselmo
31. San Fernando
32. San Jose
33. San Luis Obispo
34. San Rafael
35. Santa Cruz
36. Saratoga
37. Scotts Valley
38. Sebastopol
39. Sonoma
40. Sunnyvale
41. Thousand Oaks

Response: Not Applicable (In Person Only)

1. Bakersfield
2. Citrus Heights
3. Danville
4. **El Segundo**
5. Farmersville
6. Firebaugh
7. Fremont
8. **Gardena**
9. Hesperia

10. Irwindale

11. Kingsburg
12. Laguna Hills
13. Lake Elsinore
14. **Lawndale**
15. Lemon Grove
16. Morgan Hill
17. Napa
18. Newark
19. Oceanside
20. Patterson
21. Perris
22. Petaluma
23. Port Hueneme
24. **Rolling Hills**
25. San Bernardino
26. San Bruno
27. San Dimas
28. San Rafael
29. St. Helena
30. Tulare
31. Victorville

Response: Yes

1. **Manhattan Beach**
2. Norwalk
3. San Bernardino

Question 4 Analysis: City of Saratoga changed their practice after receiving hate speech to in person comments at the beginning of the meeting and Zoom public participation for non-agendized matters at the end of the meeting. They did not indicate the reason. City of Scotts Valley's Planning and Parks and Recreation Commissions opted to continue using the Zoom option and not return to in-person only. The City Council and their other Boards and Commissions have opted to return to in-person meetings only.

The Cities of Manhattan Beach, Norwalk, and San Bernardino are actively reviewing the option to revert to in-person meetings only. The City of Redondo Beach City Council recently voted to continue offering Zoom public participation option.

Question 5: Please indicate when public participation is allowed.

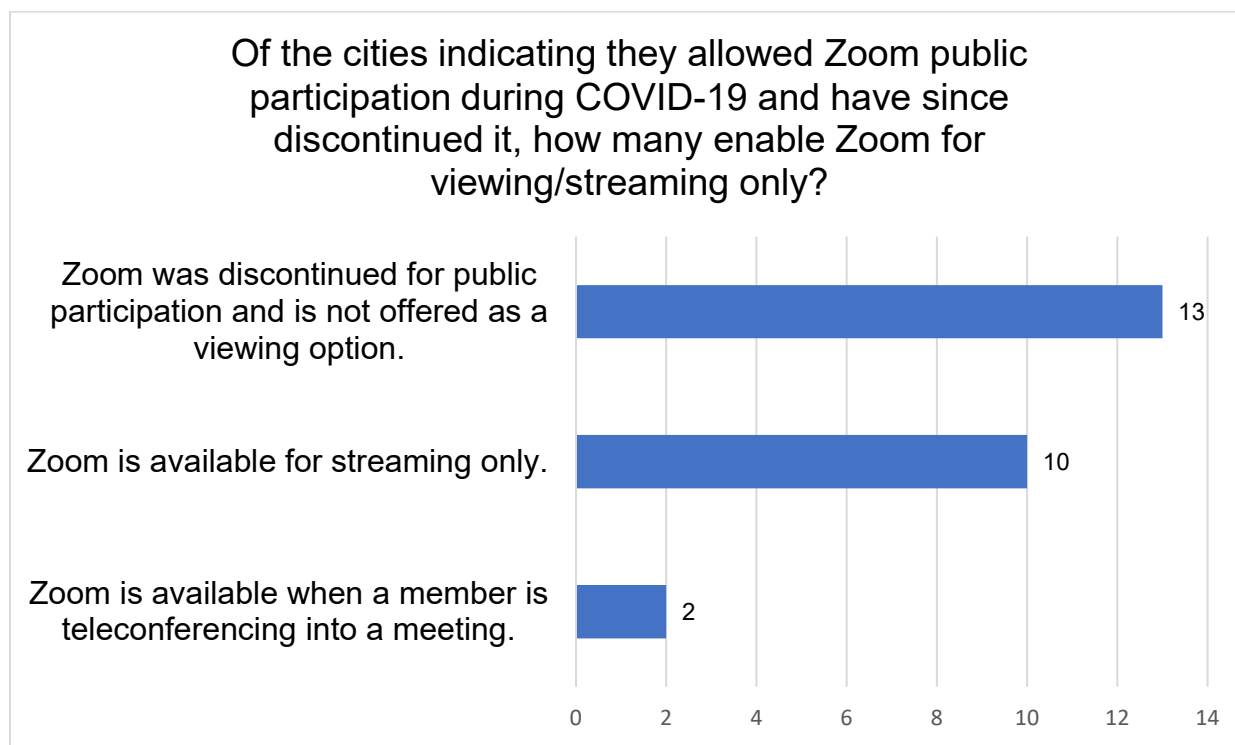
The vast majority of cities indicated they allowed Public Comment at the start of the meeting and after every item is heard.

The following agencies indicated they only allowed Public Comment at the start of the meeting: Desert Water Agency, Cities of El Centro, El Segundo, Farmersville, Inland Empire Utilities Agency, San Bernardino, San Fernando.

The following agencies indicated they allowed Public Comment after each item and general public comment was heard at the end of the meeting: Cities of Norwalk and Coachella. Coachella indicated they pause to take public comments if the meeting is going past 8:00 p.m.

Also indicated under Analysis of Question 2: Cities of Brentwood and Saratoga indicated the Public Comment opportunity at the beginning of the meeting for non-agenda items is in-person only. At the end of the meeting, they allow for Zoom comments.

SUPPLEMENTAL: Of the 25 cities indicating they allowed Zoom public participation for City Council during COVID-19 and have since discontinued it, how many enable Zoom for viewing/streaming only?



Zoom was discontinued for public participation and is not offered as a viewing option.

1. Citrus Heights
2. Danville
3. Firebaugh
4. Gardena
5. Lake Elsinore
6. Lawndale
7. Napa
8. Perris

9. Port Hueneme

10. Rolling Hills

11. San Dimas

12. St. Helena

13. Victorville

Zoom is available for streaming only.

1. Farmersville
2. Fremont
3. Irwindale
4. Morgan Hill
5. Oceanside

6. Patterson

7. Petaluma

8. San Bruno

9. San Rafael

10. Scotts Valley

Zoom is available when a member is teleconferencing into a meeting.

1. El Segundo
2. Newark

SUPPLEMENTAL Analysis: The supplemental information provided was manually researched by the City Clerk's office and was not a part of the survey. Of the 66 cities or jurisdictions that offered Zoom public participation during COVID-19, 25 have discontinued its use. 10 of the 25 cities or jurisdictions have maintained Zoom as an additional viewing/streaming option for members of the public.

This survey provides information on how other governing bodies have navigated Zoom public participation post COVID-19. However, the total responses have not been verified for statistical significance. This survey collected responses from 71 of 482 California cities/towns (14.94% response rate) and 2 of 3,300 California special districts (.06% response rate) respectively. Even among South Bay cities, there is variance in how the use of the Zoom platform has evolved.

RESOLUTION NO. 15-6988

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ESTABLISHING RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

The following rules of order and decorum for the conduct of City Council meetings are hereby adopted:

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1 **SECTION 1. SCOPE.**

2 1.1 This Resolution shall establish the procedures for the conduct of all meetings of
3 the City Council of the City of Hermosa Beach. The purpose of this Resolution is to provide that
4 the City Council's meeting procedures will be consistent with the Brown Act (Government Code
5 Section 54950 *et seq.*) and establish procedures that will be convenient for the public and
6 contribute to the orderly conduct of the City's business. The procedures herein are in addition
7 to, and not in place of, applicable ordinances and statutes, and in the event of conflict
8 between this Resolution and applicable ordinances or statutes, the latter shall govern.

9 **SECTION 2. MEETINGS.**

10 2.1 Regular Meetings. Pursuant to the authority set forth in Municipal Code section
11 2.04.010, the City Council shall conduct its Regular meetings on the 2nd and 4th Tuesdays of each
12 month. The Regular meetings of the City Council shall commence at 6:00 p.m. Only Closed
13 Sessions (and public comment associated therewith) and Study Sessions may be held between 6:00
14 p.m. and 7:00 p.m. (and no other public agenda items) unless a Regular meeting is adjourned to or
15 a Special meeting called for that time. No Closed Session or Study Session will be held during
16 that hour unless the posted agenda of that evening's Regular meeting indicates that such session
17 will take place; in the absence of such notification in the agenda, the Regular meeting shall
18 commence at the hour of 7:00 p.m. Regular meetings shall be conducted in the location set forth
19 in Municipal Code section 2.04.020. Closed Sessions shall be conducted in the location identified
20 in the agenda.

21 2.2 Special Meetings. A Special meeting may be called at any time by the Presiding
22 Officer or by any three members of the City Council. Written notice of any such meeting must
23 be given to all members of the City Council and to all newspapers, radio and television
24 stations, or other public media of general Hermosa Beach coverage who have submitted a
25 written request to the City Clerk for such notification. Such notice may be given either personally
26 or by mail, but must be received at least 24 hours before the time set for the Special meeting. The
27 call and notice shall specify the time and place of the Special meeting and the business to be
28

1 transacted. Such notice is not necessary for any member who submits a written waiver of
2 notice to the City Clerk at or before the time set for the meeting or for any member who is actually
3 present at the special meeting.

4 2.3 Emergency Meetings. An emergency meeting may be called by the Presiding
5 Officer or by a majority of the City Council where there exists:

6 a. a work stoppage, crippling disaster or other activity which severely
7 impairs public health, safety or both, as determined by the City Council; or

8 b. such other circumstances specified by State law as authorizing the
9 conduct of an emergency meeting. Any special emergency meeting shall be called, noticed and
10 conducted in accordance with procedure set forth in State law.

11 2.4 Closed Sessions. The City Council may hold Closed Sessions during a Regular or
12 Special meeting, or at any time otherwise authorized by law, to consider or hear any matter which
13 it is authorized by State law to hear or consider in Closed Session. During Closed Session, the
14 City Council may exclude any person or persons which it is authorized by State law to exclude
15 from a Closed Session. The City Manager shall keep a record of action taken and the vote thereon.
16 The City Attorney shall make such reports as are required by the Brown Act.

17 2.5 Quorum. Three members of the City Council shall constitute a quorum and shall be
18 sufficient to transact business. If fewer than three Councilmembers appear at a Regular meeting,
19 any member, or if all members are absent, the City Clerk shall adjourn the meeting to a stated day
20 and hour. All Council actions require the affirmative votes of a majority of the quorum, with the
21 exception of those actions required by State law to have a specific minimum number of votes.

22 2.6 Adjourned Meetings. The City Council may adjourn any Regular, Adjourned
23 Regular, Special or Adjourned Special meeting to a time and place specified in the order
24 of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are
25 absent from any Regular or Adjourned Regular meeting, the City Clerk may declare the meeting
26 adjourned to a stated time and place and shall cause a written notice of the adjournment to
27 be delivered personally to each Councilmember. A copy of the order or notice of adjournment

1 subsection, the minutes of the meeting at which the determination is made shall reflect what
2 circumstances gave rise to the need to take action after the agenda was posted.

3 c. Where the item upon which action is to be taken was included on a properly
4 posted agenda for a prior meeting of the City Council occurring not more than five (5) calendar
5 days prior to the date of the meeting at which action is to be taken, and at the prior meeting the
6 item was continued to the meeting at which action is being taken.

7 4.4 Submittal of Written Materials by the Public. Written materials pertaining to
8 matters listed on the agenda of a Regular City Council meeting must be submitted by noon of the
9 Tuesday before the meeting in order to be included in the agenda packet. However, written
10 materials received after that deadline will nonetheless be posted under the relevant agenda item on
11 the City's website at the same time as they are distributed to the City Council and provided to the
12 City Council and the public at the meeting. Written correspondence of a general nature addressed
13 to the City Council will be handled in accordance with section 6.4.

14 **SECTION 5. ORDER OF BUSINESS.**

15 5.1 Commencement of Meeting. In the event that the posted agenda calls for a Closed
16 Session, the Mayor or the City Attorney shall announce the intention of the City Council to recess
17 into a Closed Session and shall state the basis therefore. Public comment shall be taken on the
18 Closed Session agenda.

19 At the time set for each Regular meeting, the Councilmembers, City Manager, City
20 Attorney and City Clerk shall take their regular places in the Council Chamber. The
21 Presiding Officer shall call the meeting to order and the business of the Council shall be taken up
22 for consideration and disposition in the order set forth in Section 5.2 except that with the consent
23 of a majority of the Council, items may be taken up out of order.

24 5.2 Order of Business. The order of business at meetings of the City Council
25 shall be as follows, in accordance with the procedures specified below:

26 a. CALL TO ORDER

27 The Presiding Officer shall call the meeting to order.

1 b. PLEDGE OF ALLEGIANCE

2 The Presiding Officer shall designate a person to lead the Pledge of Allegiance.

3 c. ROLL CALL

4 The City Clerk shall call the roll of the Councilmembers and the names of those
5 present shall be entered on the minutes. The order of roll call shall be alphabetical with the Mayor
6 Pro Tempore called fourth and the Mayor called last.

7 d. REPORT OF CLOSED SESSION

8 The Mayor or the City Attorney shall announce the basis for the Closed Session and
9 those actions taken as are required to be reported by the Brown Act.

10 e. ANNOUNCEMENTS

11 Councilmembers may make any announcements at this time.

12 f. PRESENTATIONS

13 This time is reserved for the reading and awarding of proclamations and
14 commendations for members of the community, service organizations and others that have merited
15 recognition by the Council. In addition, visiting dignitaries may be introduced at this time.

16 g. PUBLIC PARTICIPATION

17 Oral and written comments from members of the public are accepted here as set
18 forth in Section 6, herein. All comments from members of the public relative to Consent Calendar
19 items must be heard at this time unless a Councilmember agrees to remove a Consent Calendar
20 item at the request of a member of the public made at this time.

21 h. CONSENT CALENDAR

22 Items of a routine nature may be approved by the City Council in a single motion
23 by adoption of the Consent Calendar. The approval of the Consent Calendar shall signify the
24 approval of each matter or recommendation included therein.

25 i. PUBLIC HEARINGS

26 The Council shall conduct all public hearings as set forth in Section 7.

27 j. EXCLUDED CONSENT CALENDAR

28

1 Items removed from the Consent Calendar for discussion shall be heard at this time.

2 k. MUNICIPAL MATTERS

3 The Council shall take up all matters of new and old business.

4 l. CITY MANAGER' S REPORT

5 This section is set aside for the City Manager to update the Council on important
6 items initiated by staff or previously requested by the City Council.

7 m. COUNCILMEMBER COMMENTS

8 This portion of the meeting shall be set aside for general comments, reports of
9 meeting attendance, requests of staff, and/or other issues of concern from members of the City
10 Council, and brief responses to audience comments. No extensive discussion of these comments is
11 permitted.

12 n. OTHER MATTERS FROM CITY COUNCIL

13 Direction from the City Council to place items of business on a future agenda shall
14 be given at this time by a majority of the Council. No discussion, action or public comments shall
15 be taken at this time.

16 o. ADJOURNMENT

17 **SECTION 6. PUBLIC COMMENT.**

18 6.1 Public Comment. During the Public Participation section of the agenda, any
19 member of the public may address the City Council on items appearing on the Consent Calendar.
20 Comments concerning other items on the agenda will be heard at the time the item is considered
21 during the course of the meeting; however, they may be offered at this time if the member of the
22 public cannot be in attendance later in the evening.

23 Members of the public may also comment upon any other items of interest that are within
24 the subject matter jurisdiction of the City Council at this time. Any Councilmember may request
25 that matters addressed under Public Participation be placed for action on a subsequent agenda;
26 however, no action shall be taken on items not appropriately placed on the agenda except in
27 a situation as described in Section 4.3.

1 b. Call for a report on written communications received by the City
2 pertaining to the item being heard.

3 c. With respect to quasi-judicial matters, request that each Councilmember
4 report on any ex parte communications, as defined in Section 7.5.

5 d. Request that staff present the staff report and any other relevant evidence.
6 Presentation of the staff report prior to the formal opening of the public hearing shall not prevent
7 its consideration as evidence. Any such evidence shall be made a part of the record of the public
8 hearing.

9 e. The Presiding Officer shall then recognize the proponents or appellants in
10 the case, who shall be permitted ten (10) minutes to present evidence related to the matter under
11 consideration.

12 f. The Presiding Officer shall then recognize members of the public. No
13 person may speak without first being recognized by the Presiding Officer. Members of the City
14 Council who wish to ask questions of the speakers or each other during the public hearing may do
15 so. Members should be mindful that the purpose of the public hearing is to obtain testimony, and
16 not to debate the merits of the item under consideration. Members should avoid debate and
17 expressions of personal opinion until after the close of the public testimony portion of the public
18 hearing. The Presiding Officer shall conduct the hearing in such a manner as to afford due process
19 to all affected persons. Comments from the public shall be limited to three (3) minutes per
20 speaker for public hearings, unless the City Council affirmatively decides otherwise.

21 g. Following public comments, the proponents or appellants may present a
22 wrap-up or rebuttal statement, not to exceed five (5) minutes in length.

23 h. The Presiding Officer shall then close the public testimony portion of the
24 public hearing. Councilmembers may still, however, ask questions of staff or members of the
25 public. Upon conclusion of Council deliberations and immediately prior to a motion, the Presiding
26 Officer shall formally close the public hearing. Upon formally closing the public hearing,
27 no additional public testimony shall be solicited or received without reopening the hearing.

1 The hearing may not be reopened unless it is determined that no one in the audience has left the
2 room since closure of the hearing. In the event the Presiding Officer is unable to make that
3 finding, the hearing may not be reopened unless it is renoticed for a future meeting.

4 i. The City Council shall then take action.

5 7.4 Written Evidence. All persons interested in the matter being heard by the City
6 Council shall be entitled to submit written evidence of any kind. All such evidence presented shall
7 be retained by the City Clerk as part of the Clerk's record.

8 7.5. Definition of "Ex Parte" Communication. "Ex parte communication" shall mean
9 any oral or written communication between a member of the Council and any person, which meets
10 all of the following requirements: (i) it is directed toward the merit or outcome of a quasi-judicial
11 matter within the Council's jurisdiction; (ii) an application, recommendation or appeal on the
12 matter has been submitted to the Council; (iii) the communication imparts substantive factual
13 information which constitutes the basis of or otherwise influences the Councilmember's
14 deliberation or decision on the matter; (iv) the information is not included in the staff report or
15 other written materials contained in the agenda of the meeting at which the matter is to be heard or
16 otherwise on the official record of the proceeding on the matter; and (v) the communication does
17 not occur in a public meeting as defined in the Ralph M. Brown Act (California Government Code
18 Section 54950, *et seq.*).

19 **SECTION 8. PROCEDURES FOR THE CONDUCT OF MEETINGS.**

20 8.1 Robert's Rules. Unless otherwise specified in this Resolution or by other ordinance
21 or resolution, meetings of the City Council will be conducted to the extent practicable in
22 accordance with the most recently revised edition of Robert's Rules of Order. In the event of any
23 conflict between Robert's Rules and this Resolution, the Municipal Code or of State law, the latter
24 three sources of authority shall govern.

25 8.2 Motions. The Mayor or any member of the Council may bring a properly
26 agendized matter of business before the Council by making a motion. Before the matter can be
27 considered or debated it must be seconded. Once the motion has been properly made and
28

1 seconded, the Presiding Officer shall open the matter for debate offering the first opportunity to
2 debate to the moving party and, thereafter, to any Councilmember properly recognized by the
3 Presiding Officer. Debate shall be closed upon consent of a majority of the City Council. Once
4 the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will
5 be allowed, unless the Council overrules the Presiding Officer by a majority vote. A motion that
6 results in a tie vote does not pass.

7 8.3 Voting. Every Councilmember should vote unless disqualified by reason of a
8 financial or common law conflict of interest. A Councilmember may change his or her vote prior
9 to the time that the Presiding Officer or City Clerk announces the outcome of the vote on the
10 motion, and not after.

11 8.4 Adjournment. The City Council shall adjourn each Regular meeting by 10:30 p.m.
12 unless a majority of the members present vote to extend the adjournment time. Notwithstanding
13 the foregoing, any item of business commenced prior to 10:30 p.m. may be completed without the
14 necessity of an adjournment extension vote. Upon adjournment, those items of business not
15 completed shall be continued to the next Regular City Council meeting unless the Council
16 schedules the items for an Adjourned meeting to take place prior to the next meeting.

17 **SECTION 9. DECORUM.**

18 9.1 Rules for City Councilmembers. Members of the City Council shall conduct
19 themselves in an orderly and businesslike manner to ensure that the business of the City shall
20 be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process
21 of the City Council is maintained at all times. Members of the Council shall maintain a polite,
22 respectful and courteous manner when addressing one another, City staff and members of the
23 public during meetings.

24 a. Role of the Presiding Officer. The Presiding Officer of the City Council,
25 who shall be the Mayor, or in the Mayor's absence the Mayor Pro Tempore, or in their absence
26 any other member designated by the City Council, shall be responsible for maintaining the
27 order and decorum of meetings. It shall be the duty of the Presiding Officer to ensure that the rules
28

1 of operation and decorum contained herein are observed. The Presiding Officer shall maintain
2 control of communication between Councilmembers and between the Council, staff and the public.

3 b. Communication with Councilmembers.

4 1) Councilmembers should request the floor of the Presiding Officer
5 before speaking.

6 2) A Councilmember who is speaking shall attempt to avoid repetition
7 and shall endeavor to limit his or her comments to the subject matter at hand. Councilmembers
8 should endeavor to express their views without engaging in lengthy debates.

9 3) When one Councilmember is speaking, other Councilmembers shall
10 not interrupt or otherwise disturb the speaker.

11 9.2 Communication with Members of the Public Addressing the Council.

12 a. Councilmembers may, after requesting the floor of the Presiding Officer,
13 question a person addressing the Council at the conclusion of the person's comments or upon
14 expiration of the person's time to speak.

15 b. Councilmembers shall not engage the person addressing the Council in a
16 dialogue with the City Council or City staff, but shall confine communication to a question and
17 answer format.

18 c. If a member of the audience has addressed the Council on matters which
19 are not on the agenda, Councilmembers shall refrain from extended discussions of the matter.
20 If a Councilmember so wishes, the Councilmember may, during the Councilmember Comments or
21 Other Matters portion of the meeting, direct the City Manager to place the matter on the next
22 agenda.

23 9.3 Rules for City Staff.

24 a. Decorum. City staff shall not engage in public dialogue or debate with
25 members of the public during public meetings. When addressed by the Council, staff shall respond
26 in a polite and respectful manner.

1 b. Role of the City Manager. The City Manager's duties during City
2 Council meetings include keeping a record of concerns raised by the Council regarding staff
3 matters and directions for future staff action.

4 9.4 Rules for the Public.

5 a. Members of the Audience. Members of the audience shall not engage in
6 disorderly or boisterous conduct, including the utterance of loud, threatening or abusive
7 language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise
8 render the orderly conduct of the City Council meeting unfeasible. A member of the audience
9 repeatedly or continuously engaging in any such conduct shall, at the discretion of the Presiding
10 Officer or a majority of the City Council, be subject to ejection from that meeting.

11 b. Persons Addressing the City Council.

12 1) Any person wishing to speak shall approach the speaker podium
13 when called upon by the Presiding Officer.

14 2) No person shall address the City Council without first being
15 recognized by the Presiding Officer.

16 3) Each person addressing the City Council shall do so in an orderly
17 manner and shall not make repetitious, slanderous or irrelevant remarks, or engage in any other
18 disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the
19 Council meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding
20 Officer or a majority of the City Council, be subject to ejection from that meeting.

21 4) Persons addressing the City Council shall adhere to the time limit
22 established for public comment and conclude their comments when requested to do so by the
23 Presiding Officer.

24 9.5 Enforcement.

25 a. Upon a violation of the rules of order and decorum established in Section
26 9.4 of this resolution, the procedure to enforce the rules is as follows:

1 1) Warning. The Presiding Officer shall request that a person who is
2 violating the rules of decorum cease such conduct. If after receiving a warning from the Presiding
3 Officer, the person persists in the violation, the Presiding Officer shall order the person to leave
4 the City Council meeting. If the person does not leave the meeting, the Presiding Officer may
5 order any law enforcement officer who is on duty at the City Council meeting as sergeant-at-arms
6 to remove the person from the City Council chambers.

7 2) Removal. Any law enforcement officer who is serving as sergeant-
8 at-arms at the City Council meeting shall carry out the orders and instructions given by the
9 Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the
10 Presiding Officer, it shall be the duty of the sergeant-at-arms to remove from the City Council
11 meeting any person who is disturbing the proceedings of the City Council.

12 3) Resisting Removal. Any person who resists removal by the
13 sergeant-at-arms may be charged with any applicable ordinance or law.

14 4) Motion to Enforce. If the Presiding Officer of the City Council fails
15 to enforce the rules of order and decorum set forth above, any member of the City Council may
16 move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City
17 Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the
18 will of the majority of the City Council, the majority may designate another member of the City
19 Council to act as Presiding Officer for the purpose of enforcing the rules of order and decorum
20 established above.

21 5) Clearing the Room. If a meeting of the City Council is disturbed or
22 disrupted in such a manner as to make infeasible or improbable the restoration of order, the
23 Presiding Officer or a majority of the City Council may exercise the authority granted in the
24 California Government Code Section 54957.9 by ordering the meeting room cleared and
25 continuing in session in the manner authorized by Section 54957.9 of the Government Code.
26 Members of the press shall be permitted to remain unless they have participated in the disruption.

27 **SECTION 10.** Resolution No. 12-6787 is hereby rescinded.

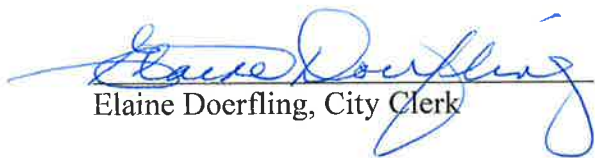
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF HERMOSA BEACH

I, Elaine Doerfling, City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Resolution No. 15-6988 was duly and regularly passed, approved and adopted by the City Council of the City of Hermosa Beach at a Regular Meeting of said Council at the regular place thereof on July 28, 2015.

The vote was as follows:

AYES: DiVirgilio, Fangary, Petty, Tucker, Mayor Barragan
NOES: None
ABSTAIN: None
ABSENT: None

Dated July 28, 2015


Elaine Doerfling, City Clerk

~~RESOLUTION NO. 15-6988~~ CITY OF HERMOSA BEACH

~~A RESOLUTION~~ NO. RES-24-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ESTABLISHING RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS AND SUBSIDIARY BOARDS AND COMMISSIONS

WHEREAS, all

~~THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:~~

~~The following rules of order and decorum for the conduct of City Council meeting agenda types meetings are hereby adopted:~~

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8 **SECTION 1. SCOPE.**

9 ~~1.1 This Resolution shall establish the~~ procedures follow~~for the conduct of all~~
10 ~~meetings of~~

11 ~~the City Council of the City of Hermosa Beach. The purpose of this Resolution is to~~
12 ~~provide that the City Council's meeting procedures will be consistent with the Brown Act in~~
13 ~~accordance with~~ (Government Code Section 54950 *et seq.*;) and

14 **WHEREAS, this Resolution establishes the procedures for the conduct of all meetings of**
15 **the City Council and its subsidiary Boards and Commissions and establishes**~~establish~~
16 **procedures** that will be convenient for the public and contribute to the orderly conduct of the ~~City's~~
17 **City's** business; and

18 **WHEREAS, the**~~The~~ procedures herein are in addition to, and not in place of, applicable
19 ordinances and statutes, and in the event of conflict between this Resolution and applicable
20 ordinances or statutes, the latter shall govern.

21 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA**
22 **BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

23 **The following rules of order and decorum for the conduct of City Council meetings are hereby**
24 **adopted.**

1 SECTION 1. SCOPE.

2 1.1 RESOLUTION NO. 15-6988 is hereby rescinded and the rules of order and
3 decorum for City Council meetings and other City Boards and Commissions are hereby adopted.

4 SECTION 2. MEETINGS.

5 2.1 Regular Meetings. Pursuant to the authority set forth in Municipal Code section
6 2.04.010, the City Council shall conduct its meetings pursuant to the dates and times fixed by
7 Resolution and approved by the City Council each December for the following year.~~Regular~~
8 ~~meetings on the 2nd and 4th Tuesdays of each month. The Regular meetings of the City~~
9 ~~Council shall commence at 6:00 p.m. Only Closed Sessions (and public comment associated~~
10 ~~therewith) and Study Sessions may be held between 6:00 p.m. and 7:00 p.m. (and no other~~
11 ~~public agenda items) unless a Regular meeting is adjourned to or a Special meeting called for~~
12 ~~that time. No Closed Session or Study Session will be held during that hour unless the posted~~
13 ~~agenda of that evening's Regular meeting indicates that such session will take place; in the~~
14 ~~absence of such notification in the agenda, the Regular meeting shall commence at the hour of~~
15 ~~7:00 p.m. Regular meetings shall be conducted in the location set forth in Municipal Code~~
16 ~~section 2.04.020. Closed Sessions shall be conducted in the location identified on the agenda.~~

17 2.2 Other Meetings. All other meeting types shall be called and noticed according to
18 applicable local and State law.

19 2.3 2.2 Special Meetings. A Special meeting may be called at any
20 time by the Presiding Officer or by any three members of the City Council. Written notice of
21 any such meeting must be given to all members of the City Council and to all newspapers,
22 radio and television stations, or other public media of general Hermosa Beach coverage who
23 have submitted a written request to the City Clerk for such notification. Such notice may be
24 given either personally or by mail, but must be received at least 24 hours before the time set
25 for the Special meeting. The call and notice shall specify the time and place of the Special
26 meeting and the business to be transacted. Such notice is not necessary for any member who

1 submits a written waiver of notice to the City Clerk at or before the time set for the meeting or for
2 any member who is actually present at the special meeting.

3 ~~2.3 — Emergency Meetings. An emergency meeting may be called by the Presiding
4 Officer or by a majority of the City Council where there exists:~~

5 a. ~~— a work stoppage, crippling disaster or other activity which severely
6 impairs public health, safety or both, as determined by the City Council; or~~

7 b. ~~— such other circumstances specified by State law as authorizing the
8 conduct of an emergency meeting. Any special emergency meeting shall be called, noticed and
9 conducted in accordance with procedure set forth in State law.~~

10 ~~2.4 — Closed Sessions. The City Council may hold Closed Sessions during a Regular
11 or Special meeting, or at any time otherwise authorized by law, to consider or hear any matter
12 which it is authorized by State law to hear or consider in Closed Session. During Closed
13 Session, the City Council may exclude any person or persons which it is authorized by State
14 law to exclude from a Closed Session. The City Manager shall keep a record of action taken
15 and the vote thereon. The City Attorney shall make such reports as are required by the Brown
16 Act.~~

17 ~~2.5 — Quorum. Three members of the City Council shall constitute a quorum and shall
18 be sufficient to transact business. If fewer than three Councilmembers appear at a Regular
19 meeting, any member, or if all members are absent, the City Clerk, shall adjourn the meeting
20 to a stated day and hour. All Council actions require the affirmative votes of a majority of
21 the quorum, with the exception of those actions required by State law to have a specific
22 minimum number of votes.~~

23 ~~2.4 Recording of Meetings. 2.6 — Adjourned Meetings. The City
24 Council may adjourn any Regular, Adjourned Regular, Special or Adjourned Special meeting
25 to a time and place specified in the order of adjournment. If a quorum is not present, less than
26 a quorum may so adjourn. If all members are absent from any Regular or Adjourned Regular
27 meeting, the City Clerk may declare the meeting adjourned to a stated time and place and
28 shall cause a written notice of the adjournment to be delivered personally to each
Councilmember. A copy of the order or notice of adjournment shall be conspicuously posted on
or near the door of the place where the Regular, Adjourned Regular, Special or Adjourned Special~~

1 meeting was held, within twenty four (24) hours after the time of adjournment. When a Regular or
2 Adjourned Regular meeting is adjourned as provided herein, the resulting Adjourned Regular
3 meeting shall be a Regular meeting for all purposes. When an order of adjournment of any meeting
4 fails to state the hour at which the Adjourned meeting is to be held, it shall be held at the hour
5 specified for Regular meetings.

6 ~~2.7~~ Recording of Meetings. All open and public meetings of the City Council shall be
7 cablecast and webcast live or videorecorded for airing on the City's government channel and
8 viewing on the City's website. ~~In the~~~~that~~ event that technical difficulties ~~beyond the City's control~~
9 prevent the cablecasting, webcasting and/or recording of a meeting, the City Attorney, in
10 consultation with the City Manager and City Council, may ~~determine in its discretion~~ decide
11 whether or not to proceed with the meeting pursuant to State law.

12 **SECTION 3. POSTING NOTICE AND AGENDA.**

13 3.1 ~~Posting of Notice and Agenda.~~ For every Regular meeting, the City Clerk or his/her
14 designee shall post an agenda containing a brief description of all of the items of business to be
15 discussed at the meeting. For every Special meeting, the City Clerk or designee shall post a notice
16 of the meeting, specifying the time and place at which the meeting will be held, and an agenda
17 containing a brief description of all the items of business to be discussed at the meeting. The notice
18 and agenda for a Special meeting may be combined in a single document.

19 ~~3.2~~ Location of Posting. The City Clerk shall designate the location between City Hall
20 and the Police Department as the City's official physical posting location, which is a place ~~The~~
21 ~~notice and agenda shall be posted in a place to which the public has unrestricted access during at~~
22 ~~least normal business hours and where postings~~~~the notice and agenda~~ are not likely to be removed
23 or obscured by other posted material. ~~The~~ Specifically, the notice and agenda shall be posted
24 at the places indicated below, and/or at such other locations(s) as the City Clerk may designate:
25 City Hall, the Police Station, and the City library. The agenda shall also be posted on the City's
26 website shall serve as the digital posting location.

27 3.3 ~~Posting for Regular Meetings.~~ For any Regular meeting of the City Council, the
28 notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the
meeting.

1 ~~3.4 — Posting for Special Meetings. For any Special meeting of the City Council, the~~
2 ~~notice and agenda shall be posted no later than twenty four (24) hours prior to the time set for the~~
3 ~~meeting.~~

4 ~~3.5 — Affidavit of Posting. Immediately following the posting of the notice and agenda,~~
5 ~~the City Clerk or designee shall complete an Affidavit of Posting, in a form developed by the City~~
6 ~~Clerk. The Affidavit of Posting shall indicate the time of the posting, the location(s) of the posting,~~
7 ~~and shall be signed under penalty of perjury. The City Clerk shall retain all such affidavits, together~~
8 ~~with a copy of each notice and agenda so posted, in his or her files. The affidavit notice and agenda~~
9 ~~shall be retained at least two (2) years subsequent to the date of posting, and pursuant to Government~~
10 ~~Code Section 34090, shall not be destroyed by the City Clerk thereafter without the written consent~~
11 ~~of the City Attorney.~~

12 ~~**SECTION 4. WRITTEN COMMENTS — AGENDA — CONTENTS.**~~

13 ~~4.1 Description of Matters. All items of business to be discussed at a meeting of the City~~
14 ~~Council shall be briefly described on the agenda. The description should contain sufficient detail so~~
15 ~~that a person otherwise unaware could determine the general nature or subject matter of the item by~~
16 ~~reading the agenda. Closed Session agenda items shall be described with particularity to the extent~~
17 ~~feasible without compromising the confidentiality of the Closed Session.~~

18 ~~4.2 — Availability of Agenda. The agenda of each Regular meeting shall be made available~~
19 ~~to the public not later than the Friday preceding the Council meeting.~~

20 ~~4.3 — Limitation of Actions by Agenda. No action shall be taken by the City Council on~~
21 ~~any item not appearing on a posted agenda, subject only to the exceptions listed below:~~

22 ~~a. — Upon a majority determination that an "emergency situation," as defined by~~
23 ~~State law, exists.~~

24 ~~b. — Upon a determination by a two-thirds (2/3) vote of the members present, or~~
25 ~~if less than two-thirds of the members are present, by unanimous vote, that there is a need to take~~
26 ~~immediate action and that the need to take action came to the attention of the City subsequent to the~~
27 ~~agenda posting. If the City Council makes a determination pursuant to this subsection, the minutes~~
28 ~~of the meeting at which the determination is made shall reflect what circumstances gave rise to the~~
~~need to take action after the agenda was posted.~~

1 e. ~~Where the item upon which action is to be taken was included on a properly~~
2 ~~posted agenda for a prior meeting of the City Council occurring not more than five (5) calendar days~~
3 ~~prior to the date of the meeting at which action is to be taken, and at the prior meeting the item was~~
4 ~~continued to the meeting at which action is being taken.~~

5 ~~4.4 Submittal of Written CommentsMaterials by the Public. -Written comments shall~~
6 ~~include emails, ecomments, or lettersmaterials pertaining to matters listed on the agenda of a~~
7 ~~Regular City Council meeting must be submitted by noon of the Tuesday before the meeting in~~
8 ~~order to be included in the agenda packet. However, written materials received after that deadline~~
9 ~~will nonetheless be posted under the relevant agenda item on the City's website at the same time as~~
10 ~~they are distributed to the City Council and provided to the City Council and the public at the~~
11 ~~meeting. Written correspondence of a general nature addressed to the City Council. The subject of~~
12 ~~each written comment should refer to an item listed on the agenda for a specific City Council~~
13 ~~meeting. All written comments should be addressed to the City Council and submitted to the City~~
14 ~~Clerk. -will be handled in accordance with section 6.4.~~

15 ~~4.2 Timeline for Submitting Written Comments. All written comments should be~~
16 ~~submitted to the City Clerk by the deadline set forth on the meeting agenda. Instructions for~~
17 ~~submitting a written comment shall be included in the agenda, delivered to the City Council, and~~
18 ~~made public before the meeting.~~

19 **SECTION 5. ORDER OF BUSINESS.**

20 ~~5.1 5.1 Commencement of Meeting. In the event that the posted agenda calls for a~~
21 ~~Closed Session, the Mayor or the City Attorney shall announce the intention of the City Council to~~
22 ~~recess into a Closed Session and shall state the basis therefore. Public comment shall be taken on~~
23 ~~the Closed Session agenda.~~

24 ~~At the time set for each Regular meeting, the Councilmembers, City Manager, City Attorney~~
25 ~~and City Clerk shall take their regular places in the Council Chamber. The Presiding Officer shall~~
26 ~~call the meeting to order and the business of the Council shall be taken up for consideration and~~
27 ~~disposition in the order set forth in Section 5.2 except that with the consent of a majority of the~~
28 ~~Council, items may be taken up out of order.~~

~~5.2 Order of Business. The order of business at meetings of the City Council shall be as~~
~~follows, in accordance with the procedures specified below:~~

1 a.——CALL TO ORDER

2 The Presiding Officer shall call the meeting to order.

3 b.——PLEDGE OF ALLEGIANCE

4 The Presiding Officer shall designate a person to lead the Pledge of Allegiance.

5 e.——ROLL CALL

6 The City Clerk shall call the roll of the City Council beginning with
7 Councilmembers, and the names of those present shall be entered on the minutes. The order of roll
8 call shall be alphabetical with the Mayor Pro Tempore called fourth and the Mayor called last.
9 Members present and absent shall be entered into the minutes.

10 ~~d.——REPORT OF CLOSED SESSION~~ REPORT

11 The Mayor or the City Attorney shall announce the basis for the Closed Session and
12 those actions taken as are required to be reported by the Brown Act.

13 e.——ANNOUNCEMENTS

14 Councilmembers may make any announcements at this time.

15 1. APPROVAL OF AGENDA

16 The City Council may change the order in which it takes up items on the agenda,
17 remove and/or continue agenda items.

18 PROCLAMATIONS/f.——PRESENTATIONS

19 This time is reserved for the reading and awarding of proclamations and
20 commendations for members of the community, service organizations and others that have merited
21 recognition by the Council. In addition, visiting dignitaries may be introduced at this time.

22 2. CITY MANAGER REPORT

23 The City Manager and staff may provide brief progress reports on City business.

24 g.——PUBLIC COMMENTPARTICIPATION

25 Oral ~~and written~~ comments from members of the public are accepted here as set forth
26 in Section 6, herein. All comments from members of the public relative to Consent Calendar items

1 must be heard at this time unless a Councilmember agrees to remove a Consent Calendar item at
2 the request of a member of the public made at this time.

3 3. CITY COUNCILMEMBER COMMENTS

4 Councilmembers may briefly respond to public comments, ask a question for
5 clarification or make brief announcements or report on activities or meetings
6 attended.

7 h. CONSENT CALENDAR

8 The City Council may approve items ~~Items~~ of a routine nature ~~may be approved by~~
9 ~~the City Council~~ in a single motion
10 by adopting adoption of the Consent Calendar. ~~Before~~ The approval of the Consent Calendar,
11 the City Council may pull an item(s) for separate discussion. ~~shall signify the approval of each~~
12 ~~matter or recommendation included therein.~~

13 4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE
14 DISCUSSION

15 Items removed from the Consent Calendar for separate discussion shall be heard at
16 this time.

17 i. PUBLIC HEARINGS

18 The Council shall conduct all public hearings as set forth in Section 7.

19 j. EXCLUDED CONSENT CALENDAR

20 ~~Items removed from the Consent Calendar for discussion shall be heard at this time.~~

21 k. MUNICIPAL MATTERS

22 The Council shall take up all matters of new and old business.

23 5. FUTURE AGENDA ITEMS

24 Two Councilmembers may direct. ~~CITY MANAGER'S REPORT~~

1 Members of the public may also comment upon any other items of interest that are within
2 the subject matter jurisdiction of the City Council. ~~at this time.~~ Any Councilmember may request
3 that matters addressed under Public ~~CommentParticipation~~ be placed for information or action on a
4 subsequent agenda under FUTURE AGENDA ITEMS; however, no action shall be taken on items
5 not appropriately placed on the agenda except ~~upon~~ in a majority determination that an “emergency
situation” exists as defined by State law. described in Section 4.3.

6 ~~6.2 Limitations.~~ The public comment period during the general Public Comment shall
7 be limited to no more than two (2) three (3)
8 minutes for each speaker, unless the Presiding Officer determines that good cause exists to extend
9 **the time and doing so will not be arbitrary or unfair.**

10 Further, this first Public Comment section shall be limited to a total of thirty (30) minutes. The
11 Presiding Officer also may allow additional time for the spokesperson of a group if doing so will
12 limit the number of persons speaking and avoid repetitious presentations. Unless required by law,
13 public comment will only be taken by those physically in City Council Chambers. Those viewing
14 the meeting via remote public participation options or listening in telephonically will not be allowed
15 to make general public comments.

16 Pictures and pre-recorded videos will not be digitally displayed in the Council Chambers
17 during the meeting. However, members of the public can send such items to the City Clerk for
18 distribution to the City Council by the deadline listed on the agenda for the City Council meeting.
19 Members of the public wishing to distribute materials to the City Council after the deadline set forth
20 on the agenda may do so in person by providing sufficient copies for all Councilmembers, the City
21 Manager, the City Attorney, and the City Clerk.

22 6.2 Public Comment for Agenda Items. Any member of the public may address the City
23 Council on agenda items appearing on the City Council agenda. After the staff presentation and any
24 clarifying factual/technical questions by the City Council, the Presiding Officer shall then solicit
25 public comment. Each speaker under this public comment period shall be limited to no more than
26 three (3) minutes for each speaker, unless the Presiding Officer determines that good cause exists
27

1 to extend the time and doing so will not be arbitrary or unfair. The Presiding Officer may allow
2 additional time for the spokesperson of a group if doing so will limit the number of persons speaking
3 and avoid repetitious presentations. Public comment will be taken first by those physically in City
4 Council Chambers during the time the item is called. Public comment will then be opened up to
5 those viewing the meeting via remote public participation options or listening in telephonically and
6 will similarly be limited to three (3) minutes. Unless mandated by law, this remote participation is
7 done as a courtesy only and is not guaranteed. The City reserves the right to terminate this medium
8 at any time and for any reason.

9 6.3 Procedure.—Upon addressing the City Council, each speaker may choose to state
10 his or her name and city of residence and then identify the subject or subjects upon which he or she
11 intends to speak. Speakers shall address their comments or questions to the City Council as a whole,
12 and not to any particular Council or staff member or to the audience.

13
14 ~~6.4 Written Communication to Council. Persons who wish to address an issue to the~~
15 ~~City Council for the official record may submit written material to the Council in lieu of or in~~
16 ~~addition to speaking under the Public Participation section of the meeting. Such written~~
17 ~~correspondence must be delivered to the City Clerk by noon of the Tuesday one week before the~~
18 ~~Regular Council meeting in order to be included on the agenda.~~

19 **SECTION 7. PUBLIC HEARINGS.**

20 Matters which are required to be heard in a noticed public hearing shall be conducted in the
21 following manner:

22 7.1 Time for Consideration. ~~consideration.~~—Matters noticed as public hearings
23 shall commence no earlier than the time specified in the notice of hearing, or as soon thereafter ___
24 as is reasonably possible, and shall continue until the same has been completed or until other
25 disposition of the matter has been made.

26 7.2 Continuance of Hearings.- Any public hearing being held or noticed or ordered to be
27 held by the City Council may, by order or notice of continuance, be continued or re-continued to
28 any subsequent meeting ~~in the manner provided for under Section 2.6.~~

1 7.3 Conduct of Hearings. ~~—When a matter for public hearing comes before the City~~
2 Council, the Presiding Officer shall open the public hearing and follow the process as legally
3 required.~~;~~

4 a. ~~Call for a report on noticing from the City Clerk.~~

5 b. ~~Call for a report on written communications received by the City pertaining~~
6 ~~to the item being heard.~~

7 c. ~~With respect to quasi-judicial matters, request that each Councilmember~~
8 ~~report on any ex parte communications, as defined in Section 7.5.~~

9 d. ~~Request that staff present the staff report and any other relevant evidence.~~
10 ~~Presentation of the staff report prior to the formal opening of the public hearing shall not prevent its~~
11 ~~consideration as evidence. Any such evidence shall be made a part of the record of the public~~
12 ~~hearing.~~

13 e. ~~The Presiding Officer shall then recognize the proponents or appellants in the~~
14 ~~case, who shall be permitted ten (10) minutes to present evidence related to the matter under~~
15 ~~consideration.~~

16 f. ~~The Presiding Officer shall then recognize members of the public. No person~~
17 ~~may speak without first being recognized by the Presiding Officer. Members of the City Council~~
18 ~~who wish to ask questions of the speakers or each other during the public hearing may do so.~~
19 ~~Members should be mindful that the purpose of the public hearing is to obtain testimony, and not to~~
20 ~~debate the merits of the item under consideration. Members should avoid debate and expressions of~~
21 ~~personal opinion until after the close of the public testimony portion of the public hearing. The~~
22 ~~Presiding Officer shall conduct the hearing in such a manner as to afford due process to all affected~~
23 ~~persons. Comments from the public shall be limited to three (3) minutes per speaker for public~~
24 ~~hearings, unless the City Council affirmatively decides otherwise.~~

25 g. ~~Following public comments, the proponents or appellants may present a~~
26 ~~wrap-up or rebuttal statement, not to exceed five (5) minutes in length.~~

27 h. ~~The Presiding Officer shall then close the public testimony portion of the~~
28 ~~public hearing. Councilmembers may still, however, ask questions of staff or members of the public.~~
~~Upon conclusion of Council deliberations and immediately prior to a motion, the Presiding Officer~~
~~shall formally close the public hearing. Upon formally closing the public hearing, no additional~~

~~public testimony shall be solicited or received without reopening the hearing. The hearing may not be reopened unless it is determined that no one in the audience has left the room since closure of the hearing. In the event the Presiding Officer is unable to make that finding, the hearing may not be reopened unless it is renoticed for a future meeting.~~

~~i. The City Council shall then take action.~~

7.4 Written Evidence. - All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence of any kind. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record.

7.5: Definition of "Ex Parte" Communication. "Ex parte communication" shall mean any oral or written communication between a member of the Council and any person, which meets all of the following requirements: (i) it is directed toward the merit or outcome of a quasi-judicial matter within the Council's jurisdiction; (ii) an application, recommendation or appeal on the matter has been submitted to the Council; (iii) the communication imparts substantive factual information which constitutes the basis of or otherwise influences the Councilmember's deliberation or decision on the matter; (iv) the information is not included in the staff report or other written materials contained in the agenda of the meeting at which the matter is to be heard or otherwise on the official record of the proceeding on the matter; and (v) the communication does not occur in a public meeting as defined in the Ralph M. Brown Act (California Government Code Section 54950, *et seq.*).

SECTION 8. -PROCEDURES FOR THE CONDUCT OF MEETINGS.

8.1 Robert's Rules.- Unless otherwise specified in this Resolution or by other ordinance or resolution, meetings of the City Council will be conducted to the extent practicable in accordance with the most recently revised edition of Robert's Rules of Order. In the event of any conflict between Robert's Rules and this Resolution, the Municipal Code or of State law, the latter three sources of authority shall govern.

8.2 Motions. The Mayor or any member of the Council may bring a properly agendized matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for debate offering the first opportunity to debate to the moving party

1 and, thereafter, to any Councilmember properly recognized by the Presiding Officer. Debate shall
2 be closed upon consent (implicit or explicit) of a majority of the City Council. Once the matter has
3 been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed,
4 unless the Council overrules the Presiding Officer by a majority vote. A motion that results in a tie
5 vote does not pass.

6 8.3 Voting. Every Councilmember should vote unless disqualified by reason of a
7 financial or common law conflict of interest. A Councilmember may change his or her vote prior to
8 the time that the Presiding Officer or City Clerk announces the outcome of the vote on the motion,
9 and not after.

10 ~~8.4 Adjournment. The City Council shall adjourn each Regular meeting by 10:30 p.m.
11 unless a majority of the members present vote to extend the adjournment time. Notwithstanding the
12 foregoing, any item of business commenced prior to 10:30 p.m. may be completed without the
13 necessity of an adjournment extension vote. Upon adjournment, those items of business not
14 completed shall be continued to the next Regular City Council meeting unless the Council schedules
15 the items for an Adjourned meeting to take place prior to the next meeting.~~

16 SECTION 9. -DECORUM.

17 9.1 Rules for City Councilmembers. Members of the City Council shall conduct
18 themselves in an orderly and businesslike manner to ensure that the business of the City shall be
19 attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of
20 the City Council is maintained at all times. Members of the Council shall maintain a polite,
21 respectful and courteous manner when addressing one another, City staff and members of the public
22 during meetings.

23 ~~a. Role of the Presiding Officer. The Presiding Officer of the City Council,
24 who shall be the Mayor, or in the Mayor's absence the Mayor Pro Tempore, or in their absence any
25 other member designated by the City Council, shall be responsible for maintaining the order and
26 decorum of meetings. It shall be the duty of the Presiding Officer to ensure that the rules of operation
27 and decorum contained herein are observed. The Presiding Officer shall maintain control of
28 communication between Councilmembers and between the Council, staff and the public.~~

~~b. Communication with Councilmembers.~~

1) Councilmembers should request the floor of the Presiding Officer before speaking.

2) A Councilmember who is speaking shall attempt to avoid repetition and shall endeavor to limit his or her comments to the subject matter at hand. Councilmembers should endeavor to express their views without engaging in lengthy debates.

3) When one Councilmember is speaking, other Councilmembers shall not interrupt or otherwise disturb the speaker.

9.2 Communication with Members of the Public Addressing the Council.

a. Councilmembers may, after requesting the floor of the Presiding Officer, question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.

b. Councilmembers shall not engage the person addressing the Council in a dialogue with the City Council or City staff, but shall confine communication to a question and answer format.

c. If a member of the audience has addressed the Council on matters which are not on the agenda, Councilmembers shall refrain from extended discussions of the matter. If a Councilmember so wishes, the Councilmember may, during the Future Agenda Items ~~Councilmember Comments or Other Matters~~ portion of the meeting, direct the City Manager to place the matter on the next agenda.

9.3 Rules for City Staff.

a. Decorum. City staff shall not engage in public dialogue or debate with members of the public during public meetings. When addressed by the Council, staff shall respond in a polite and respectful manner,
~~in a polite and respectful manner.~~

b. Role of the City Manager. The City Manager's duties during City Council meetings include keeping a record of concerns raised by the Council regarding staff matters and directions for future staff action.

9.4 Rules for the Public.

a. Members of the Audience. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language,

whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting ~~unfeasible~~infeasible. A member of the audience repeatedly or continuously engaging in any such conduct shall, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.

~~b.~~ Persons Addressing the City Council.

~~1)~~ Any person wishing to speak shall approach the speaker podium when called upon by the Presiding Officer.

~~2)~~ No person shall address the City Council without first being recognized by the Presiding Officer.

~~3)~~ Each person addressing the City Council shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.

~~4)~~ Persons addressing the City Council shall adhere to the time limit established for public comment and conclude their comments when requested to do so by the Presiding Officer.

9.5 Enforcement.

a. Upon a violation of the rules of order and decorum established in Section 9.4 of this resolution, the procedure to enforce the rules is as follows:

~~1)~~ Warning.- The Presiding Officer shall request that a person who is violating the rules of decorum cease such conduct. If after receiving a warning from the Presiding Officer, the person persists in the violation, the Presiding Officer shall order the person to leave the City Council meeting. If the person does not leave the meeting, the Presiding Officer may order any law enforcement officer who is on duty at the City Council meeting as sergeant-at-arms to remove the person from the City Council chambers.

~~2)~~ Removal.- Any law enforcement officer who is serving as sergeant-at-arms at the City Council meeting shall carry out the orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the Presiding Officer,

1 it shall be the duty of the sergeant-at-arms to remove from the City Council meeting any person
2 who is disturbing the proceedings of the City Council.

3 ~~3)~~ Resisting Removal. - Any person who resists removal by the sergeant-
4 at-arms may be charged with any applicable ordinance or law.

5 ~~4)~~ Motion to Enforce. - If the Presiding Officer of the City Council
6 fails to enforce the rules of order and decorum set forth above, any member of the City Council may
7 move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City
8 Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the
9 will of the majority of the City Council, the majority may designate another member of the City
10 Council to act as Presiding Officer for the purpose of enforcing the rules of order and decorum
11 established above.

12 ~~5)~~ Clearing the Room. - If a meeting of the City Council is disturbed or
13 disrupted in such a manner as to make infeasible or improbable the restoration of order, the Presiding
14 Officer or a majority of the City Council may exercise the authority granted in the California
15 Government Code Section 54957.9 by ordering the meeting room cleared and continuing in- session
16 in the manner authorized by Section 54957.9 of the Government Code. Members of the press shall
17 be permitted to remain unless they have participated in the disruption.

18 SECTION 10. To the extent feasible (i.e., technical and staffing limitations, nature of
19 the agenda and business before the body, need, etc.) all subsidiary boards and commissions in
20 the City shall adhere to these rules of order and decorum for their respective meetings.

21 ~~SECTION 10. Resolution No. 12-6787 is hereby rescinded.~~

22 SECTION -11. - The City Clerk shall certify to the passage and adoption of this Resolution,
23 shall enter the same in the book of original Resolutions of said city; and shall make a minute of the
24 passage and adoption thereof in the records of the proceedings of the City Council at which the
25 sameSame is passed and adopted.

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PASSED, APPROVED ~~and~~ **AND** ADOPTED this ~~23rd Day~~ ~~28th day~~ of ~~January, 2024~~ ~~July, 2015~~.

Mayor Justin Massey

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA ~~California~~

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla

Patrick Donegan

City Clerk

City Attorney



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

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

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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City Council Hybrid Meeting (Closed Session at 5:00 p.m. and Open Session at 6:00 p.m.)

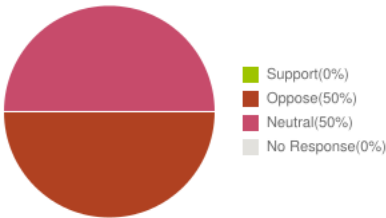
01-23-24 17:00

Agenda Name	Comments	Support	Oppose	Neutral
g) REPORT 24-0036 CONSIDERATION OF A RESOLUTION AMENDING THE RULES OF CONDUCT OF CITY COUNCIL MEETING AND SUBSIDIARY CITY BOARDS AND COMMISSIONS (City Attorney Patrick Donegan)	2	0	1	1

Sentiments for All Agenda Items

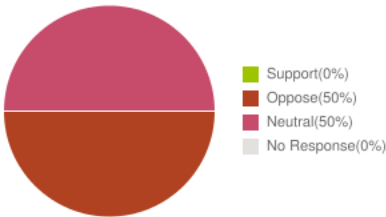
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for g) REPORT 24-0036 CONSIDERATION OF A RESOLUTION AMENDING THE RULES OF CONDUCT OF CITY COUNCIL MEETING AND SUBSIDIARY CITY BOARDS AND COMMISSIONS (City Attorney Patrick Donegan)

Overall Sentiment



Howard L

Location:
Submitted At: 2:52pm 01-23-24

Please see my additional supplemental as submitted by email due to the weak-as-water utility of this e-Comment ability, but also as to be attached at meeting time for this item. Howard L.

David Grethen

Location:
Submitted At: 2:00pm 01-22-24

The Staff report identifies removal of the (general) Written Comments portion of the agenda but there is practically no discussion in the report otherwise, so I will offer up a comment and an assumption/observation to inform the public and potentially stimulate Council discussion.

It appears that general written comments can still be submitted by using the eComment feature on the City Website/Agendas page, attaching the eComment to Item 9. Public Comment. I assume these comments will be collated and attached to the agenda for posterity, though the public would not see them until only a few hours before the Council meeting. I'm also trying to recall whether it is possible to attach a PDF letter/paper as part of eComment submittal, but if so it may require the submitter to create a Speak Up Hermosa account (versus as a guest) to have this capability.

David Grethen

**City Clerk's office: Please add this Supplemental to Municipal Matters Item 14-g
"CONSIDERATION OF A RESOLUTION AMENDING THE RULES OF
CONDUCT OF CITY COUNCIL MEETING AND SUBSIDIARY CITY
BOARDS AND COMMISSIONS" of the January 23, 2024 regular Hermosa Beach City Council
Agenda. Thank You.**

**NOTE: The following was sent to City Attorney Patrick Donegan last Wednesday
January 17, 2024. Donegan should have immediately directed Lowenthal and staff that
the motion staff interpreted as an immediate action was either misinterpreted or
improperly given by the City Council in his presence, as there was the subject standing
Resolution, which first had to be repealed or amended for much of what the action
contradicted.**

**It is my understanding that several other members of the public were improperly and
illegally refused the right to submit and have included with this meeting's posted
agenda their submittals. They as such probably have a right to bring suit against the
city's malfeasance.**

**A court would likely also have immediately issued a 'writ of mandate' as such. Even
former City Attorney Michael Jenkins upon being made aware, would have immediately
indicated that the Council action had to wait at least one more meeting before taking
affect.**

**But no, Donegan has clearly in my view shown he's being manipulated by the tag team
of City Manager Suja Lowenthal and Councilman Justin Massey. Thus Shame on
Donegan for showing he's evidently scared to death of Lowenthal and Massey.**

**The Lowenthal / Massey dictatorial slime-operation just cannot admit they made a
blunder and write a letter of apology to those denied their rights. My views and again
shame on Donegan.**

Howard L.

**Following as submitted last Wednesday. And note, the City's Website was then
corrected re: the items I mentioned below.**

**To: Hermosa Beach City Council / City Staff:
(Dean Francois, Rob Saemann, Raymond Jackson, Michael Detoy, Justin Massey,
Contract City Attorney Patrick Donegan, Contract City Manager Suja Lowenthal,
City Clerk Myra Maravilla)**

From: Howard Longacre, Resident

Submitted, January 17, 2024

**Re: That the following Resolution 15-6988 has yet to be amended and adopted,
however aspects of the public's ability to participate in **THEIR own council****

meetings is being run roughshod over by a couple of individuals abusing their perceived power.

RESOLUTION NO. 15-6988

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ESTABLISHING RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS

Councilmembers and Others:

Everything contained within this communication are my views given the information available to me.

Council, it's outrageous that I need to again take my uncompensated time as a resident to bring this to your attention.

During your last council meeting, December 12, 2023, late in the evening, during the holiday season, the top city staff, (**obviously under the direction of Councilmember Justin Massey [abusing his power primarily] and City Manager Suja Lowenthal**), clearly decided to additionally take the people out of their own city council meetings, and as much as possible.

There was absolutely no significant reason, whatever, for this having needed to even be discussed, and especially as to be your holiday gift to the community, that, i.e., YOU serve and are so richly rewarded.

However, be that as it may, nonetheless a discussion item was assigned to City Attorney Patrick Donegan. It was essentially then his item for Massey and Lowenthal to hide behind as the underwriters.

Following here is the item that appeared on the December 12, 2023 agenda, followed with a direct link to the staff report and attachments.

REPORT
23-0746

**DISCUSSIONS AND DIRECTION TO CITY STAFF REGARDING
REMOTE PARTICIPATION AT CITY MEETINGS AS WELL AS OTHER
FORMAT AND OPERATIONAL CONCERNS RELATED TO CITY
COUNCIL MEETINGS**

(City Attorney Patrick Donegan)

Recommendation: Staff recommends City Council discuss and provide direction regarding the continued use of remote (Zoom) public participation at City Council meetings, application of any remote public participation policies to other City Boards and Commissions, and any other format or meeting policies City Council would like to see implemented, modified, and/or removed.

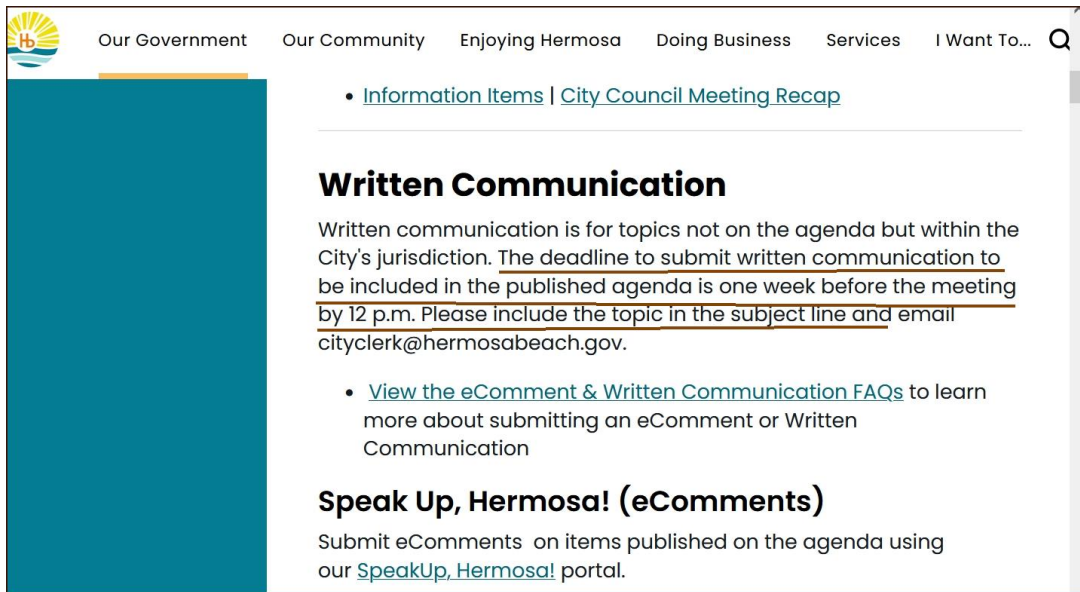
Direct link to the Staff Report 23-0746 and attachments for the above item.

<https://hermosabeach.legistar.com/LegislationDetail.aspx?ID=6447351&GUID=6A6DFCE3-F459-4D0D-A47F-AD539E204BAF>

Interestingly, I have just been informed today, by the City Clerk, that the minutes of that meeting have yet to be prepared, and that Lowenthal and staff to date, a month and 5 days since that meeting have made all kinds of operational decisions including the stifling of anyone from being able to receive confirmation -- other than NO their "Written Communications" are not being accepted, i.e. not those submitted by yesterday at noon, fully one week, prior to the January 23, 2024 council meeting, as per both what Resolution 15-6988 specifies, and what even yet today still is reflected on the City Website as instructions for submittal of "Written Communications".

As presently stated on the website is the following: (note in the snag what I have underlined in red)

(continue to next page)



And under the following FAQ as noted above; the following is as on the city website today January 17, 2024.

eComments & Written Communications Frequently Asked Questions	
Q. What is the difference between written communication and an eComment?	A. Written communication is for topics not on the agenda, but within the City of Hermosa Beach jurisdiction. eComments are for comments on items published on the agenda.
Q. How do I submit a written communication to the City Council to be included in the published agenda packet?	A. Email the City Clerk at cityclerk@hermosabeach.gov or drop off your written correspondence one week before the meeting by 12:00 p.m. noon. Please include the topic in the subject line.
Q. When will the City Council receive my Written Communication?	A. The City Council will receive your written communication as part of the agenda packet when the agenda is published (at least 72 hours before the meeting).
Q. How do I submit an eComment?	A. You can submit an eComment via SpeakUp, Hermosa! www.hermosabeach.granicusideas.com/meetings . Select the meeting with an active eComment period and submit an eComment for the corresponding agenda item. You only need to sign in to your SpeakUp, Hermosa! account if you would like to submit an attachment with your eComment.
Q. When will the City Council receive my eComment?	A. The City Council receives your eComment immediately after you submit it until the eComment period closes.
Q. When will my eComment be available on the agenda packet?	A. Your eComment will be made available on the agenda packet after the eComment period closes at 3 p.m. on the day of the Council Meeting.
Q. I submitted an eComment, but I don't see it.	A. Click on the File ID (the hyperlinked number next to the corresponding agenda item on the published agenda) to see the eComments document. eComments must be submitted before 3:00 p.m. on the day of the meeting.
Q. I missed the period to be included in the agenda packet and I want to participate. What do I do?	A. Participate via Zoom, phone or in-person by following the instructions outlined on the agenda.
Q. Can I submit an email comment for an agenda item?	A. Yes. We must receive it by 3 p.m. on the day of the meeting for the City Council to review it. Any email comment submitted after 3 p.m. or during the meeting will be published on the agenda packet the following business day.

The item presented alluded only slightly to matters of speaking time, and virtually nothing regarding “Written Communications”. It appeared to be primarily about the Zoom participation when I reviewed it, or I would have immediately commented as to why the significant Resolution set in law by, and amended by prior city councils, i.e. Resolution 15-6988 (attached to and part of this PDF) was not even an attachment to City Attorney Donegan’s staff report at the Dec 12, 2023 city council meeting.

Btw, I would and the Council should expect a red-lined attachment when and if said resolution is proposed to be amended again.

The point is, that any “Written Communication(s)” received by the City Clerk prior to Noon, January 16, 2024 should be included with the agenda (when same is posted) for the January 23, 2024 City Council’s next meeting. I myself do not have any such communication submitted for same.

It always amazes me how politicians, once-elected, go out of their way to speed up inappropriate actions by even so much as one meeting, when they could do things 100% honorably and correctly so easily. That's perhaps why some become so ridiculed and by so many. Thus for those appropriate, 'if the shoe fits then by all means wear it'.

Note: City Attorney Donegan indicated to me after the December 12, 2023 meeting that there was no final action taken, and that the item would be coming back, likely at the January 23, 2024 meeting.

However, City Clerk Myra indicated to me today and previously after the Dec 12, 2023 meeting, that the council directed the City Staff that the speaking times were being implemented at the next meeting, along with there being no longer "Written Communications" on non-agendized matters being posted at the time the agenda is posted.

Neither City Clerk Myra, nor City Attorney Donegan in my view are the problem here. In my view Councilman Justin Massey and City Manager Suja Lowenthal are absolutely 100% the problem. They are, and have been abusing their perceived power ad nauseam. It's time for the other four councilmembers to step up to the plate, not behind the scenes, but in public meetings and put an end to the Massey/Lowenthal dictatorial rule in Hermosa Beach. Each councilmember has 1/5th the power. Don't forget these meetings are the public's meetings. That's why they are public. We as yet are not under a dictatorship! The public is at the top of the organizational chart of the city. Not the Council, not Suja Lowenthal, and certainly not Justin Massey.

Attached Resolution 15-6988 follows. For all things specified it has been the law of the city.

Zoom participation is perhaps in another Resolution? Suja Lowenthal has evidently shown her incompetence again, as still to this date not presenting on the website, each and every Resolution by year adopted by the Council. These missing and hidden adopted Resolutions are routinely being misused or in my view purposefully being forgotten at the City Council's or other's convenience. That needs to stop.

Council, direct that City Manager Suja Lowenthal get placed on the website every Resolution of the City Council by date-adoption and/or date-amended order. None should be deleted even after being amended.

End of Communication:

Attachment follows. Resolution 15-6988 ([see staff item 14-G's attachments](#))



City of Hermosa Beach

City Hall
1315 Valley Drive
Hermosa Beach, CA 90254

Staff Report

Staff Report

24-0070

**Honorable Mayor and Members of the Hermosa Beach City Council
Special Meeting of February 15, 2024**

TENTATIVE FUTURE AGENDA ITEMS

Attached is the current list of tentative future agenda items for Council's information.

Attachments:

Tentative Future Agenda Items

TENTATIVE FUTURE AGENDA ITEMS

FEBRUARY 27, 2024 @ 5:00 PM		INITIAL DATE
CLOSED SESSION		
FEBRUARY 27, 2024 @ 6:00 PM		
PRESENTATIONS		
RECOGNIZING LEARNED LUMBER’S 100 TH YEAR OF BUSINESS IN HERMOSA BEACH		
PROCLAMATION DECLARING FEBRUARY AS BLACK HISTORY MONTH		
CITY MANAGER REPORTS		
Police Chief Update		
CITY COUNCILMEMBER COMMENTS		
Updates from City Council Ad Hoc Subcommittees and Standing Committee Delegates/Alternates		
CONSENT CALENDAR		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Revenue Report, Expenditure Report, and CIP Report by Project for December 2023	Finance Director	Ongoing
Annual Comprehensive Financial Report (ACFR) for 2022-23	Finance Director	Annual
City Treasurer’s Report and Cash Balance Report for December 2023	City Treasurer	Ongoing
Capital Improvement Program Status Report	Public Works Director	Ongoing
Action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of January 8, 2024	Community Resources Manager	Ongoing
Approval of Special Event Long-term Agreements	Community Resources Manager	Staff Request Jan. 22, 2024
Action Minutes of the Planning Commission Meeting of February 20, 2024	Community Development Director	Ongoing
Planning Commission Tentative Future Agenda	Community Development Director	Ongoing
Los Angeles Fire Services and McCormick Ambulance Monthly Report for December 2023	Emergency Management Coordinator	Ongoing
South Bay Workforce Investment Board Quarterly Summary (2 nd Qtr for 2023-24)	Chris Cagle	Quarterly
PUBLIC HEARINGS – 6:30 PM		
Approval of New 2024 Impact Level III Special Event	Community Resources Manager	Staff Request Jan. 22, 2024
MUNICIPAL MATTERS		
Award of Construction Contract for CIP 689 Clark Building Renovations	Public Works Director	Staff Request Nov. 30, 2023
Midyear Budget Review 2023-24	Finance Director	Annual
Adopt a Resolution Approving Guidelines for On-Street Outdoor Dining Encroachments and Adopt a Resolution Establishing Fees for Outdoor Dining and Retail Encroachment Permit Application, Plan Review and Renewal	Environmental Programs Manager	Staff Request Jan. 22, 2024
Economic Development Strategy Progress Report	Community Development Director	Biannual
FUTURE AGENDA ITEMS – CITY COUNCIL		
Future Agenda Items	City Manager	Ongoing

WEDNESDAY, MARCH 6, 2024
STUDY SESSION PLACEHOLDER

MARCH 12, 2024 @ 5:00 PM		INITIAL DATE
CLOSED SESSION: 1. Minutes 2. Labor Negotiations		
MARCH 12, 2024 @ 6:00 PM		
PRESENTATIONS		
PROCLAMATION DECLARING MARCH 2024 AS RED CROSS MONTH AND RECOGNITION OF LIFESAVING EFFORTS OF HERMOSA BEACH RESIDENT NAIIA LAJOIE		
PROCLAMATION DECLARING MARCH 2024 AS WOMEN'S HISTORY MONTH		
CITY MANAGER REPORTS		
Police Chief Update		
CITY COUNCILMEMBER COMMENTS		
Updates from City Council Ad Hoc Subcommittees and Standing Committee Delegates/Alternates		
CONSENT CALENDAR		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Action Minutes of the Civil Service Board Meeting of November 15, 2023	Human Resources Manager	Ongoing
FUTURE AGENDA ITEMS – CITY COUNCIL		
Future Agenda Items	City Manager	Ongoing

MARCH 26, 2024 @ 5:00 PM		INITIAL DATE
CLOSED SESSION		
MARCH 26, 2024 @ 6:00 PM		
PRESENTATIONS		
RECOGNIZING PETER MICHEL AND TJ BRINJAK FOR THEIR SERVICE TO THE CITY		
LOS ANGELES COUNTY FIRE SERVICES AND MCCORMICK AMBULANCE 2024 SEMI-ANNUAL REVIEW		
CITY MANAGER REPORTS		
Police Chief Update		
CITY COUNCILMEMBER COMMENTS		
Updates from City Council Ad Hoc Subcommittees and Standing Committee Delegates/Alternates		
CONSENT CALENDAR		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Revenue Report, Expenditure Report, and CIP Report by Project for January and February 2024	Finance Director	Ongoing
City Treasurer's Report and Cash Balance Report for January and February 2024	City Treasurer	Ongoing
Cancellation of Certain Checks	City Treasurer	Ongoing
Capital Improvement Program Status Report	Public Works Director	Ongoing
Action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of February 6, 2024	Community Resources Manager	Ongoing
Action Minutes of the Planning Commission Meeting of March 19, 2024	Community Development Director	Ongoing
Planning Commission Tentative Future Agenda	Community Development Director	Ongoing
Los Angeles Fire Services and McCormick Ambulance Monthly Report for January 2024	Emergency Management Coordinator	Ongoing
MUNICIPAL MATTERS		
Review of the draft Parks Master Plan	Community Resources Manager	Staff Request Nov. 28, 2023
FUTURE AGENDA ITEMS – CITY COUNCIL		
Future Agenda Items	City Manager	Ongoing

APRIL 9, 2024 @ 5:00 PM		INITIAL DATE
CLOSED SESSION		
APRIL 9, 2024 @ 6:00 PM		
CITY MANAGER REPORTS		
Police Chief Update		
CITY COUNCILMEMBER COMMENTS		
Updates from City Council Ad Hoc Subcommittees and Standing Committee Delegates/Alternates		
CONSENT CALENDAR		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Action Minutes of the Civil Service Board Meeting of February 21, 2024	Human Resources Manager	Ongoing
FUTURE AGENDA ITEMS – CITY COUNCIL		
Future Agenda Items	City Manager	Ongoing

THURSDAY, APRIL 18, 2024
STUDY SESSION: FISCAL YEAR 2023–2024 CAPITAL IMPROVEMENT PROGRAM

NO MEETING APRIL 23, 2024
(DARK)

PENDING STRATEGIC PLAN ITEMS		STATUS / TENTATIVE MEETING DATE
Beach Policy/Regulations (<i>Continued from meeting of October 27, 2016</i>)	Community Resources Manager	This item will be addressed through the creation of the Volleyball Court Use Policy, to be reviewed by City Council in 2023 (date to be determined)
Alternative Fuel Transportation Report, <i>Nov. 2016</i>	Environmental Analyst	
PENDING NEW ITEMS		STATUS / TENTATIVE MEETING DATE
Approval of the Municipal Lease Policy <i>Initiated by: Staff Request Jun. 12, 2018</i>	Community Resources Manager	
Landscape and Street Lighting District Assessment Adjustment (mail-in election authorization) <i>Initiated by: Council Direction Jul. 9, 2019</i>	Public Works Director	To be included in Revenue Strategy Study Session (March 3, 2022). PW staff has funding to prepare an assessment adjustment study and will advance that effort – it is anticipated that the study will take approximately 2 to 3 months to complete. If council agrees to advance the adjustment, it will need to go to a city-wide ballot. The annual assessment is required to go to council each year for approval and may need to go to council separately before the ballot vote. It was last approved at the 7/13/2021 council meeting.
Pavement Condition Index Update <i>Initiated by: Staff Request Sept. 23, 2019</i>	Public Works Director	The new pavement management plan report is being prepared and is anticipated to be completed in approximately 2 to 3 months. PW staff will prepare a staff report with the updated document and have our consultant available to present the item to council.
Public Records Request Guidelines <i>Initiated by: Staff Request Oct. 14, 2019</i>	City Clerk	
Emergency Services Municipal Code Chapter 2.56 Update	Emergency Management Coordinator	Waiting for State to review proposed language changes
Return to Council to discuss a full ban on tobacco sales and to include all available data related to other communities who have adopted complete bans <i>Initiated by: Council Direction Jan. 28, 2020</i>	Community Development Director	Staff to work with BCHD to consider appropriate timing to return to consider a full ban
Consideration of licensing agreement/fees for use of City logo Initiated by: Council Direction Jun. 9, 2020	City Attorney	The City will develop a licensing agreement for commercial uses of the City logo as part of a comprehensive Administrative Memorandum (AM) on City Branding and Logo Use by City Staff. City staff will begin drafting the AM after finalizing the City's style guide and filing its "Intent

		to Use” trademark application for the City logo with the USPTO. As part of developing a Licensing Agreement for the Commercial Use of the City Logo, staff will establish a process for reviewing and handling these requests. This process will likely include the negotiation of royalties and as well as the preparation of a staff report to obtain Council approval to enter into the agreement. Only once after the City receives the issuance of a Notice of Allowance from the USPTO can it begin approving applications for commercial uses of the logo.
Follow-up on Mayor’s Pledge Initiated by: Council Direction August 25, 2020	City Manager’s Office/Police Chief	City to provide events for the Mayor’s Pledge criteria
Ordinance to regulate nuisance Outdoor Lighting <i>Initiated by: Staff Request June 3, 2021</i>	Community Development Director	Council referred to Planning Commission at June 2021 meeting, tentatively scheduled for Planning Commission, February 2022
An Ordinance of the City of Hermosa Beach, California, adding Chapter 12.42 to the Hermosa Beach Municipal Code to require property owners to repair the sidewalk area abutting their real property <i>Initiated by: Staff Request June 12, 2021</i>	City Attorney	
PLAN Hermosa 5-year check-in on milestones (Supported by Massey, Campbell, Armato, Jackson) <i>Initiated by: Council Direction October 26, 2021</i>	Community Development Director/Environmental Program Manager	The next update to City Council will be in 2026
Consideration of Non-Profit Grant Program <i>Initiated by: Council Direction March 9, 2022</i>	Deputy City Manager	
Report on whether the Blue Star Marker Program would be applicable in Hermosa Beach (supported by Detoy, Jackson and Saemann) <i>Initiated by: Council Direction May 23, 2023</i>	Community Resources Manager	Staff waiting to hear back from the Hermosa Garden Club
Consideration of rules that would govern operation of off-sale alcohol establishments in downtown and consideration of queuing for on-sale alcohol establishments. (supported by Massey, Saemann and Detoy) <i>Initiated by: Council Direction June 13, 2023</i>	Community Development/Police Chief/Deputy City Manager	Ordinance to be established to address items
Review of Los Angeles Metro C Line (Green) Extension to Torrance (supported by Jackson, Detoy and Francois) <i>Initiated by: Council Direction September 26, 2023</i>	City Manager	
Information Item: Discussion of the City’s COVID-19 requirements for employment and the City’s position on the vaccination requirement (supported by Saemann and Francois) <i>Initiated by: Council Direction November 28, 2023</i>	Human Resources Manager/City Manager/City Attorney	
Consideration of 1) Adding Lanes to Reduce Traffic Speed on Prospect; and 2) Retain Contractor to Complete Project (supported by Massey, Jackson and Francois) <i>Initiated by: Council Direction December 12, 2023</i>	Public Works Director	