

NOTICE

COMPTON CITY COUNCIL AGENDA Tuesday, October 25, 2011 5:45 PM

HEARING(S)

6:00 P.M. JOINT PUBLIC HEARING - TO AMEND THE CAPITAL IMPROVEMENT PLAN AND TO REALLOCATE CAPITAL FUNDING FOR PROJECTS FINANCED THROUGH THE REFINANCING OF LEAST REVENUE BONDS (Request to continue, Item #8)

OPENING

ROLL CALL

INTRODUCTION OF SPECIAL GUESTS

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. **POWERPOINT PRESENTATION - NEIGHBORHOOD STABILIZATION PROGRAM (NSP)**
2. **POWERPOINT PRESENTATION - CITY-WIDE CAMERA PROJECTS AND SHERIFF'S DISPATCH/MONITORING CENTER**

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

CONSENT AGENDA

Consent items are routine and expected to be non-controversial. They will be acted upon by the Council at one time without discussion unless a Council Member requests an item be removed or discussed.

APPROVAL OF MINUTES

3. October 11, 2011

REPORTS OF OFFICERS AND COMMISSIONS

CITY FIRE DEPARTMENT

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID OF LEVERAGE INFORMATION SYSTEMS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE REPAIR, REPLACEMENT AND MAINTENANCE OF CAMERAS AND SYSTEM AT THE GATEWAY TOWNE CENTER

HUMAN RESOURCES

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING RENEWAL OF THE CONTRACTUAL AGREEMENT FOR SERVICES PROVIDED BY CARE RESOURCES INCORPORATED FOR THE EMPLOYEE ASSISTANCE PROGRAM (EAP) SERVICES

WATER DEPARTMENT

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO PAY CALIFORNIA DEPARTMENT OF HEALTH SERVICES FOR WATER SYSTEM FEES

APPROVAL OF WARRANTS

END CONSENT AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

7. REQUEST TO SCHEDULE A PUBLIC HEARING - CRANE AVENUE REHABILITATION - ONE-WAY TRAFFIC RESTRICTION - **(November 15, 2011 at 5:50 p.m.)**
8. REQUEST TO CONTINUE THE JOINT PUBLIC HEARING WITH THE PUBLIC FINANCE AUTHORITY OF THE CITY OF COMPTON REGARDING AMENDING THE CAPITAL IMPROVEMENT PLAN AND REALLOCATING CAPITAL FUNDING FOR PROJECTS FINANCED THE REFINANCING OF LEASE REVENUE BONDS **(November 1, 2011 at 6:15 p.m.)**

CITY ATTORNEY'S REPORTS

CLOSED SESSION

9. CONFERENCE WITH LABOR NEGOTIATOR
AGENCY NEGOTIATOR: P. LAMONT EWELL
EMPLOYEE ORGANIZATIONS: SEIU LOCAL 721,
AFSCME LOCAL 3947, AFSCME LOCAL 2325 AND
IAFF LOCAL 2216
Pursuant to Government Code Section 54957.6

10. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
United States, et al., ex rel. [under seal v. under seal]
CV08-988 DOC
Pursuant to Government Code Section 54956.9(a)

11. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
2 Potential Cases
Pursuant to Government Code Section 54956.9(b)

UNFINISHED BUSINESS

12. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON REPEALING SECTIONS 2-24.1 AND 2-24.2 OF THE COMPTON MUNICIPAL CODE AND AMENDING CHAPTER VII OF THE CODE TO ADD SECTION 7-28 TO PROHIBIT SMOKING AND THE USE OF TOBACCO RELATED PRODUCTS IN CERTAIN AREAS WITHIN THE CITY OF COMPTON(**Second Reading**)

NEW BUSINESS

13. **MINUTE MOTION - AUTHORIZATION TO PROVIDE A DVD COPY OF COUNCIL MEETINGS (ONE PER REQUEST)**

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN EMPLOYMENT AGREEMENT WITH P. LAMONT EWELL TO SERVE AS CITY MANAGER OF THE CITY OF COMPTON AND AMENDING THE FY 2011-2012 BUDGET TO TRANSFER FUNDS BETWEEN ACCOUNTS

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON INSTRUCTING THE CITY MANAGER TO IMPLEMENT CERTAIN POLICY DECISIONS OF THE CITY COUNCIL

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, November 01, 2011 @ 5:45 PM.

Visit our website at <http://www.comptoncity.org>

OCTOBER 11, 2011

The City Council meeting was called to order at 6:23 p.m. in the Council Chambers of City Hall by Mayor Pro-Tem Janna Zurita.

ROLL CALL

Council Members Present: Dobson, Arceneaux, Jones, Zurita

Council Members Absent: Perrodin

Other Officials Present: C. Cornwell, A. Godwin, P. Ewell

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. **CERTIFICATE PRESENTATION - Student of the Month (Councilman Willie Jones) (REAGENDAD)**

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

Benjamin Holifield, Compton resident, encouraged the City Attorney to implement an ordinance that addresses the cultural phenomenon called “sagging.” Mr. Holifield attributed the youth’s high unemployment rate with their tendency to “sag” in public and at job interviews. He further contended that there were no plans in place to address the multitude of prisoners being released into the City of Compton, therefore he urged the City to prepare itself for their release to ensure that these individuals are adequately addressed.

Lynn Boone, Compton resident, mentioned the incident, in which she was singled out by an elected official and ejected from the City Council meeting. She argued that this person would only support the citizens that voted for her, and supported her during her campaign.

Joyce Kelly, Compton resident, questioned why the City Council did not address the issues of emergency preparedness and the early release of prisoners when she brought it to their attention.

Charles Davis, Compton resident, thanked the City Council for appointing Mr. Ewell to the City Manager’s position and announced that there was a petition in the community to recall Mayor Perrodin.

Councilperson Arceneaux requested legal counsel.

Craig Cornwell, City Attorney, explained that audience comments were not designed for advertisement or commercial speech, however, if the speaker is peaceable the announcement is allowed.

Mr. Davis stated that he empathizes with this City Council, because he has never seen a group of people address the council for so long after the election. He stated that it takes away from City business and discouraged the speakers against it.

Imani Robinson, invited the citizens of Compton to take part in the "Make a Difference Day" event to be held on Saturday, October 22, 2011. She encouraged all residents to partake in this worthwhile event and suggested that they call (323) 326-2927 for more information.

William Kemp, Compton resident, mentioned his relationship with Councilperson in District One and another candidate that ran for office during the 2011 election. He stated that during the election, this particular candidate came to him and requested his assistance. After replying affirmatively and providing his time towards their campaign, he stated that a scandal arose that caused him to rethink his political affiliations with that person. He questioned how this person could speak negatively about him when there was so much information that he could publicly disclose about them.

Sandra Lightner, representative of the Compton Dance Studio, stated that Tomorrow’s Aeronautical Museum’s presents “A Salute to Women in Aviation” to be held on Saturday, October 22, 2011 from 4 p.m. to 8 p.m. Tickets are \$40 in advance and \$50 at the door. She

#3.

further announced that Faith Inspirational Church would be beautifying Compton with the Compton Initiative organization on Saturday, October 15, 2011 from 7 a.m. to 12 p.m. at Compton High School and Roosevelt Middle School. She noted that the church is fasting and praying for the Mayor and the other elected officials.

CONSENT AGENDA

ITEMS REMOVED FROM THE CONSENT AGENDA - Items Two and Three were removed from the Consent Agenda.

On motion by Arceneaux, seconded by Dobson, the Consent Agenda was approved, by the following vote on roll call:

AYES: Council Members - Dobson, Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Perrodin

APPROVAL OF MINUTES

2. September 27, 2011

REPORTS OF OFFICERS AND COMMISSIONS

HUMAN RESOURCES

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A METRO PASS SELLER AGREEMENT AND TAP CPOS LICENSE AND SERVICE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY **(REMOVED)**

WATER DEPARTMENT

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF AND AWARD A CONTRACT TO PACIFIC STATES FOR THE CONSTRUCTION OF A 750,000 GALLON PORTABLE WATER STORAGE RESERVOIR AT THE SOUTHEAST CORNER OF SEBRIE PARK **(Resolution # 23,403)**

ITEMS REMOVED FROM THE CONSENT AGENDA

APPROVAL OF WARRANTS

5. Warrant #203747 - Hosie Cooper - Clean up Services - \$2,800.00 - Requested by: Maintenance

On motion by Arceneaux, seconded by Jones, the above warrant was approved, by the following vote on roll call:

AYES: Council Members - Dobson, Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Perrodin

END OF THE CONSENT AGENDA

REGULAR AGENDA

CITY MANAGER'S REPORT

6. REQUEST TO SCHEDULE A JOINT PUBLIC HEARING WITH THE PUBLIC FINANCE AUTHORITY OF THE CITY OF COMPTON TO AMEND THE CAPITAL IMPROVEMENT PLAN AND TO REALLOCATE CAPITAL FUNDING FOR PROJECTS FINANCED THROUGH THE REFINANCING OF LEASE REVENUE BONDS

On motion by Arceneaux, seconded by Jones, to schedule the public hearing for October 25, 2011 at 6:00 p.m., by the following vote on roll call:

AYES: Council Members - Dobson, Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Perrodin

CITY ATTORNEY'S REPORTS - There were no City Attorney's Reports.

UNFINISHED BUSINESS

7. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON GRANTING A FRANCHISE TO PARAMOUNT PETROLEUM TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS **(Second Reading)**

On motion by Arceneaux, seconded by Jones, to waive the reading of the ordinance in full, by the following vote on roll call:

AYES: Council Members - Dobson, Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Perrodin

On motion by Arceneaux, seconded by Jones, **Ordinance # 2,223** entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON GRANTING A FRANCHISE TO PARAMOUNT PETROLEUM TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS**" was adopted, by the following vote on roll call:

AYES: Council Members - Dobson, Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Perrodin

NEW BUSINESS

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT BETWEEN THE CITY OF COMPTON AND MEPCO SERVICES, INC. TO AUTHORIZE THE REDUCTION OF WITHHELD RETENTION ON THE MARTIN LUTHER KING JR. TRANSIT CENTER PROJECT (CIP #06-04) **(REMOVED)**
9. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SPECIFIC PROVISIONS OF CHAPTER XIV (BUILDING AND HOUSING CODES) AND CHAPTER XVII (MECHANICAL CODE) OF THE COMPTON MUNICIPAL CODE AUTHORIZING THE CITY MANAGER TO APPOINT A HEARING OFFICER TO PERFORM THE DUTIES OF THE CITY'S HOUSING ADVISORY AND APPEALS BOARD (HAAB) IN THE EVENT THE BOARD LACKS A QUORUM **(First Reading)**

On motion by Arceneaux, seconded by Jones, to waive the reading of the ordinance in full, by the following vote on roll call:

#3.

AYES: Council Members - Dobson, Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Perrodin

On motion by Arceneaux, seconded by Jones, “**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SPECIFIC PROVISIONS OF CHAPTER XIV (BUILDING AND HOUSING CODES) AND CHAPTER XVII (MECHANICAL CODE) OF THE COMPTON MUNICIPAL CODE AUTHORIZING THE CITY MANAGER TO APPOINT A HEARING OFFICER TO PERFORM THE DUTIES OF THE CITY’S HOUSING ADVISORY AND APPEALS BOARD (HAAB) IN THE EVENT THE BOARD LACKS A QUORUM**” was placed on first reading by title only, by the following vote on roll call:

AYES: Council Members - Dobson, Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Perrodin

10. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTION 2-20.2 REGARDING MEMBERSHIP OF THE COMPTON YOUTH LEADERSHIP COUNCIL **(First Reading)**

On motion by Arceneaux, seconded by Jones, to waive the reading of the ordinance in full, by the following vote on roll call:

AYES: Council Members - Dobson, Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Perrodin

On motion by Arceneaux, seconded by Jones,” **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTION 2-20.2 REGARDING MEMBERSHIP OF THE COMPTON YOUTH LEADERSHIP COUNCIL**” was placed on first reading by title only, by the following vote on roll call:

AYES: Council Members - Dobson, Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Perrodin

11. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING PROVISIONS OF SECTION 2-1.13 REGARDING ENFORCEMENT OF RULES OF DECORUM AT CITY COUNCIL MEETINGS **(First Reading)**

The item failed for lack of a motion.

COUNCIL COMMENTS

Craig Cornwell, City Attorney, reported on the City of Long Beach’s trucking facility application located on the outskirts of their city with a proposed egress in the City of Compton. Mr. Cornwell stated that the applicant has decided to withdraw his petition and affirmed that the City Attorney’s Office would continue to monitor the situation in the event that the applicant decides to re-submit his proposal.

Mr. Cornwell addressed a previous speaker’s comment regarding censorship and clarified that the Compton City Council meetings are broadcasted live, which is over and above the minimum requirements of the Brown Act.

Mr. Cornwell also addressed Mr. Holifield’s concerns about “sagging.” He stated that he would renew his research on sagging; however he indicated that it was apathetic to regarding someone’s preference of clothing as offensive.

Mr. Cornwell reported on the Second District of California Court of Appeal that had stricken the City of Long Beach's ordinance that regulates marijuana. The court finds that the federal law preempts the area and prohibits the possession and distribution and marijuana.

Councilperson Dobson announced that there were employment opportunities available in the field of transportation. She stated that she is looking for jobs for the citizens of Compton and asked the business community and independent contractors to notify her of any job openings so that she may pass it on.

Councilperson Arceneaux mentioned a phone call she received from Clymar residents regarding wild coyotes being released into the community. Ms. Arceneaux expressed a concern for small children being attacked and immediately called the Humane Society. She stated that she was referred to the Ways and Means organization which exclusively addresses wild coyotes and was told that the City of Compton was not covered under their program. She asked the City Manager to contact the weights and measurements department with the County of Los Angeles to ensure that the City is covered under this program.

Councilperson Arceneaux suggested that a meeting be held with the City and the members of the community to ensure that there are programs available to address the multitude of inmates being released into the City of Compton.

Councilperson Jones cordially invited the Compton community to attend the "Five Blind Boys of Mississippi Musical" to be held on Saturday, November 5, 2011 from 11 a.m. to 3 p.m. Donation is \$10.

Councilperson Jones also announced that the Commission on Aging would be remembering the survivors and the lives lost to cancer at the Dollarhide Neighborhood Center on Thursday, October 13, 2011 from 1:30 p.m. to 3 p.m.

Councilperson Jones announced that the Compton Initiative would be beautifying Compton on Saturday, October 22, 2011. All participants are asked to meet at Compton High School or Roosevelt Middle School. For additional information please call his office at (310) 605-5662.

Councilperson Jones encouraged the Compton community to participate in the "Annual Fall Festival for Children" to be held on Saturday, October 29, 2011 at Kelly Park from 10 a.m. to 2 p.m. Mr. Jones stated that this event will not be funded by the City.

Councilperson Jones requested that the meeting be adjourned in the memory of Cynthia Anderson's brother, Kenneth Johnson.

Mayor Pro-Tem Zurita expressed her appreciation to the City Manager for the excessive hours spent assessing the City's finances.

Mayor Pro-Tem Zurita also thanked the local union leaders for meeting with the City Manager and expressing their desire to work collectively for the good of Compton and its residents. She stated that the City Manager's first priority is to stabilize the City's finances and evaluate the City's bonds. She indicated that she was hopeful that after his evaluation he will find a way to reduce the citizen's water bills.

Mayor Pro-Tem Zurita invited the women in the community to attend the "Komen for the Cure Event" to be held Sunday, October 23, 2011 from 1:30 p.m. to 4 p.m. at Long Beach City College Pacific Coast campus. This event will provide the following services: detection, prevention treatment, surgery and reconstructive surgery. For additional information regarding this free event please contact Kiera Jo at (310) 605-5510.

Mayor Pro-Tem Zurita mentioned the grand opening of the Martin Luther King Jr. Center that specializes in the detection and treatment of tuberculosis and sexually transmitted diseases. All services are provided free of charge.

Mayor Pro-Tem Zurita also reminded the residents to contact Pacific Coast Waste & Recycling for their bulky waste pick-up needs.

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Mayor Pro-Tem Zurita concluded by announcing the grand re-opening of Gonzales Park Gym to be held on Saturday, October 22, 2011 from 10 a.m. to 12 p.m.

ADJOURNMENT

On motion by Arceneaux, seconded by Dobson, the meeting was adjourned at 7:20 p.m. in memory of **Kenneth Johnson**, by the following vote on roll call:

AYES: Council Members - Dobson, Arceneaux, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Perrodin

City Clerk of the City of Compton

Mayor of the City of Compton

October 25, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID OF LEVERAGE INFORMATION SYSTEMS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE REPAIR, REPLACEMENT AND MAINTENANCE OF CAMERAS AND SYSTEM AT THE GATEWAY TOWNE CENTER

SUMMARY

This resolution authorizes the City Manager to accept the bid of and enter into a contract with Leverage Information Systems in the amount of \$174,563.73 to fund repairs, maintenance and replacement of cameras at Gateway Towne Center.

BACKGROUND

The Gateway Towne Center is presently equipped with a surveillance camera system. This system is to be integrated into the ongoing City-Wide Camera Project. The cameras at this location have not been maintained in the past three years, thus there is a need to replace or repair some of the cameras, in addition to ongoing maintenance necessary to produce results and reach goals. Vandalism, graffiti and violence are sure to be diminished and hopefully eliminated with proper use and care of the camera system.

STATEMENT OF ISSUE

An "Invitation for Bids" was posted on August 31, 2011. Three vendors (Leverage Information Systems, Metro Video Systems and Micro Skeems) were present for the pre-bid meeting and site walk on September 9, 2011. Bids were accepted on September 22, 2011. Only one bid was received from Leverage Information Systems and on review it was found to meet the specifications and accepted as the most responsible bidder to perform the work at the cost of \$174,563.73. This bid and price includes a three (3) year maintenance agreement at a cost of \$18,838.33 per year.

FISCAL IMPACT

There is no further fiscal impact to the FY 2011-2012 budget. Said funds have been allocated in the Lease Revenue Bond account #3030-690-004-4334 of the Fire Department's 2011-2012 FY budget.

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Gateway Staff Report
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RECOMMENDATION

Staff recommends that the Council adopt the attached Resolution.

**JON THOMPSON
FIRE CHIEF**

**P. LAMONT EWELL
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID OF LEVERAGE INFORMATION SYSTEMS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE REPAIR, REPLACEMENT AND MAINTENANCE OF CAMERAS AND SYSTEM AT THE GATEWAY TOWNE CENTER

WHEREAS, the Gateway Towne Center is part of the City-Wide Camera Surveillance System and is presently equipped with a surveillance camera system; and

WHEREAS, said cameras are in need of maintenance, repairs and some replacements in order to achieve results; and

WHEREAS, a pre-bid meeting and site walk was held on September 9, 2011. Three (3) vendors (Leverage Information Systems, Metro Video Systems and Micro Skeems) were present for the meeting as well as the site walk. Bids were due by September 22, 2011. Only one bid was received from Leverage Information Systems and on review it was found to meet the specifications and was accepted as the most responsible bidder to perform the work at the cost of \$174,563.73; and

WHEREAS, the bid and price includes a three (3) year maintenance agreement at a cost of \$18,838.33 per year; and

WHEREAS, funds for this payment have been allocated in Lease Revenue Bond account #3030-690-004-4334 of the Fire Department's 2011-2012 FY budget.

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

SECTION 1. That the bid of Leverage Information Systems be accepted.

SECTION 2. That the City Manager is authorized to enter into a contract with Leverage Information Systems for the repair and replacement of cameras and three (3) years of maintenance of the cameras and system at the Gateway Towne Center.

SECTION 3. That the City Manager is authorized to issue a purchase order to Leverage Information Systems in the amount of One Hundred Eighteen Thousand Forty Eight Dollars and Seventy-Four Cents (\$118,048.74).

SECTION 4. That funds for these services have been allocated in Account #3030-690-004-4334 of the 2011-2012 FY budget.

SECTION 5. That a copy of this Resolution shall be forwarded to the offices of the City Clerk, City Manager, City Controller, City Attorney and The Fire Department.

#4.

RESOLUTION NO. _____
PAGE 2

SECTION 6. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

I, Alita Godwin, City Clerk of the City of Compton, do hereby certify that the forgoing resolution was adopted by the City Council, signed by the Mayor, and attested to by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2011.

That said Resolution was adopted by the following vote, to wit:

AYES: Council Members-
NOES: Council Members-
ABSTAINS: Council Members-
ABSENT: Council Members-

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Fire Department

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID OF LEVERAGE INFORMATION SYSTEMS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE REPAIR, REPLACEMENT AND MAINTENANCE OF CAMERAS AND SYSTEM AT THE GATEWAY TOWNE CENTER

Jon Thompson
DEPARTMENT MANAGER'S SIGNATURE

10/18/2011 7:41:53 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

10/20/2011 2:40:21 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

10/20/2011 2:46:13 PM
DATE

P. Lamont Ewell
CITY MANAGER

10/20/2011 1:46:18 PM
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney's review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

October 25, 2011

TO: CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING RENEWAL OF THE CONTRACTUAL AGREEMENT FOR SERVICES PROVIDED BY CARE RESOURCES INCORPORATED FOR THE EMPLOYEE ASSISTANCE PROGRAM (EAP) SERVICES

SUMMARY

The attached resolution authorizes an agreement with Care Resources, Inc. for Employee Assistance Program (EAP) Services for an amount not to exceed twelve thousand (\$12,000.00) dollars.

BACKGROUND

On September 28, 1993, the City Council adopted Resolution No. 17,379 authorizing its' initial contractual agreement with Care Resources, Inc. for the EAP Services. The City of Compton has established an agreement with Care Resources each fiscal year since the initial agreement in 1993 because the services provided are valuable to employees in need of EAP services.

STATEMENT OF FACT

The EAP prescribes a course of action for department managers and other employees with supervisory responsibilities to assist employees who manifest deteriorating job performance and/or those who do not respond to normal supervisory counseling or disciplinary procedures.

Additionally, EAP will guide, counsel and assist employees who voluntarily seek assistance in obtaining appropriate diagnosis and suggest a course of treatment to restore their ability to perform jobs at acceptable levels.

The EAP program continues to offer employees and their families confidential assistance with alcoholism, drug abuse and personal problems.

#5.

RESOLUTION RE: CARE RESOURCES INCORPORATED
October 25, 2011/PAGE 2

FINANCIAL IMPACT

Projected expenditures for the EAP Services for Fiscal Year 2011-2012 shall not exceed the amount of twelve thousand (\$12,000.00) dollars and are allocated in the Budget of the Human Resources Department in Account No. 1001-56-0000-4262.

RECOMMENDATION

Staff recommends approval of this resolution to renew the contractual agreement with Care Resources Incorporated for the EAP services.

**SHERI D. EATON
HUMAN RESOURCES DIRECTOR (INTERIM)**

**P. LAMONT EWELL
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING RENEWAL OF THE CONTRACTUAL AGREEMENT FOR SERVICES PROVIDED BY CARE RESOURCES INCORPORATED FOR THE EMPLOYEE ASSISTANCE PROGRAM (EAP) SERVICES

WHEREAS, the City of Compton adopted Resolution No. 17,379 on September 28, 1993 authorizing its' initial contractual agreement with Care Resources Incorporated for the Employee Assistance Program (EAP) services; and

WHEREAS, the City of Compton desires to renew the contractual agreement to continue utilizing the valuable services of this contractor to provide training, assistance and counseling for employees; and

WHEREAS, projected expenditures for the Employee Assistance Program (EAP) services for fiscal year 2011-2012 shall not exceed the amount of twelve thousand (\$12,000.00) dollars; and

WHEREAS, funds for this expenditure are allocated in the Budget of the Human Resources Department in Account No. 1001-56-0000-4262.

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

SECTION 1. That upon the advice of the City Attorney, the City Manager is authorized to enter into an agreement with Care Resources Incorporated for an amount not to exceed twelve thousand (\$12,000.00) dollars for the Employee Assistance Program (EAP) services or Fiscal Year 2011-2012.

SECTION 2. That funding for this service shall not exceed twelve thousand dollars (\$12,000.00) for fiscal year 2011-2012 and shall be paid from the allocations in the budget of the Human Resources Department in Account No. 1001-56-0000-4262.

SECTION 3. That a copy of this resolution shall be filed in the Offices of the City Manager, City Attorney, City Controller, Human Resources Department and City Clerk.

SECTION 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

#5.

RESOLUTION NO. _____
PAGE 2

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON: ss

I, Alita L. Godwin, City Clerk of the City of Compton, hereby certify that the foregoing resolution was adopted by the City Council, signed by the Mayor and attested to by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2011.

That said resolution was adopted by the following vote, to wit:

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

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Human Resources

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING RENEWAL OF THE CONTRACTUAL AGREEMENT FOR SERVICES PROVIDED BY CARE RESOURCES INCORPORATED FOR THE EMPLOYEE ASSISTANCE PROGRAM (EAP) SERVICES

Sheri Eaton
DEPARTMENT MANAGER'S SIGNATURE

10/7/2011 2:40:39 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

10/20/2011 1:19:08 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

10/20/2011 2:21:33 PM
DATE

P. Lamont Ewell
CITY MANAGER

10/20/2011 12:22:33 PM
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney's review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

October 25, 2011

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO PAY CALIFORNIA DEPARTMENT OF HEALTH SERVICES FOR WATER SYSTEM FEES

SUMMARY

The Water Department received an invoice from the California Department of Health Services covering water system fees charges from July 1, 2010 through June 30, 2011 and Council's approval is needed so that the invoice can be processed.

BACKGROUND

Each year the California Department of Public Health invoices the Municipal Water Department for water system fees. The fees cover permitting activities, inspections & investigations, compliance tracking and review and monitoring data for July 1, 2010 through June 30, 2011. These services are mandated by the State of California Health and Human Services Agency, California Department of Public Health.

FINANCIAL IMPACT

The Municipal Water Department has funds in account 5000-890-000-4262 to cover this expenditure.

RECOMMENDATION

It is recommended that the attached resolution be adopted authorizing the City Manager to process a purchase order to pay for these services.

KAMBIZ SHOGHI
GENERAL MANAGER

P. LAMONT EWELL
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO PAY CALIFORNIA DEPARTMENT OF HEALTH SERVICES FOR WATER SYSTEM FEES

WHEREAS, the Compton Municipal Water Department received the end of the fiscal year invoice from the California Department of Public Health for the Water System fees covering July 1, 2010 through June 30, 2011 in the amount of \$8,393.00 (Eight Thousand, Three Hundred and Ninety-three Dollars) that needs to be paid; and

WHEREAS, the California Department of Public Health performs the followings services for the Municipal Water Department: inspections & investigations, compliance tracking, monitoring date review and plan checks; and

WHEREAS, the funds for this expenditure is available in account 5000-890-000-4262.

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

SECTION 1. That the City Manager is hereby authorized to issue a purchase order to the California Department of Health Services in the amount of \$8,393.00 (Eight Thousand, Three Hundred and Ninety-three Dollars).

SECTION 2. That funds are available in account 5000-890-000-4262.

SECTION 3. That a copy of this resolution shall be filed in the offices of the City Manager, City Controller, City Clerk and the Municipal Water Department.

SECTION 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing resolution was adopted by the City Council, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2011.

That said resolution was adopted by the following vote to wit:

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

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Water Department

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO PAY CALIFORNIA DEPARTMENT OF HEALTH SERVICES FOR WATER SYSTEM FEES

Kambiz Shoghi
DEPARTMENT MANAGER'S SIGNATURE

10/12/2011 9:50:28 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

10/20/2011 2:40:40 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

10/20/2011 2:47:55 PM
DATE

P. Lamont Ewell
CITY MANAGER

10/20/2011 1:47:16 PM
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney's review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

October 25, 2011

TO: MAYOR AND CITY MANAGER

FROM: CITY MANAGER

**SUBJECT: REQUEST FOR HEARING -
CRANE AVENUE REHABILITATION
(ONE-WAY TRAFFIC RESTRICTION)**

The Crane Rehabilitation project is a priority for the Department of Public Works. However, there are some issues that need explanation and clarification.

The portion of the project in question is Crane Avenue, between Compton Boulevard and Rosecrans Avenue. The roadway and sidewalk are particularly narrow. The sidewalk is only 2 ½ feet wide, while Federal Americans with Disabilities Act guidelines mandate a width of at least 4 feet and if the street is rehabilitated this standard have to be met. Such widening, however, shall make the street so narrow that that it could no longer accommodate two-way traffic.

Accordingly, the plans for the project will include making Crane Avenue a one-way street, with northbound traffic only.

Therefore, in order to notify the public about the proposed change prior to creating the specifications to rehabilitate Crane, a public hearing is requested for November 15, 2011 at 5:50 P.M.

KAMBIZ SHOGHI
GENERAL MANAGER

P. LAMONT EWELL
CITY MANAGER

PLE/KS/AT/

October 25, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: REQUEST TO CONTINUE THE JOINT PUBLIC HEARING WITH THE PUBLIC FINANCE AUTHORITY OF THE CITY OF COMPTON REGARDING AMENDING THE CAPITAL IMPROVEMENT PLAN AND REALLOCATING CAPITAL FUNDING FOR PROJECTS FINANCED THE REFINANCING OF LEASE REVENUE BONDS

PROPOSED NEW HEARING DATE: TUESDAY, NOVEMBER 1, 2011 @ 6:15 P.M.

SUMMARY:

Pursuant to Government Code Section 6586.5, a public hearing is required to solicit comments from the public regarding recommended changes to the use of moneys in the 2008 Project Fund held by the Trustee in connection with the Compton Public Finance Authority Lease Revenue Bonds (refunding and Various Capital Projects), Series 2008.

BACKGROUND:

On September 11, 2007, the City Council approved a resolution directing staff to move forward with a plan to provide for the issuance of lease revenue bonds to refinance the outstanding 1997 certificates of participation and to finance the costs of acquisition and improvement of various City facilities. On March 11, 2008, the City Council and the Board of Directors of the Public Finance Authority passed two companion resolutions authorizing such financing and describing the projects to be financed with bond proceeds.

On July 28, 2009, after a public hearing, the City Council changed the list of projects authorized to be financed by the 2008 lease revenue bonds and reallocated funding for those projects. Currently, there is approximately \$22,000,000 remaining in the 2008 Project fund held by the Trustee for possible reallocation.

STATEMENT OF THE ISSUE:

Staff is requesting that the City Council conduct a joint public hearing with the Public Finance Authority of the City of Compton and reallocate a portion of the remaining funds to the following:

#8.

MARTIN LUTHER KING TRANSIT CENTER EXPANSION PROJECT

This project includes the demolition of the City's existing Transit Center and the construction of a new transit center/transportation management facility and

operations center, construction of a new plaza area, landscaping, realignment and reconstruction of roadways including new bus bays, utility modifications and traffic signal upgrades. The project is currently scheduled to be completed December 2011 or shortly thereafter. Staff is requesting that an amount not to exceed \$4,000,000 be reallocated to this project.

DISPATCH CENTER AT COMPTON SHERIFFS STATION

This project includes the remodeling of the dispatch center for the Compton Station of the Los Angeles County Sheriff's Department. Staff is requesting that an amount not to exceed \$700,000 be reallocated to this project.

USE OF BOND PROCEEDS TO PAY DEBT SERVICE

The use of monies in the 2008 Project Fund to pay debt service on the 2008 lease revenue bonds will have the effect of allowing general fund monies of the City that would have otherwise been used to pay debt service to be used to pay other general fund expenses of the City. Representatives of the City have contacted the Internal Revenue Service to assure that the use of the 2008 Project Fund monies for this purpose is permissible under federal tax law. Currently, approximately \$2,300,000 of General Fund moneys is spent each year for such debt service. Staff is requesting that an amount not to exceed three years of debt service on the 2008 lease revenue bonds be reallocated for this purpose.

RECOMMENDATION:

Staff requests that the City Council and the Public Finance Authority continue the joint public hearing currently set for October 25, 2011 to November 1, 2011 at 6:15pm to consider financing the projects described above and consider use of bond proceeds to pay debt service.

**P. LAMONT EWELL,
CITY MANAGER**

October 25, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON REPEALING SECTIONS 2-24.1 AND 2-24.2 OF THE COMPTON MUNICIPAL CODE AND AMENDING CHAPTER VII OF THE CODE TO ADD SECTION 7-28 TO PROHIBIT SMOKING AND THE USE OF TOBACCO RELATED PRODUCTS IN CERTAIN AREAS WITHIN THE CITY OF COMPTON**

SUMMARY

The City Council will consider adopting an Ordinance that will amend Chapter VII of the Compton Municipal Code by adding new Section 7-28 to regulate smoking in certain places within the City of Compton. The proposed Ordinance will allow the City to restrict smoking and tobacco use in public places, limit public exposure to secondhand smoke and promote a healthy environment for the residents in the City of Compton.

BACKGROUND

A recent report of the Surgeon General concluded that smoking and tobacco use causes adverse health outcomes, particularly cancer and cardiovascular and pulmonary diseases, through mechanisms that include DNA damage, inflammation and oxidative stress.¹ Consequently, tobacco use remains the leading preventable cause of premature death in the United States and there is no risk-free level of exposure to tobacco smoke.² Secondhand smoke has repeatedly been identified as a health hazard resulting in harmful effects to non-

¹ U.S. Department of Health and Human Services. *How Tobacco Smoke Cause Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.

² Id.

**Staff Report re Add Section 7-28 to CMC
Smoke-Free Ordinance
October 25, 2011, page 2**

smokers who are exposed to it, including children.³ In order to combat the health effects of secondhand smoke, many cities and counties in California are working to protect their residents from the dangers of secondhand smoke exposure by adopting comprehensive ordinances that include smoke restrictions in many areas of the community, from parks to multi-unit residential housing to ATM lines. (See Exhibit A attached hereto and incorporated by this reference.)

In addition to the health risks associated with smoking in public places, there are other reasons to restrict smoking in certain outdoor areas. Cigarette butts are common items found along parks. Cigarette litter damages the environment and poses a hazard to children, pets and wildlife that may ingest cigarette butts.⁴ Not only do these recreation areas suffer from cigarette trash, these areas are also subject to the risk of fire as a result of a cigarette butt that has not been fully extinguished.

California law prohibits smoking in virtually all indoor places of employment reflecting the state policy to protect against the dangers of exposure to secondhand smoke thereby rendering sections 2-24.1 and 2-24.2 moot.⁵ Additionally, California law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions.⁶ Furthermore, California law as well as the Compton Municipal Code declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance.⁷ Finally, local governments have broad latitude to declare nuisances and are not constrained by prior definitions of nuisance.

STATEMENT OF ISSUE

This proposed smoking and tobacco use ordinance provides that smoking shall be prohibited in the following unenclosed areas within the City of Compton:

1. Dining areas.

³ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Secondhand Smoke*. 2006. Available at www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm.

⁴ Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, www.surfridersd.org/hotyb.php. March 10, 2011.

⁵ California Labor Code Section 6404.5 and California Government Code Section 7597.

⁶ California Health and Safety Code Section 104495.

⁷ California Civil Code Section 3479 and Compton Municipal Code Section 7-13.

**Staff Report re Add Section 7-28 to CMC
Smoke-Free Ordinance
October 25, 2011, page 3**

2. Service areas.
3. Common areas of multi-unit residences.
4. Public parks.
5. Other public places, including streets and sidewalks, when being used for a public event, including but not limited to a farmer's market, concert, parade, fair, festival, or any other event open to the general public.

Smoking is also prohibited in enclosed places including:

Multi-unit residential housing with more than three adjacent units. Existing units impacted by this ordinance will have until January 1, 2013 to come into compliance. New Multi-Unit Residences that receive a certificate of occupancy after the effective date of this Chapter shall have 100% of its units non-smoking.

FISCAL IMPACT

There is no financial impact.

RECOMMENDATION

It is the recommendation of this office that the City Council adopt the attached Ordinance.

**CRAIG J. CORNWELL
CITY ATTORNEY**

ORDINANCE NO. _____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON REPEALING SECTIONS 2-24.1 AND 2-24.2 OF THE COMPTON MUNICIPAL CODE AND AMENDING CHAPTER VII OF THE CODE TO ADD SECTION 7-28 TO PROHIBIT SMOKING AND THE USE OF TOBACCO RELATED PRODUCTS IN CERTAIN AREAS WITHIN THE CITY OF COMPTON**

WHEREAS, smoking and tobacco use causes adverse health outcomes, particularly cancer and cardiovascular and pulmonary diseases, through mechanisms that include DNA damage, inflammation and oxidative stress; and

WHEREAS, the evidence on the mechanisms by which smoking causes disease indicates that there is no risk-free level of exposure to tobacco smoke; and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard and placed in the same category as toxic automotive and industrial air pollutants by the California Air Resource Board; and

WHEREAS, 15.9% of City of Compton residents are smokers; and

WHEREAS, creating smoke-free areas helps protect the health of the 84.1% of Compton residents who are non-smokers; and

WHEREAS, 76.0% of Compton residents who live in apartments, prefer to live in a completely non-smoking apartment building, according to a non-scientific survey conducted by the Los Angeles County Department of Public Health; and

WHEREAS, cigarette butts are a major source of litter and pose a health threat to young children who may handle and possibly ingest them; and

WHEREAS, California law prohibits smoking in virtually all indoor places of employment reflecting the state policy to protect against the dangers of exposure to secondhand smoke thereby rendering sections 2-24.1 and 2-24.2 moot; and

WHEREAS, California law declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance; and

WHEREAS, local government have broad latitude to declare nuisances and are not constrained by prior definitions of nuisance; and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions; and

WHEREAS, it is the intent of the City Council, by adopting this Ordinance, to provide for the public health, safety and welfare by regulating the inherently dangerous activity of smoking and tobacco use around non-smokers, especially children; by protecting the public from exposure to secondhand smoke in places where they live, work and play; and by affirming and promoting a healthy environment in the City of Compton.

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

SECTION 1. That Chapter II of the Compton Municipal Code is hereby amended to delete Section 2-24.1 and Section 2-24.2 in their entirety.

SECTION 2. That Chapter VII of the Compton Municipal Code is hereby amended to add Section 7-28 to read as follows:

7-28 SMOKING PROHIBITED BY LAW IN CERTAIN AREAS

7-28.1 PURPOSE AND INTENT

The City Council finds that smoking, or the use of any other tobacco product, is a serious danger to the health, discomfort and welfare to non-smokers who are present in unenclosed areas where there is exposure to secondhand smoke. The U.S. Surgeon General and the U.S. Environmental Protection Agency have concluded that secondhand smoke causes lung cancer and heart disease in healthy non-smokers. In order to protect the public and promote public health, safety and welfare, the declared purposes of this Section are to prohibit smoking, or other use of tobacco products, in certain places where non-smokers, are subject to the exposure of secondhand smoke.

7-28.2 DEFINITION

The following words and phrases, whenever used in this Section, shall be defined as follows:

a. *Common Area* means every enclosed or unenclosed area of a multi-unit residence that residents of more than three units of that multi-unit residence are entitled to enter or use including, but not limited to, hallways, paths, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages or lots, laundry rooms, restrooms, cooking areas and eating areas.

b. *Dining Area* means any area, including streets and sidewalks, which is available to, or customarily used by, the general public or an employee and which is designed, established, or regularly used for consuming food or drink.

c. *Enclosed area* means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has any type of overhead cover and at least three (3) walls or other vertical boundaries of any height. For purposes of this definition, it is not a requirement for such overhead cover or walls (or other vertical boundaries) to include vents or other openings.

d. *Multi-Unit Residence* means property containing three (3) or more adjoining units, as defined in this Section, used for dwelling purposes.

e. *Person* means any natural person, business, association, non-profit entity, personal representative, receiver, trustee, assignee, or any other legal entity including government agencies.

f. *Playground* means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on the public or private school grounds, or on city, county, or state park grounds.

g. *Public Park* means a park, playground, swimming pool, playing field, and any other area or facility devoted to green-space or recreational use that is

owned, leased, or operated by the City of Compton, or for which the City has the right to possession.

j. *Public Place* means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.

k. *Recreational Area* means any area, including streets and sidewalks, that is publicly or privately owned and open to the general public for recreational purposes, regardless of any fee or age requirement. *Recreational area* includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller and ice skating rinks, skateboard parks, and amusement parks.

l. *Restaurant* means any coffee shop, cafeteria, luncheonette, soda fountain, fast food service, or other establishment where cooked or otherwise prepared food is sold to the public. It shall not include the on-site cafeteria or lunchroom that is part of a business.

m. *Service Area* means any publicly or privately owned area, including streets and sidewalks that is designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service or to make a transaction, whether or not such service or transaction includes the exchange of money. The term *Service Area* includes, but is not limited to, areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops, bus shelters, mobile vendor lines or cab stands.

n. *Smoke* means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization and the apparent purpose of such release is for human inhalation of the byproducts. *Smoke*, for purposes of this definition, does not include combustion of material that contains no tobacco or nicotine where the purpose of inhalation is solely for smell, such as smoke from incense. The term *Smoke* includes, but is not limited to, tobacco smoke, electronic cigarette vapors, and marijuana smoke.

o. *Smoking* means the carrying of a lighted pipe, lighted cigar, an operating electronic cigarette or a lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

p. *Tobacco Product* means any manufactured substance made from the tobacco plant, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and smokeless tobacco, or products prepared from tobacco and designed for smoking or ingestion.

q. *Unenclosed Area* means any area that is not an enclosed area, as defined in this Section.

r. *Unit* means a personal dwelling space and includes any associated exclusive-use enclosed area enclosed or unenclosed area such as a private balcony, porch, deck, or patio.

7-28.3 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN CERTAIN AREAS

Smoking and the use of tobacco products are prohibited in the unenclosed areas of the following places within the City of Compton, except places where smoking or the use of tobacco products are already prohibited by state or federal law, in which case those laws apply.

- (1) Dining areas.
- (2) Service areas.
- (3) Common areas of multi-unit residences.
- (4) Other public places, including streets and sidewalks, when being used for a public event, including but not limited to a farmer's market, concert, parade, fair, festival, or any other event open to the general public.

7-28.4 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN PUBLIC PARKS AND RECREATIONAL AREAS

Smoking or use of tobacco-related products is prohibited in any public park or recreational area within the City of Compton.

7-28.5 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN MULTI-UNIT RESIDENCES

(a) New Multi-Unit Residences

In every new Multi-Unit Residence that receives a certificate of occupancy after the effective date of this Section, one hundred percent (100%) of the Units (including private outdoor spaces associated with such Units, such as balconies, patios and decks), shall be non-smoking Units by law.

1. Required Lease Terms: Every lease or other agreement for the occupancy of a Unit in a new Multi-Unit Residence shall include:
 - a. A clause stating that Smoking is prohibited in the Unit;
 - b. A clause stating that it is a material breach of the lease or agreement to (i) violate any law regulating Smoking while on the Premises; (ii) Smoke in the Unit; or (iii) Smoke in any Multi-Unit Residence Common Area in which Smoking is prohibited; and
 - c. A clause stating that all occupants of the Multi-Unit Residence are express third-party beneficiaries of the above required clauses.
2. The California Apartment Association's Form 34.0, revised 1/07, meets the requirements for lease terms as outlined and is an option for use to comply with this section.

(b) Existing Multi-Unit Residences.

In every Multi-Unit Residence existing on the effective date of this Chapter, not subject to subsection (a) above, one hundred percent (100%) of

the Units (including private outdoor spaces associated with such Units, such as balconies, patios, and decks), shall by law be non-smoking Units by January 1, 2013. A person with legal control over a Multi-Unit Residence, such as, for example, a Landlord or homeowners' association, may make Units non-smoking prior to January 1, 2013.

1. Required Lease Terms: By January 1, 2013, every lease or other agreement for the occupancy of a Unit in an existing Multi-Unit Residence shall include:
 - a. A clause stating the Smoking is prohibited in the Unit;
 - b. A clause stating that it is a material breach of the lease or agreement to (i) violate any law regulating Smoking while on the Premises; (ii) Smoke in the Unit; or (iii) Smoke in any Multi-Unit Residence Common Area in which smoking is prohibited; and
 - c. A clause stating that all occupants of the Multi-Unit Residence are express third-party beneficiaries of the above required clauses.
2. The California Apartment Association's Form 34.0, revised 1/07, meets the requirements for lease terms as outlined and is an option for use to comply with this section.

(c) The lease or agreement terms required by subsection (a) and (b) are hereby incorporated by law into any lease or other agreement for the occupancy of a Unit in a Multi-Unit Residence made on or after the effective date of this Section and which does not fully comply with subsection (a) or (b).

(d) A tenant who breaches the Smoking regulations of a lease or knowingly allows another person to do so shall be liable to: (i) the Landlord; and (ii) any occupant of the Multi-Unit Residence who is exposed to secondhand smoke as a result of that breach. A Landlord shall not be liable to any person for a tenant's breach of smoking regulations if the Landlord has fully complied with the requirements of this Chapter.

(e) Failure to enforce any smoking regulation of a lease or agreement on one or more occasions shall not constitute a waiver of the lease or agreement provisions required by this Chapter and shall not prevent future enforcement of any such smoking regulation on another occasion.

7-28.6 REASONABLE SMOKING DISTANCE REQUIRED

a. Smoking in all unenclosed areas, where smoking is not otherwise prohibited, shall be prohibited within twenty-five (25) feet from any doorway, window, opening, or vent into an enclosed area in which smoking is prohibited, except while the person smoking is actively passing on the way to another destination and provided smoke does not enter any enclosed area in which smoking is prohibited.

b. Smoking in unenclosed areas, where smoking is not otherwise prohibited, shall be prohibited within twenty-five (25) feet from any unenclosed

areas in which smoking is prohibited under this Section, except while the person smoking is actively passing on the way to another destination and provided smoke does not enter any unenclosed area in which smoking is prohibited.

c. The prohibitions in subdivisions (a) and (b) shall not apply to unenclosed areas of private residential properties that are not multi-unit residences.

7-28.7 ENFORCEMENT

a. Enforcement of this chapter shall be the responsibility of the City Manager or his or her designee. In addition, any peace officer or code enforcement official also may enforce this chapter.

b. The remedies provided by this Section are cumulative and in addition to any other remedies available at law or equity.

c. Each incident of smoking or tobacco use in violation of this Section is an infraction subject to a one hundred dollar (\$100.00) fine. In the discretion of the City Attorney, violations may be prosecuted as infractions or misdemeanors when the interests of justice so require.

d. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Section shall also constitute a violation of this Section.

e. No Person shall intimidate, harass, or otherwise retaliate against any Person who seeks compliance with this Chapter. Moreover, no Person shall intentionally or recklessly expose another Person to Smoke in response to that Person's effort to achieve compliance with this Chapter. Violation of this subsection shall constitute a misdemeanor.

f. Any violation of this Section is hereby declared to be a public nuisance.

g. In addition to other remedies provided by this Section or by other law, any violation of this Section may be remedied by a civil action brought by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

h. Any Person acting for the interests of itself, its members, or the general public may bring a civil action in any court of competent jurisdiction, including small claims court, to enforce this chapter against any Person who has violated this chapter two or more times. Upon proof of the violations, a court shall grant all appropriate relief, including: (1) awarding damages; and (2) issuing an injunction or a conditional judgment. If there is insufficient or no proof of actual damages for a specific violation, the court shall award one-hundred and fifty dollars (\$150) for each violation as statutory damages.

i. Except as otherwise provided, enforcement of this section is at the sole discretion of the City of Compton. Nothing in this section shall create a right of action in any Person against the City of Compton or its agents to compel public enforcement of this chapter against private parties.

7-28.8 SIGN POSTING REQUIREMENT

Ordinance No. _____
Page 7

A Person, Employer, or Nonprofit Entity that has legal or de facto control of an Unenclosed Area in which Smoking is prohibited by this chapter shall post a clear, conspicuous and unambiguous "No Smoking" or "Smokefree" sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the Reasonable Smoking Distance requirement set forth in this chapter. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of Smoking in violation of any other provision of this Section.

SECTION 3. SEVERABILITY

That the City Council declares that, should any provision, section, subsection, sentence, paragraph, clause, phrase or word of this Ordinance, hereby adopted, be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, subsections, sentences, paragraphs, clauses, phrases or words of this Ordinance hereby adopted shall remain in full force and effect.

SECTION 4. DISTRIBUTION

That a copy of this Ordinance shall be forwarded to the offices of the City Manager, City Attorney, General Services, Municipal Law Enforcement Services and the Los Angeles County Sheriff's Department, Compton Station.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from after adoption by the City Council.

SECTION 6. ATTESTATION

That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause same to be published as required by law.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

#12.

Ordinance No. _____
Page 8

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

I, Alita Godwin, City Clerk of the City of Compton, do hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2011.

That said Ordinance was adopted by the following vote, to wit:

AYES: COUNCILMEMBERS-
NOES: COUNCILMEMBERS-
ABSENT: COUNCILMEMBERS-

CLERK OF THE CITY OF COMPTON

October 25, 2011

TO: MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CITY ATTORNEY

**SUBJECT: MINUTE MOTION REQUESTING THE AUTHORITY TO
DUPLICATE THE CITY COUNCIL MEETINGS ON DVD**

SUMMARY

The City of Compton currently does not duplicate City Council meeting on DVD for anyone's use. Members of the City Council have requested copies on DVD of the City Council meetings.

BACKGROUND

On November 13, 2009, American Print Media, Inc. dba The Compton Bulletin filed petition for writ of mandate in Los Angeles Superior Court against the City challenging the costs associated with the purchase of DVD copies of City Council meetings. Though American Print Media eventually dismissed their action against the City, there were some lasting vestiges of the litigation; primarily that DVD copies were no longer being provided to anyone.

STATEMENT OF THE ISSUE

Under the Brown Act, meetings need not be recorded. The only obligation the City has under the Brown Act is to make a recording of the meeting available to the public on equipment in City Hall. To that end, a computer was placed in the City Clerk's office to provide public access to the City's website which contains an archive with recordings of past City Council meetings.

Once a copy of a City Council meeting is made for anyone, it becomes a public record under the Public Records Act ("PRA"). Under the PRA the costs that may be charged for reproducing electronic documents is different than the costs of duplicating paper documents. Staff has canvassed the amounts charged by other cities for DVD copies of meetings. The prices range from \$0 to \$50 a copy. After looking into the way DVD copies would presently be made, it appears that the costs to the City would be negligible. This of course assumes that only a few copies would be requested for any given meeting. The reason being that City Council meetings are broadcast throughout the City. The broadcast is live on Tuesday, repeated on Wednesday at 6:00 p.m., Thursday at 10:00 a.m., Friday at 10:00 a.m. and Saturday at 6 p.m. Also, Council meetings may be reviewed at the City Clerk's Office. Given that most people have DVR capability, it would be easiest for the public to record the meetings on their own equipment. In addition, the meetings may be accessed over the internet at the City's website.

#13.

FISCAL IMPACT

It is anticipated that the costs would be minimal, essentially the cost of the discs.

RECOMMENDATION

It is recommended that the City Council authorize the duplication on DVD of City Council meetings. It is further recommended that the number of DVDs being requested and provided be monitored. In the event that the cost of providing DVD copies to the public becomes more than minimal, this matter should be revisited.

CRAIG J. CORNWELL
CITY ATTORNEY

October 25, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

RE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN EMPLOYMENT AGREEMENT WITH P. LAMONT EWELL TO SERVE AS CITY MANAGER OF THE CITY OF COMPTON AND AMENDING THE FY 2011-2012 BUDGET TO TRANSFER FUNDS BETWEEN ACCOUNTS

SUMMARY

The City Council will consider adoption of a Resolution that will approve an Employment Agreement with P. Lamont Ewell to serve as City Manager for the City of Compton and amend the Fiscal Year 2011-2012 City Budget to transfer funds between accounts in the City Manager's budget to allocate funds for an auto allowance in lieu of use of a City vehicle.

BACKGROUND

On September 27, 2011, the City Council met in closed session during a duly noticed City Council meeting and by a vote of 3 to 1 appointed P. Lamont Ewell to the position of City Manager of the City of Compton.

STATEMENT OF ISSUE

The City Attorney's Office has completed negotiations of the contractual terms of the proposed Employment Agreement with Mr. Ewell. Adoption of the attached Resolution will approve the terms and conditions of the Employment Agreement between the City and Mr. Ewell.

The basic contractual terms of the Employment Agreement are as follows:

Term:	October 4, 2011 thru March 4, 2012
Compensation:	\$15,416.67 monthly salary (based on maximum annual salary of \$185,000)
	Use of City Vehicle or Auto Allowance of \$650.00

#14.

**Staff Report re Resolution Approving Employment
Agreement with P. Lamont Ewell for City Manager Position/
Amend FY 2011-2012 Budget
October 25, 2011, page 2**

FISCAL IMPACT

Compensation for the position of City Manager has been budgeted in the City's 2011-2012 Fiscal Year Budget in Account No. 1001 510 000 4101.

Mr. Ewell has indicated that he would prefer receiving an auto allowance in lieu of use of a City vehicle, thus the FY 2011-2012 Budget will be amended to transfer funds within the City Manager's budget to appropriate funds for the auto allowance as follows:

From:	Amount:
Permanent Salary Account No. 1001 510 000 4101	\$5,850
To:	
Auto Allowance Account No. 1001 510 000 4223	\$5,850

RECOMMENDATION

It is recommended that the City Council adopted the attached Resolution.

**CRAIG J. CORNWELL
CITY ATTORNEY**

Attachments: Resolution
Proposed Employment Agreement

CJC:RAR:rar

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN EMPLOYMENT AGREEMENT WITH P. LAMONT EWELL TO SERVE AS CITY MANAGER OF THE CITY OF COMPTON AND AMENDING THE FY 2011-2012 BUDGET TO TRANSFER FUNDS BETWEEN ACCOUNTS

WHEREAS, Section 703 of the Compton City Charter provides that the City Council shall appoint the City Manager of the City of Compton; and

WHEREAS, Section 705 of the Compton City Charter provides that the City Manager shall be chosen on the basis of his executive and administrative qualifications and be paid a salary commensurate with his responsibilities as chief administrative officer of the City; and

WHEREAS, Section 706 of the Compton City Charter confers upon the City Manager responsibility to the City Council for the proper administration of all affairs of the City of Compton excepting such matters for which elective officers are made responsible by the Compton City Charter; and

WHEREAS, on September 27, 2011, the City Council, during a duly noticed City Council meeting, met in closed session and voted 3 to 1 to appoint P. Lamont Ewell to the position of City Manager; and

WHEREAS, the City Attorney’s Office has completed the negotiations of the contractual terms of the City Manager’s Employment Agreement and is now proposing the attached Employment Agreement for the City Council’s approval.

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

Section 1. That the City Council of the City of Compton hereby approves the attached Employment Agreement between the City of Compton and P. Lamont Ewell appointing Mr. Ewell to serve as City Manager for the City of Compton for a period of five (5) months, effective October 4, 2011 through March 4, 2012.

Section 2. That the monthly salary payable to P. Lamont Ewell during the term of his services as City Manager of the City of Compton shall be commensurate to the salary paid to the last City Manager, but not to exceed \$185,000 annually.

Section 3. That funds to pay the compensation for the position of City Manager are allocated in the Fiscal Year 2011-2012 Budget in Account No. 1001 510 000 4101.

Section 4. That the Fiscal Year 2011-2012 Budget shall be amended to transfer funds within the City Manager’s budget to appropriate funds for payment of a monthly auto allowance in lieu of use of a City vehicle as follows:

From:	Amount:
Permanent Salary Account No. 1001 510 000 4101	\$5,850
To:	
Auto Allowance Account No. 1001 510 000 4223	\$5,850

#14.

Resolution No. _____
Page 2

Section 5. That a certified copy of this Resolution and the attached Employment Agreement, upon execution, shall be filed in the offices of the City Clerk, City Manager, City Attorney and the City Controller.

Section 6. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF COMPTON)

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council, signed by the Mayor, and attested by the City Clerk at the regular meeting thereof held on the _____ day of _____, 2011.

That said Resolution was adopted by the following vote, to wit:

AYES: **COUNCIL MEMBERS—**
NOES: **COUNCIL MEMBERS—**
ABSTAIN: **COUNCIL MEMBERS—**
ABSENT: **COUNCIL MEMBERS—**

CITY CLERK OF THE CITY OF COMPTON

**EMPLOYMENT AGREEMENT FOR THE POSITION OF CITY MANAGER
BETWEEN
CITY OF COMPTON
AND
P. LAMONT EWELL**

This Employment Agreement is made by and between the **City Council of the City of Compton** (hereinafter "**Council**") on behalf of the **City of Compton** (hereinafter "**City**"), and **P. Lamont Ewell** (hereinafter "**Ewell**").

RECITALS

WHEREAS, on September 27, 2011, the City Council, during a duly noticed City Council meeting, met in closed session and voted to appoint P. Lamont Ewell to the position of City Manager of the City of Compton; and

WHEREAS, on October 25, 2011, the City Council adopted Resolution No. _____, which approved an Employment Agreement between the City and Ewell for the position of City Manager; and

WHEREAS, it is known and understood between the parties to this Employment Agreement that the City is in the process of recruiting and hiring a permanent City Manager for the City and that the Council desires to employ the services of Ewell as City Manager for the City during its recruitment for a permanent City Manager.

NOW, THEREFORE, EWELL and CITY, for the consideration, terms and conditions herein described, mutually agree as follows:

AGREEMENT

SECTION 1. EMPLOYMENT AND TERM OF SERVICE

1.1 Employment. It is understood and agreed between the parties that the Council hereby agrees to employ Ewell in the Unclassified Service position of City Manager of the City of Compton. Ewell agrees to perform the functions and duties of the position of City Manager of the City of Compton as specified in the Compton City Charter, the Compton Municipal Code and the City of Compton Personnel Rules and Regulations, and such other legally permissible and proper duties and functions as the Council shall from time to time assign.

The City agrees to employ Ewell and Ewell accepts such employment upon the terms and conditions set forth within this Employment Agreement.

1.2 Term of Service. The term of this Employment Agreement shall begin on October 4, 2011 and end on March 4, 2012.

SECTION 2. COMPENSATION AND BENEFITS

2.1 Compensation. It is agreed that, upon signing this Employment Agreement, Ewell shall receive a monthly salary in the amount of \$15,416.67, payable bi-monthly, for the term of this Employment Agreement. Ewell shall be compensated a full month for any month he serves as City Manager. It is understood that the maximum salary payable per year for services rendered in the position of City Manager shall not exceed \$185,000.

2.2 Benefits.

2.2.1 Ewell expressly agrees that health coverage, pension benefits, and/or life insurance coverage shall not be provided by the City to or on behalf of Ewell. Nor shall Ewell accrue or be entitled to receive compensation for vacation and/or sick leave pursuant to this Employment Agreement or appointment as City Manager.

2.2.2 Ewell shall be entitled to receive compensation for City holidays and shall receive and be entitled to use up to seven (7) Personal Leave days per calendar year. Unused Personal Leave days may be subject to forfeiture at the end of each calendar year.

2.2.3 Ewell shall have exclusive and unrestricted use, at all times during his employment as City Manager with the City, of an automobile provided to him by the City. City shall pay all liability, property damage and comprehensive insurance coverage and for the purchase, operation (including all fuels and lubricants) maintenance, repair and regular replacement of said automobile while Ewell is employed as City Manager. Alternatively, Ewell may elect to receive an automobile allowance equal to the allowance received by members of the Council but, in no event, less than \$650 per month.

SECTION 3. TERMINATION OR SEPARATION

3.1 Termination. Ewell shall serve at the pleasure of the Council through the term of this Agreement; or an alternate date at the discretion of the Council and/or Ewell. It is understood between the parties that this Employment Agreement may be terminated, with or without cause, at any time by the Council subject to the following provision:

3.1.1 The Council may terminate Ewell's services with or without cause, *and without right of appeal*, by motion of the Council adopted by at least three affirmative votes pursuant to section 703 of the Compton City Charter.

3.2 Voluntary Separation.

3.2.1 In the event Ewell decides to voluntarily separate his services

**Employment Agreement – P. Lamont Ewell
City Manager Position – 10/4/11 thru 3/4/12
[Resolution No.]**

as City Manager for the City during the term of this Employment Agreement, he shall first give the Council at least thirty days written advance notice of his intention to voluntarily separate his service with the City, unless the parties mutually agreed in writing otherwise.

3.3 Upon either termination or voluntary separation of service as City Manager, Ewell shall be entitled to receive the applicable salary specified above in **Section 2.1** within three (3) business days of termination or separation of service, unless otherwise mutually agreed; however, the City may withhold the payment of such severance until Ewell's delivery to the City of any and all City books, records, documents, reports, materials and other type or form of property of the City and, further upon Ewell's full cooperation with the City in doing all that is reasonable and necessary to effect an orderly transition, including but not limited to a full accounting of all work in progress.

SECTION 4. GENERAL PROVISIONS

4.1 This Employment Agreement may be amended in writing, signed by Ewell, the majority of the Council and "Approved As To Form" by the City Attorney.

4.2 City shall indemnify and represent Ewell in all legal matters arising as a result of the performance of his duties as City Manager during the term of this Employment Agreement, including matters arising after the termination of this Employment Agreement, but resulting from the performance of the duties as City Manager carried out during the term of the Employment Agreement. City shall not be obligated to indemnify or represent Ewell in any legal matters resulting from any misfeasance or malfeasance engaged in at any time while employed by the City or at any time thereafter, arising as a result of the performance of his duties as City Manger.

4.3 The terms and conditions of this Agreement represent the entire understanding between the City and Ewell regarding Ewell's employment as the Interim City Manager, and all preliminary negotiations and agreements are deemed a part hereof. No verbal agreement or implied covenant shall be held to vary the provisions of this Agreement.

4.4 Each party hereto has had the opportunity to receive independent legal advice with respect to the contents and advisability of making this Employment Agreement and executes this Agreement after having the opportunity to consult with legal counsel.

4.5 No provision of this Employment Agreement shall be interpreted for or against any party because that party or he/his/its legal representative drafted the provisions. This Agreement shall be deemed to have been drafted by all parties hereto. Each party hereto expressly covenants that the terms of this

#14.

Employment Agreement – P. Lamont Ewell
City Manager Position – 10/4/11 thru 3/4/12
[Resolution No.]

Employment Agreement are fair and have been freely negotiated by and between each of the parties.

4.6 Should a dispute arise between the parties hereto specifically concerning the amount of salary or period for which salary is to be paid, the parties agree that the dispute shall be submitted to binding arbitration. Such arbitration shall be conducted by a mutually agreed arbitrator and pursuant to the rules of the American Arbitration Association. Each party hereto shall bear one-half of the costs of the arbitration, except each party shall bear their own costs for legal representation and witness fees. The parties agree that any disputes resolved by arbitration shall be final and binding. Any other disputes arising out of Ewell's employment as Interim City Manager, not specifically referenced herein, shall not be subject to the provisions of this section.

4.7 If any provision, or any portion thereof, contained in this Employment Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Employment Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the Council of the City of Compton has authorized this Employment Agreement to be effective beginning October 4, 2011.

P. Lamont Ewell

Eric J. Perrodin, Mayor

Janna Zurita, Council Member

Lillie Dobson, Council Member

Yvonne Arceneaux, Council Member

Dr. Willie O. Jones, Council Member

Employment Agreement – P. Lamont Ewell
City Manager Position – 10/4/11 thru 3/4/12
[Resolution No.]

Approved as to form:

By _____
Craig J. Cornwell, City Attorney

ATTEST:

By _____
Alita Godwin, City Clerk

October 25, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON INSTRUCTING THE CITY MANAGER TO IMPLEMENT CERTAIN POLICY DECISIONS OF THE CITY COUNCIL

SUMMARY

This Resolution will provide guidance and instruction to the City Manager as to implementing certain of the recommended corrective actions contained within the report of his "Initial Assessment of the City's Finances and Operational Delivery Systems" at this time in efforts to begin the task of correcting the City's current fiscal and operational deficiencies.

BACKGROUND

During the October 18, 2011, meeting of the City Council, the City Manager presented, both orally and by written document, a report on his "Initial Assessment of the City's Finances and Operational Delivery Systems." Within that report the City Manager provided an historical and current analysis of the City's finances, current operational deficiencies and recommended a 3-Tier Action Plan composed of short-term, medium term and long-term goals the City should focus on to correct the City's fiscal and operational deficiencies.

STATEMENT OF THE ISSUE

The City Manager requests that the City Council, as the policymakers of the City, provide support, guidance and instruction on the recommended corrective actions identified within the City Manager's report.

As a starting point, the attached Resolution memorializes the City Council's instruction to the City Manager on the following actions that should be taken immediately:

- In cooperation and conjunction with the City Treasurer, the City Manager shall take reasonable actions necessary to alleviate the City's General Fund cash flow difficulties; including but not limited to exploring and utilizing the options of "Tax Revenue Anticipation Notes" (TRAN), "Tax Anticipation Notes" (TAN) and/or creation of a "Line(s) of Credit" with the City's bank(s) of record.

#15.

**Staff Report – Resolution of City Council Instructing
City Manager to Implement Certain Policy Decisions
October 25, 2011, page 2**

- In cooperation and conjunction with the City Attorney and City Controller, the City Manager shall take reasonable actions necessary to prepare for City Council adoption, formal written fiscal policies and procedures.
- The City Manager shall prepare for City Council adoption, if necessary, a plan of reorganization or restructuring of City departments and/or services, consistent with State and local laws, which may ensure effective utilization of City personnel.
- In cooperation and conjunction with the City Attorney, the City Manager shall take reasonable actions necessary to address the substantial existing unfunded liability of employee benefit accruals and work to ensure that all employees comply with the City's Personnel Rules and Regulations and Memorandums of Agreement of the employee bargaining units regarding accumulation of vacation, sick and compensatory time.
- The City Manager shall cause the review of current fees charged by the City for cost recovery of the various services administered and/or provided by the City and take actions necessary to ensure that all fees provide for reasonable cost recovery and are comparable to cities similar in size.
- The City Manager shall cause the review of current City-owned properties and provide a recommendation to the City Council on potential sales.
- The City Manager shall cause the development of a comprehensive City-wide Economic Development Plan to analyze the regional economy, create development goals and objectives and identify investment priorities and funding sources to diversify the City's current tax base.

RECOMMENDATION

Staff recommends approval of the attached Resolution.

**P. LAMONT EWELL
CITY MANAGER**

PLE:CJC:RAR:rar

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON INSTRUCTING THE CITY MANAGER TO IMPLEMENT
CERTAIN POLICY DECISIONS OF THE CITY COUNCIL**

WHEREAS, as with most cities throughout state of California, the City of Compton has experienced significant challenges primarily resulting from the impacts of the unprecedented recession ultimately resulting in a substantial fiscal deficit by the end of Fiscal year 2010-2011; and

WHEREAS, in an effort to begin eliminating the estimated \$39.6 million dollar deficit and balance the approximate \$1.375 million dollar deficit in the current Fiscal Year 2011-2012 budget, the City initiated personnel layoffs and maintenance and operational cuts, however, the City still maintains a considerable deficit; and

WHEREAS, during the City Council meeting of October 18, 2011, the City Manager presented an oral and written "Initial Assessment of the City's Finances and Operational Delivery Systems" report, identifying areas throughout the City in need of corrective action (a copy of the report is attached to this Resolution); and

WHEREAS, as policymakers of the City of Compton, the City Council desires to provide guidance to the City Manager and provide instruction as to implementing certain of the recommended corrective actions contained within the attached report and begin the task of correcting the City's current fiscal and operational deficiencies.

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

Section 1. That the City Manager is hereby instructed to work in conjunction with the City Treasurer of the City of Compton and take reasonable actions necessary to alleviate the City's General Fund cash flow difficulties; including but not limited to exploring and utilizing the options of "Tax Revenue Anticipation Notes" (TRAN), "Tax Anticipation Notes" (TAN) and/or creation of a "Line(s) of Credit" with the City's bank(s) of record.

Section 2. That the City Manager is hereby instructed to work in conjunction with the City Attorney and City Controller of the City of Compton and take reasonable actions necessary to prepare for City Council adoption, formal written fiscal policies and procedures.

Section 3. That the City Manager is hereby instructed to prepare for City Council adoption, if necessary, a plan of reorganization or restructuring of City departments and/or services, consistent with State and local laws, which may ensure effective utilization of City personnel.

Section 4. That in cooperation and conjunction with the City Attorney, the City Manager shall take reasonable actions necessary to address the substantial existing unfunded liability of employee benefit accruals and work to ensure that all employees comply with the City's Personnel Rules and Regulations and Memorandums of Agreement of the employee bargaining units regarding accumulation of vacation, sick and compensatory time.

Section 5. That the City Manager shall cause the review of current fees charged by the City for cost recovery of the various services administered and/or provided by the City and take actions necessary to ensure that all fees provide for reasonable cost recovery and are comparable to cities similar in size.

Section 6. That the City Manager shall cause the review of current City-owned properties and provide a recommendation to the City Council on potential sales.

Section 7. That the City Manager shall cause the development of a comprehensive City-wide Economic Development Plan to analyze the regional economy, create development goals and objectives and identify investment priorities and funding sources to diversify the City's current tax base.

Section 8. That a copy of this Resolution shall be forwarded to the offices of the City Clerk, City Manager, City Treasurer, City Controller and the City Attorney.

Section 9. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this ____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF COMPTON)

I, Alita Godwin, City Clerk of the City of Compton, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the ____ day of _____, 2011.

That said Resolution was adopted by the following vote, to wit:

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

CITY CLERK OF THE CITY OF COMPTON

October 18, 2011

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: AN INITIAL ASSESSMENT OF THE CITY'S FINANCES AND OPERATIONAL DELIVERY SYSTEMS

The following information is in response to the Council's request for a review of the City's budget deficit. This report analyzes the City's finances for the period of FY 2006/2007 through FY 2010/2011. All presented information is based on available records within the City, including annual audited Comprehensive Financial Reports (CFR), internal accounting systems and approved budget documents. The purpose of this initial report is to identify areas throughout the City in need of corrective action.

As with most Cities throughout California, the City of Compton has experienced significant challenges primarily resulting from the impacts of the recent unprecedented recession. During Fiscal Year 2006/2007, the City recorded a positive reserve fund balance of \$22.42 million in its General Fund. The following year, the reserve fund balance was reduced by \$10.64 million leaving a balance of \$11.78 million. The total amount of FY 2007/2008 General Fund expenditures was \$55.57 million; the associated revenue for that period was budgeted at \$44.93 million. In Fiscal Year 2008/2009, this practice continued, \$62.86 million was expended while \$48.49 million in revenue was budgeted, leaving the General Fund reserves to pick up the overage in the amount of \$11.78 million. This action depleted the General Fund reserve and created a deficit of \$2.59 million. By the end of FY 2009/2010, the General Fund deficit ballooned to \$14.61 million. This was the result of increased expenditures that totaled \$73.17 million and revenues of \$61.15 million, expanding the deficit by an additional \$12.02 million. By the end of FY 2010/2011, the City had reached a deficit of approximately \$39.36 million.

With the exception of one-time revenues being transferred into the General Fund, the General Fund revenues from 2006 to 2011 experienced marginal increases. In some of the revenue categories there were actual declines or no appreciable change. The poor economy and increase in unemployment played a large part in the unimpressive revenue levels. However, the City maintained its optimistic view, when projecting General Fund revenues. In some categories, actual revenue was 20% to 30% less than projected. During those years, the General Fund expenditures recorded significant increases in almost all categories reflecting the expanding expenditure base of the City. For example, during FY 2006/2007 through 2010/2011, the City hired 110 full time employees (FTE) some of which were the result of employee retirements and/or dismissals. However, several represented a net increase in the City's workforce. This increased the City's fixed cost due to additional salaries and fringe benefits. Negotiated salary increases for employees added to this expanded base. As we reviewed past budgets, we found that normal annual increases in contract costs for various services were not included in adopted budgets, causing the City's deficit to further increase.

#15.

Additionally, it was determined that a one-time revenue projection from an advertisement contract (91 freeway billboard) in the amount of \$6.2 million was incorporated into the FY 2008/2009 General Fund expenditure budget; however only \$2.4 million was received during that year. With the total amount having been expended as though it had been received, it again caused the City to go deeper into debt. In the following year 2009/2010, another \$2.4 million payment from the advertisement contract was received and spent, creating additional deficit spending. In the same year, the City had to reimburse \$5.3 million for park property from the Community Redevelopment Agency to satisfy a legal requirement. Because the City was without available liquid funds, the \$5.3 million dollar repayment was paid in form of a note. Each example suggests unanticipated or unplanned expenses, with no revenue to fill the gap. In each case, the City appeared to utilize internal borrowing from other non General Funds to make up the shortfalls. It is important to note, that it is not uncommon for Cities to borrow funds from the non-General Fund accounts to assist with short term needs; however under Government Accounting Standards Board (GASB) Statement 54 (Attachment A), they are required to reimburse the funds within a specified period with interest.

In conducting this review, it was also determined that the City does not have a policy in place that requires City Council approval before spending prior years' reserves. Subsequently, the continued reserve spending and fiscal year deficits contributed to the accumulated deficit in the General Fund.

During this same period, the General Liability Fund was building a substantial deficit. In FY 2006/2007, the deficit was approximately \$25 million; by FY 2009/2010 it was reduced to \$19.38 million. Both the City and the Community Redevelopment Agency shared the cost of paying off the General Liability Fund deficit. In FY 2010/2011, the City paid its portion of the cost which totaled \$12.63 million, out of the General Fund, further increasing the City's deficit. As of today, the General Liability Fund deficit has been eliminated.

Fiscal Year 2011/2012

In an effort to begin eliminating the deficit and balance the current budget, the City initiated layoffs (77 employees) and maintenance/operation cuts. However, even with the reduction in workforce, the City maintains a deficit in the amount of \$1.375 million. After reviewing this years' budget, it has also been determined that several key services such as MV Transportation (Compton Renaissance Bus Service) and In House Street Sweeping were not fully funded in the budget. In the case of MV Transportation (Compton Renaissance Bus Service), the approximate costs are \$1.13 million; however only \$488,773 was budgeted, therefore leaving a shortfall of \$641,227. As for In House Street Sweeping, the estimated funds needed to operate are \$225,000; however only \$35,000 was budgeted, creating another shortfall in the amount \$190,000. If these two services were to be included in the budget as fully funded by the General Fund, the deficit would rise by \$831,227, for a total of \$2,206,277.

As of August 2011, the City's expenditures are outpacing the revenues by a ratio of 2 to 1. With the recent layoffs, this ratio should improve, however, given identified funding gaps in the budget; we do not believe that it alone will allow the City to balance the budget by year end. Unless changes are made, services will have to be eliminated and more employees will have to be laid off.

The table below illustrates some of the sources of non General Funds that were used to offset some of the over expenditures and to pay various claims from General Liability. Sources included are the Retirement Fund, Water Fund and Sewer Fund for a total of \$16,053,971 (Refer to the chart below).

Fund	Description	Amount
2100	Retirement Fund	7,336,084
5000	Water	3,561,429
5116	Sewer	4,773,329
7200	Refundable Deposit	383,129
		16,053,971

POTENTIAL ISSUES THAT COULD THREATEN THE GENERAL FUND

City Cash Flow

The City’s cash flow has been greatly affected by the increased General Fund expenditures, decrease in revenues and General Liability Fund needs. The lack of funds has also resulted in delay of payments to vendors who have rendered their services, and late payments for crucial City services. The City Treasurer has done everything humanly possible to ensure that payments are released as soon as possible; however with a lack of revenues coming into the City on a daily bases, the ability to pay bills on time is near impossible.

Most Cities receive the majority of their funds in the 3rd Quarter (Jan., Feb., Mar.) and 4th quarter (Apr., May, Jun) from tax revenues. As a way to improve upon this situation, the City Treasurer and City Manager are looking into three potential options such as “Tax Revenue Anticipation Notes” (TRAN), “Tax Anticipation Notes” (TAN) or the creation of a Line of Credit with the City’s bank of record. These options would allow the City to have access through short term borrowing and dramatically the City’s cash flow and expedite payment releases. The notes would have multiple maturity dates that coincide with the months in which the City receives it majority revenues, allowing the City to retire its debt in a planned and organized manner.

Such a change is critical. A continuation of paying vendors in arrears will actually result in a negative credit rating and poor creditworthiness, which could then lead to higher interest rates when issuing future debt.

Grants

Over the past 5 years, the City has seen a reduction in grants. In addition, the City has been audited by various agencies such as the U.S Department of Housing and Urban Development (HUD) and Office of Inspector General for HUD (OIG), not including the other agencies who have requested to arrange an on-site meeting this year such as the California Department of Parks and Recreation. Some of these audits have resulted in requests for repayment with non-federal funds totaling over \$3 million. Currently, the new Grants Manager and City Manager are working together to bring the City back into compliance by working with the funding agencies to ensure we fully comply with their regulations and draw down funds for reimbursements in a timely manner. In addition, the Grants Division will work closely with its state and federal lobbyist consultants to ensure that we take advantage of the grant opportunities that best fits the needs of the City.

Bond Indebtedness

The City has issued six (6) bonds from FY 2006/2007 through FY 2009/2010, which includes, Lease Revenue Bonds (Fund 3030) from the Public Finance Authority, Series "A" and Series "A", "B" and "C" Bonds from the Community Redevelopment Agency (CRA) and Water/Sewer Fund Bonds (Refer to chart below). Each of these bonds has a designated revenue stream for repayment, except for the Lease Revenue Bonds. The principal and interest payments are paid by the General Fund through the Public Finance Authority.

Agency	Bond / Debt Description	Date Issued	Principal Balance	Interest Payable	Total Debt
CRA	1995 Series "C" Refunding Bonds	7/1/1995	32,210,219	33,027,542	65,237,761
CRA	2006 Series "A" Refunding Tax Allocation Bonds*	7/6/2006	24,203,797	1,864,000	26,067,797
CRA	2010 Series "A", "B" and "C" Second Lien Bonds*	6/9/2010	99,970,195	101,073,346	201,043,541
CRA	Tax Sharing debt	Various	1,676,476	-	1,676,476
	Subtotal - CRA		158,060,687	135,964,888	294,025,575
PFA	2008 Series Lease Revenue Bonds*	5/1/2008	45,146,353	34,277,976	79,424,329
	Subtotal - PFA		45,146,353	34,277,976	79,424,329
Sewer	1998 Sewer Revenue Refund Bonds	6/1/1998	5,625,000	2,179,141	7,804,141
Sewer	2009 Series Sewere Revenue Bonds*	5/20/2009	18,281,899	20,557,507	38,839,406
	Subtotal - Sewer		23,906,899	22,736,648	46,643,547
Water	2009 Series Water Revenue Bonds*	5/20/2009	43,034,689	48,479,525	91,514,214
Water	Water Utility Note	12/15/1994	84,201	9,688	93,889
	Subtotal - Water		43,118,890	48,489,213	91,608,103
Rubbish	2000 Solid Waste Revenue Bonds	6/29/2000	1,025,000	265,800	1,290,800
Rubbish	Capital Lease debt	Various	40,194	2,251	42,445
	Subtotal - Rubbish		1,065,194	268,051	1,333,245
General City	Energy Retrofit / Revenue Enhancement Loan*	7/31/2006	3,067,193	939,568	4,006,761
General City	Capital Lease Obligation	Various	667,185	140,098	807,283
General City	Housing Section 108 Notes	8/9/2001	4,100,000	1,480,485	5,580,485
General City	Energy Conservation Assistance Loan	10/21/2004	104,131	3,096	107,227
			7,938,509	2,563,247	10,501,756
	Grand Total		279,236,532	244,300,023	523,536,555

As shown above the City accumulated total indebtedness of \$233,704,126 within the past five (5) years after issuance of these bonds and \$207,191,922 in total interest that would need to be repaid during the life of these bonds (Refer to bonds marked with an asterisk).

Cost Overrun- Capital Construction Projects

The Martin Luther King (MLK) Transit Center was one of the projects funded by the CRA issued bonds. Due to several plan revisions and delays in completion dates, to date the project has gone over budget by approximately \$2.9 million. An additional \$2 million is needed to complete the project.

Accrued Time

The City has approximately \$8.1 million of unbudgeted accrued vacation time, unused sick time and compensation time on the books for the current staff. Some City staff have exceeded their total number of accumulated hours allowed by the Memorandum of Understanding (MOU). This issue has raised a red flag due to the potential financial liability it could bring to the City. In an effort to reduce costs, the City began enforcing the rule in the MOU for the various bargaining units to bring the City Staff back into compliance.

OPEB and Health Insurance Payments

Currently, the City has a benefit package where the employer pays all health (subject to the specified maximum), deferred compensation and (PERS) retirement benefits for their employees. The yearly payment for medical insurance is \$7.57 million dollars, deferred compensation is \$1.73 million and (PERS) retirement is \$3.4 million dollars for a total of \$12.7 million dollars. The City has a dedicated tax revenue that is used to cover these payments; however these revenues do not take into account increases in insurance costs, potentially creating a shortfall in the near future.

SUMMARY

Based on our initial review, over the last five years the City's financial position has been significantly weakened. General Fund reserves have been completely exhausted. A negative fund balance has accrued to an estimated \$39.36 million dollars as of June 30, 2011. A significant amount of borrowed funds are owed to other non General Fund accounts. The current year budget, with an estimated \$1.375 million dollar deficit, is likely to have been understated when applying added cost to services that were not funded. Additionally, the projected expenditures in this year's budget appear to be outpacing projected revenues. Given the poor cash flow of revenue into the City, the financial problem will further complicate the current situation. Finally, although employees are committed to the city and working to provide the best service possible, without restructuring the organization, we will be unavailable to provide the highest level of service.

RECOMMENDATIONS

Despite the findings of this review, the City is capable of developing a plan to resolve each of these concerns. It will take time and effort but it is quite achievable. However, hard decisions will need to be made to restructure the City's finances and operational system. With the support of the City Staff, City Manager and our Elected Officials, this can and must be achieved in time.

We have begun development of a 3-Tier Action Plan. It composed of short-term, medium-term and long-term goals that the City should focus its attention on. In general, the 3-Tier Action Plan is as follows:

Short-Term Corrective Actions

- **Complete Review of Current Budget**
 - A complete review and determination of the actual financial gaps in the current year's budget is needed in order to complete a realistic corrective plan.
- **Eliminate Unneeded Spending**
 - Department Directors have been given instruction to stop all discretionary spending. Directors are to assess whether or not an expenditure is necessary to perform an essential service.
- **Close the current budget gap of \$1.375 million**
 - Bargaining Unions have been notified of the estimated budget gap and have expressed their desire and willingness to work with the City. This reflects a true commitment to the welfare of this City. It is essential that we begin formal Meet and Confer sessions with all bargaining units to discuss ways in which we can begin eliminate the deficit.

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- Conduct a cost benefit analysis to determine if the issuance of short term borrowing through the use of Tax Revenue Anticipation Notes, Tax Anticipation Notes or a Line of Credit can be utilized to smooth out the City's cash flow and pay bills in a more timely fashion.
- Review existing vendor/service contracts for possible renegotiation of terms. In some cases, the contracts can be terminated, if the services are no longer needed.
- Review all current bonds to determine if we can reduce our debt payments by refinancing at today's lower interest rates.
- **Identify Uncollected Receivables**
 - Focus our attention on identifying all uncollected receivables such as unpaid parking tickets and/or citations, business license fees and other forms of payments owed to the City.
- **Review City Operations/Staff**
 - At the beginning of FY 2011/2012, as part of the efforts to reduce the City's deficit, 77 employees were laid off. However during that time, there was a lack of determination of how the remaining staff should be properly assigned to ensure maximum effectiveness of employees.
- **Resale Previously Purchased Police Communication Equipment**
 - During FY 2010/2011, the City purchased \$1.128 million worth of the police communication equipment. Since the re-establishment of the Police Department was not approved, it would be in the City's best interest to attempt to sale the equipment and try to recoup some of the costs.
- **Grant Activities**
 - The Grants Manager and Administrative Assistant have been moved to the City Manager's Office to develop a comprehensive overview of the City's grants. In addition, the Grants Manager will work with City Manager to ensure that all grant opportunities for the City are being taken advantage of and maintain compliance with the existing grants.
- **Accrued Time**
 - City Manager will work with Department Directors to ensure that all employees comply with the rules set in the MOU regarding accumulated vacation, sick and compensated time.

Medium-Term Corrective Action

- **Review Rates and Charges for City Services**
 - Department Directors are being assigned the task of reviewing all charges for various City services to ensure that all fees are current and comparable to Cities similar in size. These recommendations will be presented to the City Council for approval.
- **Refine and Implement Performance Evaluations**
 - Many employees are not being properly evaluated each year. This practice has resulted in confusion within the workplace and lack of consistency with respect to how employees are treated.
- **Enhance the Internal Financial Software Programs within the City**

- Currently, the City's financial systems are out of date. If new systems were to be installed, it would improve our financial efficiency and processes and allow for better accounting of funds.
- **Policies and Procedures**
 - Currently, the City is in need of updating, and in some cases creating new policies and procedures for various operations of the City. Once approved policies and procedures are in place, it will create uniformity in the workplace.
- **Redesign Management and Department Structures**
 - The City will review and restructure the management and department structures to improve upon effectiveness while attempting reducing cost.
- **Sale Unused Properties**
 - Conduct a review of current City owned properties. Provide a recommendation to the Council on potential sales. Proceeds from the sale could then be used to reduce the General Fund deficit.
- **Repay or Refinance the City's Bonds to Reduce Debt Service**
 - The City should take advantage of record low interest rates in the market by refinancing its debt and paying off bonds that currently have higher interest rates.

Long-Term Corrective Actions

- **Expansion of Economic Base**
 - The City should develop a comprehensive citywide Economic Development Plan to analyze the regional economy, create development goals and objectives, and identify investment priorities and funding sources to diversify the City's current tax base.
- **Reduce Compensated Absences**
 - The City Attorney's Office has begun effectively reducing the long term absences of employees who continue to be paid while off work on leave of absence for various reasons. This effort must continue to be a priority focus of the City.

