



**NOTICE AND CALL
CITY COUNCIL / SUCCESSOR AGENCY / STANTON HOUSING AUTHORITY
SPECIAL MEETING**

TO THE MEMBERS OF THE CITY COUNCIL / SUCCESSOR AGENCY / STANTON HOUSING AUTHORITY FOR THE CITY OF STANTON AND TO THE CITY CLERK / SECRETARY:

NOTICE IS HEREBY GIVEN that a Special Meeting of the City Council / Successor Agency / Stanton Housing Authority for the City of Stanton is hereby called by the Mayor / Chairman, to be held on November 26, 2024, commencing at 5:30 p.m. at 7800 Katella Avenue, Stanton, CA 90680.

The Agenda for the Special Meeting is attached to this Notice and Call.

Dated: November 21, 2024

s/ Patricia A. Vazquez, City Clerk / Secretary

PUBLIC ACCESS IN-PERSON AND VIA TELECONFERENCE
(Electronically / Telephonically)

Attendance by the members of the public may view the meeting live in one of the following ways:

- Attend in person - City Council Chambers: 7800 Katella Avenue, California 90680.
- Via Teleconference (electronically / telephonically) - Zoom:

In order to join the meeting via telephone please follow the steps below:

1. Dial the following phone number +1 (669) 444-9171 (US).
2. Dial in the following **Meeting ID: (851 8692 9569)** to be connected to the meeting.

In order to join the meeting via electronic device please utilize the Zoom URL link below:

- <https://us02web.zoom.us/j/85186929569?pwd=xuCTrKLWakXa6WJgNfVKqqwX5dnY0Z.1>

ANY MEMBER OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT FOR ANY ITEM ON THE AGENDA MAY DO SO AS FOLLOWS:

- Attend in person and complete and submit a request to speak card to the City Clerk.
- E-Mail your comments to Pvazquez@StantonCA.gov with the subject line "PUBLIC COMMENT ITEM #" *(insert the item number relevant to your comment)*. Comments received no later than 5:00 p.m. before the scheduled meeting will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read e-mailed comments at the meeting. However, the official record will include all e-mailed comments received until the close of the meeting.

Should you have any questions related to participation in the City Council Meeting, please contact the City Clerk's Office at (714) 890-4245 or via e-mail at Pvazquez@StantonCA.gov.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE OFFICE OF THE CITY CLERK AT (714) 890-4245. NOTIFICATION PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING.



**AGENDA
CITY COUNCIL/SUCCESSOR AGENCY/STANTON HOUSING AUTHORITY
SPECIAL & JOINT REGULAR MEETING
STANTON CITY HALL, 7800 KATELLA AVENUE, STANTON, CA**

**TUESDAY, NOVEMBER 26, 2024
SPECIAL CLOSED SESSION - 5:30 P.M.
JOINT REGULAR SESSION - 6:30 P.M.**

PUBLIC ACCESS IN-PERSON AND VIA TELECONFERENCE
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In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (714) 890-4245 or via e-mail at Pvazquez@StantonCA.gov. Notification prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

The City Council agenda and supporting documentation is made available for public review and inspection during normal business hours in the Office of the City Clerk, 7800 Katella Avenue, Stanton California 90680 immediately following distribution of the agenda packet to a majority of the City Council. Packet delivery typically takes place on Thursday afternoons prior to the regularly scheduled meeting on Tuesday. The agenda packet is also available for review and inspection on the city's website at www.StantonCA.gov.

1. CLOSED SESSION (5:30 PM)

- 2. ROLL CALL** Council / Agency / Authority Member Taylor
Council / Agency / Authority Member Torres
Council / Agency / Authority Member Van
Mayor Pro Tem / Vice Chairperson Warren
Mayor / Chairman Shawver

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS

Closed Session may convene to consider matters of purchase / sale of real property (G.C. §54956.8), pending litigation (G.C. §54956.9(a)), potential litigation (G.C. §54956.9(b)) or personnel items (G.C. §54957.6). Records not available for public inspection.

4. CLOSED SESSION

4A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Government Code section 54956.9(d)(1)
Number of cases: 1

Case Name: Tina Pacific Residents Association, et al. v. City of Stanton
Case Number: 30-2023-01316300-CU-WM-CXC

5. CALL TO ORDER STANTON CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY JOINT REGULAR MEETING (6:30 PM)

- 6. ROLL CALL** Council / Agency / Authority Member Taylor
Council / Agency / Authority Member Torres
Council / Agency / Authority Member Van
Mayor Pro Tem / Vice Chairperson Warren
Mayor / Chairman Shawver

7. PLEDGE OF ALLEGIANCE

8. SPECIAL PRESENTATIONS AND AWARDS

Presentation of commendation in recognition and honor of Ms. Florence M. Ruiz.

9. CONSENT CALENDAR

All items on the Consent Calendar may be acted on simultaneously, unless a Council/Board Member requests separate discussion and/or action.

CONSENT CALENDAR

9A. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED

RECOMMENDED ACTION:

City Council/Agency Board/Authority Board waive reading of Ordinances and Resolutions.

9B. APPROVAL OF WARRANTS

City Council approve demand warrants dated October 18, 2024 – October 31, 2024, in the amount of \$776,939.52.

9C. APPROVAL OF MINUTES

City Council/Successor Agency/Housing Authority approve Minutes of Joint Regular Meeting – November 12, 2024.

9D. FISCAL YEAR 2025-2026 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) RESOLUTION NO. 2024-39

On November 6, 2024, the Orange County Community Resources Department released a Request for Applications (RFA) for Fiscal Year 2025-2026 Community Development Block Grant projects related to public facilities and improvements (PF&I). In response to the RFA, staff is proposing the Stanton Community/Senior Center Improvement Project – Phase II. As part of the application process, the City Council must review and authorize Resolution No. 2024-39 authorizing the City Manager to execute the agreement, contract and other documents.

RECOMMENDED ACTION:

1. City Council declare that this project is not subject to the California Environmental Quality Act (CEQA) because it is not a “project” as defined by CEQA; and
2. Approve Resolution No. 2024-39 authorizing the City Manager to execute the agreement, contract and other documents required by the Orange County Community Resources Department for participation in the CDBG program on behalf of the City Council, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA TO APPROVE THE CITY’S PARTICIPATION IN THE FISCAL YEAR 2025-2026 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) WITH THE COUNTY OF ORANGE”.

9E. APPROVE RESOLUTION NO. 2024-32 AUTHORIZING THE ESCHEATMENT OF UNCLAIMED PROPERTY TO THE CITY’S GENERAL FUND

On June 11, 2024, staff provided the City Council with Administrative Policy No. IV-4-15 regarding unclaimed property. Pursuant to the policy, the Finance Department issued a public notification to the public regarding unclaimed checks which have been held over three (3) years. Exhibit A represents checks that have not been claimed and shall now become the property of the City and transferred to the General Fund.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act (“CEQA”) pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Adopt Resolution No. 2024-32, authorizing the Finance Director to escheat unclaimed checks and recognize revenue in the Fund totaling \$7,172 pursuant to Administrative Policy No. IV-4-15 entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AUTHORIZING THE ESCHEATMENT OF UNCLAIMED PROPERTY TO THE CITY OF STANTON GENERAL FUND IN ACCORDANCE WITH APPLICABLE LAW”.

9F. ACCEPTANCE OF THE 8940 PACIFIC AVENUE DEMOLITION AND ABATEMENT PROJECT

The 8940 Pacific Avenue Demolition and Abatement Project consisting of the demolition and abatement of the vacant 4-plex building located at 8940 Pacific Avenue is now complete. The final construction cost for the project was \$96,000, the contract award amount. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of November 4, 2024, and recommends that the City Council accept the completed work performed on this project.

RECOMMENDED ACTION:

1. City Council declare this project categorically exempt under the California Environmental Quality Act, Class 1, and 153011(3); and
2. Accept the completion of improvements for the 8940 Pacific Avenue Demolition and Abatement Project, as certified by the City Engineer, and affix the date of November 4, 2024 as the date of completion of all work on this project; and
3. Approve the final construction contract amount of \$96,000 with Interior Demolition, Inc.; and
4. Direct the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion (Attachment) with the County Clerk-Recorder of the County of Orange; and
5. Direct City staff, after thirty-five (35) days has elapsed from the filing of the "Notice of Completion" with the County Clerk-Recorder, to make the retention payment to Interior Demolition, Inc. in the amount of \$4,800.

9G. PURCHASE OF TEN BLUE LIGHT PUBLIC SAFETY CAMERAS

Staff is requesting that the City Council authorize the purchase of ten (10) blue light cameras at a total cost of \$45,869.16. The City's purchasing policy requires purchases over \$40,000 are approved by the City Council.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Waive the competitive procurement process since only one known supplier has been identified and allow for the sole source procurement of professional services; and

3. Authorize the City Manager to approve the purchase of ten (10) blue light public safety cameras totaling \$45,869.16.

9H. ASSEMBLY BILL (AB) 548 HOUSING POLICY

Assembly Bill 548 (AB 548) seeks to protect California renters and ensure the habitability of their homes.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act (“CEQA”) pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Approve Administrative Policy VIII-8-1 – Assembly Bill 548 Housing Policy.

9I. ACCEPTANCE OF FISCAL YEAR 2024-25 TOBACCO GRANT PROGRAM FUNDING, ADOPTION OF GOVERNING BODY RESOLUTION NO. 2024-38, AUTHORIZATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, AND AUTHORIZATION OF ONE ADDITIONAL TEMPORARY FULL TIME EQUIVALENT POSITION IN THE PUBLIC SAFETY DEPARTMENT

The Office of the Attorney General makes these funds available annually to local agencies through the California Department of Justice Tobacco Grant Program. Funding for the Tobacco Grant Program provides local public agencies with funding to support programs that enforce State and local laws related to the illegal sales and marketing of cigarettes and tobacco products, including e-cigarettes, to minors.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(3) and 15378(b)(5); and
2. Approve a Memorandum of Understanding (MOU) with the State of California Department of Justice for acceptance of Fiscal Year 2024-25 State Tobacco Grant Funds in the amount of \$199,710 and authorize the City Manager to execute on behalf of the City; and
3. Adopt Resolution No. 2024-38 A Resolution of the City Council of the City of Stanton, accepting funds in the amount of \$199,710 from the State of California Department of Justice, Office of the Attorney General, Tobacco Grant Program, and authorize the City Manager to execute related documents to the Tobacco Grant Program, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ACCEPTING FUNDS IN THE AMOUNT OF \$199,710 FROM THE STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, OFFICE OF ATTORNEY GENERAL, TOBACCO GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT PROGRAM MEMORANDUM OF UNDERSTANDING AND RELATED DOCUMENTS”; and

4. Authorize one additional temporary Full Time Equivalent (FTE) position in the Public Safety Department for the title of Code Enforcement Officer (Limited-Term) for the term of the grant funding.

9J. LOW AND MODERATE INCOME HOUSING ASSET FUND ANNUAL REPORT FOR FISCAL YEAR 2023-2024 (HOUSING AUTHORITY)

The attached Low and Moderate Income Housing Asset Fund Annual Report for Fiscal Year 2023-2024 is being presented for consideration as required by State Law.

RECOMMENDED ACTION:

1. Authority Board declare that the project is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3); and
2. Receive and file the Annual Progress Report.

9K. RENEWAL OF DECLARATION THAT AN EMERGENCY CONDITION EXISTS ARISING FROM DAMAGE TO THE WESTERLY END STANTON PARK PEDESTRIAN BRIDGE

The City Council will consider continuing to declare the repair of the westerly end Stanton Park pedestrian bridge an emergency. The original emergency condition was declared on November 12, 2024.

RECOMMENDED ACTION:

1. City Council declare that this item is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) and 15060(c)(3); and
2. Continue to declare the repair of the westerly end Stanton Park pedestrian bridge an emergency.

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS

10A. AN ORDINANCE ADDING CHAPTER 2.05 OF TITLE 2 OF THE STANTON MUNICIPAL CODE TO ESTABLISH CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS

Following a discussion on November 12, 2024, the City Council directed staff to prepare an ordinance related to campaign contribution limits and related policies based on a sample ordinance developed by the non-profit group, Citizens Take Action. The attached ordinance is presented for the City Council's consideration.

RECOMMENDED ACTION:

1. City Council open and conduct a public hearing; and
2. Declare the action not to be subject to the California Environmental Quality Act ("CEQA") under Section 15378(b)(5) – organizational or administrative activities of governments that will not result in direct or indirect changes in the environment; and
3. Introduce for first reading Ordinance No. 1155, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON ADDING CHAPTER 2.05 TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE STANTON MUNICIPAL CODE RELATING TO LOCAL ELECTION CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS”; and

4. Set December 10, 2024, as the date for second reading for adoption of Ordinance No. 1155.

11. UNFINISHED BUSINESS

11A. APPROVAL OF ORDINANCE NO. 1152 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING SECTION 2.56.075 OF THE MUNICIPAL CODE PERTAINING TO LOCAL VENDOR PREFERENCES

This Ordinance was introduced at the regular City Council meeting of November 12, 2024.

RECOMMENDED ACTION:

1. City Clerk read the title of Ordinance No. 1152, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING SECTION 2.56.075 OF THE MUNICIPAL CODE PERTAINING TO LOCAL VENDOR PREFERENCES”; and

2. City Council adopt Ordinance No. 1152.

11B. APPROVAL OF ORDINANCE NO. 1153 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 5.67 OF THE STANTON MUNICIPAL CODE PERTAINING TO TOBACCO RETAILER REGISTRATION

This Ordinance was introduced at the regular City Council meeting of November 12, 2024.

RECOMMENDED ACTION:

1. City Clerk read the title of Ordinance No. 1153, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 5.67 OF THE STANTON MUNICIPAL CODE PERTAINING TO TOBACCO RETAILER REGISTRATION”; and

2. City Council adopt Ordinance No. 1153.

12. NEW BUSINESS

12A. RESOLUTION FINDING AND DECLARING A LOCAL EMERGENCY CAUSED BY HOMELESSNESS CRISIS

The City has seen an increase in its homeless population since 2019, despite significant allocation of resources and funds to combat homelessness in the City. This increase has been coupled with an increase in health and safety concerns, such as an increase in criminal activity, open-air drug use (fentanyl in particular), open fires, obscene/lewd acts in public, increase in vectors, and public defecation; individuals sleeping, camping, and storing personal property in a manner that obstructs access to the public right-of-way; interruption in the enjoyment and access to public facilities equally by all residents; and death, illness, injury and poor living conditions for those unable to find housing.

Declaring a local emergency under the Stanton Municipal Code and the Government Code will provide the City Manager with additional powers as Director of Emergency Services in order to take necessary steps to address the homelessness crisis.

RECOMMENDED ACTION:

1. City Council declare the action to not be subject to CEQA pursuant to State CEQA Guidelines, section 15378(b)(5).); and

2. Adopt proposed Resolution No. 2024-40, entitled:

“RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY CAUSED BY CONDITIONS AND THREATENED CONDITIONS OF HOMELESSNESS WITHIN THE CITY OF STANTON,

WHICH IF NOT CORRECTED, CONSTITUTES AN IMMINENT AND PROXIMATE THREAT TO THE SAFETY OF PERSONS AND PROPERTY IN THE CITY”.

12B. ORDINANCE ADDING CHAPTER 12.38 (OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY AND FACILITIES) TO TITLE 12 (STREETS AND SIDEWALKS) PROHIBITING INTERFERENCE WITH THE PUBLIC’S RIGHT OF ACCESS TO PUBLIC STREETS, SIDEWALKS, RIGHTS-OF-WAY AND FACILITIES

The City has seen an increase in its homeless population since 2019, despite significant allocations of resources and funds to combat homelessness in the City. As a direct result, residents and businesses have experienced an increased number of homeless, unhoused, and transient residents sleeping, sitting, and laying and/or storing personal property in the public right-of-way, obstructing the free use of public streets, sidewalks, rights-of-way, and facilities. The Council will consider adopting regulations prohibiting sleeping, sitting, and laying and/or storing personal property in a manner that interferes with the public’s access to public streets, sidewalks, rights-of-way, and facilities.

RECOMMENDED ACTION:

1. City Council find that the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines section 15061(b)(3); and
2. Introduce for first reading, by title only, and waive further reading of proposed Ordinance No. 1156 adding Chapter 12.38, “Obstruction of Public Rights-of-Way and Facilities”, to Title 12 of the Stanton Municipal Code, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING THE STANTON MUNICIPAL CODE BY ADDING CHAPTER 12.38 (OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY AND FACILITIES) TO TITLE 12 (STREETS AND SIDEWALKS) PROHIBITING INTERFERENCE WITH THE PUBLIC’S RIGHT OF ACCESS TO PUBLIC STREETS, SIDEWALKS, RIGHTS-OF-WAY AND FACILITIES”; and

3. Set December 10, 2024, as the date for second reading and adoption of Ordinance No. 1156.

12C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ADOPTING CHAPTER 9.14 RELATING TO THE PROHIBITION ON REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY

The City has identified activities occurring on public rights of way that are commonly known as “bike chop shops.” These activities consist of individuals using sidewalks to, among other things, assemble, disassemble, and sell or distribute stolen bicycles. Not only do these illegal activities negatively impact quality of life within the City, they also block and encroach on the City’s public rights of way. Therefore, Staff has determined that certain additions are needed to Title 9 of the Stanton Municipal Code (“SMC”) relating to “peace safety, and morals” to address bicycle thefts and bicycle “chop shops” around the City.

RECOMMENDED ACTION:

1. City Council declare that this project is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
2. Introduce for first reading, by title only, and waive further reading of proposed Ordinance No. 1157, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING THE STANTON MUNICIPAL CODE BY ADDING CHAPTER 9.14 RELATING TO THE PROHIBITION ON REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY”; and

3. Set December 10, 2024, as the date for second reading and adoption of Ordinance No. 1157.

12D. ILLUMINATION FOUNDATION LEASE AMENDMENT UPDATE AND ACCESS TO TWO ADDITIONAL SHELTER BEDS

The City is working collaboratively with the Illumination Foundation to secure two dedicated shelter beds to support the City’s efforts to provides services to individuals experiencing homelessness.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act (“CEQA”) pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Receive and file.

12E. VOLUNTARY HOUSING OPTIONS FOR RESIDENTS OF CITY-OWNED PROPERTIES IN THE TINA PACIFIC NEIGHBORHOOD IN RESPONSE TO HOMELESSNESS STATE OF EMERGENCY

If the City Council adopts Resolution No. 2024-40 declaring a Homelessness State of Emergency, staff recommends the City Council approve the authorization of three voluntary housing options for residents of City-owned properties in the Tina Pacific Neighborhood pursuant to the Homelessness State of Emergency.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act (“CEQA”) pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Authorize the City Manager, in her capacity as the City’s Director of Emergency Services, to provide and implement the following voluntary housing options to residents of City-owned properties in the Tina Pacific neighborhood related to the declaration of a Homelessness State of Emergency.
 - a. For tenants in good standing per their lease provisions (i.e., current in payment of rent and not in violation of any lease provisions), a voluntary option, by the tenant, to do any of the following:
 - i. Emergency permanent relocation following the requirements of the federal Uniform Relocation Assistance and Real Property Acquisition Act (URA)/California relocation program to permanent dwellings located outside of the Tina Pacific neighborhood;
 - ii. Relocation to an available Tina Pacific unit in a preferred building with a moving expense allowance in an effort to combine occupied units to form a fully-occupied 4-plex that is easier to secure; or
 - iii. Remain in their current unit with the understanding that the City will continue to serve as the landlord.
 - b. For tenants not in good standing per their lease provisions, a voluntary option, by the tenant, to do either of the following:
 - i. Relocation to an available Tina Pacific unit in a preferred building with a moving expense allowance in an effort to combine occupied units to form a fully-occupied 4-plex that is easier to secure; or
 - ii. Remain in their current unit with the understanding that the City will continue to serve as the landlord.
3. Make a finding that the City Council’s authorization is based upon Resolution No. 2024-40 declaring a Homelessness State of Emergency, this staff report, and oral and written testimony at the hearing on this item.

12F. CONSIDERATION OF ORDINANCE NO. 1150 AMENDING TITLE 20.400.330 REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH RECENT CHANGES IN STATE LAW AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 21080.17 OF THE PUBLIC RESOURCES CODE

The proposed ordinance will amend Section 20.400.330 of the Stanton Municipal Code to comply with recent changes to state law that impose new limits on local authority to regulate Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”).

RECOMMENDED ACTION:

1. City Council receive the presentation for proposed Ordinance No. 1150; and
2. Waive the full reading, and introduce for first reading by title only, Ordinance No. 1150, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON AMENDING SECTION 20.400.330 OF THE CITY OF STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17”; and

3. Find that the adoption of the proposed ordinance is statutorily exempt from review under the California Environmental Quality Act (“CEQA”) under Public Resources Code section 21080.17; and
4. Set December 10, 2024, as the date for the public hearing and second reading for adoption of Ordinance No. 1150.

12G. COMPARISON OF RENT CONTROL / RENT STABILIZATION ORDINANCES FOR CITY COUNCIL DISCUSSION

At their regular meeting of November 12, 2024, the City Council directed staff to locate ordinances prepared by the City of San Juan Capistrano and the City of Anaheim for their review and consideration. Staff researched these cities and found that San Juan Capistrano adopted an ordinance establishing a Municipal Code section titled, “Mobile Home Rent Control” in 1981 which was replaced by an ordinance, same title, in 1997. The City of Anaheim Municipal Code does not have any chapters or sections with titles related to rent control or rent stabilization. However, in 2019, the City of Anaheim reviewed three ordinances, at two separate meetings, focused on thresholds for mobile home space rental rate increases. These ordinances have been attached to this staff report for the City Council’s review and discussion.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act (“CEQA”) pursuant to Sections 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Review the attached adopted ordinance from the City of San Juan Capistrano and the proposed ordinances from the City of Anaheim and provide staff with direction.

13. ORAL COMMUNICATIONS - PUBLIC

At this time members of the public may address the City Council/Successor Agency/Stanton Housing Authority regarding any items within the subject matter jurisdiction of the City Council/Successor Agency/Stanton Housing Authority, provided that NO action may be taken on non-agenda items.

- Members of the public wishing to address the Council/Agency/Authority during Oral Communications-Public or on a particular item are requested to fill out a REQUEST TO SPEAK form and submit it to the City Clerk. Request to speak forms must be turned in prior to Oral Communications-Public.
- When the Mayor/Chairman calls you to the microphone, please state your Name, slowly and clearly, for the record. A speaker’s comments shall be limited to a three (3) minute aggregate time period on Oral Communications and Agenda Items. Speakers are then to return to their seats and no further comments will be permitted.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council/Agency/Authority and Staff need to be recognized by the Mayor/Chairman before speaking.

14. WRITTEN COMMUNICATIONS None.

15. MAYOR/CHAIRMAN COUNCIL/AGENCY/AUTHORITY INITIATED BUSINESS

15A. COMMITTEE REPORTS/ COUNCIL/AGENCY/AUTHORITY ANNOUNCEMENTS

At this time Council/Agency/Authority Members may report on items not specifically described on the agenda which are of interest to the community provided no discussion or action may be taken except to provide staff direction to report back or to place the item on a future agenda.

15B. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE MEETING

At this time Council/Agency/Authority Members may place an item on a future agenda.

15C. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE STUDY SESSION

At this time Council/Agency/Authority Members may place an item on a future study session agenda.

Currently Scheduled: None.

15D. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING THE 2025, 4TH OF JULY HOLIDAY

At the November 12, 2024, City Council meeting, Council Member Taylor requested that this item be agendized for discussion. Council Member Taylor is requesting to hold a study session to discuss the City’s strategies against illegal fireworks within the City in preparation for the upcoming 2025, 4th of July holiday season.

RECOMMENDED ACTION:

City Council provide direction to staff.

16. ITEMS FROM CITY ATTORNEY/AGENCY COUNSEL/AUTHORITY COUNSEL

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

17A. ORANGE COUNTY SHERIFF’S DEPARTMENT

At this time the Orange County Sheriff’s Department will provide the City Council with an update on their current operations.

18. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, the foregoing agenda was posted at the Post Office, Stanton Community Services Center and City Hall, not less than 72 hours prior to the meeting. Dated this 21st day of November, 2024.

s/ Patricia A. Vazquez, City Clerk/Secretary

Item: 9B

Click here to return to the agenda.

CITY OF STANTON WARRANT REGISTER

October 18 - October 31, 2024

Payments to Vendors:

Electronic Transaction Nos.	3459-3469	\$	80,956.24
Check Nos.	138589-138624		201,871.21
Other Electronic Transactions	ACH ^(A)		<u>323,014.48</u>
	Total Payments to Vendors	\$	605,841.93

Direct Deposit Payments ^(B):

Payroll dated October 24, 2024			<u>171,097.59</u>
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TOTAL PAYMENTS **\$ 776,939.52**

Notes:

A = These are electronic payments processed via a file exported from the City's Finance system and uploaded to the City's bank account. The City's Finance system designates these payment transactions as "ACH". A specific transaction number is not assigned.

B = Represents the total net payroll paid through direct deposit on pay date.

Demands listed on the attached registers conform to the City of Stanton Annual Budget as approved by the City Council.

Demands listed on the attached registers are accurate and funds are available for payment thereof.

/s/ Hannah Shin-Heydorn

City Manager

/s/ Michelle Bannigan

Finance Director

Accounts Payable

Checks by Date - Detail by Check Number

User: MBannigan
Printed: 11/5/2024 1:43 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	CAL15478 FEE00188	CALIFORNIA JOINT POWERS INSURANCE Excess Liability Program administration fee 7/1/	10/18/2024	9,379.00
Total for this ACH Check for Vendor CAL15478:				9,379.00
ACH	OCA2137 September 2024	COUNTY OF ORANGE TREASURER- T. SEP-24/County Share of Parking Citation Reven	10/18/2024	6,153.50
Total for this ACH Check for Vendor OCA2137:				6,153.50
ACH	USB3019	US BANK	10/18/2024	
	7-Eleven	Relocation Assistance/Homeless Outreach Svcs/		8.40
	Ace Hardware	Asphalt patch		717.63
	Adobe	Acrobat Pro & creative Cloud Apps for PCTA 8/		383.95
	Albertsons	Employee Summmer Luncheon/Fruit Trays/Raff		146.46
	Amazon	Rotary Hammer for concrete work		274.05
	Amazon	Open House - rocks for craft		44.58
	Amazon	Graffiti remover		424.14
	Amazon	Office Supplies/SD Cards		47.82
	Amazon	Acrylic sign holder		21.54
	Amazon	Rotary Hammer & supplies for concrete work		217.16
	Amazon	Open house - rocks for craft		44.58
	Amazon	Phone Case - Senior Phone		10.82
	Amazon	SCP: Walkie Talkie set and clips		150.20
	Amazon	Outdoor Faucet Lock System		86.96
	Amazon	Office Supplies/City Clerk		32.61
	Amazon	Tape, mosquito catcher refills		45.55
	Amazon	Office Supplies		178.81
	Amazon	Outreach cart		39.86
	Amazon	August KNO: craft supplies and goody bag items		124.97
	Amazon	Laptop bag for contract staff		26.09
	Amazon	Cork board strip, desk pads		43.07
	Amazon	Compact hammer drill		105.48
	Amazon	Supplies/Public Safety/Remote Gate Opener		84.06
	Amazon	Netting & Netting hardware for SCP		161.23
	Amazon	Open House decor		102.84
	Amazon	September KNO: craft supplies and decor		59.17
	Amazon	tissues, door signs for intern offices		28.73
	Amazon	Amazon Transaction/Disputed Charge		5.99
	Amazon	COVID-19 Home Test Kits		69.58
	Amazon	Hex Impact driver		114.18
	Amazon	Office Supplies		63.06
	Amazon	September TNO: tableware and games supplies		39.31
	Amazon	Halloween decor OST activity - mason jars, tissu		79.26
	Amazon	September KNO: Decorations		10.15
	Amazon	August KNO: decor and paper plates		45.62
	Amazon	Network Supplies/Cables/Tools		126.13
	Amazon	September KNO: craft supplies and decor		54.55
	Anaheim Convent	Parking @ CalPERS Women's Conference - Ban		36.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	Anaheim Convent	Parking @ CalPERS Women's Conference - Ban		44.00
	Anaheim Convent	Parking @ CalPERS Women's Conference - Mas		44.00
	Anaheim Nationa	Relocation Assistance/Homeless Ourtreach Clier		770.00
	Anaheim Nationa	Relocation Assistance/Homeless Ourtreach Clier		770.00
	Blakes Place	Employee Summer Luncheon Catering		1,395.04
	Carniceria El C	Open House taco vendor		1,200.00
	CEAOC	CEAOC meeting for Oct for Cesar and Elias		118.00
	Certifix Live S	Aug-2024/Fingerprint Rolling Fees		75.00
	Chapman Ave Car	Car Wash		47.99
	Chapman Ave Car	Car Wash		32.99
	Chevron	OCS D Motor Officer/Motorcycle Gas		25.63
	Chevron	OCS D Motor Officer/Motorcycle Gas		8.39
	Chevron	OCS D Motor Officer/Motorcycle Gas		28.46
	Command Link	Internet Coverage for City/SEP-2024		2,207.27
	Constant Contac	Monthly Subscription		44.00
	Costco	August FNO ice, chips		18.77
	Costco	Supplies/Homeless Outreach/Waters for Clients		23.97
	Costco	Clorox wipes		50.55
	Costco	Ice for FRC open house		33.64
	Costco	Open House aguas frescas ingredients		121.41
	Crash Champions	Prop/Vehicle Damage Claim Repairs (Claim #24		5,304.39
	Digital Space	SEP-2024/Domain Hosting Service		23.76
	Dollar Tree	Other Projects/CEAC GRANT/COMMUNITY C		33.17
	Dollar Tree	October FNO decor		14.82
	Dollar Tree	September TNO: Supplies for Minute Games		3.94
	Dollar Tree	September TNO: Supplies for Minute Games		27.03
	Dollar Tree	Poster Board		1.35
	Dollar Tree	September KNO: tablecovers		8.18
	Dollar Tree	September KNO: Tablecovers		8.08
	Exxon Mobil	OCS D Motor Officer/Motorcycle Gas		32.18
	Facebook	Social Media Marketing		92.27
	Facebook	Social Media Marketing		250.00
	First Choice Co	Coffee for Yard		190.79
	Food4Less	Open House Aguas frescas ingredients		60.13
	Fusion Corner	City Council Closed Session Expense		154.38
	Gallup	Michelle Strength Test		24.99
	Gallup	Airam Strength Test		24.99
	GFOA	Annual Membership		250.00
	GG Express Wash	Car Wash		11.00
	GG Express Wash	Car Wash		11.00
	Google LLC Apps	Work Order Program Usage Fee 9/5/24-10/5/24		450.00
	Harrys Cafe	City Council Closed Session Expense		134.88
	Hi Standard	Lightbar Install		407.00
	Hobby Lobby	Rocks for art project at FRC open house		7.62
	Home Depot	Supplies for FRC reopening and a generator		1,423.08
	Home Depot	tools		184.19
	Home Depot	Misc. supplies for citywide repairs		533.47
	Home Depot	Access Control Hardware/Mailbox Lock/SCP		19.15
	Home Depot	Cleaning Supplies/Public Safety		32.57
	Home Depot	Misc. supplies for citywide repairs		35.72
	Home Depot	Tools/Code Enf		9.81
	Home Depot	Supplies for Concrete work at SCP		166.41
	Home Depot	Office Supplies/Public Safety		48.62
	Home Depot	Supplies to repair/clean bus stops		65.11
	Home Depot	Supplies for Public Works Inspector		65.12
	Home Depot	Screwdriver set		26.55
	Home Depot	Bottles for graffiti removal		12.98
	Home Depot	Cleaning Supplies/Code Enf.		191.78
	Home Depot	Grill cleaner and brushes		43.41

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	Home Depot	Supplies for SCP repairs		304.53
	Home Depot	Misc. supplies for citywide repairs		88.85
	Home Depot	Concrete for FRC repairs		35.02
	Home Depot	Supplies to repair speed trailer		330.87
	Home Depot	Fire extinguisher for FRC		16.28
	Home Depot	bird netting for SCP		352.69
	Home Depot	Supplies for SCP repairs		35.79
	Home Depot	Supplies/Public Safety		22.20
	Home Depot	Powerstrip		8.57
	Home Depot	Supplies for intern		86.19
	ICC	2022 California Building Codes		1,264.88
	Jimmy Johns	August FNO dinner		319.96
	Jimmy Johns	September TNO: Sandwich Dinner		53.54
	League of CA Ci	LOCC OC Division Reception Reg/City Manage		30.00
	League of CA Ci	REFUND/Cancel Reg LOCC Annual Conf/Tayl		-575.00
	League of CA Ci	LOCC OC Division Reception Reg/Council		60.00
	Lyft, Inc.	Relocation Assistance/Transportaiton from Court		35.77
	Lyft, Inc.	Relocation Assistance/Transportation to Court		35.91
	Magic Jump	Open House inflatables		652.23
	Michaels	Open House - Gesso paint		16.14
	Michaels	September KNO: craft supplies		2.14
	Michaels	Riverrocks for art project at FRC open house		12.92
	Microsoft	Microsoft IT Services/AUG-2024		25.35
	OC Imprints	Staff Polos & Jackets/Uniforms		220.40
	OC Plumbing	Repairs to men's restroom at SCP		433.52
	ODP Business So	Restock Copy Paper		501.77
	ODP Business So	Office Supplies/Labels		4.62
	Pacific Coach	Deposit - Fall Senior Excursion		118.13
	Pacific Coach	Remainder - Fall Family Excursion Transportatic		968.62
	Pacific Coach	Deposit - Fall Family Excursion		107.63
	Party City	Open House table cloths		21.57
	PayPal	Training - MMC - IIMC (P. Vazquez)		60.00
	PayPal	Buena Park State of the City Reg/Council		120.00
	PayPal	Buena Park State of the City Reg/Council		40.00
	PayPal	Training - MMC - IIMC (P. Vazquez)		60.00
	PayPal	Buena Park State of the City Reg/City Manager		40.00
	Pizza DAmore	August KNO: Pizza Dinner		34.44
	Placentia Chamb	Placentia State of the City/Registration/Council		55.00
	PORTOS	Pastries - Lou Correa PD Event		69.02
	PORTOS	Refreshments for Community Meeting		62.20
	Quadient Leasin	Postage Meter Labels/600 Count		45.46
	QuickQuack Car	Car Wash		12.99
	QuickQuack Car	Car Wash		13.99
	RedKap	Uniform for Public Works Inspector		223.96
	Sams Club	Supplies/Homeless Outreach/Snacks for Clients		75.44
	Shell Oil	OCSO Motor Officer/Motorcycle Gas		23.05
	Shell Oil	OCSO Motor Officer/Motorcycle Gas		25.35
	Shell Oil	OCSO Motor Officer/Motorcycle Gas		25.17
	SiteOne Landscap	playground chips for SCP		3,434.25
	Smart & Final	1 case water - Commission Meeting		15.19
	Smart & Final	August Kid's Night Out: Juice and Cookies		29.56
	Smart & Final	Employee Summer Luncheon Supplies/Ice		34.72
	Smart & Final	Senior BBQ Charcoal - return		-13.04
	Smart & Final	REFUND/Employee Summer Luncheon Supplie		-8.68
	Smart & Final	HDM Tshirt Bags - Senior Center		71.75
	Smart & Final	REFUND/Employee Summer Luncheon Supplie		-4.34
	Smart & Final	Water - Lou Correa PD Event		14.19
	Smart & Final	September Teen Night Out: Juice and Chips		24.98
	Smart & Final	Senior BBQ Charcoal, tongs		23.35

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	Smart & Final	Relocation Assitance/Gift Cards for Clients		75.00
	Smart & Final	Senior Summer BBQ Food & Supplies		144.75
	SoCal Newspaper	Public Notice/OC Register/Zoning Code Amend.		830.73
	SoCal Newspaper	Public notification for unclaimed property		1,219.80
	Spotify	Spotify Account		11.99
	Staples	Office Supplies		78.25
	Staples	SCP: Colored copy paper		40.84
	Staples	Office Supplies		55.28
	Staples	Office Supplies		48.17
	Staples	Office Supplies		11.19
	Starbucks	3 \$10 gift card opportunity drawing for surveys		30.00
	Super King Mark	Open House aguas frescas ingredients		34.17
	Target	Field Operations Supplies/Code Enf.		96.40
	Target	Halloween decor (cancelled)		32.33
	Temu	Halloween decor		63.48
	Temu	Halloween decor		121.07
	Travel Inn Mote	Relocation Assistance/Homeless Ourtreach Clier		770.00
	Travel Inn Mote	Relocation Assistance/Homeless Ourtreach Clier		550.00
	Travel Inn Mote	Relocation Assistance/Homeless Ourtreach Clier		770.00
	Uline	Trash bags and doggie bags		1,345.36
	Walmart	Final order change		0.72
	Walmart	September KNO: craft supplies and snacks		31.28
	Walmart	Kitchen water dispenser & cricut needle		244.50
	Walmart	September KNO: craft supplies		7.51
	Yorba Linda Fee	Halloween-20 Haybales delivery & Pickup to SC		355.58
Total for this ACH Check for Vendor USB3019:				38,865.11
ACH	HOP16467 2024-0018	HOPE CENTER OF ORANGE COUNTY Other Projects/FY 22 Byrne Discretionary /Gran	10/23/2024	45,674.71
Total for this ACH Check for Vendor HOP16467:				45,674.71
ACH	GRU16389 4739	GRUBER AND LOPEZ, INC Chester TOT - 2023	10/25/2024	2,029.00
Total for this ACH Check for Vendor GRU16389:				2,029.00
ACH	OCA2137 SH 69796	COUNTY OF ORANGE TREASURER- T AFIS (Fingerprinting) October, 2024	10/25/2024	1,169.00
Total for this ACH Check for Vendor OCA2137:				1,169.00
ACH	ORA17031 101604181	ORACLE AMERICA, INC. ARPA/General Fund Spec Proj/ERP System Imp	10/25/2024	1,624.28
Total for this ACH Check for Vendor ORA17031:				1,624.28
ACH	RES2489 3894309	RESOURCE BUILDING MATERIALS Dirt to backfill trench at SCP	10/25/2024	65.34
Total for this ACH Check for Vendor RES2489:				65.34
ACH	WIL12778 010-60139	WILLDAN FINANCIAL SERVICES Sewer Rate Study - Sept 2024	10/25/2024	830.00
Total for this ACH Check for Vendor WIL12778:				830.00
ACH	CJC17055 6911 Retention 1	C J CONCRETE CONSTRUCTION INC Construction for Citywide Concrete Repair Proje Retention	10/29/2024	85,866.00 -4,293.30

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
Total for this ACH Check for Vendor CJC17055:				81,572.70
ACH	AFL187	AFLAC-FLEX ONE	10/28/2024	
	688876A	Oct 2024 Aflac Life & Disability	PR Batch 00324.10.2024 Afla	777.70
	688876B	Rounding	PR Batch 00324.10.2024 Afla	-0.05
Total for this ACH Check for Vendor AFL187:				777.65
ACH	BEN15755	BENEFIT COORDINATORS CORPORAT	10/28/2024	
	B0G3RTA	Nov 2024 Delta Dental Employer Share	PR Batch 00324.10.2024 Delt	1,895.10
	B0G3RTB	Nov 2024 Delta Dental Employee	PR Batch 00324.10.2024 Delt	207.60
Total for this ACH Check for Vendor BEN15755:				2,102.70
ACH	CAS680	CA ST PERS 103	10/28/2024	
	PPE 10/19/2024A	PR Batch 00324.10.2024 PERS Employee T1	PR Batch 00324.10.2024 PER	1,958.17
	PPE 10/19/2024B	PR Batch 00324.10.2024 Survivors Benefit	PR Batch 00324.10.2024 Surv	40.92
	PPE 10/19/2024C	PR Batch 00324.10.2024 PERS Employer	PR Batch 00324.10.2024 PER	16,241.67
	PPE 10/19/2024D	PR Batch 00324.10.2024 PERS Employee Class	PR Batch 00324.10.2024 PER	4,399.79
	PPE 10/19/2024E	PR Batch 00324.10.2024 PERS Employee New	PR Batch 00324.10.2024 PER	6,262.62
Total for this ACH Check for Vendor CAS680:				28,903.17
ACH	CAS683	CA ST PERS-HEALTH BENEFIT	10/28/2024	
	Nov-24A	Nov 24 Health Ins-City Share		39,252.45
	Nov-24B	Nov 24 Health Ins-Employee		4,593.08
	Nov-24C	Nov 24 Retiree Insurance		2,795.00
	Nov-24D	Nov 24 Adm Services-Health Ins		105.23
	Nov-24E	Nov 24 Adm Services-Retiree		17.63
Total for this ACH Check for Vendor CAS683:				46,763.39
ACH	EDD1067	EDD	10/28/2024	
	10/19/2024A	PR Batch 00324.10.2024 State Income Tax	PR Batch 00324.10.2024 Stat	11,572.39
	10/19/2024B	PR Batch 00324.10.2024 State Unemployment I	PR Batch 00324.10.2024 Stat	54.60
Total for this ACH Check for Vendor EDD1067:				11,626.99
ACH	INT1569	INTERNAL REVENUE SERVICE	10/28/2024	
	10/19/2024A	PR Batch 00324.10.2024 Medicare Employer Po	PR Batch 00324.10.2024 Mec	3,307.31
	10/19/2024B	PR Batch 00324.10.2024 Medicare Employee Pc	PR Batch 00324.10.2024 Mec	3,400.98
	10/19/2024C	PR Batch 00324.10.2024 Federal Income Tax	PR Batch 00324.10.2024 Fed	31,011.57
Total for this ACH Check for Vendor INT1569:				37,719.86
ACH	MET12565	METLIFE SBC	10/28/2024	
	Nov-24A	Nov 2024Metlife Employee Share	PR Batch 00324.10.2024 Met	32.00
	Nov-24B	Nov 2024 Metlife Employer Share	PR Batch 00324.10.2024 Met	-0.01
Total for this ACH Check for Vendor MET12565:				31.99
ACH	MIS16496	MISSIONSQUARE	10/28/2024	
	PPE 10/19/2024	PR Batch 00324.10.2024 457 Deferred Compens	PR Batch 00324.10.2024 457	1,685.00
Total for this ACH Check for Vendor MIS16496:				1,685.00
ACH	PUB15477	PUBLIC AGENCY RISK SHARING AUT	10/28/2024	
	PPE 10/19/2024	PR Batch 00324.10.2024 Public Agency Retirem	PR Batch 00324.10.2024 Publ	2,309.92
Total for this ACH Check for Vendor PUB15477:				2,309.92

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	GRU16389 4743	GRUBER AND LOPEZ, INC Casa Playa Inn TOT AUP - 2023	10/31/2024	2,029.00
Total for this ACH Check for Vendor GRU16389:				2,029.00
ACH	SOC12606 713723 713724 714687 714688	SO CAL INDUSTRIES Fence Rental for 10652 Bell St - Nov Fence rental for Magnolia and Tina Way - Nov Fence rental for 8970 Pacific -Nov Fence rental for 8870 Pacific -Nov	10/31/2024	59.11 603.27 231.21 208.58
Total for this ACH Check for Vendor SOC12606:				1,102.17
ACH	VAN13002 9921A 9921B	VAN RY MAINTENANCE Floor Service Civic Center - October 2x Floor Service FRC - October 1x	10/31/2024	450.00 150.00
Total for this ACH Check for Vendor VAN13002:				600.00
3459	SOC2734 11713-092624 13011-092624 20972-092624 23594-100124 30551-092624 36541-092624 41084-100324 47898-092624 48582-093024 61695-100124 61884-092624 61929-100124 62612-100124 63134-092624 73390-092624 80011-092624 80993-092624 86943-092624 91233-092624 98190-092624 99599-100124	SO CAL EDISON Electric Services-Signals Electric Services-Signals Electric Services-Signals Stanton District Light Electric Services-Signals Electric Services-Signals Electric Services-Signals Electric Services-Signals Electric Services Housing Authority Stanton District Light Electric Services-Signals Stanton District Light Electric Service-SCP Electric Services-Signals Electric Services-Signals Electric Services-Signals Electric Services-Signals Electric Services-Signals Electric Services-Signals Electric Services-Signals Stanton District Light	10/21/2024	92.21 124.49 127.17 5,287.79 88.57 130.57 69.05 86.39 3.44 4,861.21 86.14 1,193.21 7,209.80 153.72 32.75 57.51 46.86 96.79 98.53 109.69 18.28
Total for Check Number 3459:				19,974.17
3460	REC16138 76500558	RECTRAC REFUNDS #76500558/Claudia Acosta/10/19/Picnic Shelter	10/21/2024	75.00
Total for Check Number 3460:				75.00
3461	SOC2734 11883-100124 13624-100824 28651-100124 36885-100124 43683-100124 62430-100124 62635-100124 74350-100124 75081-100124 79935-100124 80113-100124	SO CAL EDISON Electric Service Parks - Orangewood Electric Service Parks - Dotson Park Electric Service Parks - Stanton Park Electric Service Parks - Hollenbeck Park Electric Service Parks - Hollenbeck Park Electric Service Parks - Zuniga Park Electric Service Parks - Stanton Park Electric Service Parks - Stanton Park Electric Service Parks - Veterans Park Electric Service Parks - Veterans Park Electric Service Parks - Premier Park Electric Service Parks - Veterans Park	10/22/2024	25.47 756.94 44.44 40.11 109.62 29.47 24.15 16.19 27.77 32.97 32.56

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	81007-100724	Electric Service Building - Community Center		4,591.29
	90825-100124	Electric Service Parks - Hollenbeck Park		221.16
			Total for Check Number 3461:	5,952.14
3462	GOL1321	GOLDEN STATE WATER COMPANY	10/23/2024	
	40657-100124	Water Services Median 9/3-9/30/24		361.17
	69352-100124	Water Services Building Community Center 9/3-		300.93
			Total for Check Number 3462:	662.10
3463	REC16138	RECTRAC REFUNDS	10/23/2024	
	69215428	#69215428/Diocese of Orange Cursillos en Espa		500.00
	74989132	#74989132/Christina Russel/10/20/Picnic Shelte		150.00
	76383697	#76383697/Ngoc Le/10/19/Picnic Shelter/Rfd		150.00
	77363301	#77363301/Maria Crismundo/10/19/MPR/Rfd		300.00
	77438643	#77438643/Bharanidharan Ranganathan/10/20/P		150.00
	78302150	#78302150/Lionel Orlina/10/20/Picnic Shelter/R		150.00
			Total for Check Number 3463:	1,400.00
3464	GOL1321	GOLDEN STATE WATER COMPANY	10/24/2024	
	01752-100224	Water Services Housing Authority 9/3-10/1/24		92.14
	05970-100224	Water Services Housing Authority 9/3-10/1/24		131.00
	17960-100224	Water Services Housing Authority 9/3-10/1/24		169.82
	26211-100224	Water Services Median 8/31-9/30/24		152.50
	26970-100224	Water Services Housing Authority 9/3-10/1/24		182.79
	32190-100224	Water Services Housing Authority 9/3-10/1/24		163.37
	38322-100224	Water Services Housing Authority 9/3-10/1/24		273.42
	45970-100224	Water Services Housing Authority 9/3-10/1/24		202.19
	46996-100224	Water Services Housing Authority 9/3-10/1/24		292.85
	55640-100224	Water Services Housing Authority 9/3-10/1/24		137.45
	72239-100224	Water Services Housing Authority 9/3-10/1/24		396.42
	73992-100224	Water Services Housing Authority 9/3-10/1/24		202.19
	85970-100224	Water Services Housing Authority 9/3-10/1/24		228.65
	86352-100224	Water Services Housing Authority 9/3-10/1/24		312.27
	97284-100224	Water Services Housing Authority 9/3-10/1/24		221.62
			Total for Check Number 3464:	3,158.68
3465	GOL1321	GOLDEN STATE WATER COMPANY	10/25/2024	
	14128-100324	Water Services Median 9/4-10/2/24		340.26
	63566-100324	Water Services Park (Dotson) 9/4-10/2/24		813.59
	79865-100324	Water Services Building 9/4-10/2/24		56.35
	91646-100324	Water Services Building 9/4-10/2/24		302.13
	98865-100324	Water Services Building 9/4-10/2/24		340.79
			Total for Check Number 3465:	1,853.12
3466	REC16138	RECTRAC REFUNDS	10/25/2024	
	78016040	#78016040/Emily Tran/Canceled Res. Rfd		85.00
	78165280	#78165280/Blanca Adame/Class Cancel Rfd.		40.00
			Total for Check Number 3466:	125.00
3467	GOL1321	GOLDEN STATE WATER COMPANY	10/29/2024	
	04128-100724	Water Services Park 9/4-10/4/24		309.39
	09159-100724	Water Services Median 9/4-10/4/24		196.07
	26129-100724	Water Services Median 9/4-10/4/24		245.41
	39851-100724	Water Services Park 9/4-10/4/24		120.99
	68159-100724	Water Services Median 9/4-10/4/24		264.07

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	75841-100724	Water Services Park 9/4-10/4/24		1,026.52
	79851-100724	Water Services Park 9/4-10/4/24		34.64
	93128-100724	Water Services Park 9/4-10/4/24		406.50
Total for Check Number 3467:				2,603.59
3468	OCT2192	O C TREASURER-TAX COLLECTOR	10/30/2024	
	079-320-20-24	Sewer Fee/10660 Western Ave Prop Tax 2024		512.54
	079-320-20-24A	OCSD Sewer Fee/10660 Western Ave Prop Tax 2024		2,632.10
	079-333-07-24	Sewer Fee/7871 Pacific Street (OCFA) Prop Tax		579.47
	079-333-07-24A	OCSD Sewer Fee/7871 Pacific Street (OCFA) Prop Tax		2,975.27
	079-333-16-24	Sewer Fee/10652 Rose Ave. (OCFA) Prop Tax 2024		87.80
	079-333-17-24	Sewer Fee/10662 Rose Ave. (OCFA) Prop Tax 2024		105.28
	079-334-19-24	Sewer Fee/10502 Rose Ave Prop Tax 2024		72.24
	079-354-03-24	OCSD Sewer Fee/7855 Katella Ave Prop Tax 2024		1,416.00
	079-362-12-24	Sewer Fee/10922 Date St. Prop Tax 2024		72.24
	079-362-13-24	Sewer Fee/10912 Date St. Prop Tax 2024		72.24
	079-363-26-24	Sewer Fee/10961 Date St. Prop Tax 2024		72.24
	126-391-48-24	Sewer Fee/10350 Fern Ave Prop Tax 2024		72.24
	126-481-05-24	OCSD Sewer Fee/8870 Tina Way Prop Tax 2024		1,038.80
	126-481-05-24A	Sewer Fee/8870 Tina Way Prop Tax 2024		231.20
	126-481-07-24	OCSD Sewer Fee/8890 Tina Way Prop Tax 2024		1,038.80
	126-481-07-24A	Sewer Fee/8890 Tina Way Prop Tax 2024		231.20
	126-481-08-24	OCSD Sewer Fee/8900 Tina Way Prop Tax 2024		1,038.80
	126-481-08-24A	Sewer Fee/8900 Tina Way Prop Tax 2024		231.20
	126-481-09-24	OCSD Sewer Fee/8910 Tina Way Prop Tax 2024		1,038.80
	126-481-09-24A	Sewer Fee/8910 Tina Way Prop Tax 2024		231.20
	126-481-10-24	OCSD Sewer Fee/8920 Tina Way Prop Tax 2024		1,038.80
	126-481-10-24A	Sewer Fee/8920 Tina Way Prop Tax 2024		231.20
	126-481-17-24	OCSD Sewer Fee/8961 Pacific Ave Prop Tax 2024		1,038.80
	126-481-17-24A	Sewer Fee/8961 Pacific Ave Prop Tax 2024		231.20
	126-481-18-24	OCSD Sewer Fee/8951 Pacific Ave Prop Tax 2024		1,038.80
	126-481-18-24A	Sewer Fee/8951 Pacific Ave Prop Tax 2024		231.20
	126-481-19-24	OCSD Sewer Fee/8941 Pacific Ave Prop Tax 2024		1,038.80
	126-481-19-24A	Sewer Fee/8941 Pacific Ave Prop Tax 2024		231.20
	126-481-22-24	OCSD Sewer Fee/8911 Pacific Ave Prop Tax 2024		1,038.80
	126-481-22-24A	Sewer Fee/8911 Pacific Ave Prop Tax 2024		231.20
	126-481-24-24	OCSD Sewer Fee/8891 Pacific Ave Prop Tax 2024		1,038.80
	126-481-24-24A	Sewer Fee/8891 Pacific Ave Prop Tax 2024		231.20
	126-481-26-24	OCSD Sewer Fee/8871 Pacific Ave Prop Tax 2024		1,038.80
	126-481-26-24A	Sewer Fee/8871 Pacific Ave Prop Tax 2024		231.20
	126-481-27-24	Sewer Fee/8861 Pacific Ave Prop Tax 2024		231.20
	126-482-06-24	OCSD Sewer Fee/8880 Pacific Ave Prop Tax 2024		1,038.80
	126-482-06-24A	Sewer Fee/8880 Pacific Ave Prop Tax 2024		231.20
	126-482-08-24	OCSD Sewer Fee/8900 Pacific Ave Prop Tax 2024		1,038.80
	126-482-08-24A	Sewer Fee/8900 Pacific Ave Prop Tax 2024		231.20
	126-482-11-24	OCSD Sewer Fee/8930 Pacific Ave Prop Tax 2024		1,038.80
	126-482-11-24A	Sewer Fee/8930 Pacific Ave Prop Tax 2024		231.20
	126-482-12-24	OCSD Sewer Fee/8940 Pacific Ave Prop Tax 2024		1,038.80
	126-482-12-24A	Sewer Fee/8940 Pacific Ave Prop Tax 2024		231.20
	126-482-13-24	OCSD Sewer Fee/8950 Pacific Ave Prop Tax 2024		1,038.80
	126-482-13-24A	Sewer Fee/8950 Pacific Ave Prop Tax 2024		231.20
	126-553-22-24	OCSD Sewer Fee/8100 Pacific Ave Prop Tax 2024		2,800.64
	126-553-22-24A	Sewer Fee/8100 Pacific Ave Prop Tax 2024		545.46
	126-566-13-24	Sewer Fee/Katella & Chestnut Prop Tax 2024		72.24
	131-091-40-24	Sewer Fee/7800 Katella Ave Prop Tax 2024		1,713.27
	131-091-40-24A	OCSD Sewer Fee/7800 Katella Ave Prop Tax 2024		8,796.83
	131-241-21-24	OCSD Sewer Fee/11870 Beach Blvd Prop Tax 2024		523.86
	131-263-08-24	Sewer Fee/11822 Santa Paula St Stanton Prop Tax		372.04
	131-263-09-24	Sewer Fee/11832 Santa Paula St Stanton Prop Tax		72.24

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 3468:	44,117.44
3469	REC16138 65024928 76090198 78081195	RECTRAC REFUNDS Rosa Martinez/ 10/26/2024 Karen Nguyen/ 10/27/2024 Robert Valencia/ Cancelled Class	10/30/2024	500.00 450.00 85.00
			Total for Check Number 3469:	1,035.00
138589	SHA15984 PD 10/24/2024	DAVID SHAWVER Check for the returned Payroll Direct Deposit	10/28/2024	366.30
			Total for Check Number 138589:	366.30
138590	ALL17067 2024-462	ALL SERVICE ROOFING #2024-462/10751 Cedar St/Frank Vazquez/Rfd	10/31/2024	600.00
			Total for Check Number 138590:	600.00
138591	ALO17070 77588845	ARLENE ALONSO #77588845/Arlene Alonso/10/19/Picnic Shelter I	10/31/2024	150.00
			Total for Check Number 138591:	150.00
138592	AME15118 567404	AMERICAN RENTALS, INC Trencher Rental SCP 10/7-9/24	10/31/2024	166.72
			Total for Check Number 138592:	166.72
138593	AME17066 2024-385	AMERICAS BEST ROOFING COMPANY #2024-385/7931 Second St./Americas Best Roof	10/31/2024	1,200.00
			Total for Check Number 138593:	1,200.00
138594	AUT12223 04072296789	AUTOZONE INC. Windshield Fluid (1) Motor Oil 5W 20 (1)	10/31/2024	32.77
			Total for Check Number 138594:	32.77
138595	BOY13501 698B	BOYS & GIRLS CLUBS OF GARDEN GI Supervision & Counseling Svcs - Sept 24	10/31/2024	3,326.03
			Total for Check Number 138595:	3,326.03
138596	BRI16960 9073127	BRIGHTVIEW LANDSCAPE SERVICES Weed Abatement Hollenbeck Pk (32 Hrs)	10/31/2024	1,600.00
			Total for Check Number 138596:	1,600.00
138597	CRI13190 25294 25295	C.R.I ELECTRIC, INC New Power @ Sheriff Stations Offices Power Pole Light @FRC	10/31/2024	3,133.76 2,551.09
			Total for Check Number 138597:	5,684.85
138598	CAS662 768105	CA ST DEPT OF JUSTICE Fingerprints Sept 2024	10/31/2024	196.00
			Total for Check Number 138598:	196.00
138599	COA17068 2024-425	COASTLINE ROOFING #2024-425/10751 Chestnut Ave/Austin James Pe	10/31/2024	198.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 138599:	198.00
138600	CSG16451 58007 58268 58269 B241644	CSG CONSULTANTS, INC. DPR Senior Engineer/Grading Svcs 7/27-8/30/24 Building Inspection Svcs 7/1-26/24 Building Inspection Svcs 7/27-8/30/24 Building Plan Review Svcs 8/1-31/24	10/31/2024	1,085.00 14,420.00 18,462.75 5,687.14
			Total for Check Number 138600:	39,654.89
138601	FER14172 62	FERNWOOD MOBILE HOME PARK Lease SCP - 10/18-11/16/24	10/31/2024	2,575.00
			Total for Check Number 138601:	2,575.00
138602	GOL16311 318298	GOLDENWEST LAWNMOWERS Street Cleanup Supplies	10/31/2024	90.66
			Total for Check Number 138602:	90.66
138603	GRA1350 9268040327 9277634110	GRAINGER, INC. Hex/Torx Bit Set Hex/Torx Bit Set	10/31/2024	33.56 33.56
			Total for Check Number 138603:	67.12
138604	HIL1466 89194	HILL'S BROS LOCK & SAFE INC Duplicate Keys	10/31/2024	65.25
			Total for Check Number 138604:	65.25
138605	HIR16933 2417 PB#2 2417 PB#3	HIRSCH & ASSOCIATES, INC Preparation of PS&E Aug 24 Preparation of PS&E Sept 24	10/31/2024	11,130.00 6,450.00
			Total for Check Number 138605:	17,580.00
138606	HOL16829 10/30/24	VICTORIA HOLGUIN Mileage Reimbursement WPF/CSMFO Women	10/31/2024	21.31
			Total for Check Number 138606:	21.31
138607	HUN12150 STA1FOG12408 STA1MS412408	JOHN L. HUNTER & ASSOCIATES, INC FOG - Aug 24 NPDES - Aug 24	10/31/2024	4,535.00 4,600.00
			Total for Check Number 138607:	9,135.00
138608	NAT13166 020763	NATIONAL PLANT SVCS. INC Sewer Cleaning Svcs - Sept 24	10/31/2024	1,922.96
			Total for Check Number 138608:	1,922.96
138609	PBS16995 25443	P B S ENGINEERS, INC Design & Prep of plans for City Hall HVAC.	10/31/2024	58,900.00
			Total for Check Number 138609:	58,900.00
138610	PAC16839 9277	PACIFIC ADVANCED CIVIL ENGINEER City Storm Drain Mater Plan Update Svcs	10/31/2024	20,862.50

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 138610:	20,862.50
138611	PSI11874 47920	PSI New Hose	10/31/2024	216.85
			Total for Check Number 138611:	216.85
138612	RJM2515 36710	RJM DESIGN GROUP INC Design for Premier Park Renovation - Sept 24	10/31/2024	7,578.00
			Total for Check Number 138612:	7,578.00
138613	SCS13184 252738	S.C. SIGNS & SUPPLIES LLC Delineators (5) and Bases (1)	10/31/2024	221.85
			Total for Check Number 138613:	221.85
138614	SAL17069 2024-394	ALMA SALGADO #2024-394/7802 Ruthann Ave/Alma Salgado/Rf	10/31/2024	480.00
			Total for Check Number 138614:	480.00
138615	SAN17065 2024-453	HUGO SANTOS #2024-453/7902 Eileen St./Hugo Santos/Deposit	10/31/2024	540.00
			Total for Check Number 138615:	540.00
138616	SAW15034 2024-375	TOM SAWYER #2024-375/10501 Courson Dr/Under Cover Hon	10/31/2024	367.50
			Total for Check Number 138616:	367.50
138617	TUR2970 43506 43507 43745 43746 43903 43977 43978	TURBO DATA SYSTEMS INC Parking Citation Processing (760) Jul-24 Admin Citation Processing (78) Jul-24 Parking Citation Processing (944) Aug-24 Admin Citation Processing (65) Aug-24 Handheld Ticketwriter Envelopes (2.5K) Sep 24/Parking Citation Processing Sep 24/Admin Citation Processing	10/31/2024	1,704.82 868.92 2,024.77 798.80 489.38 1,530.19 701.36
			Total for Check Number 138617:	8,118.24
138618	VER3059 9976436154 9976436155	VERIZON WIRELESS Mobile/Data Plans/Hotspots 9/17-10/16/24 Mobile/Data Plans/Hotspots 9/17-10/16/24	10/31/2024	803.24 853.28
			Total for Check Number 138618:	1,656.52
138619	VIS3077 2024-665963-00 2024-667751-00 2024-671784-00	VISTA PAINT CORP Graffiti Supplies Graffiti Supplies Graffiti Block Beige	10/31/2024	57.94 138.13 1,114.80
			Total for Check Number 138619:	1,310.87
138620	WAG13143 INV7113253	WAGWORKS, INC Admin. & Compliance Fees Oct 24	10/31/2024	110.00
			Total for Check Number 138620:	110.00
138621	WEL16807	WELLS FARGO FINANCIAL LEASING,	10/31/2024	

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	5031090094	Lease (6) Copiers/(1) Wide-format Plotter 9/8-10		1,683.94
	5031471356	Lease (6) Copiers/(1) Wide-format Plotter 10/8-1		1,683.94
			Total for Check Number 138621:	3,367.88
138622	WIN15596 61341660A	BARBARA WINER #61341660/Barbara Winer/10/7/23/Banquet Hall	10/31/2024	1.14
			Total for Check Number 138622:	1.14
138623	PHA17050 2022-255	LOAN PHAM #2022-255/Loan Pham/8300 Winton Road/Rfd	10/31/2024	5,400.00
			Total for Check Number 138623:	5,400.00
138624	PUB17028 103124	PUBLIC CABLE TELEVISION AUTHOR Refund of Overpayment on Invoice #473	10/31/2024	8,107.00
			Total for Check Number 138624:	8,107.00
			Report Total (69 checks):	605,841.93

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY
OF THE CITY OF STANTON
JOINT REGULAR MEETING NOVEMBER 12, 2024

1. **CLOSED SESSION** None.

2. **CALL TO ORDER STANTON CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY JOINT REGULAR MEETING**

The City Council / Successor Agency / Housing Authority meeting was called to order at 6:30 p.m. by Mayor Shawver.

3. **PLEDGE OF ALLEGIANCE**

Led by Division Chief Steve Dohman, Orange County Fire Authority.

4. **ROLL CALL**

Present: Council/Agency/Authority Member Taylor, Council/Agency/Authority Member Torres, Council/Agency/Authority Member Van, Mayor Pro Tem/Vice Chairperson Warren, and Mayor/Chairman Shawver.

Absent: None.

Excused: None.

5. **SPECIAL PRESENTATIONS AND AWARDS**

5A. Presentation of commendation plaque honoring Orange County Fire Authority Division Chief Steve Dohman, for his invaluable contributions and service to the Stanton Community and on the occasion of his retirement.

5B. Ms. Hannah Shin-Heydorn, City Manager, presented an update on City's homeless outreach activities.

6. **CONSENT CALENDAR**

Motion/Second: Warren/Torres
Motion carried by the following vote:

AYES: 5 (Shawver, Taylor, Torres, Van, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

Motion unanimously carried:

DRAFT

CONSENT CALENDAR

6A. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED

The City Council/Agency Board/Authority Board waived reading of Ordinances and Resolutions.

6B. APPROVAL OF WARRANTS

The City Council approved demand warrants dated October 3, 2024 – October 17, 2024, in the amount of \$1,989,768.74.

6C. APPROVAL OF MINUTES

The City Council/Successor Agency/Housing Authority approved Minutes of Joint Regular Meeting – October 22, 2024.

6D. SEPTEMBER 2024 INVESTMENT REPORT

The Investment Report as of September 30, 2024, has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

1. The City Council finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Received and filed the Investment Report for the month of September 2024.

6E. SEPTEMBER 2024 INVESTMENT REPORT (SUCCESSOR AGENCY)

The Investment Report as of September 30, 2024, has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

1. The Successor Agency finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Received and filed the Investment Report for the month of September 2024.

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6F. SEPTEMBER 2024 GENERAL FUND REVENUE AND EXPENDITURE REPORT; HOUSING AUTHORITY REVENUE AND EXPENDITURE REPORT; STATUS OF CAPITAL IMPROVEMENT PROGRAM

The Revenue and Expenditure Report for the month ended September 30, 2024, has been provided to the City Manager in accordance with Stanton Municipal Code Section 2.20.080 (D) and is being provided to the City Council. This report includes information on both the City's General Fund and the Housing Authority Fund.

1. The City Council finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Received and filed the General Fund and Housing Authority Fund September 2024 Revenue and Expenditure Reports and Status of Capital Improvement Projects for the month ended September 30, 2024.

6G. DECLARATION OF SURPLUS PROPERTY

Occasionally equipment purchased by the City has outlived its useful life and needs to be sold or otherwise disposed of. In compliance with the City's Purchasing Policy and Procedures IV-4-12, staff is required to petition the City Council to declare the property surplus, obsolete, or unusable.

1. The City Council declared that this action is exempt from the California Environmental Quality Act ("CEQA") under Section 15378(b)(2) – continuing administrative or maintenance activities, such as purchase for supplies, personnel-related actions, general policy and procedure making; and
2. Declared the equipment listed on Attachment A as surplus; and
3. Directed staff to sell or salvage equipment according to the Administrative Policy IV-4-12: Purchasing Policy and Procedures.

6H. CITY SPONSORSHIP REQUEST – YOUTH ASSISTANCE FOUNDATION SANTA'S SIREN EVENT

Per the City's Sponsorship Program, the Youth Assistance Foundation is requesting co-sponsorship of the Santa's Siren event held throughout the City. The sponsorship request is for in-kind consideration valued at \$499.

1. The City Council declared this project to be categorically exempt under the California Environmental Quality Act, Class 1, Section 15301c; and
2. Approved the Youth Assistance Foundation's sponsorship request for a total in-kind value of \$499.

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6I. **CONSIDER RESOLUTION FINDING AND DECLARING THAT AN EMERGENCY CONDITION EXISTS ARISING FROM DAMAGE TO THE WESTERLY END STANTON PARK PEDESTRIAN BRIDGE AND AUTHORIZING REPAIR TO THE PEDESTRIAN BRIDGE WITHOUT PUBLIC BIDDING**

The westerly end pedestrian bridge at Stanton Park has been damaged and unusable since June 2023. The pedestrian bridge is a major pedestrian walkway serving many of the residents of the City. City Council will consider declaring the repair an emergency and thereby exempt from public bidding requirements.

1. The City Council adopted Resolution No. 2024-36 finding that an emergency condition exists arising from damage to the Westerly End Stanton Park Pedestrian Bridge and authorized emergency repair to the Westerly End Stanton Park Pedestrian Bridge without public bidding, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, FINDING AND DECLARING THAT AN EMERGENCY CONDITION EXISTS ARISING FROM DAMAGE TO THE WESTERLY END STANTON PARK PEDESTRIAN BRIDGE AND AUTHORIZING REPAIR TO THE PEDESTRIAN BRIDGE WITHOUT PUBLIC BIDDING”; and

2. Declared this project categorically exempt under the California Environmental Quality Act, Section 15301 Class 1 subsection (d).

END OF CONSENT CALENDAR

7. **PUBLIC HEARINGS**

7A. **CONSIDERATION OF ORDINANCE NO. 1153 AMENDING CHAPTER 5.67 OF TITLE 5 OF THE STANTON MUNICIPAL CODE RELATING TO TOBACCO RETAILER REGISTRATION TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS**

At its regular meeting of December 12, 2023, the City Council directed staff to review the City’s existing tobacco retail license ordinance with a focus on strengthening the ordinance, specifically prohibiting the sale of flavored tobacco products. Staff reviewed Chapter 5.67, “Tobacco Retailer Registration,” of the City’s Municipal Code and prepared the proposed Ordinance with updates. The City Council will consider approving the first reading of the proposed Ordinance.

Staff report by Ms. Hannah Shin-Heydorn, City Manager.

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The public hearing was opened.

- Ms. Hana Hanna, spoke in favor of the proposed ordinance.
- Ms. Maria Salgado, spoke in favor of the proposed ordinance and requested a clearer definition in regard to frequency of compliance checks.
- Ms. Ana Granda, spoke in favor of the proposed ordinance and requested that the City add language to include an application fee.
- Mr. Jose Luis, spoke in favor of the proposed ordinance and requested that the City add language to include an application fee.

No one else appearing to speak, the public hearing was closed.

Motion to amend proposed ordinance by Council Member Van to include the following language *“Compliance checks shall be conducted at a minimum of two times within every calendar year”* (§ 5.67.110.B Compliance Monitoring) and change *“may establish”* to *“shall establish”* (§ 5.67.050.F Application Procedure).

Motion/Second: Van/Taylor

ROLL CALL VOTE:	Council Member Taylor	AYE
	Council Member Torres	AYE
	Council Member Van	AYE
	Mayor Pro Tem Warren	AYE
	Mayor Shawver	AYE

Amended motion unanimously carried:

1. The City Council conducted a public hearing; and
2. Finds that the ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Sections 15378(a) (the ordinance is not a “project” and has no potential for resulting in physical change to the environment, directly or indirectly) and 15061(b)(3) (there is no possibility that the ordinance or its implementation would have a significant negative effect on the environment) (14 Cal. Code Regs.); and
3. Introduced Ordinance No. 1153 as amended for its first reading, to be read by title only, and waived further reading, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 5.67 OF TITLE 5 OF THE STANTON MUNICIPAL CODE RELATING TO TOBACCO RETAILER REGISTRATION TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTIONS 15378 AND 15061(B)(3) OF THE STATE CEQA GUIDELINES”; and

Joint Regular Meeting – November 12, 2024 - Page 5 of 11

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

DRAFT

4. Set said amended ordinance for adoption at the regular City Council meeting of November 26, 2024.

8. UNFINISHED BUSINESS

- 8A. **APPROVAL OF ORDINANCE NO. 1148 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING TITLE 20 (ZONING) OF THE STANTON MUNICIPAL CODE TO EXPRESSLY PROHIBIT SHORT-TERM RENTALS IN ALL ZONES WITHIN THE CITY AND TO PROHIBIT BED AND BREAKFAST ESTABLISHMENTS IN RESIDENTIAL ZONES AND MIXED-USE OVERLAY ZONES AND FINDING THE ACTION EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15060(c)(2) AND 15060(c)(3) AND ALTERNATIVELY CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301**

This Ordinance was introduced at the regular City Council meeting of October 22, 2024.

Staff report by Ms. Patricia A. Vazquez, City Clerk.

E-Public Comment:

- Ms. Kristi Cirtwill, submitted an e-public comment in opposition to the proposed ordinance.

Motion/Second: Torres/Warren

ROLL CALL VOTE:	Council Member Taylor	AYE
	Council Member Torres	AYE
	Council Member Van	AYE
	Mayor Pro Tem Warren	AYE
	Mayor Shawver	AYE

Motion unanimously carried:

1. The City Clerk read the title of Ordinance No. 1148, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING TITLE 20 (ZONING) OF THE STANTON MUNICIPAL CODE TO EXPRESSLY PROHIBIT SHORT-TERM RENTALS IN ALL ZONES WITHIN THE CITY AND TO PROHIBIT BED AND BREAKFAST ESTABLISHMENTS IN RESIDENTIAL ZONES AND MIXED-USE OVERLAY ZONES AND FINDING THE ACTION EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15060(c)(2) AND 15060(c)(3) AND ALTERNATIVELY CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301”; and

2. The City Council adopted Ordinance No. 1148.

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9. NEW BUSINESS

9A. AN ORDINANCE AMENDING THE LOCAL VENDOR PREFERENCE SECTION OF THE STANTON MUNICIPAL CODE

City Council recently held discussions relating to the local vendor preference listed in Stanton’s Municipal Code. As a result of those discussions, adjustments are being made to increase the local vendor preference from two percent (2%) to three percent (3%) through the adoption of Ordinance No. 1152.

Staff report by Ms. Hannah Shin-Heydorn, City Manager.

Motion/Second: Warren/Van

ROLL CALL VOTE:	Council Member Taylor	AYE
	Council Member Torres	AYE
	Council Member Van	AYE
	Mayor Pro Tem Warren	AYE
	Mayor Shawver	AYE

Motion unanimously carried:

1. The City Council declared that the project is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
2. Introduced Ordinance No. 1152, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING SECTION 2.56.075 OF THE MUNICIPAL CODE PERTAINING TO LOCAL VENDOR PREFERENCES”; and
3. Set said ordinance for second reading and adoption at the November 26, 2024, regularly scheduled City Council meeting.

DRAFT

9B. DISCUSSION REGARDING DEVELOPMENT AGREEMENTS FOR THE TOWN CENTER SPECIFIC PLAN

At the City Council meeting of May 14, 2024, Council Member Torres received consensus to place an item on a future agenda regarding development agreements for the Town Center Specific Plan (TCSP) to support minimum standards for development. Tonight, the Council will receive a presentation and provide direction to staff.

Staff report by Ms. Hannah Shin-Heydorn, City Manager.

1. The City Council finds that this item is not subject to California Environmental Quality Act (“CEQA”) pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Received and filed the report and directed staff to create an internal staff memo to Community Development staff, stating that the City Council is interested in considering Development Agreements (DA) for hotel developments within the City’s Town Center Specific Plan (TCSP) area and to bring any such DA’s to the Council as early as possible.

9C. DISCUSSION REGARDING CAMPAIGN CONTRIBUTIONS AND LEVINE ACT (SENATE BILLS 1439 AND 1243)

At the City Council meeting of November 28, 2023, Council Member Taylor received consensus to review campaign contribution limits and the Levine Act (Senate Bill 1439) and consider updates to the City’s specific limit(s) and policies. An initial presentation on those two topics was provided to the City Council in February 2024. Tonight, the Council will consider the existing limit(s) and policies and provide direction to staff.

Staff report by Ms. Hannah Shin-Heydorn, City Manager.

Motion/Second: Van/Torres

ROLL CALL VOTE:	Council Member Taylor	AYE
	Council Member Torres	AYE
	Council Member Van	AYE
	Mayor Pro Tem Warren	NO
	Mayor Shawver	NO

Motion carried:

DRAFT

1. The City Council finds that this item is not subject to California Environmental Quality Act (“CEQA”) pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Directed staff to prepare an ordinance related to campaign contribution limits and related policies based on a sample ordinance developed by the non-profit group, Citizens Take Action.

10. ORAL COMMUNICATION

Mr. Bill King, business/property owner, spoke regarding his concerns with his property and the tenant that he carefully selected to lease his and operate within his property. He reported that he has been attempting to comply with the City’s rules and regulations pertaining to the operation of his property located at 8371 Monroe Avenue, Stanton, however, the citations that he has been receiving from the City’s Code Enforcement Division are overwhelming and not feasible, Mr. King asked the City for relief and assistance, and requested that the City provide the needed permit and license required for his tenant to operate.

11. WRITTEN COMMUNICATIONS None.

12. MAYOR/CHAIRMAN/COUNCIL/AGENCY/AUTHORITY INITIATED BUSINESS

12A. COMMITTEE REPORTS/COUNCIL/AGENCY/AUTHORITY ANNOUNCEMENTS

None.

12B. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE COUNCIL MEETING

None.

12C. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE STUDY SESSION

Council Member Taylor requested to agendaize discussion regarding the City’s strategies against illegal fireworks within the City in preparation for the upcoming 2025, 4th of July holiday season.

DRAFT

12D. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING RENT CONTROL WITHIN MOBILE HOME PARKS WITHIN THE CITY

At the October 22, 2024, City Council meeting, Council Member Torres requested that this item be agendaized for discussion. Council Member Torres is requesting to discuss rent control within mobile home parks within the City.

Presentation by Council Member Torres.

Motion/Second: Torres/Van

Council Member Torres motioned for the creation of a City ordinance modeled after the City of San Juan Capistrano's Mobile Home Rent Control ordinance.

Substitute Motion:

Motion/Second: Shawver/Taylor

Mayor Shawver motioned to direct staff to locate ordinances prepared by the City of San Juan Capistrano and the City of Anaheim for their review and consideration.

The City Council received consensus and directed staff to proceed with research and to bring this item back for City Council review at a future City Council meeting.

13. ITEMS FROM CITY ATTORNEY/AGENCY COUNSEL/AUTHORITY COUNSEL

None.

14. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

Ms. Zenia Bobadilla, Community Services Director, reported on the City's Veteran's Day Ceremony & Breakfast event, which was held on November 11, 2024, at Stanton City Hall.

14A. ORANGE COUNTY FIRE AUTHORITY

At this time the Orange County Fire Authority will provide the City Council with an update on their current operations.

Chief Steve Dohman provided the City Council with an update on their current operations.

Chief Steve Dohman introduced the newly appointed to Stanton, Division Chief Matt Schuetz to the City Council and Stanton community.

Division Chief Matt Schuetz provided the City Council with a brief introduction about himself.

DRAFT

- 15. ADJOURNMENT** Motion/Second: Shawver/
Motion carried at 8:58 p.m.

MAYOR PRO TEM/VICE CHAIRPERSON

ATTEST:

CITY CLERK/SECRETARY

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: FISCAL YEAR 2025-2026 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) RESOLUTION NO. 2024-39

REPORT IN BRIEF:

On November 6, 2024, the Orange County Community Resources Department released a Request for Applications (RFA) for Fiscal Year 2025-2026 Community Development Block Grant projects related to public facilities and improvements (PF&I). In response to the RFA, staff is proposing the Stanton Community/Senior Center Improvement Project – Phase II. As part of the application process, the City Council must review and authorize Resolution No. 2024-39 authorizing the City Manager to execute the agreement, contract and other documents.

RECOMMENDED ACTION:

1. City Council declare that this project is not subject to the California Environmental Quality Act (CEQA) because it is not a “project” as defined by CEQA; and
2. Approve Resolution No. 2024-39 authorizing the City Manager to execute the agreement, contract and other documents required by the Orange County Community Resources Department for participation in the CDBG program on behalf of the City Council, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA TO APPROVE THE CITY’S PARTICIPATION IN THE FISCAL YEAR 2025-2026 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) WITH THE COUNTY OF ORANGE”.

BACKGROUND:

Each year the County of Orange receives funding from the U.S. Department of Housing and Urban Development (HUD) for assistance to low- and moderate-income households through the CDBG program. The County distributes these funds to non-entitlement cities with populations of less than 50,000 residents. The funds are to be used for physical improvements to those areas of the City where at least 43 percent of the population qualify for low- and moderate-income assistance and support programs. The County of Orange

accepts one PF&I application from each of the twelve participating jurisdictions and the County. It is up to the discretion of the local jurisdiction (City/County) as to what application is submitted from that jurisdiction. City Council review and approval is a required part of the process and a copy of the approved resolution must be sent to the Orange County Community Resources Department.

Fiscal Year 2025-2026 CDBG funding may increase or decrease based on HUD's final allocation of CDBG funds to the Urban County/OC Community Services. The County of Orange Community Services Department is estimating \$2,450,000 available for PF&I projects for Fiscal Year 2025-2026. As such, each city may submit one application and receive a maximum of \$250,000 with no leveraged funds or \$450,000 with 20% of leveraged funds. The proposed Fiscal Year 2025-2026 CDBG project application requests \$250,000 in CDBG funds.

ANALYSIS/JUSTIFICATION:

Staff is recommending that the City Council review and approve the proposed project and funding for the Stanton Community/Senior Center Improvement Project – Phase II. The proposed project requests \$250,000 in CDBG funds, with no match from the City.

The following provides additional details regarding the proposed project.

- Stanton Community/Senior Center Improvement Project – Phase II
The City will use CDBG funds to complete a comprehensive improvement to the Stanton Community/Senior Center facility. The project includes upgrades to enhance ADA compliance, energy efficiency, and upgrades to the community center's interior. The project is in a high priority neighborhood facility, serving an area meeting the LMI Benefit National Objective. The project would serve a target population including children, families, seniors, anyone experiencing or at-risk of homelessness, persons with disabilities, and veterans.

Staff is preparing the application package in accordance with CDBG regulations. Proposals will be judged and awarded funding based on goals and objectives outlined in the County's five-year Consolidated Plan with priority given to those projects which assist low and moderate-income families and households, the elderly and disabled.

Public Works projects that focus on preserving neighborhoods will also be considered a priority. The goal of the proposed project is to upgrade living conditions, enhance community safety, and help encourage a sense of community pride and public involvement. The proposed project would also satisfy goals and action items contained within the City of Stanton's General Plan by addressing deficiencies in the City's infrastructure.

FISCAL IMPACT:

The City is requesting \$250,000 in CDBG funds. There is no match required for this level of funding.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the California Environmental Quality Act (CEQA) the project has been determined to be categorically exempt under Section 15301, Class 1 and Section 15332 Class 32.

PUBLIC NOTIFICATION:

Public notice for this item was made through the regular agenda process.

STRATEGIC PLAN OBJECTIVE(S) ADDRESSED:

- Objective No. 5: Provide a high quality of life
- Objective No. 6: Maintain and promote a responsive, high quality and transparent government.

Prepared by: Zenia Bobadilla, Community Services Director

Fiscal Impact: Michelle Bannigan, Finance Director

Approved by: Hannah Shin-Heydorn, City Manager

Attachment:

- A. Resolution No. 2024-39

RESOLUTION NO. 2024-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA TO APPROVE THE CITY'S PARTICIPATION IN THE FISCAL YEAR 2025-2026 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) WITH THE COUNTY OF ORANGE

WHEREAS, the City of Stanton submitted an application under FY 2025-26 FOR PUBLIC FACILITIES & IMPROVEMENTS REQUEST FOR APPLICATION BID NO. 012-25010431- NC; and

WHEREAS, the CDBG Program is a federally funded program administered by the Housing and Urban Development Department (HUD) through grants to forty-nine States; and

WHEREAS, the CDBG Program is designed to assist local jurisdictions with projects such as the construction or reconstruction of streets, sewer and storm drain, neighborhood centers, recreation facilities, and with the rehabilitation of public and private buildings; and

WHEREAS, the City of Stanton desires to accept the award of CDBG funds and authorizes the execution of the necessary agreements, contracts and amendments and other corresponding documentation to accept the CDBG funds.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

1. The City of Stanton hereby accepts the award of CDBG funds through the County's Urban Counties Program, which will be used to support the City of Stanton's Public Facilities & Improvements Stanton Community/Senior Center Improvement Project-Phase II under Bid No. 012-25010431- NC.
2. The City of Stanton authorizes the City Manager or his/her designee to execute, for and on behalf of the City of Stanton, the necessary agreements(s) and/or any other documents or instruments required by the County and/or the United States Department of Housing and Urban Development for participation in the Urban Counties Program and/or for acceptance of the CDBG funds under Bid No. 012-25010431- NC

ADOPTED, SIGNED AND APPROVED this 26th day of November, 2024.

DAVID J. SHAWVER, MAYOR

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

ATTEST:

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2024-39 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 26, 2024 and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: APPROVE RESOLUTION NO. 2024-32 AUTHORIZING THE ESCHEATMENT OF UNCLAIMED PROPERTY TO THE CITY'S GENERAL FUND

REPORT IN BRIEF:

On June 11, 2024, staff provided the City Council with Administrative Policy No. IV-4-15 regarding unclaimed property. Pursuant to the policy, the Finance Department issued a public notification to the public regarding unclaimed checks which have been held over three (3) years. Exhibit A represents checks that have not been claimed and shall now become the property of the City and transferred to the General Fund.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Adopt Resolution No. 2024-32, authorizing the Finance Director to escheat unclaimed checks and recognize revenue in the Fund totaling \$7,172 pursuant to Administrative Policy No. IV-4-15 entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AUTHORIZING THE ESCHEATMENT OF UNCLAIMED PROPERTY TO THE CITY OF STANTON GENERAL FUND IN ACCORDANCE WITH APPLICABLE LAW".

BACKGROUND:

On June 11, 2024, the City Council approved Administrative Policy IV-4-15. This policy outlines how the City of Stanton handles unclaimed money in compliance with California Government Code Sections 50050-50056. Unclaimed funds that are not the City's property, excluding victim restitution, may be claimed by rightful owners within three years. After this period, the funds are advertised publicly and, if still unclaimed after 45

days, become the City's property. Restitution to victims unclaimed after three years is used for victim services or deposited into the Restitution Fund. Unclaimed funds, once transferred, return to their original accounts or, if legally allowed, to the General Fund.

ANALYSIS/JUSTIFICATION:

The City Clerk posted a public notice in *The Orange County Register* on Friday September 20, 2024, for two consecutive weeks. No claims were made for the published outstanding checks.

FISCAL IMPACT:

The cost of the public notification of \$1,219.80 was funded by the Finance Department's Fiscal Year 2024/25 Operating Budget. If the resolution is approved, General Fund revenues in Fiscal Year 2024/25 will increase by \$7,172.

ENVIRONMENTAL IMPACT:

This project is categorically exempt under the California Environmental Quality Act Section 15061(b)(3), 15273.

LEGAL REVIEW:

None.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

Obj. No. 6: Maintain and promote a responsive, high quality and transparent government.

PUBLIC NOTIFICATION:

Through the normal agenda process.

Prepared by: Amy Massey, Accounting Manager
Reviewed by: Michelle Bannigan, Finance Director
Approved by: Hannah Shin-Heydorn, City Manager

ATTACHMENT:

A. Resolution No. 2024-32

RESOLUTION NO. 2024-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AUTHORIZING THE ESCHEATMENT OF UNCLAIMED PROPERTY TO THE CITY OF STANTON GENERAL FUND IN ACCORDANCE WITH APPLICABLE LAW

WHEREAS, under applicable state law, Government Code Section 50050 et seq., property that remains unclaimed by its rightful owner for a specified period shall be considered abandoned and subject to escheatment to the City of Stanton; and

WHEREAS, the City Council has, in addition, established a policy on how the unclaimed funds will be returned in accordance with State law; and

WHEREAS, the City Council, in the administration of its responsibilities, has accumulated certain unclaimed properties, including but not limited to unclaimed funds, checks, bonds, security deposits, or tangible personal property, which have not been claimed by their rightful owners despite reasonable efforts to notify such individuals or entities; and

WHEREAS, the City of Stanton has conducted appropriate due diligence, including notice to potential claimants, and has fulfilled all legal requirements to identify and notify the owners of such unclaimed property identified in Exhibit "A" to this resolution; and

WHEREAS, in accordance with the applicable escheatment laws, policies, and regulations, the City of Stanton may transfer the unclaimed property to the City of Stanton General Fund after the expiration of the legally prescribed holding period.

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

SECTION 1: The City of Stanton is hereby authorized and directed to escheat and transfer all unclaimed property held by the City of Stanton for the statutory period, as identified in Exhibit "A" to this resolution, to the City of Stanton General Fund as permitted by Government Code Section 50050 et seq.

SECTION 2: The Finance Director, or their designee, is hereby authorized and directed to take any and all actions necessary to carry out the escheatment of unclaimed property, including the preparation of reports and the execution of all necessary documents as required by law.

SECTION 3: This resolution shall be effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED this 26th day of November 2024.

DAVID J. SHAWVER, MAYOR

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

ATTEST:

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2024-32 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 26, 2024, and that the same was adopted, signed, and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

EXHIBIT "A"

ESCHEAT CHECKS BY FUND

Check No	Vendor Name	Check Date	Amount	Fund
132739	HUA PHUOC	9/10/2020	\$84.00	101
132915	MARQUEZ, JOB	10/22/2020	\$41.00	101
133688	TOM VO'S TAEKWONDO	4/22/2021	\$21.00	101
133759	TOM VO'S TAEKWONDO	5/6/2021	\$21.00	101
132338	STEVEN DO	7/2/2020	\$120.00	801
132812	KENNY NGUYEN	9/24/2020	\$240.00	801
133160	CHINH TRAN	12/17/2020	\$30.00	801
133183	HENRY CAO	12/17/2020	\$1,800.00	801
133318	BRICE ROOFING INC	1/28/2021	\$315.00	801
133104	CORNERSTONE COMMUNICATIONS & PUBLIC RELATIONS INC	12/17/2020	\$4,500.00	901

Total Escheated Checks:

\$ 7,172.00

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: ACCEPTANCE OF THE 8940 PACIFIC AVENUE DEMOLITION AND ABATEMENT PROJECT

REPORT IN BRIEF:

The 8940 Pacific Avenue Demolition and Abatement Project consisting of the demolition and abatement of the vacant 4-plex building located at 8940 Pacific Avenue is now complete. The final construction cost for the project was \$96,000, the contract award amount. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of November 4, 2024, and recommends that the City Council accept the completed work performed on this project.

RECOMMENDED ACTION:

1. City Council declare this project categorically exempt under the California Environmental Quality Act, Class 1, and 153011(3); and
2. Accept the completion of improvements for the 8940 Pacific Avenue Demolition and Abatement Project, as certified by the City Engineer, and affix the date of November 4, 2024 as the date of completion of all work on this project; and
3. Approve the final construction contract amount of \$96,000 with Interior Demolition, Inc.; and
4. Direct the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion (Attachment) with the County Clerk-Recorder of the County of Orange; and
5. Direct City staff, after thirty-five (35) days has elapsed from the filing of the "Notice of Completion" with the County Clerk-Recorder, to make the retention payment to Interior Demolition, Inc. in the amount of \$4,800.

BACKGROUND:

Following the demolition of 8930 Pacific Avenue, the transients that were trespassing and breaking into 8930 Pacific Avenue have now begun trespassing and breaking into 8940 Pacific Avenue. The City received multiple calls for service related to trespassing, and during one of the recent responses, staff was threatened by a transient brandishing a wine bottle as a weapon. Staff recommended the demolition of 8940 Pacific Avenue to prevent trespassing and other unauthorized illegal activities that may threaten the public health, safety, and welfare of the Tina Pacific community.

The City’s Purchasing and Contracting Guidelines allow for exceptions to the standard procurement procedures when it is determined to be in the best interests of the City to preserve the public health, safety, and welfare of the community. As such, staff recommended award of contract to Interior Demolition, Inc., who was the lowest responsible bidder in 2022, at the time of the last Tina Pacific demolition project.

On August 27, 2024, Interior Demolition, Inc. was awarded the contract for the project in the amount of \$96,000 under the exceptions to the standard procurement procedures listed above.

ANALYSIS/JUSTIFICATION:

The total construction cost for this project was \$96,000, which is the awarded contract amount. No change orders were issued for this project.

The 8940 Pacific Avenue Demolition and Abatement Project has been completed in conformance with the project plans and specifications and has been accepted by the City Engineer.

FISCAL IMPACT:

The total project amount to be paid to Interior Demolition, Inc. for construction is \$96,000 utilizing funds available from the Housing Authority as approved in the Fiscal Year 2024/2025 Operating Budget.

ENVIRONMENTAL IMPACT:

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA), Class 1, Section 15301I (3)

LEGAL REVIEW:

None.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

Obj. No. 1: Provide a safe community.

PUBLIC NOTIFICATION:

Notifications were performed through the normal agenda process.

Prepared by: Han Sol Yoo, Civil Engineer

Reviewed by: Cesar Rangel P.E., Director of Public Works/City Engineer

Fiscal Impact Reviewed by: Michelle Bannigan, Finance Director

Approved by: Hannah Shin-Heydorn, City Manager

ATTACHMENT:

A. Notice of Completion

Recording requested by and
when recorded mail to:

Attachment: A
Click here to return to the agenda.

CITY OF STANTON
7800 KATELLA AVE.
STANTON, CA 90680

(Space above this line for Recorder's use)

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE SECTION 27383

NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion.

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is the City of Stanton.
3. The full address of owner is 7800 Katella Avenue, Stanton, CA 90680.
4. The nature of the interest or estate of the owner is: Public Facility.
5. A work of improvement on the property hereinafter described was completed on November 4, 2024. The work was the 8940 Pacific Demolition and Abatement Project.
6. The name of the contractor for such work of improvement was: Interior Demolition, Inc.
7. The property on which said work of improvement was completed is in the City of: Stanton, County of Orange, and State of California.

Dated: _____, City of Stanton
Verification for Individual Owner Cesar Rangel, City Engineer

VERIFICATION

I, the undersigned, say: I am the City Engineer of the City of Stanton, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2024, at Stanton, California.

_____, City of Stanton
Cesar Rangel, City Engineer

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: PURCHASE OF TEN BLUE LIGHT PUBLIC SAFETY CAMERAS

REPORT IN BRIEF:

Staff is requesting that the City Council authorize the purchase of ten (10) blue light cameras at a total cost of \$45,869.16. The City's purchasing policy requires purchases over \$40,000 are approved by the City Council.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Waive the competitive procurement process since only one known supplier has been identified and allow for the sole source procurement of professional services; and
3. Authorize the City Manager to approve the purchase of ten (10) blue light public safety cameras totaling \$45,869.16 .

BACKGROUND:

To further advance the City's Strategic Plan Objective Number 6, the City has implemented modern public safety deterrent strategies to promote and maintain a high quality of life. Blue light security cameras, so named due to their blinking blue lights, are one strategy that has proven to be highly effective. These cameras promote public safety, quality of life, and economic development due to their ability to locate and deter crime. Police officers can use the video evidence to conduct investigations of crimes that would have otherwise been undetected.

Based on a partnership with the neighboring City of Anaheim, the City of Stanton is able to utilize the City of Anaheim's existing network infrastructure. On September 13, 2022, the City Council approved an appropriation of \$50,000 from the American Rescue Plan Act of 2021 for the purchase of ten blue light public safety cameras through the City of

Anaheim. On February 29, 2023, staff purchased these cameras through the City of Anaheim's vendor, Continental Computers at a cost of \$41,274.46. In consultation with the Orange County Sheriff's Department and the City's Public Safety Department, these cameras were placed at the following locations:

- On Beach Blvd., viewing the intersection of Starr St. and Beach Blvd.
- On Beach Blvd., viewing the US Post Office
- On Beach Blvd., viewing the intersection of W. Cerritos Ave. and Beach Blvd.
- On Beach Blvd., viewing the intersection of Katella Ave. and Beach Blvd.
- On Beach Blvd., viewing the intersection of Orangewood Ave. and Beach Blvd.
- On Beach Blvd., viewing the Home Depot Commercial Plaza
- On Beach Blvd., near the intersection of Park Plaza
- On Beach Blvd., viewing the Rodeo 39 Commercial Plaza
- On Beach Blvd., near the intersection of Acacia Ave.
- On Katella Ave., near the intersection of Western Ave.

ANALYSIS/JUSTIFICATION:

Based on the positive impact and feedback from resident and business owners, the City began fielding numerous requests from other neighborhoods and business property owners. During its Fiscal Year 2024-25 Budget Workshop, the Council approved the purchase of ten (10) additional blue light safety cameras, for a total of twenty (20) cameras throughout the community. If the proposed purchase is authorized, the new cameras will be placed at the following locations:

- Near the intersection of Beach Blvd. and 1st Street
- Near the intersection of Beach Blvd. and Main Street
- Near the intersection of Beach Blvd. and Lampson Ave.
- Near the intersection of Katella Ave. and Boatman Ave.
- Near the intersection of Katella Ave. and Mercantile Ave.
- Near the intersection of Katella Ave. and Knott Ave.
- Near the intersection of S. Magnolia Ave. and Union Pacific Railroad Tracks
- Near the intersection of Dale Ave. and Monroe Ave.
- Near the intersection of W. Garden Grove Blvd. and Court St.
- In Stanton Park

The City's Purchasing and Contracting Guidelines state the following related to sole source purchasing:

Sole source purchasing may be utilized if similar types of goods and services may exist, but only one supplier, for reasons of expertise, standardization, quality, compatibility, specifications, or availability, is the only source that is acceptable to meet a specific need.

Staff is requesting authorization to utilize sole source purchasing for the ten (10) additional blue light public safety cameras based on reasons of standardization and compatibility.

FISCAL IMPACT:

The Fiscal Year 2024-25 Adopted Operating Budget includes \$40,000 in funds for the purchase of the ten (10) additional blue light public safety cameras. Including the required mounting equipment, integration kit, licenses, and taxes, the total cost for the cameras is \$45,869.16 (Attachment 1). Staff will transfer \$5,869.16 from the Safe Streets Together budget to cover the difference.

ENVIRONMENTAL IMPACT:

None.

LEGAL REVIEW:

None.

PUBLIC NOTIFICATION:

Through the normal agenda posting process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

- Obj. No. 1: Provide a safe community.
- Obj. No. 2: Promote a strong local economy.
- Obj. No. 5: Provide a high quality of life.

Prepared by: Hannah Shin-Heydorn, City Manager
Fiscal Impact Reviewed by: Michelle Bannigan, Finance Director
Approved by: Hannah Shin-Heydorn, City Manager

Attachment:

- A. Invoice



INVOICE

Shipper:
Continental Computers / WLAN Mall 920 N. Nash St, Bldg B El Segundo, CA 90245 U.S.A. Attn: Ronen Isaac Phone: 310-906-3550

Sold To:
Hannah Shin-Heydorn City of Stanton - ADMIN 7800 Katella Ave Stanton, CA 90680-3123 United States

Invoice #	Customer PO #	Date
PF-SO-134023		10/29/2024

SKU	Name	Qty	Unit Price	Subtotal
	AXIS [REDACTED] Network Camera	10	\$2,198.67	\$21,986.70
	D2 BASE ENCLOSURE WITH VANDAL TOUGH TINTED LENS	10	\$389.25	\$3,892.50
	AXIS Q61 SERIES INTEGRATION KIT FOR D2/D3 CAMERA ENCLOSURES	10	\$196.68	\$1,966.80
	EZ LOCK POLE MOUNT BRACKET	10	\$127.85	\$1,278.50
	[REDACTED] MAX BR1 PRO 5G	10	\$927.75	\$9,277.50
	Ripley 7 Pin Power Tap Continuous On, Pigtail, 5ft	10	\$94.12	\$941.20
	Switching Power Supplies 36W 12V 3A	10	\$27.18	\$271.80
	XPROTECT CORPORATE DEVICE LICENSE	10	\$276.00	\$2,760.00
	1 Month Care Plus for XProtect Corporate DL	100	\$4.24	\$424.00
			Subtotal	\$42,799.00
			Shipping	\$0.00
			Tax	\$3,070.16
			Total	\$45,869.16

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: ASSEMBLY BILL (AB) 548 HOUSING POLICY

REPORT IN BRIEF:

Assembly Bill 548 (AB 548) seeks to protect California renters and ensure the habitability of their homes.

RECOMMENDED ACTIONS:

1. City Council find that this item is not subject to California Environmental Quality Act (“CEQA”) pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Approve Administrative Policy VIII-8-1 – Assembly Bill 548 Housing Policy.

BACKGROUND AND ANALYSIS:

The State Housing Law establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law authorizes an officer, employee, or agent of an enforcement agency to enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of the State Housing Law, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of the State Housing Law that the enforcement agency has the power to enforce.

AB 548 requires local enforcement agencies, such as the City of Stanton, by January 1, 2025, to develop policies and procedures for inspecting a building with multiple units if an inspector or code enforcement officer has determined that a unit is in violation of the State Housing Law, and the inspector or code enforcement officer determines that the violations have the potential to affect other units of the building. AB 548 imposes new duties on local government officials, and as such, imposes a state-mandated local program.

Accordingly, staff has prepared Administrative Policy VIII-8-1 – Assembly Bill 548 Housing Policy. The policy will be effective January 1, 2025.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended actions.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of California Environmental Quality Act (“CEQA”), the project is exempt pursuant to Sections 15378(a) and 15061(b)(3) of the State CEQA Guidelines (Title 14 of the California Code of Regulations).

PUBLIC NOTIFICATION:

Public notice was made through the regular agenda process.

STRATEGIC PLAN OBJECTIVE:

Obj. No. 5: – Provide a high quality of life.

Prepared by: Hannah Shin-Heydorn, City Manager
Approved by: Hannah Shin-Heydorn, City Manager

Attachment:

A. Administrative Policy VIII-8-1 – Assembly Bill 548 Housing Policy

CITY OF STANTON ADMINISTRATIVE POLICY	Number VIII-8-1
	Date November 26, 2024
SUBJECT: Assembly Bill 548 Housing Policy	Authority City Manager
	Administrator Administration Department Public Safety Services Department
<p>I. PURPOSE</p> <p>The purpose of this policy is to protect tenants' rights and their living conditions in multi-unit complexes. This policy will provide procedures for proactive inspections of multi-unit complexes. Pursuant to Assembly Bill (AB) 548, codified as Health and Safety Code section 17970.7, City inspectors and code enforcement officers shall now have a procedure for inspecting a multi-unit complex when there is a violation of Health and Safety Code ("HSC") section 17920.3 or HSC section 17920.10, and the inspector/code enforcement officer ("code enforcement officer") determines that the defects or violations have the potential to affect other units of the building.</p> <p>II. RESPONSIBILITY</p> <p>A. It is the responsibility of the City Manager to:</p> <ol style="list-style-type: none"> 1. Promulgate this policy to City staff; and 2. Direct the Public Safety Services Director and the Community & Economic Development Director to ensure City staff abide by the provisions of this policy. <p>B. It is the responsibility of the Public Safety Services Director and the Community & Economic Development Director to:</p> <ol style="list-style-type: none"> 1. Ensure City staff are aware of and trained in the provisions of this policy; and 2. Direct appropriate staff to exercise the provisions of this policy as appropriate. <p>III. POLICY</p> <p>It is the policy of the City of Stanton to properly handle violations of substandard living conditions within multi-unit complexes and to maintain an accurate record of noticing in order to protect tenants' rights and the living conditions of the community.</p> <p>IV. PROCEDURES</p>	

A. Inspection. All inspections are to be consistent with the current laws and inspection practices in place. Upon inspection of a unit within a multi-unit complex that is determined by the code enforcement officer to be substandard pursuant to HSC section 17920.3 or in violation of HSC section 17920.10, the code enforcement officer must determine whether those violations are such that they could reasonably affect additional units in the complex. The code enforcement officer shall document and photograph all violations that may be used as a basis for additional inspections of adjacent units.

B. Determination. When determining whether to inspect additional units, the code enforcement officer may consider factors including, but not limited to:

- Building type,
- Building age,
- Building size,
- Construction method,
- Cause of the substandard condition, and
- History of violations.

A non-exhaustive list of violations that could reasonably affect other units are:

- Mold,
- Mildew,
- Pests, and/or
- Lead hazards.

If one of the above listed or another violation is present and the code enforcement officer determines the violation(s) could reasonably affect other units, the code enforcement officer must inspect or attempt to inspect the following:

- Adjacent units (above, below, and neighboring), and
- Any additional units that the code enforcement officer determines could be reasonably affected.

If the violations are so severe and widespread as determined by the code enforcement officer, the code enforcement officer must inspect or attempt to inspect all units within the building. In the event the tenants of adjacent and reasonably affected units do not respond to the request to inspect, the code enforcement officer may seek an inspection warrant on the basis of the violations in the adjacent unit.

C. Notice Requirements. Upon the conclusion of the inspection, and within a reasonable time, the code enforcement officer shall draft a notice or order to repair or abate to advise the owner/operator and tenant of each known violation

and of each action required to remedy the violation. Notice must be issued to the following:

- Property owner/operator,
- Tenant of unit,
- Tenants of adjacent units (above, below, and neighboring), and
- Tenants of additional units that the code enforcement officer determines could be reasonably affected.

The notice should include the following:

- Date of the inspection,
- A non-exhaustive list of violation(s),
- Time frame in which to make the corrective actions, and
- Anything required under the City's Municipal Code (i.e., right to appeal).

If the violations are so severe and widespread as determined by the code enforcement officer, the code enforcement officer must notify all tenants within the building.

D. Re-Inspection. The code enforcement officer must schedule a re-inspection to verify the anticipated corrections outlined in the notice or order to repair or abate.

V. COMPLIANCE WITH LAWS

All inspections are to be consistent with the current laws and inspection practices in place.

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: ACCEPTANCE OF FISCAL YEAR 2024-25 TOBACCO GRANT PROGRAM FUNDING, ADOPTION OF GOVERNING BODY RESOLUTION NO. 2024-38, AUTHORIZATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, AND AUTHORIZATION OF ONE ADDITIONAL TEMPORARY FULL TIME EQUIVALENT POSITION IN THE PUBLIC SAFETY DEPARTMENT

REPORT IN BRIEF:

The Office of the Attorney General makes these funds available annually to local agencies through the California Department of Justice Tobacco Grant Program. Funding for the Tobacco Grant Program provides local public agencies with funding to support programs that enforce State and local laws related to the illegal sales and marketing of cigarettes and tobacco products, including e-cigarettes, to minors.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(3) and 15378(b)(5); and
2. Approve a Memorandum of Understanding (MOU) with the State of California Department of Justice for acceptance of Fiscal Year 2024-25 State Tobacco Grant Funds in the amount of \$199,710 and authorize the City Manager to execute on behalf of the City; and
3. Adopt Resolution No. 2024-38 A Resolution of the City Council of the City of Stanton, accepting funds in the amount of \$199,710 from the State of California Department of Justice, Office of the Attorney General, Tobacco Grant Program, and authorize the City Manager to execute related documents to the Tobacco Grant Program, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ACCEPTING FUNDS IN THE AMOUNT OF \$199,710 FROM THE STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, OFFICE OF ATTORNEY GENERAL, TOBACCO GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT

PROGRAM MEMORANDUM OF UNDERSTANDING AND RELATED DOCUMENTS”; and

4. Authorize one additional temporary Full Time Equivalent (FTE) position in the Public Safety Department for the title of Code Enforcement Officer (Limited-Term) for the term of the grant funding.

BACKGROUND:

The City of Stanton submitted a grant application to the State of California Department of Justice for the Fiscal Year 2024-25 Tobacco Grant Program. This program provides local public agencies with funding to promote a healthier California by reducing illegal sales and marketing of cigarettes and tobacco products. The Office of the Attorney General makes these annual funds available to local government agencies through the California Department of Justice Tobacco Grant Program. On October 16, 2024, the California Department of Justice notified the City that its grant application for the Fiscal Year 2024-25 grant cycle had been approved. The total amount that the City was granted through this program is \$199,710.

ANALYSIS/JUSTIFICATION:

Proposition 56, The California Healthcare Research and Prevention Tobacco Tax Act, was approved by voters in 2016. The initiative allocates a portion of annual revenue to the California Department of Justice to support local agencies to reduce the illegal sale of tobacco products to minors. For the 2024-25 grant cycle, \$199,710 in grant funding was awarded to the City of Stanton to combat the illegal sale of tobacco products to minors. The Tobacco Grant Program is a reimbursable grant and will be funded for a three-year period through June 2028.

FISCAL IMPACT:

The total appropriations for this grant are funded by the additional revenue received from the State of California, Department of Justice.

ENVIRONMENTAL IMPACT:

This item is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(3) (the activity is not a project as defined in Section 15378(b)(5) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, as it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment).

LEGAL REVIEW:

None.

PUBLIC NOTIFICATION:

Public notice for this item was made through the regular agenda process.

STRATEGIC PLAN OBJECTIVE(S) ADDRESSED:

- Objective No. 1: Provide a safe community
- Objective No. 5: Provide a high quality of life
- Objective No. 6: Maintain and promote a responsive, high quality and transparent government.

Prepared by: Patricia A. Vazquez, City Clerk

Fiscal Impact Reviewed by: Michelle Bannigan, Finance Director

Approved by: Hannah Shin-Heydorn, City Manager

Attachments:

- A. Award Letter, California Department of Justice
- B. Memorandum of Understanding (DOJ-PROP56-2024-25-1-068)
- C. Proposed Resolution No. 2024-38



C A L I F O R N I A
DEPARTMENT of JUSTICE

Rob Bonta
Attorney General

DIVISION OF OPERATIONS
OFFICE OF THE CHIEF
GRANT SERVICES BRANCH
TOBACCO GRANT PROGRAM
P.O. Box 160187
Sacramento, CA 95816-0187
Telephone: (916) 210-6422
E-Mail Address: TobaccoGrantRFP@doj.ca.gov

October 16, 2024

James Wren, Public Safety Services Director
Stanton, City of
1401 Dove St, Suite 330
Newport Beach, CA 92660

Re: Tobacco Grant Award Notification Fiscal Year 2024-25 (RFP: DOJ-PROP56-2024-25-1)

Dear: Director James Wren

Congratulations! On behalf of the California Department of Justice (DOJ), Tobacco Grant Program, I am pleased to inform you that your agency's grant application for the fiscal year 2024-25 grant cycle has been approved for grant funds authorized under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016. **The total amount of your agency's grant award is \$199,710.**

The Tobacco Grant Program award process is highly competitive, and for the 2024-25 grant cycle, the Department received over \$50 million in requests. As noted in the application materials, grant funding prioritized support for local retailer enforcement, including enforcement of flavored tobacco bans. Consequently, some awards were approved with modifications to align with these funding priorities. Attached is a Summary of the Award and Budget Detail outlining the funding provided along with any modifications applied.

To accept the 2024-25 grant award, please complete and return a signed copy of your Letter of Intent (see template and instructions attached) by email within 15 calendar days of the date of this letter. This letter will affirm either:

1. Your agency will seek a resolution from the governing body to accept the award (*if your agency has a governing body*); OR
2. No governing body exists and no resolution is required.

Please email the signed Letter of Intent as noted above to TobaccoGrantRFP@doj.ca.gov with the subject line including the name of your agency: "FY 24-25_Letter of Intent_Stanton, City of*." Upon receipt of this information, DOJ will provide your agency with additional documents for execution/use (e.g., Memorandum of Understanding, Governing Body Resolution template, Grantee Handbook, etc.). These documents will contain more information

October 16, 2024

Page 2

about the process for reimbursement and other important details. Activities for reimbursement under this grant may commence on or after November 1, 2024 depending upon your selected start date.

Should you have any questions regarding this letter or the required follow up information, please email TobaccoGrantRFP@doj.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Ivery Johnson". The signature is written in a cursive, flowing style.

JENNIFER IVERY JOHNSON
Manager, Grant Services Branch

For ROB BONTA
Attorney General

Attachments:
Letter of Intent
Summary of Award
Budget Detail



Tobacco Grant Program

Grant Services Branch – Local Assistance

Division of Operations

Stanton, City of

DOJ-PROP56-2024-25-1-068

MEMORANDUM OF UNDERSTANDING

PURPOSE

This Memorandum of Understanding (“MOU”) is entered into by the Department of Justice (“DOJ”) and the Stanton, City of (“Grantee”), for the purpose of disbursing grant funds to Grantee for reimbursement of expenditures in compliance with the California Code of Regulations and the Fiscal Year 2024-25 Grantee Handbook.

Commencing January 1, 2023, the California Code of Regulations, Title 11, Division 1, Chapter 5: Department of Justice Tobacco Grant Program (“TGP Regulations”) shall govern the policies and procedures of the Tobacco Grant Program.

The TGP Regulations, Request for Proposals, Grantee Handbook (dated April 2024), and Summary of Award document are hereby incorporated by reference into this MOU. Grantee will expend funds for the purposes identified in the approved Summary of Award document. Reimbursements are to be funded under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, approved by the voters as Proposition 56.

COST REIMBURSEMENT

DOJ agrees to reimburse Grantee in arrears, for Grantee’s actual expenditures in performing the project or scope of work included in the approved Summary of Award document. Reimbursements for line items in the approved Budget Detail will be made upon receipt of invoices from Grantee and approval of the invoices by DOJ, in accordance with the reimbursement procedures set forth in the TGP Regulations and Grantee Handbook.

BUDGET CONTINGENCY CLAUSE

It is mutually agreed, if the Budget Act of the current fiscal year and/or any subsequent years covered under the MOU does not appropriate sufficient funds, the MOU shall be of no further force and effect. In the event this situation occurs, DOJ shall have no liability to reimburse/pay any funds to Grantee, or to furnish any other considerations under this MOU. As well, Grantee shall not be obligated to continue performing the provisions of this MOU, for which the Grantee would have been reimbursed.

If funding for any fiscal year is reduced or deleted in the Budget Act for purposes of this MOU, DOJ shall have the option to either cancel this MOU with no liability occurring to DOJ or offer an addendum to the Grantee to reflect the reduced amount.

PROJECT BREACH-TERMINATION

Failure of a Grantee to comply with this MOU or the TGP Regulations shall be treated by DOJ as a breach of contract. If an act of noncompliance occurs, DOJ may take actions described within the TGP Regulations, including termination. DOJ may terminate this MOU and be relieved of any obligation to disburse grant funds to Grantee should Grantee fail to perform the scope of work at the time and in the manner provided in this MOU.

MISCELLANEOUS PROVISIONS

Addendum – No addendum or variation of the terms of this MOU is valid unless made in writing and signed by the duly authorized representatives of the parties.

Assignment – This MOU is not assignable by Grantee in whole or in part.

Indemnification – Grantee agrees to indemnify and hold harmless DOJ, its officers, agents and employees from all claims, liabilities, or losses in connection with the performance of this MOU.

Certifications – Grantee certifies that it does not receive funding from a manufacturer, distributor, or advertiser of Cigarettes or Tobacco Products. Grantee further certifies that grant funds will not supplant existing state or local funds dedicated for the same purpose.

TERMS

Grant Duration: **11/1/2024 – 6/30/2028**

Category of Expenditure	Award Amount			
	Budget FY 2024-2025	Budget FY 2025-2026	Budget FY 2026-2027	Budget FY 2027-2028
Personal Services	\$62,400	\$62,400	\$62,400	\$
Operating Expenses and Equipment	\$1,000	\$1,000	\$1,000	\$
Administrative Costs (Not to Exceed 5%)	\$3,170	\$3,170	\$3,170	\$
TOTAL AWARD AMOUNT	\$199,710			

The time limit for reimbursements against this award ends 6/30/2028. Requests for reimbursement received after 7/15/2028 cannot be considered by DOJ.

GRANTEE CONTACT INFORMATION

Hannah Shin-Heydorn, City Manager
 Stanton, City of
 7800 Katella Avenue, Stanton, CA 90680
 (714) 890-4277
 HShinHeydorn@StantonCA.gov

AUTHORIZATION

DOJ and Grantee, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU and any future addendums shall be e-mailed to TobaccoGrants@doj.ca.gov, care of the Division of Operations, Local Assistance Unit, Tobacco Grant Program, and will become fully executed upon completion of signatures from all parties.

NAME: Hannah Shin-Heydorn
Title: City Manager
Agency: City of Stanton

Date

Attest:

NAME: Patricia A. Vazquez
Title: City Clerk
Agency: City of Stanton

Date

JENNIFER IVERY JOHNSON, Grant Manager
Division of Operations
California Department of Justice

Date

NICOLE LEARNED, Administrative Manager
Division of Operations
California Department of Justice

Date

CHRIS RYAN, Chief
Division of Operations
California Department of Justice

Date

RESOLUTION NO. 2024-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ACCEPTING FUNDS IN THE AMOUNT OF \$199,710 FROM THE STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, OFFICE OF ATTORNEY GENERAL, TOBACCO GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT PROGRAM MEMORANDUM OF UNDERSTANDING AND RELATED DOCUMENTS

WHEREAS, the City of Stanton (City) is interested in participating in the Tobacco Grant Program, which is made available through the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Proposition 56) and administered by the State of California Department of Justice, Office of the Attorney General, Tobacco Grant Program (DOJ) to support the local efforts to reduce the illegal sale of tobacco products to minors in the City; and

WHEREAS, following the City's submittal of a proposal for the Tobacco Grant Program, the State of California DOJ offered to award \$199,710 for the Tobacco Grant Program beginning November 1, 2024 and ending June 30, 2028; and

WHEREAS, Tobacco Grant Program funds will be used for personal services, operating expenses and equipment related to tobacco enforcement operations, local retailer inspection operations, DOJ-sponsored training, and related activities authorized by the Grantee Handbook; and

WHEREAS, in order to be considered eligible to receive the Tobacco Grant Program funding, the City must adopt a Resolution accepting the award and submit an executed Tobacco Grant Program Award Memorandum of Understanding to the State of California DOJ.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1: The City of Stanton accepts an award in the amount of \$199,710 from the State of California DOJ for the Tobacco Grant Program.

SECTION 2: The City Manager is hereby authorized and directed, on behalf of the City, to execute any documents related to the acceptance of the Tobacco Grant Program funding.

SECTION 3: The City Manager is hereby authorized and directed, on behalf of the City, to execute the Tobacco Grant Program Memorandum of Understanding (DOJ-PROP56-2024-25-1-068) and any related documents, including, without limitation, contracts, amendments, extensions, and payment requests as appropriate to accept the funds under and comply with the conditions of the Tobacco Grant Program.

SECTION 4: The City Manager is hereby authorized and directed to establish all required accounts and make any and all expenditures, appropriations, transfers, and/or distributions of funds on behalf of the City as are necessary and appropriate to carry out the purpose and intent of this Resolution.

SECTION 5: The Tobacco Grant Program funds received hereunder shall not be used to supplant ongoing law enforcement expenditures.

PASSED, APPROVED, AND ADOPTED this 26th day of November, 2024.

DAVID J. SHAWVER, MAYOR

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

ATTEST:

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2024-38 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 26, 2024, and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

CITY OF STANTON

REPORT TO THE STANTON HOUSING AUTHORITY

TO: Honorable Chairman and Members of the Authority Board

DATE: November 26, 2024

SUBJECT: LOW AND MODERATE INCOME HOUSING ASSET FUND ANNUAL REPORT FOR FISCAL YEAR 2023-2024 (HOUSING AUTHORITY)

REPORT IN BRIEF:

The attached Low and Moderate Income Housing Asset Fund Annual Report for Fiscal Year 2023-2024 is being presented for consideration as required by State Law.

RECOMMENDED ACTION:

1. Authority Board declare that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3); and
2. Receive and file the Annual Progress Report.

BACKGROUND:

Section 34176.1(f) of the California Health and Safety Code requires the Stanton Housing Authority, as Housing Successor, to conduct an independent financial audit of the Low and Moderate Income Housing Asset Fund (LMIHAF) within six months of the end of the Fiscal Year (FY).

ANALYSIS/JUSTIFICATION:

The FY 2023-2024 LMIHAF Annual Report is organized into thirteen different sections detailing housing assets and activity as required by Dissolution Law, including but not limited to:

- Amount of loan repayment
- Amount deposited into the fund
- Ending balance
- Description of expenditures
- Book value of assets owned by the Housing Successor

The financial statements of the Housing Successor are reviewed in conjunction with the City's annual audit.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the CEQA, this project has been determined to be exempt under Section 15061(b)(3), as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

LEGAL REVIEW:

None.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

Obj. No. 6: Maintain and promote a responsive, high quality, and transparent government.

PUBLIC NOTIFICATION:

Through the regular agenda posting process.

Prepared by: Crystal Landavazo, Community and Economic Development Director

Approved by: Hannah Shin-Heydorn, City Manager

Attachment:

- A. Housing Successor Annual Report for Low and Moderate Income Housing Asset Fund for Fiscal Year 2023-2024

**HOUSING SUCCESSOR ANNUAL REPORT FOR LOW- AND MODERATE-INCOME HOUSING ASSET FUND
FISCAL YEAR 2023-24**

PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176.1(f)

STANTON HOUSING AUTHORITY

This Housing Successor Annual Report (Report) regarding the Low- and Moderate-Income Housing Asset Fund (LMIHAF), has been prepared pursuant to California Health and Safety Code (HSC) Section 34176.1(f). This Report sets forth certain details of the Stanton Housing Authority (Housing Successor) activities during Fiscal Year 2023-2024 (Fiscal Year). The purpose of this Report is to provide the governing body of the Housing Successor an annual report on the housing assets and activities of the Housing Successor as required by Part 1.85, Division 24 of the HSC, in particular sections 34176 and 34176.1 (Dissolution Law).

The following Report is based upon information prepared by City staff on behalf of the Housing Successor. The financial statements of the Housing Successor are audited in conjunction with the City's annual audit. This Report is organized into Sections I through XIII pursuant to Section 34176.1(f) of the Dissolution Law:

- I. Amount of Loan Repayment Transferred to the LMIHAF:** Twenty percent of any loan repayment must be deducted from the loan repayment amount and be transferred to the LMIHAF.
- II. Amount Deposited into LMIHAF:** This section provides the total amount of funds deposited into the LMIHAF during the Fiscal Year. Any amounts deposited for items listed on the Recognized Obligation Payment Schedule (ROPS) must be distinguished from other amounts deposited.
- III. Ending Balance of LMIHAF:** This section provides a statement of the balance in the LMIHAF as of the close of the Fiscal Year. Any amounts deposited for items listed on the ROPS must be distinguished from other amounts deposited with Any amounts deposited for items listed on the Recognized Obligation Payment Schedule (ROPS) must be distinguished from other amounts deposited.
- IV. Description of Expenditures from LMIHAF:** This section provides a description of the expenditures made from the LMIHAF during the Fiscal Year. The expenditures are to be categorized.
- V. Book Value of Assets Owned by Housing Successor:** This section provides the book value of real property owned by the Housing Successor, the value of loans and grants receivables, and the sum of these two amounts.
- VI. Description of Transfers:** This section describes transfers, if any, to another housing successor agency made in previous fiscal years, including whether the funds are unencumbered and the status of projects, if any, for which the transferred LMIHAF funds will be used. The sole purpose of the transfers must be for the development of transit priority projects, permanent supportive housing, housing for agricultural employees, or special needs housing.

- VII. Project Descriptions:** This section describes any project for which the Housing Successor receives or holds property tax revenue pursuant to the ROPS and the status of that project.
- VIII. Status of Compliance with Section 33334.16:** This section reports the status of compliance with Section 33334.16 for interests in real property that were acquired by the former redevelopment agency prior to February 1, 2012.
- IX. Description of Outstanding Obligations under Section 33413:** This section describes the outstanding inclusionary and replacement housing obligations, if any, under Section 33413 that were outstanding as of February 1, 2012, along with the Housing Successor's progress in meeting those prior obligations of the former redevelopment agency, and the Housing Successor's plans to meet any unmet obligations.
- X. Income Test:** This section provides the information required by Section 34176.1(a)(3)(B), or a description of expenditures by each specified income restriction for a five-year period beginning January 1, 2014, and whether certain statutory thresholds have been met. Reporting of this Income Test is not required until 2019. The first five-year period for reporting this information is included in this Report.
- XI. Senior Housing Test:** This section provides the percentage of deed-restricted rental housing units restricted to seniors and assisted individually or jointly by the Housing Successor, its former redevelopment agency, and its host jurisdiction within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted individually or jointly by the housing successor, its former redevelopment agency and its host jurisdiction within the same 10-year time period.
- XII. Excess Surplus Test:** This section provides the amount of excess surplus in the LMIHAF, if any, and the length of time that the Housing Successor has had excess surplus, and the housing successor's plan for eliminating the excess surplus.
- XIII. Inventory of Homeownership Units:** This section provides a summary of covenanted homeownership units assisted by the former redevelopment agency or the housing successor that include equity sharing and repayment provisions, including: (A) number of units; (B) number of units lost to the portfolio in the last Fiscal Year and the reason for those losses, (C) any funds returned to the housing successor pursuant to losses or repayments, and (D) identify contracts for the management of housing units.

This Report is to be provided to Housing Authority and its governing body, the City Council, in accordance with the Dissolution Law and the HAL. In addition, this Report will be posted and made available to the public on the City's website at: https://www.stantonca.gov/departments/community_development/housing_program.php and thereafter appended to the City's annual update report prepared under Section 65400 of the Government Code.

- I. **Amount of Loan Repayment Transferred to the LMIHAF:** A total of \$0 was repaid to the Rehabilitation Loan Program for the Fiscal Year
- II. **Amount deposited into LMIHAF:** A total of \$1,134,547 was deposited into the LMIHAF during the Fiscal Year. Of the total funds deposited in to the LMIHAF, \$0.00 were held for items listed on the ROPS.
- III. **Ending Balance of the LMIHAF:** At the close of the Fiscal Year, the ending balance in the LMIHAF was \$10,354,491 of which \$0.00 were held for items listed on the ROPS.

Description of Expenditures from LMIHAF: The following is a description of expenditures from the LMIHAF by category:

2023-24		
Monitoring & Administration Expenditures:		
Housing Administration	\$	159,811
Operation and Maintenance of Affordable Housing		1,314,921
Total	\$	1,474,732
Homeless Prevention and Rapid Rehousing Services Expenditures:		
Homeless Outreach Services	\$	16,143
Rapid Rehousing Services		145,680
Total	\$	161,823
Housing Development Expenditures:		
Expenditures on Low Income Units		0
Expenditures on Very-Low Income Units		0
Expenditures on Extremely-Low Income Units		0
Total Housing Development Expenditures	\$	0
Total LMIHAF Expenditures in Fiscal Year	\$	1,636,555

- IV. **Statutory Value of Assets Owned by Housing Successor:** Under the Dissolution Law and for purposes of this Report, the “statutory value of real property” means the value of properties formerly held by the former Redevelopment Agency as listed on the Housing Asset Transfer Schedule (HATS) approved by the Department of Finance as listed in such schedule under Section

34176(a)(2), the value of the properties transferred to the Housing Authority, as Housing Successor, pursuant to Section 34181(f), and the purchase price of property(ies) purchased by the Housing Authority, as housing successor. Further, the value of loans and grants receivable is included in these reported assets held in the LMIHAF.

The following provides the Book Value of assets owned by the Housing Authority, as housing successor.

	As of End of FY
Book Value of Real Property Owned by Housing Authority	\$20,289,219
Value of Loans and Grants Receivable	\$978,000
Total Value of Housing Successor Assets	\$21,267,219

- V. Description of Transfers:** The Housing Authority, as housing successor, made 0 LMIHAF transfers to other housing successors under Section 34176.1(c)(2) during the Fiscal Year.
- VI. Project Descriptions:** The Housing Authority as housing successor, is not owed nor holds property tax revenue pursuant to the ROPS for any project during the Fiscal Year or at June 30, 2024.
- VII. Status of Compliance with Section 33334.16:** With respect to interests in real property acquired by the former redevelopment agency prior to February 1, 2012, the time period described in Section 33334.16 is deemed to have commenced on the date that the Department of Finance (DOF) approved the property as a housing asset for the LMIHAF. Thus, as to any real property acquired by the former Redevelopment Agency that is now held by the Housing Successor in its LMIHAF, the Housing Successor must initiate development activities consistent with the purpose for which the property was acquired within five years of the date that the DOF approved such property to be a housing asset. The following provides a status update on the properties that were acquired prior to and after February 1, 2012:

Date Acquired	Address	Status of Housing Successor Activity
6/28/2011	8930, 8940, 8950, 8960, and 8970 Tina Way: and 8831, 8841, 8851, 8870, 8910, 8920 and 8970 Pacific Avenue	Part of Tina-Pacific neighborhood proposed multifamily project (see Section IX). The Stanton Housing Authority approved a deadline extension for these properties on April 10, 2018. The City entered a Disposition and Development agreement for these properties on September 25, 2018. On August 11, 2020, the Stanton Housing Authority suspended two separate but related Disposition and Development Agreements with Related/Tina Pacific I Development Co., LLC and Related/Tina
6/14/2011	8890 Tina Way: and 8861, 8871, 8881, 8891, 8901, 8911, 8930, 8940, 8941, 8880, 8940, 8950, 8951 Pacific Avenue	

<p>2/20/2012</p>	<p>8931 Pacific Avenue</p>	<p>Pacific II Development Co., LLC – both of which pertained to several improved and unimproved parcels of property on Tina Way and Pacific Avenue. On October 27, 2020, the City and Authority declared these properties surplus land pursuant to Government Code Section 54220 to market and sell the properties and apply the proceeds of any and all sales to other affordable housing projects in the City.</p> <p>In January 2021 we received a Letter of Intention from three firms and entered into good faith negotiations with Related Development Co, Brandywine Homes, and Volunteers of America. The City is working to select a firm to complete the rehabilitation and redevelopment of the Tina Pacific Neighborhood. In March of 2021, the City demolished a City-owned unhabitable apartment structure comprised of 4 units in the Tina/Pacific neighborhood. The City anticipates replacing these units as part of the redevelopment effort for the neighborhood. On December 14, 2021, the City Council approved an Exclusive Negotiation Agreement (ENA) with Brandywine Acquisitions Group, C&C Development Co. and National Community Renaissance of California regarding the Tina-Pacific Neighborhood. The project conceptually consists of 116 market-rate townhomes and a minimum of 108 affordable multi-family rental apartments. On June 28, 2022, City Council awarded a construction contract to Interior Demolition, Inc., to provide professional demolition and abatement services in the amount of \$93,800.00 for the 8861 Pacific Avenue demolition and abatement project. The structure located was severely damaged by fire and was demolished. On January 24, 2023, City Council and the Housing Authority Board approved a final extension of 180 days to allow the completion of project negotiations.</p>
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6/28/2011	7455 Katella Avenue	The property was sold to KB Homes on October 22, 2019, for \$810,000. An application submitted by KB Homes was approved to build 36 residential condominium units on a vacant lot. The project has been completed in 2024.
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VIII. Description of Outstanding Obligations under Section 33413: Prior to dissolution, the Stanton Redevelopment Agency purchased twenty-five (25) properties in the Tina/Pacific neighborhood utilizing the Low- and Moderate-Income Housing Fund. The Agency relocated residents from 12 of the properties and subsequently demolished the buildings. In total, sixty-one (61) residential units were removed.

The City has been working to redevelop the Tina-Pacific neighborhood with new multifamily development including affordable housing units. In March of 2021, the City demolished a City-owned uninhabitable apartment structure comprised of 4 units in the Tina/Pacific neighborhood and anticipates replacing these units as part of the ongoing redevelopment effort. On December 14, 2021, the City Council approved an Exclusive Negotiation Agreement (ENA) with Brandywine Acquisitions Group, C&C Development Co. and National Community Renaissance of California regarding the Tina-Pacific Neighborhood. The project conceptually consists of 116 market-rate townhomes and a minimum of 108 affordable multi-family rental apartments. On January 24, 2023, the City Council/Housing Authority Board approved a final extension of 180 days to allow for the completion of project negotiations and presentation of a finalized draft of the DDA and Purchase and Sale Agreement to the Council. As of May 21, 2024 the City Council has voted to terminate the ENA. This extension had been extended for a final time. It has since expired as of August 10, 2024.

On September 22, 2020, the City Council and Housing Authority approved a funding commitment in the amount of \$5 million from the Housing Authority to Jamboree Housing Corporation in support of Housing Projects contemplated for vulnerable populations. On November 17, 2020, The City Council and Housing Authority approved two Homekey Program Matching Grant and Regulatory agreements to Jamboree Housing for the development of the Stanton Inn & Suites and Tahiti Motel as interim and permanent supportive housing. On March 29, 2022, the Housing Authority amended the Stanton Inn Grant Agreement for Project Homekey. The Regulatory Agreements were also amended to clarify the affordability levels of the units. All units in both Projects shall be restricted to Very Low Income individuals and households making no more than 50% of the Average Median Income (AMI) in Orange County.

On October 27, 2020, the City entered into a 60-year lease agreement with Jamboree Housing Corporation for the property located at 11870 Beach Boulevard. The City-owned property is adjacent to the existing Tahiti Motel and will be used accommodate the community building, outdoor amenities and other service features for the residents of the Project Homekey development. On October 26, 2021, the City Council approved the first amendment to the option to lease agreement with the Jamboree Housing Corporation (JHC), extending the option's

expiration date to April 18, 2022. On March 29, 2022, the City and the Tahiti Developer entered into a Lease Agreement. Terms of the lease include, a 99-year lease term, with annual rent of \$1.00 per year, to be pre-paid in full on the commencement date of the lease.

On November 23, 2021, the City Council approved Homekey Program Permanent Supportive Housing Funding commitment for the Rivera Motel. The County of Orange, along with its co-applicant, Jamboree Housing Corporation submitted an application for the Riviera Motel. On June 28, 2022, the City executed the \$2,500,000, single lump sum funding for the Riviera Motel Permanent Supportive Housing Conversion Project. The City's contribution is approximately a quarter of the total cost for the Riviera Motel Permanent Supportive Housing Conversion Project and would maximize the Homekey contribution and the State's matching requirement. This investment will support the immediate conversion of the units into permanent supportive housing and avoid the costly interim operations costs.

The Homekey projects are have completed their respective remodels and are fully operation. The Stanton Inn & Suites was finalized on October 19, 2023. The Rivieria Motel was finalized on March 13, 2024. The Tahiti Motel was completed on December 14, 2023.

- IX. Income Test:** Section 34176.1(a)(3)(B) requires that the Housing Authority, as housing successor, post-dissolution to ensure that at least 30% of the funds in the LMIHAF are expended for development of rental housing affordable to and occupied by households earning 30% or less of the AMI. The term "development" under this section is defined as: "new construction, acquisition and rehabilitation, substantial rehabilitation as defined in Section 33413, the acquisition of long term affordability covenants on multifamily units as described in Section 33413, or the preservation of an assisted housing development that is eligible for prepayment or termination or for which within the expiration of rental restrictions is scheduled to occur within five years as those terms are defined in Section 65863.10 of the Government Code." If the Housing Authority, as housing successor, were to fail to comply with the Extremely-Low Income requirement in any five year report, then as housing successor it must ensure that at least 50% of the funds remaining in the LMIHAF be expended in each fiscal year following the latest Fiscal Year following the report on households earning 30% or less of the AMI until the Housing Authority, as housing successor, demonstrates compliance with the Extremely-Low Income requirement.

On November 17, 2020, the City Council and Housing Authority approved two Homekey Program Matching Grant and Regulatory agreements for Jamboree Housing Corporation for the acquisition, rehabilitation and development of the Stanton Inn & Suites and Tahiti Motel as interim and ultimately permanent supportive housing. On November 18, 2020, \$1,961,438 was distributed for the Tahiti Motel. On November 24, 2020, Stanton Inn & Suites was granted \$607,712. As a part of the March 29, 2022 amended agreement, all units in both Projects shall be restricted to Very Low Income individuals and households making no more than 50% of the Average Median Income (AMI) in Orange County.

On September 14, 2021, the City Council approved the property transfer agreement of 11870 Beach Blvd. to the Stanton Housing Authority for a purchase price of \$890,000. A community center is to be constructed on the site for the permanent supportive housing for low and very-

low-income households at 11850 and 11892 Beach Blvd. This transfer facilitated the lease of the property to the Project Home Key Developer, Jamboree Housing. On March 29, 2022, the City and the Tahiti Developer entered into a Lease Agreement for the property. The terms of the lease include, a 99-year lease term, with annual rent of \$1.00 per year, to be pre-paid in full on the commencement date of the lease.

On November 23, 2021, the City Council approved Homekey Program Permanent Supportive Housing Funding commitment for the Rivera Motel. On June 28, 2023, the City executed the \$2,500,000, single lump sum funding for the Riviera Motel Permanent Supportive Housing Conversion Project. The Riviera Motel is proposed as an adaptive re-use of an existing 21-unit motel into PSH for extremely low-income individuals who are experiencing homelessness or chronically homelessness.

The Homekey Program Permanent Supportive Housing Projects have completed construction and are fully operational. As required per the Regulatory Agreements, an Income Certification Form used to confirm that the tenants are qualified households, whose income does not exceed 30% of the Area Median Family Income. Additionally, the City reserves the right to request and obtain file all Income Certification Forms completed by applicants for occupancy of the Affordable Units and by Qualified Households that occupied or are occupying Affordable Units.

- X. Senior Housing Test:** The Housing Authority, as housing successor, is to calculate the percentage of units of deed-restricted rental housing restricted to seniors and assisted by the housing successor, the former redevelopment agency and/or the City within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted by the housing successor, the former redevelopment agency and/or City within the same time period. If this percentage were to exceed 50%, then as the housing successor it cannot expend future funds in the LMIHAF to assist additional senior housing units until the Housing Authority, as housing successor, or the City assists, and construction has commenced on a number of restricted rental units that is equal to 50% of the total amount of deed-restricted rental units.

Neither the former redevelopment agency nor the Housing Authority, as housing successor, provided financial assistance for development of senior housing within the past ten-year period. Further, no such activity has occurred through this Fiscal Year of 2023-24.

- XI. Excess Surplus Test:** Excess Surplus is defined in Section 34176.1(d) as an unencumbered amount in the account that exceeds the greater of one million dollars (\$1,000,000) or the aggregate amount deposited into the account during the housing successor's preceding four fiscal years, whichever is greater.

June 30, 2024	
Total Housing Authority Liabilities and Fund Balance	\$ 10,354,491
Less: Bond Proceeds	-
Available Fund Balance	\$ 10,354,491
Less Unavailable Amounts:	

Loans Receivable	978,000	
Available Housing Successor Funds		9,376,491
-		-
Limitation calculation		
Aggregate amount deposited for last four years:		
FY 2023/2024	\$1,134,547	
FY 2022/2023	\$936,606	
FY 2021/2022	\$1,541,743	
FY 2020/2021	\$938,703	
Total	\$ 4,551,599	
Base Limitation	\$ 1,000,000	
Greater amount of \$1,000,000 or sum of four years deposits		4,551,599
-		-
Computed Excess/Surplus		\$ 4,824,892

XII. Inventory of Homeownership Units: This section provides an inventory of homeownership units assisted by the Former Agency and that are administered by the Housing Authority, as housing successor, which units are subject to covenants or restrictions or to an adopted program that protects the former redevelopment agency’s investment of moneys from the Low- and Moderate-Income Housing Fund per Section 33334.3(f).

Number of units assisted by the former redevelopment agency	0
Number of units lost to the portfolio before February 1, 2012	0
Number of units lost to the portfolio from February 1, 2012 to June 30, 2020	0
Reason for Loss	N/A
Funds returned to Housing Successor	0
Contracted with outside entity for management	Yes - Tina-Pacific Neighborhood Property Management
Name of outside entity	Quality Management Group

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: RENEWAL OF DECLARATION THAT AN EMERGENCY CONDITION EXISTS ARISING FROM DAMAGE TO THE WESTERLY END STANTON PARK PEDESTRIAN BRIDGE

REPORT IN BRIEF:

The City Council will consider continuing to declare the repair of the westerly end Stanton Park pedestrian bridge an emergency. The original emergency condition was declared on November 12, 2024.

RECOMMENDED ACTION:

1. City Council declare that this item is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) and 15060(c)(3); and
2. Continue to declare the repair of the westerly end Stanton Park pedestrian bridge an emergency.

BACKGROUND:

In June 2023, a vehicle collided with the Westerly End Pedestrian Bridge at Stanton Park (“the pedestrian bridge”), causing significant damage to the pedestrian bridge. Due to immediate safety concerns, the pedestrian bridge was promptly closed and secured. However, these fixes are only temporary, and the City will need to procure additional services immediately to make additional repairs to the pedestrian bridge.

On November 12, 2024, City Council adopted Resolution 2024-36, which authorized that an emergency condition exists arising from damage to the Westerly End Stanton Park Pedestrian Bridge.

ANALYSIS/JUSTIFICATION:

Currently, staff is working on executing the contract and obtaining the necessary bonds prior to the start of construction.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended action.

ENVIRONMENTAL IMPACT:

This item is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) and 15060(c)(3).

LEGAL REVIEW:

None.

PUBLIC NOTIFICATION:

Through the regular agenda posting process.

STRATEGIC PLAN OBJECTIVE:

Obj. No. 3: Provide a quality infrastructure.

Prepared by: Cesar Rangel P.E., Director of Public Works/City Engineer

Approved by: Hannah Shin-Heydorn, City Manager

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: AN ORDINANCE ADDING CHAPTER 2.05 OF TITLE 2 OF THE STANTON MUNICIPAL CODE TO ESTABLISH CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS

REPORT IN BRIEF:

Following a discussion on November 12, 2024, the City Council directed staff to prepare an ordinance related to campaign contribution limits and related policies based on a sample ordinance developed by the non-profit group, Citizens Take Action. The attached ordinance is presented for the City Council's consideration.

RECOMMENDED ACTION:

1. City Council open and conduct a public hearing; and
2. Declare the action not to be subject to the California Environmental Quality Act ("CEQA") under Section 15378(b)(5) – organizational or administrative activities of governments that will not result in direct or indirect changes in the environment; and
3. Introduce for first reading Ordinance No. 1155, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON ADDING CHAPTER 2.05 TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE STANTON MUNICIPAL CODE RELATING TO LOCAL ELECTION CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS”; and

4. Set December 10, 2024, as the date for second reading for adoption of Ordinance No. 1155.

BACKGROUND:

Over the past year, the City Council has discussed campaign contribution limits and related campaign finance policies, particularly in response to recent amendments to the Levine Act through Senate Bill 1439 (2022) and Senate Bill 1243 (2024). At its February 27, 2024, meeting, the City Council received a presentation from Citizens Take Action,

a third-party 501(c)(4) nonprofit organization, regarding campaign finance laws and transparency. Based on its evaluation, Citizens Take Action issued findings from their report on municipal government practices in Orange County and recommended that the City adopt campaign contribution limits and related measures to strengthen transparency in campaign finance in the City of Stanton.

At its November 12, 2024, meeting, the City Council discussed campaign contribution limits and related campaign finance policies, the findings from Citizens Take Action, and a sample ordinance developed by Citizens Take Action. (See Sample Ordinance, Attachment “1”.) Following these discussions, the City Council directed staff to format the sample ordinance for the City of Stanton. The draft ordinance is now presented for the Council’s consideration and is included as Attachment “2”. Attachment 3 shows a limited redline of the ordinance that clarifies internal section references and corrects minor typos.

ANALYSIS/JUSTIFICATION:

Overview of Applicable Campaign Finance Legal Framework

Assembly Bill 571 (“AB 571”) was approved by the Governor on October 8, 2019, and became operative on January 1, 2021. AB 571 gave cities the discretion to either set contribution limits of their own choosing (including unlimited contribution limits) or default to the state’s contribution limit. The City of Stanton did not establish a local campaign contribution limit, thereby defaulting to the state limit. The current default limit for city candidates subject to AB 571 for 2023-2024 is \$5,500 per election per source, and is updated every two years to account for inflation.

The Levine Act, codified at Government Code section 84308, applies a mandatory recusal rule for both elected and non-elected officers¹ who receive a payment of more than \$250 from an applicant within 12 months prior to a decision and prohibits that officer from receiving a contribution of more than \$250 from an applicant 12 months after a decision on certain permits, entitlements, or contracts. The dollar threshold will increase on January 1, 2025, from contributions more than \$250 to more than \$500.

Comparison of Proposed Ordinance and Applicable Legal Standards

The City Attorney’s Office conducted a limited analysis of the sample ordinance in comparison to State law, provided in the following table.

¹ For purposes of the Levine Act, an “officer” means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency. (Gov. Code § 84308(a)(4).)

Table 1. Comparison of Proposed Ordinance vs. State Law

<u>Topic</u>	<u>Proposed Ordinance</u>	<u>State Law</u>	<u>Analysis</u>
General Items			
Duplication of candidate's campaign materials	Classifies a payment by any committee for distributing or disseminating an advertisement that duplicates, reproduces, or republishes a candidate's campaign materials as a contribution subject to regulation under this ordinance. (§ 2.05.150.)	Generally allows independent duplication of campaign materials under free speech principles, provided there is no coordination with the candidate or their campaign.	A prohibition on republishing campaign materials could infringe on independent expenditure committees' ("IEC") free speech rights if it applies without proving coordination with the candidate. (<i>See Citizens United v. Fed. Election Comm'n (2010) 558 U.S. 310.</i>)
Enforcement procedures	Proposed ordinance provides that violations of the proposed ordinance and criminal prosecution may be commenced by the district attorney, Attorney General of California, or other "qualified and independent special counsel," as may be appointed by the City attorney. The City Attorney is prohibited from investigating or prosecuting alleged violations of this ordinance. (§ 2.05.180.)	AB 571 provides that the FPPC will not regulate the administration or enforcement of local contribution limits imposed by a city.	Relying on the district attorney or Attorney General to initiate proceedings may lead to delays due to their broader jurisdiction and competing priorities.

<u>Topic</u>	<u>Proposed Ordinance</u>	<u>State Law</u>	<u>Analysis</u>
Assembly Bill 571 (2019)			
Contribution limit	Imposes contribution limits of \$1,000 per “person.” (§ 2.05.050.)	State law imposes a default contribution limit for city candidates subject to AB 571 for 2023-2024 at \$5,500 for election, subject to inflation.	Implementing this lower local limit introduces stricter controls compared to the default thresholds established by State law.
Affected donors	Imposes contribution limits of \$1,000 per “person”. “Person” includes, among others, all committees supporting or opposing candidates. This prohibition appears to also apply this limit to independent expenditure committees, ballot measure committees, and recall committees. (§ 2.05.050.)	Campaign contribution limits do not apply to independent expenditure committees, ballot measure committees, or committees seeking or opposing an officer’s recall. A local campaign contribution limit can only apply to direct contributions made to the candidate or to the candidate’s controlled committee. (See <i>Citizens United v. Fed. Election Comm’n</i> (2010) 558 U.S. 310.)	Imposing contribution limits on all committees, or not precisely specifying the types of committees a contribution limit applies to, could conflict with <i>Citizens United</i> . (See <i>Citizens United v. Fed. Election Comm’n</i> (2010) 558 U.S. 310.)

<u>Topic</u>	<u>Proposed Ordinance</u>	<u>State Law</u>	<u>Analysis</u>
Levine Act (Government Code § 84308)			
Contributions that could require an officer's recusal under the Levine Act	Any contribution of any amount from a party or participant could require the officer's recusal. (§ 2.05.080.)	Under state law, only a contribution of more than \$250 could require an officer's recusal under the Levine Act. (Gov. Code § 84308(b)-(c).) Beginning January 1, 2025, the contribution amount that could require a recusal is \$500 or more.	Implementing this lower local limit introduces stricter controls compared to the default thresholds established by State law, given that it could require an officer's recusal for a contribution of any amount.
Definition of "contribution"	Utilizes definition of a contribution used under the Political Reform Act. (§ 2.05.040(6); See Gov. Code § 82015.)	State law provides a definition specific to the Levine Act. (Gov. Code § 84308(a)(6).)	The proposed definition conflicts with the more specific one used under the Levine Act.
Definition of a "license, permit, or other entitlement for use"	Defines this term to encompass all types of contracts without exclusion. (§ 2.05.040(10).)	State law defines this term to encompass all contracts other than competitively bid, labor, or personal employment contracts. (Gov. Code § 84308(a)(5).) Beginning January 1, 2025, this exception is expanded to exclude contracts under \$50,000, contracts between two or more government	The proposed definition introduces stricter controls compared to State law by eliminating statutory exemptions for specific types of contracts.

		<p>agencies, contracts where no party receives financial compensation; and periodic review or renewal of development agreements or competitively bid contracts with non-material modifications.</p>	
<p>Curing procedures for excess contributions</p>	<p>Requires the officer to return the entire contribution to cure a violation within 14 days of the contribution. (§ 2.05.080(C)(2).)</p>	<p>State law allows an officer to cure a violation by returning the entire contribution or only the portion of the contribution in excess of \$250 within 14 days of the contribution. (§ Gov. Code 84308(d)(2)(A).)</p> <p>State law also clarifies that curing can only occur if the officer did not knowingly and willfully accept, solicit, or direct the prohibited contribution. (§ Gov. Code 84308(d)(2)(A)-(B).)</p> <p>Beginning January 1, 2025, extends the cure period from 14 days to 30 days.</p>	<p>The proposed language introduces stricter controls compared to State law, including by eliminating the flexibility to cure a violation by returning only the excess portion of a contribution.</p>

Historical Litigation

There is a body of case law relating to campaign finance. Two cases that are particularly relevant to the proposed ordinance are *Citizens United v. Federal Election Commission* and *Family Business Association of California vs. Fair Political Practices Commission*.

The United States Supreme Court, in its 2010 decision in *Citizens United*, held that the risk of actual or perceived “pay to play” corruption is a compelling enough governmental concern to reduce First Amendment freedoms and allow limits on direct contributions to a candidate or their controlled committee. The court further determined, however, that the risk of “pay to play” corruption is not the same for independent expenditure committees (IEC) and, hence, limiting their ability to collect and spend money for campaign purposes would violate their First Amendment rights.

In sum, as long as an IEC (i) doesn’t give any money directly to a candidate or the candidate’s controlled committee, (ii) isn’t coordinating with, or acting at the behest of, a candidate or the candidate’s controlled committee, and (iii) files the required disclosure paperwork, the amounts that it collects and spends for campaign purposes cannot be limited. Likewise, other Supreme Court decisions provide that such limitations may not apply to ballot measure committees or committees seeking or opposing an officer’s recall because the Court has found that there is not enough risk of “pay to play” corruption to justify restricting First Amendment freedoms of these committees.

In a 2023 case, *Family Business Association of California vs. Fair Political Practices Commission*, a Sacramento County Superior Court upheld amendments to the Levine Act enacted under SB 1439, finding it did not violate the First Amendment of the U.S. Constitution. The Court reasoned that SB 1439’s specific limitations on campaign contributions for local elected officials were justified by the State’s compelling interest in preventing quid pro quo (aka “pay to play”) corruption or its appearance.

That decision confirmed the constitutionality of SB 1439’s contribution restrictions; however, it did not speak to the issue of local ordinances that impose campaign contribution limits or recusal requirements that are more restrictive than State law.

FISCAL IMPACT:

There is no immediate fiscal impact associated with adoption of the proposed ordinance. However, if the City Council adopts campaign contribution limits for Council candidates that deviate from the State’s default limit, then the City, as opposed to the Fair Political Practices Commission, would be required to enforce its contribution limits, which may incur unknown cost.

ENVIRONMENTAL IMPACT:

Staff recommends that the City Council find that the proposed amendments to the Stanton Municipal Code are not subject to the California Environmental Quality Act (“Public Resources Code section 21000 et seq.”) (“CEQA”) because it does not qualify as a “project” under CEQA for at least two different reasons: First, Section 15378 defines a project as an activity that “has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (State CEQA Guidelines, § 15378(a).) The Ordinance enacts campaign finance provisions by setting local campaign contribution limitations and requiring reasonable campaign finance disclosure for elections. Such actions will not result in a direct or reasonably foreseeable indirect physical change in the environment. Accordingly, the Ordinance is not a “project” subject to CEQA. (State CEQA Guidelines, § 15060(c)(2).) Second, Section 15378 explicitly excludes from its definition of “project” the following: “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” (State CEQA Guidelines, § 15378(b)(5).) The Ordinance constitutes an organizational or administrative activity that will not result in a physical change in the environment, given that it merely enacts regulations on campaign contributions and election activities, and it therefore is not subject to CEQA. (State CEQA Guidelines, § 15060(c)(3).)

LEGAL REVIEW:

The staff report, ordinance, and related documents have been reviewed by the City Attorney.

PUBLIC NOTIFICATION:

Public notice for this item was made through the regular agenda process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

Obj. No. 4: Maintain and promote a responsive, high-quality, and transparent government.

Prepared by: HongDao Nguyen, City Attorney
Reviewed by: Hannah Shin-Heydorn, City Manager
Approved by: Hannah Shin-Heydorn, City Manager

Attachment(s):

- A. Citizens Take Action sample ordinance
- B. Proposed Ordinance No. 1155
- C. Minimal Redline of Proposed Ordinance

ELECTION CAMPAIGN REGULATIONS

Intent and Purpose *Reasons for ordinance*

In enacting this chapter, the City Council finds and declares that moderate monetary contributions to political campaigns are a legitimate form of participation in the American political process. It is the policy of this City to protect the integrity of the electoral process, and to serve the best interests of the citizens of this City by regulating campaign finance.

Inherent in the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the City Council in enacting this chapter:

To place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in city elections.

To preserve an orderly political forum in which individuals may express themselves effectively.

To prevent the exercise by campaign contributors of potential undue or improper influence over elected officials.

To promote participation in government and foster trust that the democratic process is not subverted by affluent special interest groups.

To inform the public of the sources and objects of campaign contributions and expenditures.

To provide for the full and fair enforcement of the provisions of this chapter.

To encourage candidate adherence to election regulations by making them easier to understand.

Interpretation of this chapter *Works with existing Cal gov code*

The requirements of this chapter shall be administered and interpreted consistent with the requirements of the Political Reform Act of 1974, as amended (State Government Code Section 81000 et seq.), and its implementing regulations, except where the provisions of this article impose additional requirements on any person subject to this article.

Severability Standard severability clause

It is the intent of the city council that this article be interpreted in a manner consistent with constitutional requirements. Should any provision hereof be determined to be invalid for any reason, the remainder shall be severed therefrom and shall remain in full force effect.

Definitions Defines key terms

Unless otherwise defined in this section, the words and phrases used in this article shall have the same meaning as defined in the Political Reform Act of 1974, Title 9 of the Government Code of the state, as the Act now exists or may hereafter be amended, including definitions set forth in regulations adopted by the Fair Political Practices Commission.

“Agency” means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.

“Agent” means a person who acts on behalf or at the behest of any other person or accepts a contribution on behalf of a candidate. If an individual acting as an agent is also acting as an employee or member of a law, architectural, engineering or consulting firm, or a similar entity or corporation, both the entity or corporation and the individual are “agents.”

“At the behest” means made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of.

"Candidate" applies to persons seeking an elective city office.

“City” means city of Stanton

“Contribution” is defined in a manner identical with the definition found in Government Code Section 82015, contained within the Political Reform Act, and any related provisions in the California Code of Regulations.

"Controlled committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a

committee if he or she, his or her agent, or any other committee he or she controls, has a significant influence on the actions or decisions of the committee.

“Election” means any city general, run-off, special, initiative, referendum or recall election.

“Individual” means a sole human being.

“License, permit, or other entitlement for use” means all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts, and all franchises.

“Officer” means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

“Participant” means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

“Party” means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

“Person” means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee (including both controlled and independent committees), labor union, and any other organization or group of persons acting in concert.

“Political action committee” means receives contributions to use for political purposes, such as making contributions or independent expenditures to support or oppose candidates and ballot measures, or making contributions to political parties and other state and local campaign committees.

“Political party committee” means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 or 5151 of the Elections Code.

“Political Reform Act” means the California Political Reform Act of 1974, as amended, found at Government Code Section 81000, et seq., and includes regulations adopted by the Fair Political Practices Commission.

Campaign Contribution Limits \$1,000 limit on individuals and PACs, adjusted for inflation.

- A. No person other than the candidate is permitted to make, and no campaign treasurer may solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed one thousand dollars (\$1,000.00).
- B. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in prior campaigns, or otherwise.
- C. The contribution limits set forth in this section shall be adjusted every odd-numbered year, starting in 2027. The City Clerk shall adjust the contribution limits to reflect any changes in the Consumer Price Index for the Orange County area for the two-year period ending on December 31st of the previous year. Adjustments shall be rounded to the nearest \$10.00. The City Clerk shall publish a public notice of any adjustments by March 1st of each odd-numbered year, or as soon after as practicable, following the Bureau of Labor Statistics’ release of the applicable Consumer Price Index data. The adjustments shall go into effect as soon as the public notice is published but shall apply only to elections held in subsequent years. The adjustments shall not be construed to raise the contribution limits applicable to past elections or to special elections held in the same year that the limits are adjusted.
- D. No candidate or controlled committee shall solicit or retain a contribution from any person when such contribution shall cause the contributor to be in violation of this article herein.
- E. A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized and, in addition, is returned to the donor within fourteen days of receipt.

Aggregation of Contributions Prevents aggregating contributions to get around contribution limits

- A. Contributions from different persons, but which are financed, maintained, or controlled by the same person, shall be aggregated for the purposes of the contribution limits of **[RELEVANT SUBSECTIONS]**. All contributions made by a person whose contribution activity is financed, maintained, or controlled by an individual, shall be deemed to be made by the same person.
- B. A contribution drawn from a checking account or credit card account held by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this section. A nonmonetary contribution in the form of goods and services donated by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this section.
- C. All contributions made by a political action committee and the committee's officer(s) or sponsor(s) shall be treated as having been made by one person.
- D. Two or more entities shall be treated as one person when any of the following circumstances apply:
 - (1) the entities share the majority of members of their governing boards,
 - (2) the entities share two or more officers,
 - (3) the entities are owned or controlled by the same majority shareholder or shareholders,
 - (4) the entities are in a parent-subsidiary relationship, or
 - (5) one entity finances, maintains, or controls the other entity's contributions or expenditures.
- E. Contributions made by entities that are majority-owned by any person shall be aggregative with the contributions of the majority owner and all other entities majority-owned by that person, unless those entities act independently in their decision to make contributions.

- F. The contributions of any entity whose contributions are directed and controlled by any person shall be aggregated with contributions made by that person and any other entity whose contributions are directed and controlled by that same person.
- G. If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated.
- H. Any individual and any general or limited partnership in which the person has a ten percent or more interest, or an individual and any corporation in which the individual owns a fifty percent or more interest, shall each be treated as one person.
- I. No committee which supports or opposes a candidate shall have as officers individuals who serve as officers on any other committee which supports or opposes the same candidate. No such committee shall act in concert with, or solicit or make contributions on behalf of, any other committee. This subdivision shall not apply to treasurers of committees if these treasurers do not participate in or control in any way a decision on which a candidate or candidates receive contributions.

Restrictions on Transfers Prevents candidates from getting around contribution limits with multiple campaign committees or by funneling money between candidates

- A. No funds may be transferred into any candidate's campaign committee from any other campaign committee controlled by the candidate.
- B. No candidate and no controlled committee of any candidate shall make any contribution to any other candidate or any committee supporting or opposing any other candidate for elective city office, nor to any committee supporting or opposing a recall of an elective city officer. This restriction shall not apply to contributions from the personal funds of a candidate.
- C. Should two or more candidates form a slate, each candidate shall pay only his/her proportionate share of the total cost of slate activities that are attributable to each such candidate.

Prohibition on Contributions by City Contractors and Developers Prohibition on contributions by city contractors and developers while a decision is pending and for 12 months after, plus recusal requirements for elected officials who received such contributions (mirrors SB 1439)

- A. While a proceeding involving a license, permit, or other entitlement for use is pending, and for 12 months following the date a final decision is rendered in the proceeding, an officer of an agency shall not accept, solicit, or direct a contribution from any party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest, as that term is used in California Government Code Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution on the officer's own behalf, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.
- B. Prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months from a party or from any participant shall disclose that fact on the record of the proceeding. An officer of an agency shall not make, participate in making, or in any way attempt to use the officer's official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in California Government Code Article 1 (commencing with Section 87100) of Chapter 7.
- C. (1) If an officer receives a contribution which would otherwise require disqualification under this section, and returns the contribution within 30 days from the time the officer knows, or should have known, about the contribution and the proceeding involving a license, permit, or other

entitlement for use, the officer shall be permitted to participate in the proceeding.

(2) (i.) If an officer accepts, solicits, or directs a contribution during the 12 months after the date a final decision is rendered in the proceeding in violation of subdivision (A), the officer may cure the violation by returning the contribution, within 14 days of accepting, soliciting, or directing the contribution, whichever comes latest.

(ii.) An officer may cure a violation as specified in subparagraph (A) only if the officer did not knowingly and willfully accept, solicit, or direct the prohibited contribution.

(iii.) An officer's controlled committee, or the officer if no controlled committee exists, shall maintain records of curing any violation pursuant to this paragraph.

D. (1) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution made within the preceding 12 months by the party or the party's agent.

(2) A party, or agent to a party, to a proceeding involving a license, permit, or other entitlement for use pending before any agency or a participant, or agent to a participant, in the proceeding shall not make a contribution to any officer of that agency during the proceeding and for 12 months following the date a final decision is rendered by the agency in the proceeding.

(3) When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in this section.

E. This section shall not be construed to imply that any contribution subject to being reported under this title shall not be so reported.

Money, goods, and services received treated as contributions **Goods and services count as contributions**

- A. Any funds, property, goods or services (other than voluntary, noncompensated personal or professional services) received by a candidate which are used, or intended by the donor or by the recipient to be used, for expenses (including legal expenses) relating to holding or running for public office, shall be considered campaign contributions and shall be subject to the contribution limitations of this chapter.
- B. This section shall not apply to government funds received by an elective city officer. This section also shall not apply to reimbursement for reasonable travel expenses related to holding public office.

Prohibition on multiple campaign committees One committee per candidate

- A. A candidate shall have no more than one campaign committee which shall have only one bank account from which all qualified campaign and office holder expenses related to elective city offices shall be made.
- B. This section shall not prevent a candidate from establishing another campaign committee solely for the purpose of running for a state, federal, local or other elective city office. This section also shall not prevent an elective city officer from establishing another campaign committee solely for the purpose of opposing his or her own recall.

Contributions in Excess of the Limit What to do with prohibited contributions

- A. If a committee treasurer is offered a contribution which would be in excess of the limitations set forth in this section, the treasurer must refuse the contribution.
- B. If, however, a contribution which is in violation of this section is deposited into the campaign bank account, the treasurer shall report in writing to the city clerk within five days of the receipt of the contribution the facts surrounding such payment or contribution. Any such payment or contribution so deposited must be returned.
- C. If it is not possible to return to the contributor, then it must be paid within 30 calendar days of receipt to the city's general fund if the amount is less than \$100.00 and to the state if the amount is \$100.00 or more.

Anonymous Contributions \$99 limit on anonymous contributions

A. Anonymous Contributions. No candidate or city committee shall accept an anonymous contribution of \$100.00 or more. An anonymous contribution of \$100.00 or more shall not be kept by the intended recipient, but the entire amount shall be paid within 10 days to the Secretary of State for deposit in the state general fund (Government Code Section 84304).

Fundraising Window Fundraising window of 11 months prior to the relevant election, and a prohibition on contributions after the election that exceed any outstanding debts of the campaign

A. It is unlawful for any candidate or controlled committee seeking elective City office to solicit or accept contributions sooner than eleven (11) months preceding a single election contest.

B. It is unlawful for any candidate or controlled committee seeking elective City Office to solicit or accept, after the date of an election, a contribution that exceeds the net debts outstanding from the election.

C. It is unlawful for any candidate or controlled committee to solicit or accept any post-election contribution after 90 days from the date of the previous election.

D. As used in this subsection, the term “net debts outstanding” has the same meaning as that set forth in title 2, section 18531.61 of the California Code of Regulations.

E. Contributions received after the date of an election shall reduce the total amount of net debts outstanding.

F. The restrictions set forth in this section do not apply to: contributions made by a candidate to their controlled committee; or,

G. The restrictions on accepting contributions imposed by subsection (a) do not apply to contributions for recall elections or special elections.

Notification of Independent Expenditures Any person/entity who makes IEs must notify the city clerk

In addition to the reporting required by the Political Reform Act of 1974, as amended, and its implementing regulations, for independent expenditures, a city committee, entity (corporation, firm, business, or proprietorship), or individual that makes independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate for city elective office or city ballot measure, shall notify the city clerk of such expenditure(s). Notification shall be by either electronic mail, facsimile, telegram, guaranteed overnight mail through the United States Postal Service, private delivery service or personal delivery within one business day.

Duplication of a Candidate’s Campaign Materials Prohibition on duplicating campaign materials to get around contribution limits

A. Any committee that makes a payment for distributing or disseminating an advertisement that duplicates, reproduces, or republishes a candidate’s campaign materials, in whole or in part, has made a contribution to the candidate for purposes of the contribution limits and source prohibitions set forth in this Article.

B. The “making” of a contribution to a candidate under subsection (a) does not mean that the candidate has “accepted” or “received” a contribution for purposes of contribution limits or source prohibitions. Accordingly, nothing in this section imposes any liability on a candidate whose campaign materials were duplicated, reproduced, or republished.

C. This section applies to a committee’s advertisement that uses materials created, prepared, or obtained by the candidate or the candidate’s controlled committee for campaign purposes, including, but not limited to, mailers; flyers; pamphlets; door hangers; walking cards; posters; yard signs; billboards; banners and large signs; business cards; campaign buttons; bumper stickers; newspaper, magazine, television, radio, and Internet advertisements; photographs; audio recordings; and videos, regardless of whether such materials were accessible to members of the public on the Internet or through other means not requiring coordination with the candidate or the candidate’s controlled committee.

D. This section does not apply to:

- (1) any written words, phrases, or sentences contained in a candidate’s campaign materials;
- (2) any statements made by a candidate while delivering a speech or

speaking at a debate, forum, or similar public event and contained in an advertisement that does not use an audio or video recording made by the candidate or the candidate's controlled committee;

- (3) the duplication of three or fewer photographs of the candidate;
- (4) an advertisement that clearly advocates the defeat of the candidate;
- (5) member communications; or,
- (6) instances in which a payment was "made at the behest" of a candidate, as that term is defined in title 2, section 18225.7 of the California Code of Regulations. Such a payment is a contribution regardless of whether any campaign materials were duplicated, reproduced, or republished.

E. Nothing in this section imposes on any candidate or committee any filing obligations in addition to those set forth in California Government Code sections 81000 et seq. and title 2 of the California Code of Regulations.

Campaign Statements Additional pre-election filing requirements

A. Each candidate and committee shall file campaign statements when and in the manner specified in the Political Reform Act of 1974, as amended.

B. Additional City Requirements.

1. Pre-Election Filing. Candidates and city committees shall file an additional pre-election campaign statement with the city clerk no later than 3:00 p.m. on the Thursday immediately preceding the election. This statement shall have a closing date of the Wednesday preceding the Thursday filing date.

a. The statements must be completed on campaign statement forms required to be filed by state law and in addition include:

i. A statement of estimated additional expenditures which the candidate or committee chairperson reasonably expects to expend on or before the election date. An estimate which is unintentionally at variance with the amounts actually expended shall not constitute a violation of this article. (Ord. 420 § 1, 2010; Ord. 341 §§ 10, 11, 2006; Ord. 61 § 1, 1988; 1987 Code § 2.26.060)

Retention of Records Records retention requirement

The candidate, committee, or authorized agent thereof shall retain all campaign records for a period of three years after the election.

2.24.130 Enforcement. Procedures for enforcement

A. Role of city attorney. The city attorney shall not investigate or prosecute any alleged violations of this article, but shall defend the constitutionality and legality of this article in any civil proceedings in which the city or the city council is a party.

B. Role of special counsel. Review of complaints of violation of this article and criminal prosecution thereof shall be commenced only by special counsel who shall be the district attorney, the Attorney General, or such other qualified and independent special counsel or combination of the foregoing as may be appointed by the city attorney. All special counsel shall have authority to prosecute any and all municipal code violations of this article. However, special counsel other than the Attorney General or district attorney shall not have authority to prosecute matters exclusively within the powers of the Attorney General or district attorney as provided under Government Code Section 91001. Special counsel shall also commence and prosecute civil litigation to compel compliance with this article or to enjoin conduct in violation of this article, and shall commence administrative actions pursuant to **NUMBER OF MUNICIPAL CODE SECTION**.

C. Appointment of special counsel. The appointment of special counsel shall be done in writing, and copies of the written appointment shall be provided to the city manager, city clerk and members of the city council. At least 90 days prior to a city election, a special counsel may be appointed by the city attorney for that election. Should the appointment of additional special counsel become necessary or appropriate, the city attorney may appoint such additional special counsel as may be required. No enforcement or prosecution or action of special counsel shall be subject to the review or control of the city council or the city manager. The cost of special council may be paid from the city general fund.

D. Initiation of investigations. Any person residing in the city who believes that a violation of this article has occurred may file a written complaint requesting investigation of such violation by the special counsel. If the special counsel determines that there is reason to believe a violation of this article has occurred, it shall conduct an investigation and may commence such administrative, civil or criminal legal action as it deems necessary for the enforcement of this article.

E. Investigative powers of special counsel. The special counsel shall have such investigative powers as are necessary for the performance of duties described in this article and may demand and be furnished records of campaign contributions

and expenditures of any person or city committee at any time. In the event that production of such reports is refused, the special counsel may commence civil litigation to compel such production.

F. Immunity of special counsel. The special counsel shall be immune from liability for its enforcement of this article.

2.24.140 Enforcement – Criminal or civil liability.

A. Criminal and civil liability. Any knowing or willful violation of any provision of this article may be prosecuted, either as an infraction or as a misdemeanor, at the discretion of the prosecutor under the provisions of **MUNICIPAL CODE SECTION FOR GENERAL VIOLATIONS**. In addition to any other penalty provided by law, any willful or knowing failure to report truthfully any contribution or expenditure shall be punishable by a fine of not less than \$1,000.00. The treasurer of any city committee shall be both criminally and civilly liable for any violation of this article by the city committee. In addition, the candidate shall be both criminally and civilly liable for any violation by a committee controlled by the candidate.

B. Forfeiture of contributions. In any legal action brought under this article for injunctive relief or civil liability, where it is determined that a city committee has accepted a contribution or contributions in excess of the applicable limit set forth herein, the full amount of said contribution(s) shall be forfeited to the city general fund. If funds are not available in the city committee's account for this purpose, the candidate or treasurer shall be personally liable to pay said amount to the city general fund.

2.24.145 Enforcement – Administrative.

A. Additional to other remedies. This section provides for administrative remedies for violations of this article, which are in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this article.

B. Notice and order. Whenever the special counsel appointed pursuant to **RELEVANT MUNICIPAL CODE SECTION** determines that there is probable cause that a violation of one or more provisions of this article has occurred or exists, a written notice and order may be issued to the alleged violator.

C. Contents of notice and order. The notice and order shall refer to the code section violated and describe how the sections are or have been violated, and the dates of all violations. The notice and order shall also set a date, time and place for a hearing, which shall be held no fewer than 10 days following the service of the notice.

D. Service of notice and order. The notice and order shall be served upon the alleged violator by personal service, or certified mail with postage prepaid and return receipt requested.

E. Designation of hearing officer. The city attorney shall designate a hearing officer, who shall not be a city employee. The compensation of the hearing officer, if any, shall be paid by the city. The employment, evaluation, and compensation, if any, of the hearing officer shall not be directly or indirectly conditioned upon the outcome of the hearing.

F. Violation established by preponderance of evidence. At the hearing, the hearing officer shall consider whether a preponderance of evidence demonstrates the existence of the violation. The alleged violator or any other interested persons may present testimony or evidence concerning the existence of the violations, and the alleged violator may cross examine witnesses.

G. Conduct of hearing. Hearings shall be conducted in an expeditious manner to enable all interested parties to present relevant evidence. Formal rules of evidence shall not be required. Time limits for presenting evidence, order of testimony, handling of exhibits, and similar matters shall be at the discretion of the hearing officer. The hearing officer may continue the hearing to obtain additional evidence, or for other good cause.

H. Failure to attend hearing. Failure of the alleged violator to attend the hearing shall constitute an admission of the violation by the alleged violator and a failure to exhaust administrative remedies that may bar judicial review.

I. Decision by hearing officer. After considering all the testimony and evidence submitted at the hearing, the hearing officer shall issue a written order, including findings regarding the existence of each violation, the reasons for the decision, and notice of the right to judicial review. The written decision shall be issued within 30 days of the hearing, and served on the alleged violator within 10 days of its issuance. The order shall be final upon service on the alleged violator, subject only to judicial review as allowed by law.

J. Imposition of penalty. If the hearing officer finds that the alleged violator committed the violation by a preponderance of evidence, the hearing officer shall impose a penalty and a date the penalty and any administrative costs shall be due and payable by the violator.

K. Amount of penalty. An administrative penalty for a violation of this article shall be set at a maximum of \$5,000 per violation, and a minimum of \$1,00.00 per violation, and the maximum total penalty shall not exceed \$50,000. In determining the amount of penalty to be imposed, the hearing officer shall consider the following factors: duration of the violation, frequency of recurrence of the violation, seriousness of the violation, history of violations, good faith effort of the violator to correct the violation, economic impact of the violation on the violator, impact of the violation on the community and the city, and any other relevant factors that justice may require.

L. Failure to pay penalty. Upon the failure of any person to pay the assessed administrative penalty by the date specified in the hearing officer's decision, the unpaid amount shall constitute a personal obligation of the violator. The city attorney shall collect the obligation by use of all appropriate legal means.

M. Judicial review. Any person subject to a decision of the hearing officer may obtain judicial review of the decision in the superior court pursuant to the provisions of California Government Code Section 53069.4, as amended.

Civil actions by residents.

A. Any resident of the city may bring a civil action regarding the provisions of this chapter, as follows:

- 1.To enjoin an actual or threatened violation;
- 2.To compel compliance by a private person;
- 3.To obtain declaratory relief.

B. Any action brought under this Section shall be commenced within two years of the time the alleged violation occurred.

Time for Commencement of Actions

Any action alleging violation of this article must be commenced within two years of the time the alleged violation occurred.

Use of Funds Deposited With City

Any funds paid to or deposited with the city by operation of, or pursuant to, the provisions of this article shall be placed in the city's general fund and designated for use in defraying the costs of municipal elections including the administration or enforcement of this article.

ORDINANCE NO. 1155

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA ADDING CHAPTER 2.05 TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE STANTON MUNICIPAL CODE RELATING TO LOCAL ELECTION CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS

WHEREAS, Assembly Bill No. 571 ("AB 571") imposed a default campaign contribution limit upon cities and counties effective January 1, 2021; and

WHEREAS, California Government Code Section 85702.5 permits the City of Stanton to act by either ordinance or resolution to establish its own campaign contribution limits that differ from those described in Government Code Sections 85301 and 83124; and

WHEREAS, transparency in local elections regarding financial contributions and influence are important to promoting the election process and to ensure a fair Council election process for all candidates; and

WHEREAS, the City Council finds that it is necessary to enact the campaign finance provisions herein so that they may be effective to govern the next General Municipal Election; and

WHEREAS, in adopting this Ordinance, it is the City Council's intention to promote transparency and ensure a fair election process by setting local campaign contribution limitations and requiring reasonable campaign finance disclosure for City Council elections; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

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

SECTION 1: Recitals. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

SECTION 2: CEQA. The City Council finds that the proposed amendments to the Stanton Municipal Code are not subject to the California Environmental Quality Act ("Public Resources Code section 21000 et seq.) ("CEQA") because it does not qualify as a "project" under CEQA for at least two different reasons: First, Section 15378 defines a project as an activity that "has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (State CEQA Guidelines, § 15378(a).) The Ordinance enacts campaign finance provisions by setting local campaign contribution limitations and requiring reasonable campaign finance disclosure for elections. Such actions will not result in a direct or reasonably foreseeable indirect physical change in the environment. Accordingly, the Ordinance is not a "project" subject to CEQA. (State CEQA Guidelines, § 15060(c)(2).) Second, Section 15378 explicitly excludes from its definition of "project"

the following: “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” (State CEQA Guidelines, § 15378(b)(5).) The Ordinance constitutes an organizational or administrative activity that will not result in a physical change in the environment, given that it merely enacts regulations on campaign contributions and election activities, and it therefore is not subject to CEQA. (State CEQA Guidelines, § 15060(c)(3).)

SECTION 3: Code Amendment. Chapter 2.05 is hereby added to the Stanton Municipal Code to read in full as follows:

CHAPTER 2.05 – ELECTION CAMPAIGN REGULATIONS.

- 2.05.010 – Intent and purpose.**
- 2.05.020 – Interpretation of this chapter.**
- 2.05.030 – Severability.**
- 2.05.040 – Definitions.**
- 2.05.050 – Campaign contribution limits.**
- 2.05.060 – Aggregation of contributions.**
- 2.05.070 – Restrictions on transfers.**
- 2.05.080 – Prohibitions on contributions by City contractors and developers.**
- 2.05.090 – Money, goods, and services received treated as contributions.**
- 2.05.100 – Prohibition on multiple campaign committees.**
- 2.05.110 – Contributions in excess of the limit.**
- 2.05.120 – Anonymous contributions.**
- 2.05.130 – Fundraising window.**
- 2.05.140 – Notification of independent expenditures.**
- 2.05.150 – Duplication of a candidate’s campaign materials.**
- 2.05.160 – Campaign statements.**
- 2.05.170 – Retention of records.**
- 2.05.180 – Enforcement – procedures for enforcement.**
- 2.05.190 – Enforcement – civil or criminal liability.**
- 2.05.200 – Enforcement – administrative.**
- 2.05.210 – Civil actions by residents.**
- 2.05.220 – Time for commencement of actions.**
- 2.05.230 – Use of funds deposited with City.**

CHAPTER 2.05 – ELECTION CAMPAIGN REGULATIONS.

2.05.010 Intent and purpose.

In enacting this chapter, the City Council finds and declares that moderate monetary contributions to political campaigns are a legitimate form of participation in the American political process. It is the policy of this City to protect the integrity of the electoral process, and to serve the best interests of the citizens of this City by regulating campaign finance.

Inherent in the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the City Council in enacting this chapter:

1. To place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in City elections.
2. To preserve an orderly political forum in which individuals may express themselves effectively.
3. To prevent the exercise by campaign contributors of potential undue or improper influence over elected officials.
4. To promote participation in government and foster trust that the democratic process is not subverted by affluent special interest groups.
5. To inform the public of the sources and objects of campaign contributions and expenditures.
6. To provide for the full and fair enforcement of the provisions of this chapter.
7. To encourage candidate adherence to election regulations by making them easier to understand.

2.05.020 Interpretation of this chapter.

The requirements of this chapter shall be administered and interpreted consistent with the requirements of the Political Reform Act of 1974, as amended (California Government Code Section 81000 et seq.), and its implementing regulations, except where the provisions of this chapter impose additional requirements on any person subject to this chapter.

2.05.030 Severability.

It is the intent of the city council that this chapter be interpreted in a manner consistent with constitutional requirements. Should any provision hereof be determined to be invalid for any reason, the remainder shall be severed therefrom and shall remain in full force effect.

2.05.040 Definitions.

Unless otherwise defined in this section, the words and phrases used in this chapter shall have the same meanings as defined in the Political Reform Act of 1974, Title 9 of the California Government Code, as the Political Reform Act now exists or may hereafter be amended, including definitions set forth in regulations adopted by the Fair Political Practices Commission.

1. "Agency" means an agency as defined in Section 82003 of the Government Code except that it does not include the courts or any agency in the judicial branch of government, the Legislature, the Board of Equalization, or constitutional officers. However, this term applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.
2. "Agent" means a person who acts on behalf or at the behest of any other person or accepts a contribution on behalf of a candidate. If an individual acting as an agent is also acting as an employee or member of a law, architectural, engineering or consulting firm, or a similar entity or corporation, both the entity or corporation and the individual are "agents."
3. "At the behest" means made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of.
4. "Candidate" applies to persons seeking an elective City office.
5. "City" means City of Stanton.
6. "Contribution" is defined in a manner identical with the definition found in Government Code Section 82015, contained within the Political Reform Act, and any related provisions in the California Code of Regulations.
7. "Controlled committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls, has a significant influence on the actions or decisions of the committee.
8. "Election" means any City general, run-off, special, initiative, referendum or recall election.
9. "Individual" means a sole human being.
10. "License, permit, or other entitlement for use" means all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts, and all franchises.
11. "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.
12. "Participant" means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7, Title 9 of the Government Code. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

13. "Party" means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.
14. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee (including both controlled and independent committees), labor union, and any other organization or group of persons acting in concert.
15. "Political action committee" means receives contributions to use for political purposes, such as making contributions or independent expenditures to support or oppose candidates and ballot measures, or making contributions to political parties and other state and local campaign committees.
16. "Political party committee" means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 or 5151 of the California Elections Code.
17. "Political Reform Act" means the California Political Reform Act of 1974, as amended, found at Government Code Section 81000, et seq., and includes regulations adopted by the Fair Political Practices Commission.

2.05.050 Campaign contribution limits.

- A. No person other than the candidate is permitted to make, and no campaign treasurer may solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed one thousand dollars (\$1,000.00).
- B. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in prior campaigns, or otherwise.
- C. The contribution limits set forth in this section shall be adjusted every odd-numbered year, starting in 2027. The City Clerk shall adjust the contribution limits to reflect any changes in the Consumer Price Index for the Orange County area for the two-year period ending on December 31st of the previous year. Adjustments shall be rounded to the nearest \$10.00. The City Clerk shall publish a public notice of any adjustments by March 1st of each odd-numbered year, or as soon after as practicable, following the Bureau of Labor Statistics' release of the applicable Consumer Price Index data. The adjustments shall go into effect as soon as the public notice is published but shall apply only to elections held in subsequent years. The adjustments shall not be construed to raise the contribution limits applicable to past elections or to special elections held in the same year that the limits are adjusted.
- D. No candidate or controlled committee shall solicit or retain a contribution from any person when such contribution shall cause the contributor to be in violation of this article herein.

- E. A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized and, in addition, is returned to the donor within fourteen days of receipt.

2.05.060 Aggregation of contributions.

- A. Contributions from different persons, but which are financed, maintained, or controlled by the same person, shall be aggregated for the purposes of the contribution limits of this Chapter. All contributions made by a person whose contribution activity is financed, maintained, or controlled by an individual, shall be deemed to be made by the same person.
- B. A contribution drawn from a checking account or credit card account held by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this section. A nonmonetary contribution in the form of goods and services donated by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this section.
- C. All contributions made by a political action committee and the committee's officer(s) or sponsor(s) shall be treated as having been made by one person.
- D. Two or more entities shall be treated as one person when any of the following circumstances apply:
 - 1. The entities share the majority of members of their governing boards,
 - 2. The entities share two or more officers,
 - 3. The entities are owned or controlled by the same majority shareholder or shareholders,
 - 4. The entities are in a parent-subsidary relationship, or
 - 5. One entity finances, maintains, or controls the other entity's contributions or expenditures.
- E. Contributions made by entities that are majority-owned by any person shall be aggregative with the contributions of the majority owner and all other entities majority-owned by that person, unless those entities act independently in their decision to make contributions.
- F. The contributions of any entity whose contributions are directed and controlled by any person shall be aggregated with contributions made by that person and any other entity whose contributions are directed and controlled by that same person.
- G. If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated.
- H. Any individual and any general or limited partnership in which the person has a ten percent or more interest, or an individual and any corporation in which the

individual owns a fifty percent or more interest, shall each be treated as one person.

- I. No committee which supports or opposes a candidate shall have as officers individuals who serve as officers on any other committee which supports or opposes the same candidate. No such committee shall act in concert with, or solicit or make contributions on behalf of, any other committee. This subsection shall not apply to treasurers of committees if these treasurers do not participate in or control in any way a decision on which a candidate or candidates receive contributions.

2.05.070 Restrictions on transfers.

- A. No funds may be transferred into any candidate's campaign committee from any other campaign committee controlled by the candidate.
- B. No candidate and no controlled committee of any candidate shall make any contribution to any other candidate or any committee supporting or opposing any other candidate for elective City office, nor to any committee supporting or opposing a recall of an elective city officer. This restriction shall not apply to contributions from the personal funds of a candidate.
- C. Should two or more candidates form a slate, each candidate shall pay only his/her proportionate share of the total cost of slate activities that are attributable to each such candidate.

2.05.080 Prohibitions on contributions by City contractors and developers.

- A. While a proceeding involving a license, permit, or other entitlement for use is pending, and for 12 months following the date a final decision is rendered in the proceeding, an officer of the City shall not accept, solicit, or direct a contribution from any party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Title 9 of the California Government Code, Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution on the officer's own behalf, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.
- B. Prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before the City, each officer of the City who received a contribution within the preceding 12 months from a party or from any participant shall disclose that fact on the record of the proceeding. An officer of the City shall not make, participate in making, or in any way attempt to use the officer's official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the City if the officer has willfully or knowingly received a contribution within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest in the decision,

as that term is described with respect to public officials in Title 9 of the California Government Code, Article 1 (commencing with Section 87100) of Chapter 7.

- C. If an officer receives a contribution which would otherwise require disqualification under this section, and returns the contribution within 30 days from the time the officer knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, the officer shall be permitted to participate in the proceeding.
 - 1. If an officer accepts, solicits, or directs a contribution during the 12 months after the date a final decision is rendered in the proceeding in violation of subsection (A) of this section, the officer may cure the violation by returning the contribution, within 14 days of accepting, soliciting, or directing the contribution, whichever comes latest.
 - a. An officer may cure a violation as specified in subdivision (C)(1) of this section only if the officer did not knowingly and willfully accept, solicit, or direct the prohibited contribution.
 - b. An officer's controlled committee, or the officer if no controlled committee exists, shall maintain records of curing any violation pursuant to this subsection.
- D. A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution made within the preceding 12 months by the party or the party's agent.
 - 1. A party, or agent to a party, to a proceeding involving a license, permit, or other entitlement for use pending before any agency or a participant, or agent to a participant, in the proceeding shall not make a contribution to any officer of that agency during the proceeding and for 12 months following the date a final decision is rendered by the agency in the proceeding.
 - 2. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in this section.
- E. This section shall not be construed to imply that any contribution subject to being reported under Title 9 of the Government Code shall not be so reported.

2.05.090 Money, goods, and services received treated as contributions.

- A. Any funds, property, goods or services (other than voluntary, noncompensated personal or professional services) received by a candidate which are used, or intended by the donor or by the recipient to be used, for expenses (including legal expenses) relating to holding or running for public office, shall be considered

campaign contributions and shall be subject to the contribution limitations of this chapter.

- B. This section shall not apply to government funds received by an elective City officer. This section also shall not apply to reimbursement for reasonable travel expenses related to holding public office.

2.05.100 Prohibition on multiple campaign committees.

- A. A candidate shall have no more than one campaign committee which shall have only one bank account from which all qualified campaign and office holder expenses related to elective City offices shall be made.
- B. This section shall not prevent a candidate from establishing another campaign committee solely for the purpose of running for a state, federal, local or other elective City office. This section also shall not prevent an elective City officer from establishing another campaign committee solely for the purpose of opposing his or her own recall.

2.05.110 Contributions in excess of the limit.

- A. If a committee treasurer is offered a contribution which would be in excess of the limitations set forth in this section, the treasurer must refuse the contribution.
- B. If, however, a contribution which is in violation of this section is deposited into the campaign bank account, the treasurer shall report in writing to the City Clerk within five days of the receipt of the contribution the facts surrounding such payment or contribution. Any such payment or contribution so deposited must be returned.
- C. If it is not possible to return to the contributor, then it must be paid within 30 calendar days of receipt to the City's general fund if the amount is less than \$100.00 and to the state if the amount is \$100.00 or more.

2.05.120 Anonymous contributions.

No candidate or City committee shall accept an anonymous contribution of \$100.00 or more. An anonymous contribution of \$100.00 or more shall not be kept by the intended recipient, but the entire amount shall be paid within 10 days to the Secretary of State for deposit in the state general fund in accordance with Government Code Section 84304.

2.05.130 Fundraising window.

- A. It is unlawful for any candidate or controlled committee seeking elective City office to solicit or accept contributions sooner than eleven (11) months preceding a single election contest.
- B. It is unlawful for any candidate or controlled committee seeking elective City Office to solicit or accept, after the date of an election, a contribution that exceeds the net debts outstanding from the election.

- C. It is unlawful for any candidate or controlled committee to solicit or accept any post-election contribution after 90 days from the date of the previous election.
- D. As used in this section, the term “net debts outstanding” has the same meaning as that set forth in Title 2, section 18531.61 of the California Code of Regulations.
- E. Contributions received after the date of an election shall reduce the total amount of net debts outstanding.
- F. The restrictions set forth in this section do not apply to: contributions made by a candidate to their controlled committee.
- G. The restrictions on accepting contributions imposed by subsection (A) of this section do not apply to contributions for recall elections or special elections.

2.05.140 Notification of independent expenditures.

In addition to the reporting required by the Political Reform Act of 1974, as amended, and its implementing regulations, for independent expenditures, a City committee, entity (corporation, firm, business, or proprietorship), or individual that makes independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate for City elective office or City ballot measure, shall notify the City Clerk of such expenditure(s). Notification shall be by either electronic mail, facsimile, telegram, guaranteed overnight mail through the United States Postal Service, private delivery service or personal delivery within one business day.

2.05.150 Duplication of a candidate’s campaign materials.

- A. Any committee that makes a payment for distributing or disseminating an advertisement that duplicates, reproduces, or republishes a candidate’s campaign materials, in whole or in part, has made a contribution to the candidate for purposes of the contribution limits and source prohibitions set forth in this chapter.
- B. The “making” of a contribution to a candidate under subsection (A) of this section does not mean that the candidate has “accepted” or “received” a contribution for purposes of contribution limits or source prohibitions. Accordingly, nothing in this section imposes any liability on a candidate whose campaign materials were duplicated, reproduced, or republished.
- C. This section applies to a committee’s advertisement that uses materials created, prepared, or obtained by the candidate or the candidate’s controlled committee for campaign purposes, including, but not limited to, mailers; flyers; pamphlets; door hangers; walking cards; posters; yard signs; billboards; banners and large signs; business cards; campaign buttons; bumper stickers; newspaper, magazine, television, radio, and Internet advertisements; photographs; audio recordings; and videos, regardless of whether such materials were accessible to members of the public on the Internet or through other means not requiring coordination with the candidate or the candidate’s controlled committee.
- D. This section does not apply to:

1. Any written words, phrases, or sentences contained in a candidate's campaign materials;
 2. Any statements made by a candidate while delivering a speech or speaking at a debate, forum, or similar public event and contained in an advertisement that does not use an audio or video recording made by the candidate or the candidate's controlled committee;
 3. The duplication of three or fewer photographs of the candidate;
 4. An advertisement that clearly advocates the defeat of the candidate.
 5. Member communications; or
 6. Instances in which a payment was "made at the behest" of a candidate, as that term is defined in Title 2, section 18225.7 of the California Code of Regulations. Such a payment is a contribution regardless of whether any campaign materials were duplicated, reproduced, or republished.
- E. Nothing in this section imposes on any candidate or committee any filing obligations in addition to those set forth in California Government Code sections 81000 et seq. and Title 2 of the California Code of Regulations.

2.05.160 Campaign statements.

- A. Each candidate and committee shall file campaign statements when and in the manner specified in the Political Reform Act of 1974, as amended.
- B. Additional City Requirements.
 1. Pre-Election Filing. Candidates and City committees shall file an additional pre-election campaign statement with the City Clerk no later than 3:00 p.m. on the Thursday immediately preceding the election. This statement shall have a closing date of the Wednesday preceding the Thursday filing date.
 - a. The statements must be completed on campaign statement forms required to be filed by state law and in addition include:
 - i. A statement of estimated additional expenditures which the candidate or committee chairperson reasonably expects to expend on or before the election date. An estimate which is unintentionally at variance with the amounts actually expended shall not constitute a violation of this chapter.

2.05.170 Retention of records.

The candidate, committee, or authorized agent thereof shall retain all campaign records for a period of three years after the election.

2.05.180 Enforcement – procedures for enforcement.

- A. Role of City Attorney. The City Attorney shall not investigate or prosecute any alleged violations of this article, but shall defend the constitutionality and legality of this chapter in any civil proceedings in which the City or the City Council is a party.
- B. Role of special counsel. Review of complaints of violation of this chapter and criminal prosecution thereof shall be commenced only by special counsel who shall be the district attorney, the Attorney General, or such other qualified and independent special counsel or combination of the foregoing as may be appointed by the city attorney. All special counsel shall have authority to prosecute any and all municipal code violations of this article. However, special counsel other than the Attorney General or district attorney shall not have authority to prosecute matters exclusively within the powers of the Attorney General or district attorney as provided under Government Code Section 91001. Special counsel shall also commence and prosecute civil litigation to compel compliance with this article or to enjoin conduct in violation of this chapter, and shall commence administrative actions pursuant to Section 2.05.200.
- C. Appointment of special counsel. The appointment of special counsel shall be done in writing, and copies of the written appointment shall be provided to the City Manager, City Clerk and members of the City Council. At least 90 days prior to a City election, a special counsel may be appointed by the City Attorney for that election. Should the appointment of additional special counsel become necessary or appropriate, the City Attorney may appoint such additional special counsel as may be required. No enforcement or prosecution or action of special counsel shall be subject to the review or control of the City Council or the City Manager. The cost of special council may be paid from the City general fund.
- D. Initiation of investigations. Any person residing in the City who believes that a violation of this chapter has occurred may file a written complaint requesting investigation of such violation by the special counsel. If the special counsel determines that there is reason to believe a violation of this chapter has occurred, it shall conduct an investigation and may commence such administrative, civil or criminal legal action as it deems necessary for the enforcement of this chapter.
- E. Investigative powers of special counsel. The special counsel shall have such investigative powers as are necessary for the performance of duties described in this article and may demand and be furnished records of campaign contributions and expenditures of any person or City committee at any time. In the event that production of such reports is refused, the special counsel may commence civil litigation to compel such production.
- F. Immunity of special counsel. The special counsel shall be immune from liability for its enforcement of this chapter.

2.05.190 Enforcement – civil or criminal liability.

- A. Criminal and civil liability. Any knowing or willful violation of any provision of this chapter may be prosecuted, either as an infraction or as a misdemeanor, at the discretion of the prosecutor under the provisions of Chapter 1.10 of this Code. In addition to any other penalty provided by law, any willful or knowing failure to report truthfully any contribution or expenditure shall be punishable by a fine of not less than \$1,000.00. The treasurer of any City committee shall be both criminally and civilly liable for any violation of this chapter by the City committee. In addition, the candidate shall be both criminally and civilly liable for any violation by a committee controlled by the candidate.
- B. Forfeiture of contributions. In any legal action brought under this chapter for injunctive relief or civil liability, where it is determined that a City committee has accepted a contribution or contributions in excess of the applicable limit set forth herein, the full amount of said contribution(s) shall be forfeited to the City general fund. If funds are not available in the City committee's account for this purpose, the candidate or treasurer shall be personally liable to pay said amount to the City general fund.

2.05.200 Enforcement – administrative.

- A. Additional to other remedies. This section provides for administrative remedies for violations of this chapter, which are in addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of this article.
- B. Notice and order. Whenever the special counsel appointed pursuant to section 2.05.180 determines that there is probable cause that a violation of one or more provisions of this chapter has occurred or exists, a written notice and order may be issued to the alleged violator.
- C. Contents of notice and order. The notice and order shall refer to the section of this chapter violated and describe how the sections are or have been violated, and the dates of all violations. The notice and order shall also set a date, time and place for a hearing, which shall be held no fewer than 10 days following the service of the notice.
- D. Service of notice and order. The notice and order shall be served upon the alleged violator by personal service, or certified mail with postage prepaid and return receipt requested.
- E. Designation of hearing officer. The City Attorney shall designate a hearing officer, who shall not be a City employee. The compensation of the hearing officer, if any, shall be paid by the City. The employment, evaluation, and compensation, if any, of the hearing officer shall not be directly or indirectly conditioned upon the outcome of the hearing.

- F. Violation established by preponderance of evidence. At the hearing, the hearing officer shall consider whether a preponderance of evidence demonstrates the existence of the violation. The alleged violator or any other interested persons may present testimony or evidence concerning the existence of the violations, and the alleged violator may cross examine witnesses.
- G. Conduct of hearing. Hearings shall be conducted in an expeditious manner to enable all interested parties to present relevant evidence. Formal rules of evidence shall not be required. Time limits for presenting evidence, order of testimony, handling of exhibits, and similar matters shall be at the discretion of the hearing officer. The hearing officer may continue the hearing to obtain additional evidence, or for other good cause.
- H. Failure to attend hearing. Failure of the alleged violator to attend the hearing shall constitute an admission of the violation by the alleged violator and a failure to exhaust administrative remedies that may bar judicial review.
- I. Decision by hearing officer. After considering all the testimony and evidence submitted at the hearing, the hearing officer shall issue a written order, including findings regarding the existence of each violation, the reasons for the decision, and notice of the right to judicial review. The written decision shall be issued within 30 days of the hearing, and served on the alleged violator within 10 days of its issuance. The order shall be final upon service on the alleged violator, subject only to judicial review as allowed by law.
- J. Imposition of penalty. If the hearing officer finds that the alleged violator committed the violation by a preponderance of evidence, the hearing officer shall impose a penalty and a date the penalty and any administrative costs shall be due and payable by the violator.
- K. Amount of penalty. An administrative penalty for a violation of this chapter shall be set at a maximum of \$5,000 per violation, and a minimum of \$1,000.00 per violation, and the maximum total penalty shall not exceed \$50,000. In determining the amount of penalty to be imposed, the hearing officer shall consider the following factors: duration of the violation, frequency of recurrence of the violation, seriousness of the violation, history of violations, good faith effort of the violator to correct the violation, economic impact of the violation on the violator, impact of the violation on the community and the City, and any other relevant factors that justice may require.
- L. Failure to pay penalty. Upon the failure of any person to pay the assessed administrative penalty by the date specified in the hearing officer's decision, the unpaid amount shall constitute a personal obligation of the violator. The City Attorney shall collect the obligation by use of all appropriate legal means.
- M. Judicial review. Any person subject to a decision of the hearing officer may obtain judicial review of the decision in the superior court pursuant to the provisions of California Government Code Section 53069.4, as amended.

2.05.210 Civil actions by residents.

- A. Any resident of the City may bring a civil action regarding the provisions of this chapter, as follows:
 - 1. To enjoin an actual or threatened violation;
 - 2. To compel compliance by a private person;
 - 3. To obtain declaratory relief.
- B. Any action brought under this section shall be commenced within two years of the time the alleged violation occurred.

2.05.220 Time for commencement of actions.

Any action alleging violation of this chapter must be commenced within two years of the time the alleged violation occurred.

2.05.230 Use of funds deposited with City.

Any funds paid to or deposited with the City by operation of, or pursuant to, the provisions of this chapter shall be placed in the City's general fund and designated for use in defraying the costs of municipal elections including the administration or enforcement of this chapter.

SECTION 4: Severability. If any section, sentence, clause, or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Stanton declares that it would have adopted this Ordinance and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 5: Effective Date. This Ordinance will become effective 30 days following its adoption.

SECTION 6: Posting or Publication. The City Clerk is directed to certify the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, will be published or posted in the manner required by law.

SECTION 7: Record of Proceedings. The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at 7800 Katella Avenue, Stanton, California 90680. The City Clerk is the custodian of the record of proceedings.

PASSED, APPROVED, AND ADOPTED this 10th day of December, 2024.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1155 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 26th day of November, 2024 and was duly adopted at a regular meeting of the City Council held on the 10th day of December, 2024, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

PATRICIA A. VAZQUEZ, CITY CLERK

CHAPTER 2.05 – ELECTION CAMPAIGN REGULATIONS.

- 2.05.010 – Intent and purpose.**
- 2.05.020 – Interpretation of this chapter.**
- 2.05.030 – Severability.**
- 2.05.040 – Definitions.**
- 2.05.050 – Campaign contribution limits.**
- 2.05.060 – Aggregation of contributions.**
- 2.05.070 – Restrictions on transfers.**
- 2.05.080 – Prohibitions on contributions by City contractors and developers.**
- 2.05.090 – Money, goods, and services received treated as contributions.**
- 2.05.100 – Prohibition on multiple campaign committees.**
- 2.05.110 – Contributions in excess of the limit.**
- 2.05.120 – Anonymous contributions.**
- 2.05.130 – Fundraising window.**
- 2.05.140 – Notification of independent expenditures.**
- 2.05.150 – Duplication of a candidate’s campaign materials.**
- 2.05.160 – Campaign statements.**
- 2.05.170 – Retention of records.**
- 2.05.180 – ~~2.24.130~~ Enforcement – procedures for enforcement.**
- 2.05.190 – ~~2.24.140~~ Enforcement – civil or criminal liability.**
- 2.05.200 – ~~2.24.145~~ Enforcement – administrative.**
- 2.05.210 – Civil actions by residents.**
- 2.05.220 – Time for commencement of actions.**
- 2.05.230 – Use of funds deposited with City.**

CHAPTER 2.05 – ELECTION CAMPAIGN REGULATIONS.**2.05.010 Intent and purpose.**

In enacting this chapter, the City Council finds and declares that moderate monetary contributions to political campaigns are a legitimate form of participation in the American political process. It is the policy of this City to protect the integrity of the electoral process, and to serve the best interests of the citizens of this City by regulating campaign finance.

Inherent in the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the City Council in enacting this chapter:

1. To place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in City elections.
2. To preserve an orderly political forum in which individuals may express themselves effectively.
3. To prevent the exercise by campaign contributors of potential undue or improper influence over elected officials.

4. To promote participation in government and foster trust that the democratic process is not subverted by affluent special interest groups.
5. To inform the public of the sources and objects of campaign contributions and expenditures.
6. To provide for the full and fair enforcement of the provisions of this chapter.
7. To encourage candidate adherence to election regulations by making them easier to understand.

2.05.020 Interpretation of this chapter.

The requirements of this chapter shall be administered and interpreted consistent with the requirements of the Political Reform Act of 1974, as amended (~~State~~ California Government Code Section 81000 et seq.), and its ~~implanting~~ implementing regulations, except where the provisions of this ~~article~~ chapter impose additional requirements on any person subject to this ~~article~~ chapter.

2.05.030 Severability.

It is the intent of the city council that this ~~article~~ chapter be interpreted in a manner consistent with constitutional requirements. Should any provision hereof be determined to be invalid for any reason, the remainder shall be severed therefrom and shall remain in full force effect.

2.05.040 Definitions.

Unless otherwise defined in this section, the words and phrases used in this ~~article~~ chapter shall have the same meanings as defined in the Political Reform Act of 1974, Title 9 of the California Government Code ~~of the state~~, as the Political Reform Act now exists or may hereafter be amended, including definitions set forth in regulations adopted by the Fair Political Practices Commission.

1. "Agency" means an agency as defined in Section 82003 of the Government Code except that it does not include the courts or any agency in the judicial branch of government, the Legislature, the Board of Equalization, or constitutional officers. However, this ~~section~~ term applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.
2. "Agent" means a person who acts on behalf or at the behest of any other person or accepts a contribution on behalf of a candidate. If an individual acting as an agent is also acting as an employee or member of a law, architectural, engineering or consulting firm, or a similar entity or corporation, both the entity or corporation and the individual are "agents."

3. "At the behest" means made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of.
4. "Candidate" applies to persons seeking an elective City office.
5. "City" means City of Stanton.
6. "Contribution" is defined in a manner identical with the definition found in Government Code Section 82015, contained within the Political Reform Act, and any related provisions in the California Code of Regulations.
7. "Controlled committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls, has a significant influence on the actions or decisions of the committee.
8. "Election" means any City general, run-off, special, initiative, referendum or recall election.
9. "Individual" means a sole human being.
10. "License, permit, or other entitlement for use" means all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts, and all franchises.
11. "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.
12. "Participant" means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7, Title 9 of the Government Code. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.
13. "Party" means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.
14. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee (including both controlled and independent committees), labor union, and any other organization or group of persons acting in concert.
15. "Political action committee" means receives contributions to use for political purposes, such as making contributions or independent expenditures to support or oppose candidates and ballot measures, or making contributions to political parties and other state and local campaign committees.

16. "Political party committee" means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 or 5151 of the [California](#) Elections Code.
17. "Political Reform Act" means the California Political Reform Act of 1974, as amended, found at Government Code Section 81000, et seq., and includes regulations adopted by the Fair Political Practices Commission.

2.05.050 Campaign contribution limits.

- A. No person other than the candidate is permitted to make, and no campaign treasurer may solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed one thousand dollars (\$1,000.00).
- B. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in prior campaigns, or otherwise.
- C. The contribution limits set forth in this section shall be adjusted every odd-numbered year, starting in 2027. The City Clerk shall adjust the contribution limits to reflect any changes in the Consumer Price Index for the Orange County area for the two-year period ending on December 31st of the previous year. Adjustments shall be rounded to the nearest \$10.00. The City Clerk shall publish a public notice of any adjustments by March 1st of each odd-numbered year, or as soon after as practicable, following the Bureau of Labor Statistics' release of the applicable Consumer Price Index data. The adjustments shall go into effect as soon as the public notice is published but shall apply only to elections held in subsequent years. The adjustments shall not be construed to raise the contribution limits applicable to past elections or to special elections held in the same year that the limits are adjusted.
- D. No candidate or controlled committee shall solicit or retain a contribution from any person when such contribution shall cause the contributor to be in violation of this article herein.
- E. A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized and, in addition, is returned to the donor within fourteen days of receipt.

2.05.060 Aggregation of contributions.

- A. Contributions from different persons, but which are financed, maintained, or controlled by the same person, shall be aggregated for the purposes of the contribution limits of ~~[RELEVANT SUBSECTIONS]~~[this Chapter](#). All contributions

made by a person whose contribution activity is financed, maintained, or controlled by an individual, shall be deemed to be made by the same person.

- B. A contribution drawn from a checking account or credit card account held by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this section. A nonmonetary contribution in the form of goods and services donated by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this section.
- C. All contributions made by a political action committee and the committee's officer(s) or sponsor(s) shall be treated as having been made by one person.
- D. Two or more entities shall be treated as one person when any of the following circumstances apply:
 - 1. The entities share the majority of members of their governing boards,
 - 2. The entities share two or more officers,
 - 3. The entities are owned or controlled by the same majority shareholder or shareholders,
 - 4. The entities are in a parent-subsidary relationship, or
 - 5. One entity finances, maintains, or controls the other entity's contributions or expenditures.
- E. Contributions made by entities that are majority-owned by any person shall be aggregative with the contributions of the majority owner and all other entities majority-owned by that person, unless those entities act independently in their decision to make contributions.
- F. The contributions of any entity whose contributions are directed and controlled by any person shall be aggregated with contributions made by that person and any other entity whose contributions are directed and controlled by that same person.
- G. If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated.
- H. Any individual and any general or limited partnership in which the person has a ten percent or more interest, or an individual and any corporation in which the individual owns a fifty percent or more interest, shall each be treated as one person.
- I. No committee which supports or opposes a candidate shall have as officers individuals who serve as officers on any other committee which supports or opposes the same candidate. No such committee shall act in concert with, or solicit or make contributions on behalf of, any other committee. This subdivision subsection shall not apply to treasurers of committees if these treasurers do not

participate in or control in any way a decision on which a candidate or candidates receive contributions.

2.05.070 Restrictions on transfers.

- A. No funds may be transferred into any candidate's campaign committee from any other campaign committee controlled by the candidate.
- B. No candidate and no controlled committee of any candidate shall make any contribution to any other candidate or any committee supporting or opposing any other candidate for elective City office, nor to any committee supporting or opposing a recall of an elective city officer. This restriction shall not apply to contributions from the personal funds of a candidate.
- C. Should two or more candidates form a slate, each candidate shall pay only his/her proportionate share of the total cost of slate activities that are attributable to each such candidate.

2.05.080 Prohibitions on contributions by City contractors and developers.

- A. While a proceeding involving a license, permit, or other entitlement for use is pending, and for 12 months following the date a final decision is rendered in the proceeding, an officer of ~~an agency~~the City shall not accept, solicit, or direct a contribution from any party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Title 9 of the California Government Code, Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution on the officer's own behalf, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.
- B. Prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before ~~an agency~~the City, each officer of the ~~agency~~City who received a contribution within the preceding 12 months from a party or from any participant shall disclose that fact on the record of the proceeding. An officer of ~~an agency~~the City shall not make, participate in making, or in any way attempt to use the officer's official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the ~~agency~~City if the officer has willfully or knowingly received a contribution within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Title 9 of the California Government Code, Article 1 (commencing with Section 87100) of Chapter 7.
- C. ~~(1)~~—If an officer receives a contribution which would otherwise require disqualification under this section, and returns the contribution within 30 days from the time the officer knows, or should have known, about the contribution and the

proceeding involving a license, permit, or other entitlement for use, the officer shall be permitted to participate in the proceeding.

~~4.~~ ~~(i.)~~ If an officer accepts, solicits, or directs a contribution during the 12 months after the date a final decision is rendered in the proceeding in violation of ~~subdivision-subsection~~ (A) of this section, the officer may cure the violation by returning the contribution, within 14 days of accepting, soliciting, or directing the contribution, whichever comes latest.

a. An officer may cure a violation as specified in sub~~division~~paragraph ~~(CA)~~(1) of this section only if the officer did not knowingly and willfully accept, solicit, or direct the prohibited contribution.

a.b. An officer's controlled committee, or the officer if no controlled committee exists, shall maintain records of curing any violation pursuant to this ~~paragraph~~subsection.

D. ~~(1)~~ A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution made within the preceding 12 months by the party or the party's agent.

1. ~~(2)~~ A party, or agent to a party, to a proceeding involving a license, permit, or other entitlement for use pending before any agency or a participant, or agent to a participant, in the proceeding shall not make a contribution to any officer of that agency during the proceeding and for 12 months following the date a final decision is rendered by the agency in the proceeding.

1.2. ~~(3)~~ When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in this section.

E. This section shall not be construed to imply that any contribution subject to being reported under ~~this title~~ Title 9 of the Government Code shall not be so reported.

2.05.090 Money, goods, and services received treated as contributions.

A. Any funds, property, goods or services (other than voluntary, noncompensated personal or professional services) received by a candidate which are used, or intended by the donor or by the recipient to be used, for expenses (including legal expenses) relating to holding or running for public office, shall be considered campaign contributions and shall be subject to the contribution limitations of this chapter.

B. This section shall not apply to government funds received by an elective City officer. This section also shall not apply to reimbursement for reasonable travel expenses related to holding public office.

2.05.100 Prohibition on multiple campaign committees.

- A. A candidate shall have no more than one campaign committee which shall have only one bank account from which all qualified campaign and office holder expenses related to elective City offices shall be made.
- B. This section shall not prevent a candidate from establishing another campaign committee solely for the purpose of running for a state, federal, local or other elective City office. This section also shall not prevent an elective City officer from establishing another campaign committee solely for the purpose of opposing his or her own recall.

2.05.110 Contributions in excess of the limit.

- A. If a committee treasurer is offered a contribution which would be in excess of the limitations set forth in this section, the treasurer must refuse the contribution.
- B. If, however, a contribution which is in violation of this section is deposited into the campaign bank account, the treasurer shall report in writing to the City Clerk within five days of the receipt of the contribution the facts surrounding such payment or contribution. Any such payment or contribution so deposited must be returned.
- C. If it is not possible to return to the contributor, then it must be paid within 30 calendar days of receipt to the City's general fund if the amount is less than \$100.00 and to the state if the amount is \$100.00 or more.

2.05.120 Anonymous contributions.

- A. No candidate or City committee shall accept an anonymous contribution of \$100.00 or more. An anonymous contribution of \$100.00 or more shall not be kept by the intended recipient, but the entire amount shall be paid within 10 days to the Secretary of State for deposit in the state general fund in accordance with ~~(Government Code Section 84304).~~

2.05.130 Fundraising window.

- A. It is unlawful for any candidate or controlled committee seeking elective City office to solicit or accept contributions sooner than eleven (11) months preceding a single election contest.
- B. It is unlawful for any candidate or controlled committee seeking elective City Office to solicit or accept, after the date of an election, a contribution that exceeds the net debts outstanding from the election.
- C. It is unlawful for any candidate or controlled committee to solicit or accept any post-election contribution after 90 days from the date of the previous election.
- D. As used in this ~~sub~~section, the term "net debts outstanding" has the same meaning as that set forth in Title 2, section 18531.61 of the California Code of Regulations.

- E. Contributions received after the date of an election shall reduce the total amount of net debts outstanding.
- F. The restrictions set forth in this section do not apply to: contributions made by a candidate to their controlled committee~~;~~~~or~~
- G. The restrictions on accepting contributions imposed by subsection (Aa) of this section do not apply to contributions for recall elections or special elections.

2.05.140 Notification of independent expenditures.

In addition to the reporting required by the Political Reform Act of 1974, as amended, and its implementing regulations, for independent expenditures, a City committee, entity (corporation, firm, business, or proprietorship), or individual that makes independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate for City elective office or City ballot measure, shall notify the City Clerk of such expenditure(s). Notification shall be by either electronic mail, facsimile, telegram, guaranteed overnight mail through the United States Postal Service, private delivery service or personal delivery within one business day.

2.05.150 Duplication of a candidate's campaign materials.

- A. Any committee that makes a payment for distributing or disseminating an advertisement that duplicates, reproduces, or republishes a candidate's campaign materials, in whole or in part, has made a contribution to the candidate for purposes of the contribution limits and source prohibitions set forth in this ~~Article~~chapter.
- B. The "making" of a contribution to a candidate under subsection (Aa) of this section does not mean that the candidate has "accepted" or "received" a contribution for purposes of contribution limits or source prohibitions. Accordingly, nothing in this section imposes any liability on a candidate whose campaign materials were duplicated, reproduced, or republished.
- C. This section applies to a committee's advertisement that uses materials created, prepared, or obtained by the candidate or the candidate's controlled committee for campaign purposes, including, but not limited to, mailers; flyers; pamphlets; door hangers; walking cards; posters; yard signs; billboards; banners and large signs; business cards; campaign buttons; bumper stickers; newspaper, magazine, television, radio, and Internet advertisements; photographs; audio recordings; and videos, regardless of whether such materials were accessible to members of the public on the Internet or through other means not requiring coordination with the candidate or the candidate's controlled committee.
- D. This section does not apply to:
 - 1. Any written words, phrases, or sentences contained in a candidate's campaign materials;

2. Any statements made by a candidate while delivering a speech or speaking at a debate, forum, or similar public event and contained in an advertisement that does not use an audio or video recording made by the candidate or the candidate's controlled committee;
 3. The duplication of three or fewer photographs of the candidate;
 4. An advertisement that clearly advocates the defeat of the candidate.
 5. Member communications; or
 6. Instances in which a payment was "made at the behest" of a candidate, as that term is defined in Title 2, section 18225.7 of the California Code of Regulations. Such a payment is a contribution regardless of whether any campaign materials were duplicated, reproduced, or republished.
- E. Nothing in this section imposes on any candidate or committee any filing obligations in addition to those set forth in California Government Code sections 81000 et seq. and Title 2 of the California Code of Regulations.

2.05.160 Campaign statements.

- A. Each candidate and committee shall file campaign statements when and in the manner specified in the Political Reform Act of 1974, as amended.
- B. Additional City Requirements.
 1. Pre-Election Filing. Candidates and City committees shall file an additional pre-election campaign statement with the City Clerk no later than 3:00 p.m. on the Thursday immediately preceding the election. This statement shall have a closing date of the Wednesday preceding the Thursday filing date.
 - a. The statements must be completed on campaign statement forms required to be filed by state law and in addition include:
 - i. A statement of estimated additional expenditures which the candidate or committee chairperson reasonably expects to expend on or before the election date. An estimate which is unintentionally at variance with the amounts actually expended shall not constitute a violation of this ~~article~~chapter.

2.05.170 Retention of records.

The candidate, committee, or authorized agent thereof shall retain all campaign records for a period of three years after the election.

2.05.180 –~~2.24.130~~ Enforcement – procedures for enforcement.

- A. Role of City Attorney. The City Attorney shall not investigate or prosecute any alleged violations of this article, but shall defend the constitutionality and legality of this ~~article-chapter~~ in any civil proceedings in which the City or the City Council is a party.
- B. Role of special counsel. Review of complaints of violation of this ~~article-chapter~~ and criminal prosecution thereof shall be commenced only by special counsel who shall be the district attorney, the Attorney General, or such other qualified and independent special counsel or combination of the foregoing as may be appointed by the city attorney. All special counsel shall have authority to prosecute any and all municipal code violations of this article. However, special counsel other than the Attorney General or district attorney shall not have authority to prosecute matters exclusively within the powers of the Attorney General or district attorney as provided under Government Code Section 91001. Special counsel shall also commence and prosecute civil litigation to compel compliance with this article or to enjoin conduct in violation of this ~~articlechapter~~, and shall commence administrative actions pursuant to ~~Section 2.05.200-NUMBER-OF-MUNICIPAL-CODE-SECTION~~.
- C. Appointment of special counsel. The appointment of special counsel shall be done in writing, and copies of the written appointment shall be provided to the City Manager, City Clerk and members of the City Council. At least 90 days prior to a City election, a special counsel may be appointed by the City Attorney for that election. Should the appointment of additional special counsel become necessary or appropriate, the City Attorney may appoint such additional special counsel as may be required. No enforcement or prosecution or action of special counsel shall be subject to the review or control of the City Council or the City Manager. The cost of special council may be paid from the City general fund.
- D. Initiation of investigations. Any person residing in the City who believes that a violation of this ~~article-chapter~~ has occurred may file a written complaint requesting investigation of such violation by the special counsel. If the special counsel determines that there is reason to believe a violation of this ~~chapterarticle~~ has occurred, it shall conduct an investigation and may commence such administrative, civil or criminal legal action as it deems necessary for the enforcement of this ~~articlechapter~~.
- E. Investigative powers of special counsel. The special counsel shall have such investigative powers as are necessary for the performance of duties described in this article and may demand and be furnished records of campaign contributions and expenditures of any person or City committee at any time. In the event that production of such reports is refused, the special counsel may commence civil litigation to compel such production.
- F. Immunity of special counsel. The special counsel shall be immune from liability for its enforcement of this ~~articlechapter~~.

2.05.190 –~~2.24.140~~ Enforcement – civil or criminal liability.

- A. Criminal and civil liability. Any knowing or willful violation of any provision of this ~~article~~ chapter may be prosecuted, either as an infraction or as a misdemeanor, at the discretion of the prosecutor— under the provisions of Chapter 1.10 of this Code ~~MUNICIPAL CODE SECTION FOR GENERAL VIOLATIONS~~. In addition to any other penalty provided by law, any willful or knowing failure to report truthfully any contribution or expenditure shall be punishable by a fine of not less than \$1,000.00. The treasurer of any City committee shall be both criminally and civilly liable for any violation of this ~~article~~ chapter by the City committee. In addition, the candidate shall be both criminally and civilly liable for any violation by a committee controlled by the candidate.
- B. Forfeiture of contributions. In any legal action brought under this ~~article~~ chapter for injunctive relief or civil liability, where it is determined that a City committee has accepted a contribution or contributions in excess of the applicable limit set forth herein, the full amount of said contribution(s) shall be forfeited to the City general fund. If funds are not available in the City committee’s account for this purpose, the candidate or treasurer shall be personally liable to pay said amount to the City general fund.

2.05.200 – ~~2.24.145~~ Enforcement – administrative.

- A. Additional to other remedies. This section provides for administrative remedies for violations of this ~~article~~ chapter, which are in addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of this article.
- B. Notice and order. Whenever the special counsel appointed pursuant to section 2.05.180 ~~RELEVANT MUNICIPAL CODE SECTION~~ determines that there is probable cause that a violation of one or more provisions of this ~~article~~ chapter has occurred or exists, a written notice and order may be issued to the alleged violator.
- C. Contents of notice and order. The notice and order shall refer to the ~~code~~ section of this chapter violated and describe how the sections are or have been violated, and the dates of all violations. The notice and order shall also set a date, time and place for a hearing, which shall be held no fewer than 10 days following the service of the notice.
- D. Service of notice and order. The notice and order shall be served upon the alleged violator by personal service, or certified mail with postage prepaid and return receipt requested.
- E. Designation of hearing officer. The City Attorney shall designate a hearing officer, who shall not be a City employee. The compensation of the hearing officer, if any, shall be paid by the City. The employment, evaluation, and compensation, if any, of the hearing officer shall not be directly or indirectly conditioned upon the outcome of the hearing.
- F. Violation established by preponderance of evidence. At the hearing, the hearing officer shall consider whether a preponderance of evidence demonstrates the

existence of the violation. The alleged violator or any other interested persons may present testimony or evidence concerning the existence of the violations, and the alleged violator may cross examine witnesses.

- G. Conduct of hearing. Hearings shall be conducted in an expeditious manner to enable all interested parties to present relevant evidence. Formal rules of evidence shall not be required. Time limits for presenting evidence, order of testimony, handling of exhibits, and similar matters shall be at the discretion of the hearing officer. The hearing officer may continue the hearing to obtain additional evidence, or for other good cause.
- H. Failure to attend hearing. Failure of the alleged violator to attend the hearing shall constitute an admission of the violation by the alleged violator and a failure to exhaust administrative remedies that may bar judicial review.
- I. Decision by hearing officer. After considering all the testimony and evidence submitted at the hearing, the hearing officer shall issue a written order, including findings regarding the existence of each violation, the reasons for the decision, and notice of the right to judicial review. The written decision shall be issued within 30 days of the hearing, and served on the alleged violator within 10 days of its issuance. The order shall be final upon service on the alleged violator, subject only to judicial review as allowed by law.
- J. Imposition of penalty. If the hearing officer finds that the alleged violator committed the violation by a preponderance of evidence, the hearing officer shall impose a penalty and a date the penalty and any administrative costs shall be due and payable by the violator.
- K. Amount of penalty. An administrative penalty for a violation of this ~~article~~ chapter shall be set at a maximum of \$5,000 per violation, and a minimum of \$1,000.00 per violation, and the maximum total penalty shall not exceed \$50,000. In determining the amount of penalty to be imposed, the hearing officer shall consider the following factors: duration of the violation, frequency of recurrence of the violation, seriousness of the violation, history of violations, good faith effort of the violator to correct the violation, economic impact of the violation on the violator, impact of the violation on the community and the City, and any other relevant factors that justice may require.
- L. Failure to pay penalty. Upon the failure of any person to pay the assessed administrative penalty by the date specified in the hearing officer's decision, the unpaid amount shall constitute a personal obligation of the violator. The City Attorney shall collect the obligation by use of all appropriate legal means.
- M. Judicial review. Any person subject to a decision of the hearing officer may obtain judicial review of the decision in the superior court pursuant to the provisions of California Government Code Section 53069.4, as amended.

2.05.210 Civil actions by residents.

- A. Any resident of the City may bring a civil action regarding the provisions of this chapter, as follows:
1. To enjoin an actual or threatened violation;
 2. To compel compliance by a private person;
 3. To obtain declaratory relief.
- B. Any action brought under this section shall be commenced within two years of the time the alleged violation occurred.

2.05.220 Time for commencement of actions.

Any action alleging violation of this ~~article~~chapter must be commenced within two years of the time the alleged violation occurred.

2.05.230 Use of funds deposited with City.

Any funds paid to or deposited with the City by operation of, or pursuant to, the provisions of this ~~article~~chapter shall be placed in the City's general fund and designated for use in defraying the costs of municipal elections including the administration or enforcement of this ~~article~~chapter.

ORDINANCE NO. 1152

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING SECTION 2.56.075 OF THE MUNICIPAL CODE PERTAINING TO LOCAL VENDOR PREFERENCES

WHEREAS, the City's existing municipal code includes a local vendor preference granting "a two percent differential in lieu of sales tax loss for the purchase of materials, supplies, equipment, personal property and services"; and

WHEREAS, on February 27, 2018, the City Council adopted Ordinance No.1076 amending Section 2.56.075 of Title 2 of the Stanton Municipal Code regarding Local Vendor Preference to enact a two percent (2%) local preference; and

WHEREAS, the City desires to benefit local businesses in an effort to promote the economic health of the City by keeping dollars, jobs, and sales and transactions and use taxes within the City; and

WHEREAS, Public Contract Code § 22030 et seq., preempts local preference in regard to the procurement of goods and services for public works projects which requires the City to award to the lowest responsible bidder; and

WHEREAS, the City Council desires to increase its local preference from two percent (2%) to three percent (3%) which will encourage businesses to locate to and remain in Stanton.

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

SECTION 1: CEQA. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2: Amending Section 2.56.075 Local Vendor Preference. Section 2.56.075 of Title 2 of the Stanton Municipal Code is hereby amended in its entirety to read as follows:

"2.56.075 Local Vendor Preference

Local vendors are granted a three percent (3%) differential in lieu of sales and transactions tax loss for the purchase of materials, supplies, equipment and personal property. Prices, fitness, quality, delivery and service being equal, preference will be given to the local vendor, in the purchase of supplies and equipment, as provided for

in a purchasing policy adopted by the city council by resolution. Local vendor preference shall not be granted for contracts involving public works, personal, professional, and consultant services, or as otherwise prohibited by law. For the purposes of this section, “local vendor” means a business having its principal place of operation within the jurisdictional boundaries of the city and a valid business license. For purposes of this chapter, when the city considers a local vendor’s bid in connection with the purchase of supplies and equipment, the local vendor’s bid shall be the bid amount after the applicable percent differential is applied.”

SECTION 3: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Stanton hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared invalid or unconstitutional.

SECTION 4: Effective Date. This Ordinance No. 1152 shall be effective 30 days after its adoption.

SECTION 5: Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 26th day of November, 2024.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1152 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 12th day of November, 2024 and was duly adopted at a regular meeting of the City Council held on the 26th day of November, 2024, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

PATRICIA A. VAZQUEZ, CITY CLERK

ORDINANCE NO. 1153

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 5.67 OF THE STANTON MUNICIPAL CODE PERTAINING TO TOBACCO RETAILER REGISTRATION

WHEREAS, pursuant to the police powers delegated to it by the California constitution, the City of Stanton (“City”) has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the City Council desires to clarify and refine portions of the Stanton Municipal Code pertaining to tobacco retailer registration; and

WHEREAS, the City has an interest in protecting the public health, safety, and general welfare of its residents and desires to encourage responsible tobacco retailing by ensuring that tobacco/smoke shops operate lawfully within the City; and

WHEREAS, the City Council finds and determines that the recent increase in use of e-cigarettes by youth is a grave public health concern; and

WHEREAS, according to the American Lung Association, smoking is the number one preventable cause of death in the United States killing over 480,000 people per year¹; and

WHEREAS, a recent CDC study found that 99% of e-cigarettes sold in assessed venues in the United States contain nicotine; and

WHEREAS, use of nicotine can harm the developing brain and the brain continues developing until age 25; and

WHEREAS, there is evidence that youth may be sensitive to nicotine and that teens can feel dependent on nicotine sooner than adults; and

WHEREAS, according to the 2020 National Youth Tobacco Survey, more than 23.6% of high school students in the United States use at least one tobacco product, including e-cigarettes, as well as 6.7% of middle school students; and

WHEREAS, flavorings in tobacco products can make the products more appealing to youth²; and

WHEREAS, on November 8, 2022, California voters upheld state law prohibiting tobacco retailers from selling most flavored tobacco products, including flavored e-cigarettes, menthol cigarettes and tobacco product flavor enhancers; and

¹ <https://www.lung.org/research/sotc/facts>

² Centers for Disease Control and Prevention. Flavored Tobacco Product Use Among Middle and High School Students – United States, 2014. Morbidity and Mortality Weekly Report, 2015; 64(38):1066-70.

WHEREAS, on September 28, 2024, Governor Newsom signed Assembly Bill 3218 improving implementation of current law that bans flavored tobacco products in California; and

WHEREAS, the requirements proposed herein are reasonable, related to objective health, safety, and welfare concerns, and are based upon compliance with other generally applicable laws; and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this Ordinance.

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

SECTION 1: The City Council finds that all the facts, findings and conclusions set forth above in this Ordinance are true and correct.

SECTION 2: This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378), and 15061(b)(3) (common sense exemption) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3: Section 5.67.020 entitled “Definitions” of Chapter 5.67 entitled “Tobacco Retailer Registration” of Title 5 entitled “Business Licenses and Regulations” of the Stanton Municipal Code is hereby amended to read as follows (new language is underlined and deleted language is stricken):

§ 5.67.020 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

"Arm's length transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an arm's length transaction.

"Department" means the public safety services department, and any other agency or person tasked by the city manager with administration and enforcement of this chapter.

"Director" and "public safety director" mean the public safety director of the city and any other person tasked by the city manager with enforcement of this chapter.

"Electronic cigarette paraphernalia" means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, electronic cigarette batteries, electronic cigarette chargers, and any other item designed for the preparation, storing, charging, or use of electronic cigarettes.

"Electronic smoking device" means an electronic and/or battery-operated device that can be used to deliver an inhaled dose of nicotine, or any other substance, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

"Pharmacy" has the same meaning as Business and Professions Code Section 4037 and is any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the state of California in accordance with the **Business and Professions Code** Sections 4036, and is where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

"Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or shares ultimate control over the day-to-day operations of a business.

"School" means any public, private, or charter school providing instruction in pre-school, transitional kindergarten, kindergarten, or grades one through twelve, inclusive, but does not include any private school in which education is primarily conducted in private homes.

"Self-service display" means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

"Smoking" means the release of gases, particles, or vapors into the air as the result of combustion electrical ignition, or vaporization and/or inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any plant product, including, but not limited to, tobacco and marijuana, intended for human inhalation.

"Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.

"Tobacco product" means any product or substance containing, made of, or derived from tobacco or nicotine that is intended for human consumptionleaf, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; ~~and any product or formulation of matter containing biologically active amounts of nicotine or a synthetic nicotine product that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body,~~ but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. Tobacco product includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco product, whether or not sold separately.

"Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia, ~~and that has at least fifty percent of tobacco, tobacco products, or tobacco paraphernalia as the retailer's regular stock in trade,~~ as displayed for sale or exchange, in the retail establishment. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia actually sold or exchanged.

"Characterizing flavor" means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during consumption of, a tobacco product, including but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen chocolate, cocoa, vanilla, honey, molasses, or any candy, dessert, alcoholic beverage, herb or spice. A tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. Rather, it is the presence of a distinguishable taste or aroma, or both, as described in the first sentence of this definition, that constitutes characterizing flavor.

“Flavored tobacco product” means any tobacco product that imparts a characterizing flavor. There is a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has (i) made a public statement or claim that the tobacco product imparts a characterizing flavor; (ii) used text and/or images on the tobacco product’s labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a characterizing flavor or (iii) taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a characterizing flavor.

SECTION 4: Section 5.67.110.B entitled “Compliance Monitoring” of Chapter 5.67 entitled “Tobacco Retailer Registration” of Title 5 entitled “Business Licenses and Regulations” of the Stanton Municipal Code is hereby amended to read as follows (new language is underlined and deleted language is stricken):

§ 5.67.110.B **Compliance Monitoring.**

Compliance checks shall be conducted at a minimum of two times within every calendar year so as to allow the department to determine, at a minimum, if a tobacco retailer is complying with laws regulating youth access to tobacco, gambling, and cannabis sales or transactions. When the department deems appropriate, the compliance checks shall determine compliance with other laws applicable to tobacco retailing.

SECTION 5: Section 5.67.050.F entitled “Application Procedure” of Chapter 5.67 entitled “Tobacco Retailer Registration” of Title 5 entitled “Business Licenses and Regulations” of the Stanton Municipal Code is hereby amended to read as follows (new language is underlined and deleted language is stricken):

§ 5.67.050.F **Application Procedure.**

The city council ~~may~~ shall establish by resolution the amount of an application fee for the tobacco retailer's registration in an amount not to exceed the city's reasonable cost of providing the services required by this chapter, in which case no application shall be accepted by the city unless accompanied by payment of such fee.

SECTION 6: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Stanton hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 7: The City Clerk shall certify to the adoption of this Ordinance and cause same to be posted in the three (3) designated posting places within the City of Stanton within fifteen (15) days after its passage.

PASSED, APPROVED, AND ADOPTED this 26th day of November, 2024.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1153 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 12th day of November, 2024 and was duly adopted at a regular meeting of the City Council held on the 26th day of November, 2024, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

PATRICIA A. VAZQUEZ, CITY CLERK

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

**SUBJECT: RESOLUTION FINDING AND DECLARING A LOCAL EMERGENCY
CAUSED BY HOMELESSNESS CRISIS**

REPORT IN BRIEF:

The City has seen an increase in its homeless population since 2019, despite significant allocation of resources and funds to combat homelessness in the City. This increase has been coupled with an increase in health and safety concerns, such as an increase in criminal activity, open-air drug use (fentanyl in particular), open fires, obscene/lewd acts in public, increase in vectors, and public defecation; individuals sleeping, camping, and storing personal property in a manner that obstructs access to the public right-of-way; interruption in the enjoyment and access to public facilities equally by all residents; and death, illness, injury and poor living conditions for those unable to find housing.

Declaring a local emergency under the Stanton Municipal Code and the Government Code will provide the City Manager with additional powers as Director of Emergency Services in order to take necessary steps to address the homelessness crisis.

RECOMMENDED ACTIONS:

1. City Council declare the action to not be subject to CEQA pursuant to State CEQA Guidelines, section 15378(b)(5).); and
2. Adopt proposed Resolution No. 2024-40, entitled:

“RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY CAUSED BY CONDITIONS AND THREATENED CONDITIONS OF HOMELESSNESS WITHIN THE CITY OF STANTON, WHICH IF NOT CORRECTED, CONSTITUTES AN IMMINENT AND PROXIMATE THREAT TO THE SAFETY OF PERSONS AND PROPERTY IN THE CITY”.

BACKGROUND:

Like many other regions in California, the City of Stanton (“City”) has seen a rapid and troubling growth in homelessness in the City. The COVID-19 pandemic exacerbated this circumstance, which has been difficult to address given the high cost of housing and shortage of emergency, transitional, and affordable housing across the State.

The City’s Investments in Combating the Homelessness Crisis:

Independently, and in conjunction with the State’s directives to combat homelessness and address the housing crisis, the City has made significant investments in assisting its unhoused community. Additionally, the City is a member of the North Service Planning Area (“North SPA”), an organization of 14 cities in Orange County established in 2019 to combat homelessness in the region. The City’s investments include, but are not limited to the following activities, representing funding of over \$15 million since 2017:

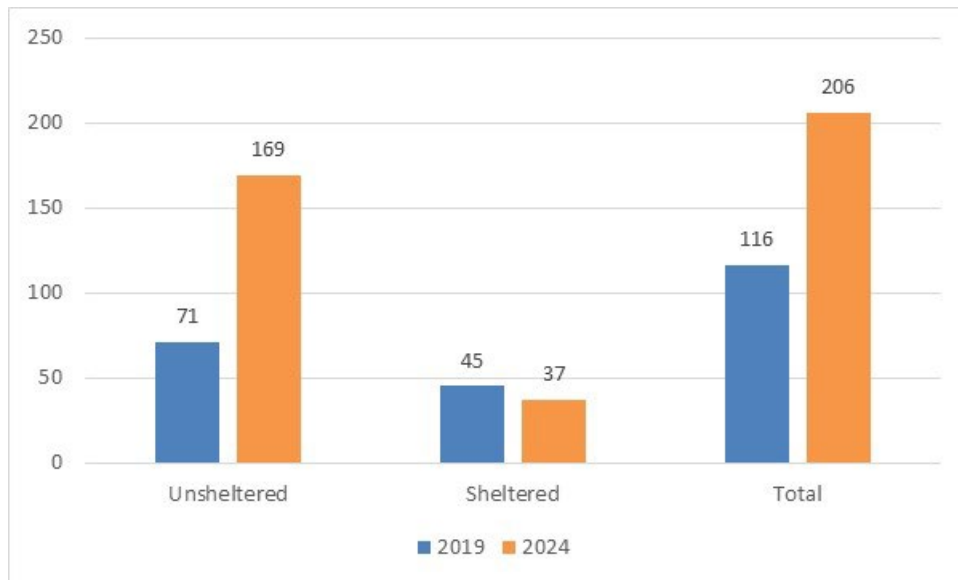
- Funding two full-time and one part-time Homeless Outreach Coordinator positions at the City, for a total cost since 2017 of just over \$2 million;
- Funding and welcoming three Project Homekey permanent supportive housing projects to the City, totaling 153 units, and connecting unhoused residents throughout the region to those units. The City’s contribution across the Project Homekey sites was \$6 million, and was the first city in the State to open three sites in their jurisdiction;
- Funding two navigation centers in Buena Park and Placentia to provide safe and secure shelter housing as well as providing comprehensive programs and services. The City’s contribution to the centers during the first five years of operation has been approximately \$660,000, and the City’s financial commitment in the next five years is estimated to be \$2.5 million based on increased maintenance and operational costs;
- Funding the regional Homeless Outreach and Proactive Engagement (“HOPE”) Center of Orange County in the amount of \$5 million and serving as their fiscal agent;
- Having the City Manager serve on the Board of the North SPA Collaborative;
- Partnering with Illumination Foundation to expand shelter access in the region. The Illumination Foundation is an Orange County-based 501(c)(3) nonprofit dedicated to providing comprehensive services for the most vulnerable homeless population;
- Providing bridge housing opportunities since 2020 at just over \$150,000;
- Providing transportation services; and
- Providing document retrieval assistance and funding to recover important documents, to connect homeless people with resources and employment.

Additionally, the City’s law enforcement and Public Safety staff spend a disproportionate amount of time and resources addressing the City’s homelessness crisis. This causes the City’s Public Safety staff to work overtime, increasing personnel costs to the City, and exacerbating delays in addressing other public safety matters. The City’s Public Safety Department collectively devotes one-third of their time on issues related to homelessness.

The City's Homeless Population Increase Over Time, Despite Significant Investments

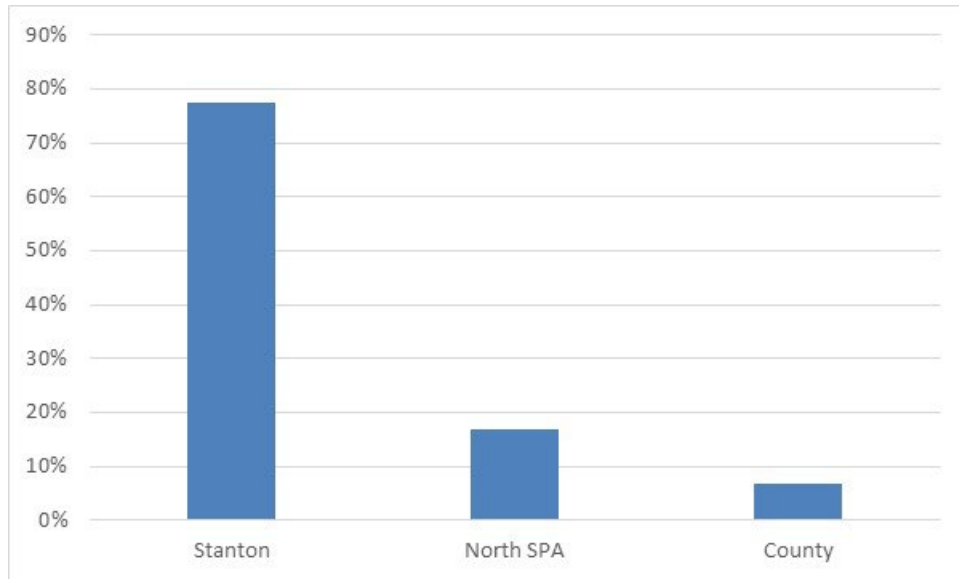
Despite these significant efforts, the City's homeless population has exponentially increased since 2019. According to the County's 2024 Point in Time Count, the City has experienced a 138 percent increase in its unsheltered population from 2019 to 2024, and a 78 percent total increase in its homeless population (including both sheltered and unsheltered individuals). (See <https://ceo.ocgov.com/sites/ceo/files/2024-05/2024%20PIT%20Summary%20-%20FINAL%205.16.24.pdf>.)

Table 1. City of Stanton Point in Time Homeless Count
2019 to 2024



In contrast, the County of Orange has experienced a much smaller 7 percent increase in its homeless population since 2019, and the North SPA has experienced a 17 percent increase in its homeless population since 2019.

Table 2. % Increase in Total Homelessness
2019 to 2024



The City's homeless population ranks as the fifth largest homeless population within the North SPA even though, geographically, it is one of the smallest cities within the area at only 3.1 square miles. Only significantly larger North SPA cities (Anaheim, Fullerton, Buena Park, and Orange) have a higher homeless count. Among all 34 Orange County cities, the City's homeless population ranks as the 11th largest.

While the City has been able to successfully refer a small number of homeless individuals to the North SPA navigation centers in the Cities of Buena Park and Placentia, those centers are now at capacity. In 2024, the City has only been able to successfully refer 18 people to the two navigation centers for assistance. County-wide, only 1 out of every 12 homeless individuals are successfully connected to housing.

Additionally, many homeless individuals also struggle with substance use disorder and serious mental illness. These are in addition to other challenges that the City is not equipped to support without the combined forces of other political subdivisions to combat, such as Orange County Behavioral Health Services, and state and federal agencies.¹ The graphic, below, gives a snapshot of just some of the challenges that homeless adults in Orange County face.

¹ 2024 Point In Time Summary, County of Orange.

Table 3. Disabling Conditions Impacting Homeless Individuals

	UNSHELTERED	SHELTERED
ADULTS	4,074	2,557
CHRONIC HOMELESSNESS	38.44% 1,566 Adults	34.30% 877 Adults
SUBSTANCE USE DISORDER	49.85% 2,031 Adults	23.46% 600 Adults
PHYSICAL DISABILITY	31.42% 1,280 Adults	29.88% 764 Adults
SERIOUS MENTAL ILLNESS	30.68% 1,250 Adults	35.31% 903 Adults
DEVELOPMENTAL DISABILITY	17.43% 710 Adults	0.20% 5 Adults
DOMESTIC VIOLENCE	10.01% 408 Adults	10.40% 266 Adults
HIV/AIDS	2.26% 92 Adults	6.84% 175 Adults

Notes:
Data only includes adults ages 18 and older. Some adults may identify with more than one subpopulation and/or report more than one disabling condition.

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These difficulties are exacerbated by the nationwide fentanyl crisis. According to a 2024 Orange County Sheriff’s Department report², the leading cause of death among people experiencing homelessness is accidental, with the vast majority of accidental deaths caused by drug use with fentanyl. These numbers have increased steadily since 2018. In 2021, 7 out of 8 deaths among people experiencing homelessness in Stanton were accidental.³ From 2021 to 2022, the number of deaths among people experiencing homelessness in Stanton rose by 150 percent, from 8 reported deaths to 12.⁴

² Report on 2022 Orange County Homeless Deaths, Sheriff-Coroner Homeless Death Review Committee. Orange County Sheriff’s Department. The report may be found at: <https://www.ocsheriff.gov/sites/ocsd/files/2024-04/2022%20Homeless%20Death%20Review%20Committee%20Report.pdf>

³ Report on 2021 Orange County Homeless Deaths, Sheriff-Coroner Homeless Death Review Committee. Orange County Sheriff’s Department. The report may be found at: https://www.ocsheriff.gov/sites/ocsd/files/2023-02/Homeless%20Death%20Review%20paper_FINAL.pdf

⁴ Report on 2022 Orange County Homeless Deaths, Sheriff-Coroner Homeless Death Review Committee. Orange County Sheriff’s Department.

Table 1: Manner of Death to PEH (2018 to 2022)

Homeless Deaths	2018		2019		2020		2021		2022	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Accident	91	43%	99	46%	181	54%	235	59%	324	65%
Homicide	12	6%	6	3%	7	2%	11	3%	8	2%
Natural	89	42%	94	43%	126	37%	109	28%	128	26%
COVID-19					6	2%	17	4%	5	1%
Suicide	15	7%	14	7%	15	4%	22	6%	19	4%
Undetermined/ Pending*	3	1%	4	2%	3	1%	1	0%	14	3%
Total	210	100%	217	100%	338	100%	395	100%	496	100%

Table 2: Top 5 Leading Causes of Death in Orange County (2022)

	%PEH Deaths
Accidents (unintentional injuries)	65%
Diseases of the heart	14%
Intentional self-harm (suicide)	4%
Chronic liver disease and cirrhosis	3%
Assault (homicide)	<2%

Table 3: Accidental (Unintentional Injury) Cause Group Detail

	Homeless	%Homeless Deaths
Poisoning/Overdose with Fentanyl	209	42.1%
Poisoning/Overdose (Non-Fentanyl)	64	12.9%
Pedestrian Traffic	32	6.5%
Motor Vehicle Traffic	5	1.0%
Falls	<5	<1.0%
Pedal Cyclist Traffic	<5	<1.0%
Drowning	5	1.0%
Other/Unknown/Ill-Defined	<5	<1.0%
Total	324	65.3%

The City must create multiple paths to address a complex and growing homelessness crisis. Like many California cities, Stanton has a continuing need for affordable, permanent housing, along with shelters and interim housing to be developed quickly to better transition people off the streets. The City also needs additional assistance from County, State, and federal agencies to address complex health and safety issues beyond the scope of its current staff and resources. Moreover, the City needs increased ability and resources to hire or contract critical roles, including candidates with specific expertise necessary to provide a critical response to the City's homelessness crisis.

Declaring a local emergency would provide the City with greater flexibility, increased ability, and streamlined systems to address the City's homelessness crisis with necessary urgency.

ANALYSIS/JUSTIFICATION:

Chapter 2.64 of the Stanton Municipal Code, "Emergency Organization and Functions," allows the City Council to declare a local emergency on its own accord or at the request of the City Manager to provide for (1) the preparation and carrying out of plans for the protection of persons and property within the city in the event of an emergency; (2) the direction of the emergency organization; and (3) the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons.

A "local emergency," as defined under Section 2.64.020, means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City, requiring the combined forces of other political subdivisions to combat.

When a "local emergency" is declared by the City Council, the City Manager, as Director of Emergency Services or the City, is granted additional power and authority related to the City's response to the local emergency. The City Manager is empowered to:

- Control and direct the effort of the emergency organization of the City for the accomplishment of addressing the local emergency;
- Direct cooperation between and coordination of services and staff of the emergency organization of the City;
- Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter;
- Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practical time by the City Council;
- Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property on behalf of the City, and, if required immediately, to commandeer the same for public use;
- Require emergency services of any city officer or employee and to command the aid of as many citizens of this community as he/she deems necessary in the execution of his/her duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;
- Requisition necessary personnel or material of any city department or agency;
- Execute all existing authority as City Manager and all special power conferred upon him/her by the City Council, by resolution, ordinance, or emergency plan;
- Appoint an Assistant Director of Emergency Services, who shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of the City; and shall have such other powers and duties as may be assigned by the Director.

Additionally, the City Disaster Council is empowered to develop and recommend for approval to the City Council emergency and mutual aid plans and agreements, and any ordinances, resolutions, rules, and regulations necessary to implement such plans and agreements. The Disaster Council is comprised of the Mayor, City Manager, Assistant Director of Emergency Services, Chiefs of Emergency Services, and others appointed by the Director with the advice and consent of the City Council.

By declaring a local emergency, the City Manager, Disaster Council, and City Council will be able to provide an immediate, necessary response to the City's homelessness crisis to protect all City residents. The City's normal hiring and contracting processes may be expedited, and the City will be able to immediately allocate necessary resources and personnel to take emergency action.

In accordance with California Government Code, Section 8630(c), the emergency declaration requires the City Council to review the need for continuing the local emergency at least every 60 days until the City Council terminates the local emergency.

FISCAL IMPACT:

The report details over \$15 million in funding that has been allocated to address issues related to homelessness, including outreach services, since 2017. This fiscal impact reflects those categories of expenditures that are easily tracked and coded to homelessness efforts and initiatives. The true amount the City has expended over the years to address issues related to homelessness would be significantly larger if all personnel activities and efforts were meticulously allocated.

The fiscal impact of declaring a local emergency is unknown at this time but it confers the powers required to provide an immediate, necessary response to the City's homelessness crisis to protect all City residents and businesses.

ENVIRONMENTAL IMPACT:

The proposed actions are not subject to the California Environmental Quality Act ("Public Resources Code section 21000 et seq.") ("CEQA") because they do not qualify as a "project" under CEQA. Section 15378 explicitly excludes from its definition of "project" the "organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment." (State CEQA Guidelines, § 15378(b)(5).) This action would declare a local emergency under the Stanton Municipal Code and empower the director and assistant director of emergency services to direct the emergency organization of the City in response to the homeless crisis. This action is considered administrative because it will not result in a physical change in the environment, and therefore is not subject to CEQA.

Moreover, the action will not result in a direct or reasonably foreseeable physical change in the environment, and the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Any permit that may be issued will be subject to its own CEQA analysis.

PUBLIC NOTIFICATION:

Notification and advertisement were performed as prescribed by law.

STRATEGIC PLAN OBJECTIVES ADDRESSED:

Obj. No. 1: Provide a safe community.

Obj. No. 2: Promote a strong local economy.

Obj. No. 5: Provide a high quality of life.

Obj. No. 6: Maintain and promote a responsive, high quality and transparent government.

Prepared by: Hannah Shin-Heydorn, City Manager

Reviewed by: James Wren, Director of Public Safety Services

Reviewed by: HongDao Nguyen, City Attorney

Approved by: Hannah Shin-Heydorn, City Manager

Attachment:

A. Proposed Resolution No. 2024-40

RESOLUTION NO. 2024-40

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY CAUSED BY CONDITIONS AND THREATENED CONDITIONS OF HOMELESSNESS WITHIN THE CITY OF STANTON, WHICH IF NOT CORRECTED, CONSTITUTES AN IMMINENT AND PROXIMATE THREAT TO THE SAFETY OF PERSONS AND PROPERTY IN THE CITY

THE CITY COUNCIL OF THE CITY OF STANTON DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City of Stanton “City” is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code 8630, et seq., and Chapter 2.64 of Title 2 of the Stanton Municipal Code provide that the Stanton City Council (“City Council”) may proclaim local emergencies; and

WHEREAS, like many other regions in California, the City has seen a rapid and troubling growth in the homeless population of the City, a condition that has been difficult to address given the traditionally high cost of housing and property in the region, and the historic shortage of emergency, transitional, and affordable housing across the state; and

WHEREAS, Executive Order N-1-24, signed by Governor Gavin Newsom on July 24, 2024, acknowledged the dire state of the homelessness crisis in California and ordered state agencies and departments to address encampments on state property. Moreover, the Executive Order ordered that local governments are encouraged to use all available resources and infrastructure, to take action with the urgency this crisis demands to humanely remove encampments from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them; and

WHEREAS, independently and in conjunction with the State’s directives to combat homelessness and address the housing crisis, the City has made significant investments in assisting its unhoused community. These investments include, but are not limited to: creating and funding additional staff positions dedicated to homelessness outreach, funding and participating in regional outreach and navigation centers, expanding transportation services and shelter access in the region, and funding and welcoming three Project Homekey permanent supportive housing projects to the City totaling 153 units; and

WHEREAS, according to the City’s 2024 Point in Time Count, the City has experienced a 138 percent increase in its unsheltered population from 2019 to 2024, and a 78 percent total increase in its homeless population (including both sheltered and unsheltered individuals), despite the City’s significant investments in combating homelessness and assisting the unhoused community. In contrast, Orange County has experienced only a 7 percent increase in its homeless population since 2019, and surrounding cities have experienced significantly less homeless population growth; and

WHEREAS, despite the City's efforts to connect homeless individuals with regional assistance centers, the City has only been able to refer 18 people in the last 10 months to the regional Navigation Centers in Buena Park and Placentia due to overpopulation; and

WHEREAS, regional data shows that a significant percentage of unsheltered homeless individuals also suffer disproportionately from complex health issues, such as substance use disorder, serious mental illness, and physical disability, and require assistance from the City, Orange County Behavioral Health Services, and other local, state, and federal health agencies and nonprofit organizations to provide the necessary public services; and

WHEREAS, the homelessness crisis confronting the City has grown both incrementally and exponentially, leading to death, illness, injury, and poor living conditions. According to the Orange County Sheriff's Department Report of 2022 Orange County Homeless Deaths, 65 percent of deaths among people experiencing homelessness were caused by accidents, and the leading cause of accidental deaths is drug use with fentanyl. This is compared to 2019, when 46 percent of deaths among people experiencing homelessness were caused by accidents, and 2020, when 54 percent of deaths among people experiencing homelessness were caused by accidents, and 2021, when 59 percent of deaths among people experiencing homelessness were caused by accidents. Between 2021 and 2022, the number of deaths among people experiencing homelessness in Stanton has risen by 150 percent; and

WHEREAS, the displacement of the number of people living on the streets of the City today is a daily recurring emergency, constituting the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property in the City which are beyond the control of the services, personnel, equipment, and facilities of this city, and requires the combined forces of other political subdivisions to combat; and

WHEREAS, notwithstanding the City's continued commitment to addressing the homelessness crisis, including dedication of funding and investments into homelessness solutions, programs, and initiatives, an emergency declaration is necessary to mobilize resources, faster and with urgency, for the public health, welfare, and safety of all; and

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of housing units, use mutual aid, and seek assistance and potential reimbursement by the State and Federal governments will be critical to successfully responding to this homelessness crisis; and

WHEREAS, during the pendency of the existence of a local emergency, the City Council shall retain its full authority to consider a variety of City ordinances to codify the measures necessary to address this homelessness crisis; and

WHEREAS, the benefits of this emergency declaration, coupled with past and future actions by the City Council to address the homelessness crisis, will help ensure that this local emergency will be of a temporary nature.

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

SECTION 1: That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2: The City Council finds this Resolution is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15061(b)(3) in that the Resolution is not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment, nor will the Resolution have the potential for causing a significant effect on the environment. Additionally, the City Council finds that the proposed Resolution is not a “project” under State CEQA Guidelines Section 15378(b)(5), which excludes the “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment,” as the Resolution is not anticipated to result in a direct or indirect physical change in the environment.

SECTION 3: Pursuant to California Government Code Section 8630 and Stanton Municipal Code sections 2.64.020 and 2.64.060(A)(1), the City Council hereby finds and proclaims the existence of a local emergency caused by conditions or threatened conditions of homelessness in Stanton, which, if not corrected, constitutes a threat to the safety of persons and property within the territorial limits of the City beyond the control of the services, personnel equipment, and facilities of the City, requiring the combined forces of other political subdivisions to combat.

SECTION 4: During the continued threatened existence and actual existence of the local emergency, the powers, functions and duties of the City Manager, as the Director of Emergency Services, the Assistant Director of Emergency Services, to be appointed by the Director, the Disaster Council of the City, and the emergency organization of the City shall be those prescribed by state law, by ordinances and resolutions of the City and approved by the City Council.

SECTION 5: The City Manager, as the Director of Emergency Services, is hereby authorized to furnish information, to enter into agreements, including, but not limited to, applications and agreements for grant funding, and to take all actions necessary to obtain emergency assistance from State and federal agencies to implement preventive measures to protect and preserve the City within the scope of the local emergency hereby declared, pursuant to the powers and duties prescribed under Chapter 2.64 of the Stanton Municipal Code. Pursuant to Section 2.64.090 of the Stanton Municipal Code, any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

SECTION 6: City staff are hereby directed to provide the City Council with a report of actions taken under this Resolution at the next practicable opportunity, and no less than on a monthly basis.

SECTION 7: The City shall coordinate its efforts to address this proclaimed emergency with the other local jurisdictions, the County of Orange, the State of California, and the federal government.

SECTION 8: Executive Order N-1-24, signed by Governor Gavin Newsom on July 24, 2024, acknowledged the dire state of the homelessness crisis in California and directed resources to state agencies and departments to address encampments. The City Council requests the Governor to proclaim a "state of emergency" to combat homelessness and direct resources to support the efforts of major cities in the State of California to address the problem, in furtherance and consistent with Executive Order N-1-24.

SECTION 9: This Proclamation of Emergency shall sunset on December 31, 2025, subject to being renewed. The setting of a specific time frame allows for actions to be taken to make permanent, necessary structural changes. Pursuant to California Government Code Section 8630, the City Council shall, by minute action, review the need for continuing the local emergency at least once every 60 days until it terminates the local emergency.

SECTION 10: Pursuant to Government Code section 3100, in protection of the health and safety and preservation of the lives and property of the people from emergencies which result in conditions of extreme peril to life, property and resources, all public employees are hereby declared disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

SECTION 11: Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 12: Effective Date. This Resolution shall become effective immediately. The City clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 26th day of November, 2024.

DAVID J. SHAWVER, MAYOR

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

ATTEST:

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2024-40 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 26, 2024, and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: ORDINANCE ADDING CHAPTER 12.38 (OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY AND FACILITIES) TO TITLE 12 (STREETS AND SIDEWALKS) PROHIBITING INTERFERENCE WITH THE PUBLIC'S RIGHT OF ACCESS TO PUBLIC STREETS, SIDEWALKS, RIGHTS-OF-WAY AND FACILITIES

REPORT IN BRIEF:

The City has seen an increase in its homeless population since 2019, despite significant allocations of resources and funds to combat homelessness in the City. As a direct result, residents and businesses have experienced an increased number of homeless, unhoused, and transient residents sleeping, sitting, and laying and/or storing personal property in the public right-of-way, obstructing the free use of public streets, sidewalks, rights-of-way, and facilities. The Council will consider adopting regulations prohibiting sleeping, sitting, and laying and/or storing personal property in a manner that interferes with the public's access to public streets, sidewalks, rights-of-way, and facilities.

RECOMMENDED ACTIONS:

1. City Council find that the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines section 15061(b)(3); and
2. Introduce for first reading, by title only, and waive further reading of proposed Ordinance No. 1156 adding Chapter 12.38, "Obstruction of Public Rights-of-Way and Facilities", to Title 12 of the Stanton Municipal Code, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING THE STANTON MUNICIPAL CODE BY ADDING CHAPTER 12.38 (OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY AND FACILITIES) TO TITLE 12 (STREETS AND SIDEWALKS) PROHIBITING INTERFERENCE WITH THE PUBLIC'S RIGHT OF ACCESS TO PUBLIC STREETS, SIDEWALKS, RIGHTS-OF-WAY AND FACILITIES"; and

3. Set December 10, 2024, as the date for second reading and adoption of Ordinance No. 1156.

BACKGROUND:

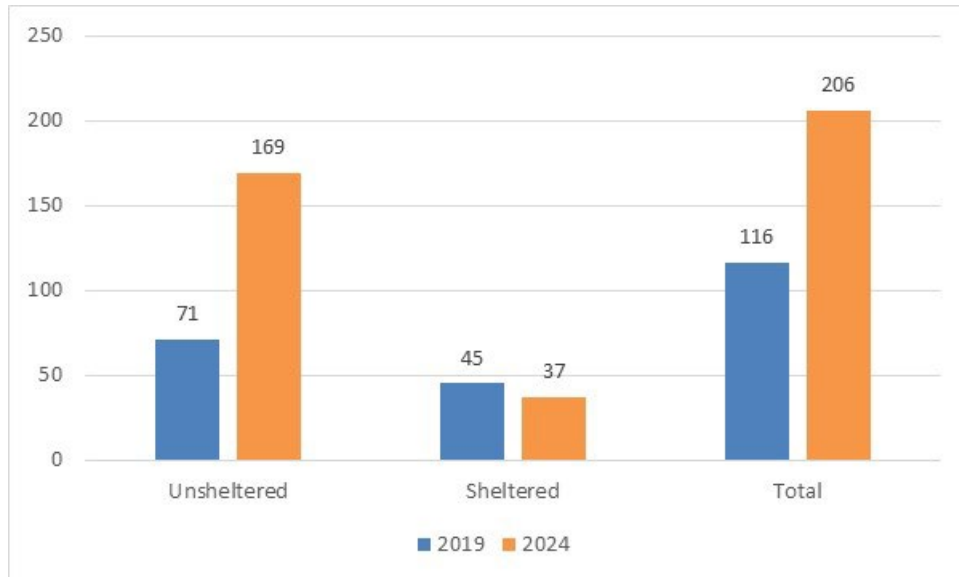
Like many other regions in California, the City of Stanton (“City”) has seen a rapid and troubling growth in homelessness in the City. The COVID-19 pandemic exacerbated this circumstance, which has been difficult to address given the high cost of housing and shortage of emergency, transitional, and affordable housing across the State.

Independently, and in conjunction with the State’s directives to combat homelessness and address the housing crisis, the City has made significant investments in assisting its unhoused community. Additionally, the City is a member of the North Service Planning Area (“North SPA”), an organization of 14 cities in Orange County established in 2019 to combat homelessness in the region. The City’s investments include, but are not limited to the following activities, representing funding of over \$15 million since 2017:

- Funding two full-time and one part-time Homeless Outreach Coordinator positions at the City, for a total cost since 2017 of just over \$2 million;
- Funding and welcoming three Project Homekey permanent supportive housing projects to the City, totaling 153 units, and connecting unhoused residents throughout the region to those units. The City’s contribution across the Project Homekey sites was \$6 million, and was the first city in the State to open three sites in their jurisdiction;
- Funding two navigation centers in Buena Park and Placentia to provide safe and secure shelter housing as well as providing comprehensive programs and services. The City’s contribution to the centers during the first five years of operation has been approximately \$660,000, and the City’s financial commitment in the next five years is estimated to total \$2.5 million based on increased maintenance and operational costs;
- Funding the regional Homeless Outreach and Proactive Engagement (“HOPE”) Center of Orange County in the amount of \$5 million and serving as their fiscal agent;
- Funding Homeless Liaison Orange County Sheriff’s Department deputies since 2017 at approximately \$1.6 million;
- Having the City Manager serve on the Board of the North SPA Collaborative;
- Partnering with Illumination Foundation to expand shelter access in the region. The Illumination Foundation is an Orange County-based 501(c)(3) nonprofit dedicated to providing comprehensive services for the most vulnerable homeless population;
- Providing bridge housing opportunities since 2020 at just over \$150,000;
- Providing transportation services; and
- Providing document retrieval assistance and funding to recover important documents, to connect homeless people with resources and employment.

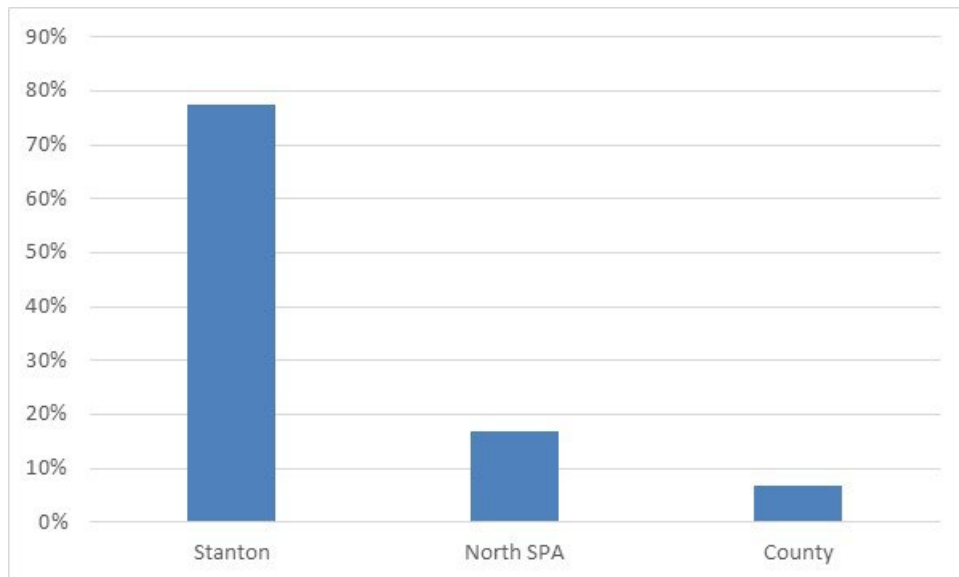
Despite these significant efforts, the City’s homeless population has exponentially increased since 2019. According to the County’s 2024 Point in Time Count, the City has experienced a 138 percent increase in its unsheltered population from 2019 to 2024, and a 78 percent total increase in its homeless population (including both sheltered and unsheltered individuals). (See <https://ceo.ocgov.com/sites/ceo/files/2024-05/2024%20PIT%20Summary%20-%20FINAL%205.16.24.pdf>.)

Table 1. City of Stanton Point in Time Homeless Count
2019 to 2024



In contrast, the County of Orange has experienced a much smaller 7 percent increase in its homeless population since 2019, and the North Spa has experienced a 17 percent increase in its homeless population since 2019.

Table 2. % Increase in Total Homelessness
2019 to 2024



The City's homeless population ranks as the fifth largest homeless population within the North SPA even though, geographically, it is one of the smallest cities within the area at only 3.1 square miles. Only significantly larger North SPA cities (Anaheim, Fullerton, Buena Park, and Orange) have a higher homeless count. Among all 34 Orange County cities, the City's homeless population ranks as the 11th largest.

The two navigation centers in the Cities of Buena Park and Placentia are at capacity. In the past 10 months, the City has only been able to refer a total of 18 individuals to the centers.

The swell of homeless persons in the City has resulted in an increase in individuals laying, sitting, sleeping, and/or storing personal property on and in public streets, sidewalks, rights-of-way, landscaped areas, and public facilities. In turn, the City has received an increase in public comments, calls, emails, and reports regarding obstruction of public rights-of-way and facilities that prevent residents from equally accessing and enjoying public facilities. Additionally, the City has received an increase in public comments, calls, emails, and reports of safety concerns due to individuals obstructing sidewalks, streets, parking lots, and medians. Indeed, streets, parking lots, and medians are traversed by vehicular traffic and endanger individuals who are sitting, sleeping, or lying in those areas.

Cities were formerly constrained by a Ninth Circuit Court case, *Martin v. City of Boise, Idaho*, 20 F.3d 584 (2019), which severely limited cities from enforcing public camping regulations. However, in June 2024, the United States Supreme Court overruled the Ninth Circuit Court's holding through its decision in *City of Grants Pass v. Johnson, et al.*, 603 U.S. 1 (2024) ("Grants Pass"). The Court found that cities may enact and enforce ordinances and other regulations designed to prevent camping and sleeping in public places and storing property on public property, or otherwise obstructing access in and to public spaces. In light of the increased number of individuals sleeping, laying, sitting, and storing personal property in public, and the growing safety concerns reported by the public due to the obstruction of City public rights-of-ways and facilities, the City is proposing additional regulations consistent with the Supreme Court's holding in *Grants Pass*.

ANALYSIS/JUSTIFICATION:

The existing Stanton Municipal Code Chapter 12.36, "Unlawful Camping and Abandoned Property," prohibits individuals from camping, occupying camping facilities, or using camp paraphernalia in any public area not designated for camping and permitted by the City Community Services Director. Additionally, the Chapter prohibits individuals from sleeping in any public park between sunset and 5 AM, or on City property except as permitted by the City Council. Violations of the Chapter are deemed misdemeanors. However, the Chapter does not address individuals sleeping, laying, or sitting in the public right-of-way or on public property without camp paraphernalia.

Moreover, Stanton Municipal Code Chapter 12.16, "Obstructions," prohibits individuals from placing any obstruction upon any street, alley, sidewalk, parkway, or any public place except as authorized by the City. However, the Chapter does not address individuals who leave personal property unattended in public places unless the property is considered an "obstruction."

The proposed Ordinance (Attachment A) would add Chapter 12.38 to Title 12 of the Stanton Municipal Code, and is intended to broaden the City's existing regulations on obstructions and sleeping, sitting, and laying in the right-of-way. The proposed regulations would prohibit sleeping, sitting, laying, and/or storing personal property in the following places:

- The public right-of-way (streets, sidewalks, intersections, and any other place for pedestrian and vehicular travel);
- A median, public parkway, or landscaped area;
- Within 10 feet of a driveway, ramp, or loading dock;
- Within 10 feet of an entrance or exit of a building, establishment, retail store, restaurant, office building;
- Within 10 feet of a fire hydrant or any other connection used by the Fire Department;
- Within 10 feet of an ATM, or any door to an ATM;
- Within 10 feet of an electric vehicle charging station, or in a manner which obstructs the use of parking lots, parking aisles, or parking spaces;
- Within 10 feet of the entrance to a public restroom;
- Within 10 feet of a sidewalk ramp, street corner, or intersection;
- In a manner that unreasonably interferes with the maintenance of public equipment or facilities;
- Within 200 feet of any school or day care center;
- Sleeping on or under a bench, table, playground equipment, or similar fixture or structure in a Public Park; and
- Storing personal property within 200 feet of playground equipment or similar fixture or structure in a Public Park in a manner that is inconsistent with the use of a Public Park for recreational purposes.

The Chapter provides exceptions for lawful gatherings such as parades, farmers markets, picnics, designated outdoor seating at restaurants, and other permitted events and uses.

Violations of the Chapter would be enforced according to a "sliding scale", which increases in intensity with each subsequent violation. "Sliding scale" enforcement is supported by the Supreme Court in the *Grants Pass* decision.

- Initial violations would be punished by an administrative citation, subject to a fine not exceeding fifty (\$50) dollars, as provided in the City's existing SMC Chapter 1.12 (Administrative Citations).

- Subsequent violations could be subject to an escalating administrative fine amount, pursuant to SMC Chapter 1.12 (i.e., \$100, \$200, \$500 for subsequent violations). Additionally, the City Attorney, at their discretion, may take legal action to prosecute subsequent violations as a misdemeanor or obtain a court order to restrain, enjoin, or abate the conditions found to be in violation.

Additionally, private property owners may still pursue causes of action for trespass.

Should the City be required to remove or dispose of personal property stored in violation of the proposed Ordinance, the City shall abide by the City's Debris, Garbage, and Unattended Personal Property Removal Policy. The City's Debris, Garbage, and Unattended Personal Property Removal (Administrative) Policy is included in this report as Attachment B.

The proposed Ordinance and its enforcement are authorized pursuant to the City's police power, as provided in the California Constitution. If the City Council adopts Resolution No. 2024-40, a Homelessness State of Emergency declaration, then this Ordinance is proposed to also be adopted pursuant to that declaration. The Ordinance is intended to work in tandem with the City's ongoing and continued efforts to provide aid and assistance to the City's homeless population. This includes, but is not limited to, offering individuals service, helping connect them to available shelter, and partnering with agencies and groups at the local, State, and federal level to address issues of homelessness. The City maintains monthly reports going back to 2021 that details outreach efforts on the City website at https://www.stantonca.gov/departments/public_safety/homelessness/monthly_outreach_reports.php.

FISCAL IMPACT:

The report details over \$15 million in funding that has been allocated to address issues related to homelessness, including outreach services, since 2017. This fiscal impact reflects those categories of expenditures that are easily tracked and coded to homelessness efforts and initiatives. The true amount the City has expended over the years to address issues related to homelessness would be significantly larger if all personnel activities and efforts were meticulously allocated.

The fiscal impact of enforcing the proposed ordinance if approved is unknown at this time but is also in stark contrast to the immeasurable positive impact that would arise from supporting the quality of life that residents and businesses of Stanton deserve along with the return of access to residents and businesses of Stanton to their public streets, sidewalks, rights-of-way, and facilities.

ENVIRONMENTAL IMPACT:

The proposed action is not subject to the California Environmental Quality Act (“Public Resources Code section 21000 et seq.”) (“CEQA”) because it does not qualify as a “project” under CEQA pursuant to State CEQA Guidelines section 15061(b)(3). This action would adopt additional regulations prohibiting sleeping, sitting, laying, and storing personal property in the public right of way, which would not have a significant effect on the environment.

PUBLIC NOTIFICATION:

Notification and advertisement were performed as prescribed by law.

STRATEGIC PLAN OBJECTIVES ADDRESSED:

- Obj. No. 1: Provide a safe community.
- Obj. No. 2: Promote a strong local economy.
- Obj. No. 5: Provide a high quality of life.
- Obj. No. 6: Maintain and promote a responsive, high quality and transparent government.

Prepared by: HongDao Nguyen, City Attorney

Reviewed by: James J. Wren, Public Safety Services Director

Reviewed by: Hannah Shin-Heydorn, City Manager, as Director of Emergency Services
(if authorized)

Approved by: Hannah Shin-Heydorn, City Manager, as Director of Emergency Services,
(if authorized)

ATTACHMENT(S):

- A. Proposed Ordinance No. 1156
- B. City Debris, Garbage, and Unattended Personal Property Removal Policy

ORDINANCE NO. 1156

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING THE STANTON MUNICIPAL CODE BY ADDING CHAPTER 12.38 (OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY AND FACILITIES) TO TITLE 12 (STREETS AND SIDEWALKS) PROHIBITING INTERFERENCE WITH THE PUBLIC'S RIGHT OF ACCESS TO PUBLIC STREETS, SIDEWALKS, RIGHTS-OF-WAY AND FACILITIES

WHEREAS, the City of Stanton, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City desires to keep public areas in the City in an accessible condition, to adequately protect the health, safety, environment and general welfare of the community, and to ensure that public areas and rights-of-way are used for their intended purposes and remain open and equally available to all members of the public, including the disabled, the elderly, families, children, and visitors to the City; and

WHEREAS, the storage of unattended personal property on public property creates a safety and security risk to the public as, it can obstruct access to needed services and facilities, can pose a tripping risk, can pose a fire risk, and can divert limited public resources to evaluate suspicious or unknown packages or personal property. Additionally, unauthorized occupation of public areas and rights-of-way can create health and safety risks related to the accumulation of trash, food waste, human waste, and contaminated medical waste; and

WHEREAS, like many other regions in California, the City has seen a rapid and troubling growth in the homeless population of the City, a condition that has been difficult to address given the traditionally high cost of housing and property in the region, and the historic shortage of emergency, transitional, and affordable housing across the State; and

WHEREAS, Executive Order N-1-24, signed by Governor Gavin Newsom on July 24, 2024, acknowledged the dire state of the homelessness crisis in California and ordered state agencies and departments to address encampments on state property. Additionally, the Executive Order ordered that local governments are encouraged to use all available resources and infrastructure, to take action with the urgency this crisis demands to humanely remove encampments from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them; and

WHEREAS, independently, and in conjunction with the State's directives to combat homelessness and address the housing crisis, the City has made significant investments in assisting its unhoused community. These investments include, but are not limited to: creating and funding additional staff positions dedicated to homelessness outreach, funding and participating in regional outreach and navigation centers, expanding transportation services and shelter access in the region, and funding and welcoming three Project Homekey permanent supportive housing projects to the City totaling 153 units; and

WHEREAS, according to the County’s 2024 Point in Time Count, the City has experienced a 138 percent increase in its unsheltered population from 2019 to 2024, and a 78 percent total increase in its homeless population (including both sheltered and unsheltered individuals), despite the City’s significant investments in combating homelessness and assisting the unhoused community. In contrast, Orange County has experienced only a 7 percent increase in its homeless population since 2019, and surrounding cities have experienced significantly less homeless population growth; and

WHEREAS, despite the City’s efforts to connect homeless individuals with regional assistance centers, the City has only been able to refer 18 people in the last 10 months to the regional Navigation Centers in the Cities of Buena Park and Placentia due to overpopulation; and

WHEREAS, since approximately 2019, the City has observed an increase in unauthorized camping, sleeping, sitting, and storage of personal property in public areas and in the public right-of-way consistent with the City’s increasing homeless population; and

WHEREAS, in turn, the City has received an increase in public comments and reports regarding obstruction of public rights-of-way and facilities that prevent residents from equally accessing and enjoying public facilities. Moreover, the City has received an increase in public comments and reports of safety concerns due to individuals obstructing sidewalks, streets, parking lots, and medians. Indeed, streets, parking lots, and medians are traversed by vehicular traffic and endanger individuals who are sitting, sleeping, or lying in those areas; and

WHEREAS, while the City regulates unlawful camping and abandoned property at Chapter 12.36 of the Stanton Municipal Code, the City now desires to strengthen existing regulations to include sleeping, sitting, laying, and storing personal property in the public right-of-way in a manner beyond the definition of “camping”; and

WHEREAS, this Ordinance is being considered pursuant to *City of Grants Pass v. Johnson, et al.*, 603 U.S. 1 (2024), which held, in part, that regulations designed to prevent camping and sleeping in public places and storing property on public property, or otherwise obstructing access in, and to public spaces is lawful; and

WHEREAS, this Ordinance is also being considered pursuant to City Council Resolution No. 2024-40, a declaration of a Homelessness State of Emergency, if adopted by the City Council; and

WHEREAS, the City Council desires to continue to protect the public health, safety and welfare by further regulating the use of public rights-of-way and facilities while also continuing with the City’s ongoing and continued efforts to provide aid and assistance to the City’s homeless population. This includes, but is not limited to, offering individuals service, helping connect them to available shelter, and partnering with agencies and groups at the local, State, and federal level to address issues of homelessness.

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

SECTION 1: That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2: This Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15061(b)(3) in that the proposed Ordinance is not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment, nor will the proposed changes have the potential for causing a significant effect on the environment. Additionally, the City Council finds that the proposed Ordinance is not a “project” under State CEQA Guidelines Section 15378(b)(5), which excludes the “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment,” as the proposed Ordinance is not anticipated to result in a direct or indirect physical change in the environment.

SECTION 3: Chapter 12.38, “Obstruction of Public Rights-of-Way and Facilities”, is hereby added to Title 12 of the Stanton Municipal Code to read as follows:

“CHAPTER 12.38

OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY AND FACILITIES

12.38.010 – Definitions.

12.38.020 – Obstruction of Public Rights-of-Way.

12.38.030 – Violations, Penalties, and Enforcement.

12.38.010 – Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter:

“Landscaped Area” means all improved landscaped areas, except for open grass areas.

“Median” means a traffic fixture consisting of a strip of ground dividing or separating a street, roadway or highway into lanes according to the direction of travel.

“Personal Property” means any tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, huts, temporary shelters, tarps, bedding, sleeping bags, hammocks, sheds, structures, mattresses, couches, chairs, other furniture, appliances, and personal items such as household goods, luggage, backpacks, and clothing. Personal property does not include property that is secured inside of a motor vehicle; items expressly authorized by a public entity to be on public property owned or controlled by the public entity; or items authorized

to be on public property pursuant to this Code, a license, or permit issued by the City.

“Public Park” means all dedicated parks and all planted parkways, triangles and traffic circles maintained by the City of Stanton. “Public Park” does not include the parkway strips between the curb and sidewalk along the streets and highways of the City.

“Public Rights-of-Way” or “Public Right-of-Way” means any place of any nature which is dedicated for use by the general public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, crossing, intersection, parkway, highway, boulevard, road, roadway, tunnel, bridge, thoroughfare or any other similar public way.

“Store” and “Storing” means to put personal property aside, to accumulate for use when needed, or to put for safekeeping; and/or to leave Personal Property unattended in a public area. For purposes of this definition, “Public Area” means publicly-owned or controlled property. For purposes of this definition, moving personal property to another location on public property or returning personal property within 1,000 feet from a location where a person previously received a citation for violation of this Chapter within a thirty (30) day period shall be considered storing personal property and shall not be considered to be removing the personal property from public property.

“Street” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The term “Street” includes highways.

"Unattended" means no person who asserts or claims ownership over Personal Property is present with or accompanying the Personal Property.

12.38.020 – Obstruction of Public Rights-of-Way.

- A. No person shall fix in place, Store, maintain or leave Personal Property that is Unattended in or on a Public Right-of-Way.
- B. No person shall sleep, lie down, or sit on any movable chair, bucket, crate, cooler, or similar Personal Property, in or on a Public Right-of-Way, other than as part of a lawful event taking place along the Public Right-of-Way.
- C. No person shall sit, lie, or sleep, or Store, maintain, or place Personal Property on a Median, public parkway, or Landscaped Area, with the exception of sitting, storing, maintaining, or placing Personal Property in a Landscaped Area specifically designed for that purpose.

- D. No person shall sleep on or under a bench, table, playground equipment, or similar fixture or structure in a Public Park. No person shall store, maintain, or place Personal Property within 200 feet of playground equipment or similar fixture or structure in a Public Park in a manner that is inconsistent with the use of a Public Park for recreational purposes, and/or in violation of Chapter 14.04 of this Code.
- E. No person shall obstruct public or private access by sitting, lying, or sleeping in a Public Right-of-Way, or by storing, using, maintaining, or placing Personal Property in a Public Right-of-Way:
1. In a manner that obstructs or impedes passage in violation of the Americans with Disabilities Act;
 2. On or within ten (10) feet of an operational or utilizable driveway, ramp, or loading dock;
 3. Within ten (10) feet of an operational or utilizable entrance or exit to any building, establishment, retail store, restaurant, office building, or other place into which the public is invited, unless such area has been designated for use as an outdoor seating area;
 4. Within ten (10) feet of a fire hydrant, fire plug, or other connection used by the Fire Department;
 5. Within ten (10) feet of an automatic teller machine or any door that provides access to an automatic teller machine;
 6. Within ten (10) feet of an electric vehicle charging station, or in a manner which obstructs the lawful use of public and private parking lots, parking aisles, and parking spaces;
 7. Within ten (10) feet of the entrance to a public restroom;
 8. Within ten (10) feet of a sidewalk ramp, or a corner where a street, roadway, highway, or alley intersect;
 9. In a manner that unreasonably interferes with required maintenance of public equipment or facilities or the use of the Public Right-of-Way by motor vehicles, pedestrians or bicycles; or
 10. Within two hundred (200) feet of any school or day care center.

- F. It shall not be a violation of this Chapter for a person to sit or store, use, maintain, or place Personal Property in the Public Right-of-Way or within Public Parks for purposes of viewing a legally conducted parade, engaging in a similar lawful or permitted event, or engaging in a similar lawful or permitted use.
- G. Should the regulations defined under this Chapter conflict with any other provision of this Code, the more restrictive regulation shall control.

12.38.030 – Violations, Penalties, and Enforcement.

Notwithstanding any other provision in this Code, each violation of the provisions of this Chapter shall be punished by the following:

- A. An initial violation of this Chapter shall be punished by an administrative citation, with a fine not exceeding fifty (\$50) dollars. The citation shall require immediate action by the responsible person to cease and abate the violation.
- B. Subsequent violations may be punished by an administrative fine in amounts provided in Section 1.12.070 or cited as a misdemeanor, and punishable by up to six months in prison or up to \$1000 fine, or both, or alternative penalties in a court’s discretion. Additionally, the City Attorney, in their sole discretion, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Chapter, as provided by law.
- C. Nothing in this section shall be construed to affect, supersede or otherwise prevent private causes of action for trespass or other public civil, penal or administrative prosecution for violations of this Code, state law, or federal law.”

SECTION 4: If any section, subsection, sentence, clause, phrase, or word of this Ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality, or unenforceability.

SECTION 5: The City Clerk is the custodian of records for this Ordinance. Documents related to this Ordinance can be found at Stanton City Hall, located at 7800 Katella Ave, Stanton, CA 90680.

SECTION 6: The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) public places in the City of Stanton, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

PASSED, APPROVED, AND ADOPTED this 10th day of December, 2024.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1156 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 26th day of November, 2024 and was duly adopted at a regular meeting of the City Council held on the 10th day of December, 2024, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

PATRICIA A. VAZQUEZ, CITY CLERK

DEBRIS, GARBAGE, AND UNATTENDED PERSONAL PROPERTY REMOVAL POLICY

I. Introduction & Overview

This policy (“Policy”) establishes protocols for removing, storing, and disposing of debris, garbage, and unattended property of apparent value located on City or Union Pacific Railroad property (which is sometimes, but not always, associated with camping). Left unaddressed, these items can cause significant adverse health and safety impacts, including:

- Damage or destruction to City and Union Pacific Railroad property.
- Obstructions of (often heavily trafficked) public rights-of-way.
- Blight to surrounding areas.
- Hazardous health and safety conditions (e.g., accumulation of soiled items or items infested with insects or vermin).

This Policy is intended to protect public and private property and the health, safety, and welfare of the community while also ensuring that the City’s removal and storage of personal property adheres to constitutional requirements governing the same. As specified above, the only private property this Policy applies to is Union Pacific Railroad property. All other privately-owned property is the responsibility of the property owner to address.

II. Protocols

The protocols for removing debris, garbage, and unattended personal property of apparent value are provided in subsections (A) and (B) below.

A. Garbage Removal

1. The City regularly receives requests to remove trash and debris that has accumulated on or around City or Union Pacific Railroad property. The City will continue to receive and act upon these requests consistent with its historic practice. Specifically, code enforcement personnel may immediately remove and discard items that are abandoned and lack apparent value. This may include, without limitation, food waste, soiled paper products, and any other item that is not personal property of apparent value, as defined below. In making a determination that an item has been abandoned, code enforcement personnel shall, erring on the side of caution, evaluate the facts and circumstances surrounding the item, including its: condition of damage, deterioration, disrepair, non-use, obsolescence, location and/or any other fact or circumstance that would lead a reasonable person to conclude that the owner has permanently relinquished all right, title, claim and possession thereto.

2. However, when the City determines that a request for service involves the removal of trash or debris within **6 feet** of an area that contains temporary shelters, the following shall apply:
 - i. *No Exigent Circumstances.* Absent exigent circumstances such as an immediate threat to public health safety, or welfare, the removal of trash or debris may not occur until at least **24 hours** after the posting of a notice that is substantially similar to the notice attached hereto as **Exhibit “A”** (“Garbage Removal Notice”). The Garbage Removal Notice shall be posted in a manner that is reasonably calculated to provide effective notice to any residents of the adjacent temporary shelters and must describe the area subject to garbage removal as clearly as possible.
 - ii. *Exigent Circumstances.* When exigent circumstances are present, trash or debris may be removed immediately. No preceding Garbage Removal Notice is required. Potential examples of exigent circumstances include, but are not limited to, trash or debris obstructing vehicular traffic on roadways or preventing safe pedestrian passage on sidewalks.
3. As part of the removal of any trash and/or debris, the City will not remove or destroy any items of apparent value that appear to be the personal property that an individual desires to retain. Personal property of apparent value includes, but is not limited to: clothing, shoes, jackets, tents, sleeping bags, bed rolls, blankets, backpacks, duffel bags, bicycles, tools, watches, jewelry, audio and video equipment, medications, toiletries, eyeglasses, purses, handbags, personal papers, equipment, photographs, books and baby strollers. However, the City may discard items it deems hazardous, or detrimental to public health and safety (e.g., hypodermic syringes or items containing body lice).

B. Removal of Unattended Property of Apparent Value

1. *No Exigent Circumstances.* Absent exigent circumstances relating to immediate threats to the public health, safety, or welfare, the City will provide at least **24 hours** advance notice before removing any unattended personal property of apparent value (defined above). The notice must be in writing and substantially similar to the notice attached hereto as **Exhibit “B”** (“Pre-Removal Notice”). The Pre-Removal Notice must be posted at the site of the unattended personal property. Upon expiration of the time period specified in the Pre-Removal Notice, any unattended property of apparent value will be removed and stored by the City. Any garbage intermixed with property of apparent value may be removed and destroyed. Following removal, the City will post a notice that is substantially similar to the notice attached hereto as **Exhibit “C”** (“Post-Removal Notice”).
2. *Exigent Circumstances.* If exigent circumstances are present, unattended personal property of apparent value may be removed immediately. No preceding Pre-Removal Notice is required. Any garbage intermixed with property of apparent

value may be removed and destroyed. Following removal, the City shall post a Post-Removal Notice.

3. Any unattended property of apparent value removed by the City will be stored for **90 days**. The City will make stored property available for retrieval. Property that remains unclaimed after 90 days will be disposed of in accordance with applicable law, including but not limited to Civil Code sections 2080 et seq.

Please direct questions to the Public Safety Department at 714-890-4243.

EXHIBIT A

CITY OF STANTON

NOTICE OF GARBAGE REMOVAL

PLEASE TAKE NOTICE:

On [insert date] at [insert time], the City of Stanton will remove and destroy garbage that has accumulated in the area of [insert address, or, if no address a description of the location and include diagram of area on back of notice]. The City will not remove or destroy the personal property of any individuals that has apparent value.

Personal property of apparent value may include clothing, shoes, jackets, tents, sleeping bags, bed rolls, blankets, backpacks, duffel bags, bicycles, tools, watches, jewelry, audio and video equipment, medications, toiletries, eyeglasses, purses, handbags, personal papers, equipment, photographs, books and baby strollers. However, the City may discard items it deems hazardous, or detrimental to public health and safety (e.g., hypodermic syringes or items containing body lice).

To avoid any confusion and risk to your property, please move any personal property you may have away from any garbage piles located in this area.

Please direct any questions or comments to the Public Safety Department by phone at 714-890-4243 or by visiting [address] between [days and hours].

EXHIBIT "B"

CITY OF STANTON

PRE-REMOVAL NOTICE

PLEASE TAKE NOTICE:

On [insert date] at [insert time], the City of Stanton will remove all unattended items accumulated in the area of [insert address, or, if no address a description of the location and include diagram of area on back of notice]. After this time, all garbage will be removed and destroyed and any unattended personal property of apparent value will be collected and stored by the City.

Personal property of apparent value may include clothing, shoes, jackets, tents, sleeping bags, bed rolls, blankets, backpacks, duffel bags, bicycles, tools, watches, jewelry, audio and video equipment, medications, toiletries, eyeglasses, purses, handbags, personal papers, equipment, photographs, books and baby strollers. However, the City may discard items it deems hazardous, or detrimental to public health and safety (e.g., hypodermic syringes or items containing body lice).

Personal property of apparent value that is collected by the City will be stored without charge for 90 days. Individuals wishing to reclaim personal property may do so by contacting the Public Safety Department by phone at 714-890-4243 or by visiting [insert address] between [days and hours]. After 90 days, any unclaimed property will be disposed of in accordance with applicable law.

If you have any questions or comments, please contact the Public Safety Department at the phone number or address provided above.

EXHIBIT "C"

CITY OF STANTON

POST-REMOVAL NOTICE

PLEASE TAKE NOTICE:

On [insert date] at [insert time], the City of Stanton removed all unattended items accumulated in the area of [insert address, or, if no address a description of the location and include diagram of area on back of notice]. All garbage was removed and destroyed. All unattended personal property of apparent value was collected and will be stored by the City for 90 days.

Personal property of apparent value may include clothing, shoes, jackets, tents, sleeping bags, bed rolls, blankets, backpacks, duffel bags, bicycles, tools, watches, jewelry, audio and video equipment, medications, toiletries, eyeglasses, purses, handbags, personal papers, equipment, photographs, books and baby strollers. However, items deemed hazardous, or detrimental to public health and safety may have been discarded by the City (e.g., hypodermic syringes or items containing body lice).

The City will store collected personal property of apparent value for 90 days without charge. Individuals wishing to reclaim personal property may do so by contacting the Public Safety Department by phone at 714-890-4243 or by visiting [address] between [days and hours]. After 90 days, any unclaimed property will be disposed of in accordance with applicable law.

If you have any questions or comments, please contact the Public Safety Department at the phone number or address provided above.

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ADOPTING CHAPTER 9.14 RELATING TO THE PROHIBITION ON REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY

REPORT IN BRIEF:

The City has identified activities occurring on public rights of way that are commonly known as “bike chop shops.” These activities consist of individuals using sidewalks to, among other things, assemble, disassemble, and sell or distribute stolen bicycles. Not only do these illegal activities negatively impact quality of life within the City, they also block and encroach on the City’s public rights of way. Therefore, Staff has determined that certain additions are needed to Title 9 of the Stanton Municipal Code (“SMC”) relating to “peace safety, and morals” to address bicycle thefts and bicycle “chop shops” around the City.

RECOMMENDED ACTION:

1. City Council declare that this project is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
2. Introduce for first reading, by title only, and waive further reading of proposed Ordinance No. 1157, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING THE STANTON MUNICIPAL CODE BY ADDING CHAPTER 9.14 RELATING TO THE PROHIBITION ON REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY”; and

3. Set December 10, 2024, as the date for second reading and adoption of Ordinance No. 1157.

BACKGROUND:

Between 2019 through September 2024, there were approximately 140 reports of bicycle thefts within the City of Stanton. Over the past five years, the number of thefts per year have generally increased year over year. Reports to law enforcement include complaints that bicycles had been stolen while they were parked in garages, patios, in front of commercial businesses, bicycle racks, and storage units. It is likely that not every incident was reported to law enforcement, and the number of actual thefts is likely much greater.

At the November 26, 2024 regular meeting, the City Council is also considering Resolution No. 2024-40, a declaration of a State of Homelessness Emergency due to the impacts of homelessness throughout the City. One of the areas most impacted by issues related to homelessness is private property owned by Union Pacific Railroad (UPR). Homeless individuals regularly trespass onto the private property and engage in anti-social and illegal behavior immediately behind and adjacent to residential and commercial neighbors. The City has long partnered with UPR to address hazardous conditions that overflow into residential and commercial neighborhoods. Through these collaborative cleanups, in addition to cleanups of trash and debris in public rights-of-way and public facilities, City staff has come across hundreds of bike parts, bike frames, bike tires and wheels, and bike locks. Staff has also observed homeless individuals engaged in transporting multiple non-functioning bikes in addition to the assembling and disassembling of bikes on the public right-of-way.

Often, these bicycles are taken to public areas shortly after they are stolen, where they are dismantled and/or sold. Such open-air “bike chop shops” have been observed in the City, but at present, there is no mechanism for law or code enforcement officers to prevent such unauthorized activity in these areas and restore stolen items to their lawful owners.

ANALYSIS/JUSTIFICATION:

The ordinance proposes to add Chapter 9.14 to the Stanton Municipal Code to combat the increasing amount of bicycle thefts within the City and address the “bike chop shops” that facilitate the illegal sale and distribution of stolen bicycles. Among other things, the proposed Ordinance:

- Prohibits the assembly, disassembly, sale, offer for sale, distribution, or offer of distribution of bicycles and bicycle parts on public property or in the public right-of-way. It applies to persons possessing (1) two or more bicycles; (2) a bicycle frame with gear cables or brake cables cut; (3) one or more bicycles with missing functional parts; and (4) two or more bicycle parts not attached to a bicycle;
- Exceptions are for individuals who are (1) operating under a valid City license or permit for such activities, (2) repairing a bicycle to render it operable, and (3) are the owner or lawful possessor of a bicycle or bicycle parts who is present during such repair activity with supporting documentation or other proof;
- Prohibits the falsification of information in any documentation or other proof used to establish ownership or lawful possession of a bicycle or bicycle part;

- Prohibits the tampering of bicycle license indicia or registration;
- Prohibits individuals from leaving a bicycle on the sidewalk in a way that blocks an adequate path for pedestrian traffic;
- Authorizes law enforcement or City code enforcement staff to impound and retain possession of any bicycle or bicycle part found in violation of the Ordinance, subject to an individual's due process rights to appeal an impound.

The Ordinance is proposed under the City's police power to protect the health, welfare, and safety of its residents and improve the quality of life within the City.

FISCAL IMPACT:

If the proposed Ordinance is approved, Police Services and Code Enforcement could expend additional staff time to cite violators, and the City Attorney's office could expend additional legal resources prosecuting violations of the new SMC chapter. The City Council may adopt impound fees to offset those costs.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of California Environmental Quality Act ("CEQA"), the project is exempt from CEQA under Sections 15378 and Section 15061(b)(3) of the State CEQA Guidelines (Title 14 of the California Code of Regulations).

LEGAL REVIEW:

The City Attorney has prepared this agenda item.

PUBLIC NOTIFICATION:

Public notice was made through the regular agenda process.

STRATEGIC PLAN OBJECTIVE:

Obj. No. 1: Provide a safe community.

Prepared by: HongDao Nguyen, City Attorney

Reviewed by: James J. Wren, Public Safety Services Director

Approved by: Hannah Shin-Heydorn, City Manager/Director of Emergency Services (if authorized)

ATTACHMENT:

A. Proposed Ordinance No. 1157

ORDINANCE NO. 1157

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING THE STANTON MUNICIPAL CODE BY ADDING CHAPTER 9.14 RELATING TO THE PROHIBITION ON REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY

WHEREAS, the City of Stanton, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City encourages the use of bicycles in daily transportation for commuting and recreational purposes; and

WHEREAS, between 2019 through September 2024, there were approximately 140 reports of bicycle thefts within the City. Over the past five years, the number of thefts per year have generally increased year over year. Reports to law enforcement include complaints that bicycles had been stolen while they were parked in garages, patios, in front of commercial businesses, bicycle racks, and storage units. It is likely that not every incident was reported to law enforcement, and the number of actual thefts is likely much greater; and

WHEREAS, many stolen bicycles are dismantled in public areas and sold within days of being stolen, and, thus, there is a narrow window for bicycles to be recovered while they are being taken apart in public spaces before being sold; and

WHEREAS, such open-air "bike chop shops" are regularly observed by City staff and law enforcement throughout the City, but confronting the illegal activities this practice supports is difficult without better tools to reduce the occurrences; and

WHEREAS, City staff and law enforcement encounter hundreds of discarded bike parts including bike frames, bike pedals, bike locks, bike wheels and tires on private and public property in and around encampments; and

WHEREAS, prohibiting such activity and allowing removal of bicycles and/or bicycle parts from the public right-of-way and public property will help clear the public right-of-way and public property, prevent unauthorized commercial activity in these areas, and, if any items are lost or stolen, restore such items to their lawful owners and deter future bicycle theft; and

WHEREAS, the City is authorized pursuant to its police power from the California Constitution to protect the public health, welfare, and safety; and

WHEREAS, pursuant to California Vehicle Code section 39002, the City is authorized to adopt an ordinance regulating the tampering of license indicia or bicycle serial numbers; and

WHEREAS, pursuant to California Vehicle Code section 21210, the City is authorized to adopt an ordinance prohibiting bicycle parking in designated areas of the public; and

WHEREAS, this Ordinance is also being considered pursuant to City Council Resolution No. 2024-40, a declaration of a Homelessness State of Emergency, if adopted by the City Council; and

WHEREAS, the City Council seeks to prohibit the storage, assembly, disassembly, sale, offer of sale, distribution, or offer of distribution of bicycles and bicycle parts on public property or public right-of-way, under certain conditions and with certain exceptions.

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

SECTION 1: The foregoing Recitals are true and correct and are incorporated herein as part of this Ordinance as if fully set forth herein.

SECTION 2: This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment as there is no possibility it will have a significant effect on the environment and it is not a "project", as defined in Section 15378 of the CEQA Guidelines.

SECTION 3: Chapter 9.14 is hereby added to the Stanton Municipal Code to read as follows: "Prohibition on Repairs and Sales of Bicycles and Bicycle Parts on Public Property."

**“CHAPTER 9.14
PROHIBITION ON REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON
PUBLIC PROPERTY**

9.14.010 — Repairs, sales, and storage on public property prohibited.

A. Except where otherwise stated in this Chapter, no person shall assemble, disassemble, sell, offer to sell, distribute, offer to distribute, or store the following items on any street, sidewalk, alley, public passageway, public right-of-way, public park, or other public property within the City:

1. Two (2) or more bicycles;
2. A bicycle frame with the gear cables or brake cables that are inoperable, cut, or missing;
3. One (1) or more bicycles with missing parts (the term "part" shall mean, without limitation, a handlebar, wheel, fork, pedal, crank, seat, chain, or other items or components that are attached to a bicycle that are necessary for its operation); or

4. Two (2) or more bicycle parts that are not attached to a bicycle.
- B. For purposes of this Chapter, “bicycle” shall include bicycle as defined in California Vehicle Code section 231 and electric bicycle as defined in California Vehicle Code section 312.5, as these sections are periodically amended.
- C. For purposes of this Chapter a person who was riding their bicycle and who has dismounted the bicycle on any street, sidewalk, alley, public passageway, public right-of-way, public park, or other public property within the City for the purpose of repairing a tire or chain or other mechanism to render the bicycle operative shall not be in violation of this Chapter.

9.14.020 — Exceptions.

The prohibition contained in Section 9.14.010 of this Chapter shall not apply in any of the following situations:

- A. An individual who is operating under a valid City of Stanton License or Permit authorizing such activities.
- B. The owner or lawful possessor of a bicycle or bicycle part(s) who is present during the repair of their single bicycle or bicycle part, with valid documentation, proof, or supporting evidence to verify that they are in lawful possession of the bicycle or bicycle part(s). Supporting evidence for a claim of lawful ownership may include, but is not limited to:
 1. Bill of sale from the original owner with the signature of the original owner, as well as the name, address, and telephone number of the original owner.
 2. Video or photographic evidence demonstrating ownership.
 3. Whether the bicycle or any bicycle parts retain their original serial number (as opposed to being filed off, for example).
 4. Bicycle registration bearing the name and address of the individual claiming to be the owner or lawful possessor of the bicycle.
 5. Verifiable electronic communication from the previous owner to the possessor relinquishing ownership of the bicycle or bicycle parts.

9.14.030 — Falsification of records prohibited.

It is unlawful for any person to knowingly falsify or cause to be falsified any information in any documentation, proof, or other supporting evidence intended to show valid proof of ownership or possession of a bicycle or bicycle part(s).

9.14.040 – Tampering with license indicia or registration

It is unlawful for any person to tamper with, destroy, mutilate, or alter any license indicia or registration form, or to remove, alter, or mutilate the serial number, or the identifying marks of a licensing agency's identifying symbol, on any bicycle frame licensed under this division.

9.14.050 – Bicycle Parking

It is unlawful for any person to leave a bicycle on its side on any sidewalk, or shall park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic or ADA access.

9.14.060 – Impoundment of Bicycles

A. Impound means to seize or take custody of a bicycle or any bicycle parts (collectively “items”) because of a violation of any applicable law or regulation.

B. Impoundment authorization. Any city official, including a code compliance officer or inspector, law enforcement officer, firefighter, fire prevention specialist, or examiner may impound a bicycle or any bicycle parts used in violation of this Chapter.

C. The City shall provide the person from whom the items were taken at the time of impound with a receipt and instructions for retrieval of the impounded items. The receipt and instructions shall be given to the person from whom the items were taken at the time of impound.

D. Impounded items will be released to the owner provided that proper proof of ownership is presented, and the City receives payment in full of all administrative costs incurred as a result of the violation. Any unclaimed items will be considered abandoned and forfeited to the City after 60 days following impoundment. Pursuant to State law, the City shall not be liable for damages caused by any official action performed with due care regarding the disposition of items pursuant to this section and the disposal provisions of this chapter.

E. An individual may, within 21 calendar days of the impoundment, appeal the impoundment of their items by requesting an administrative hearing before a hearing officer in accordance with Section 1.12.100 and, if successful in their appeal, the individual may have their items returned, impound fee refunded, and shall not be required to pay the impound fee(s).

F. An individual may recover impounded items upon paying applicable impound fees and demonstrating proper proof of ownership of the items.

G. The City Council may adopt by ordinance or resolution impound fees, which shall reflect the City's personnel, enforcement, investigation, storage, disposal, and impound costs.

H. The City Manager is authorized to develop additional regulations for the storage and release of impounded items not in conflict with this chapter.

9.14.070 — Violations.

A. Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Stanton Municipal Code. Each and every bicycle or bicycle part(s) unlawfully possessed is a separate violation of this chapter.

B. It is unlawful and an infraction for any person to violate any provision of this chapter.

C. The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

9.14.080 — Severability.

If any section, subsection, sentence, clause, phrase, or word of this Chapter 9.14, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality, or unenforceability.”

SECTION 4: The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Stanton, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

PASSED, APPROVED, AND ADOPTED this 10th day of December, 2024.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1157 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 26th day of November, 2024 and was duly adopted at a regular meeting of the City Council held on the 10th day of December, 2024, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

PATRICIA A. VAZQUEZ, CITY CLERK

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: ILLUMINATION FOUNDATION LEASE AMENDMENT UPDATE AND ACCESS TO TWO ADDITIONAL SHELTER BEDS

REPORT IN BRIEF:

The City is working collaboratively with the Illumination Foundation to secure two dedicated shelter beds to support the City's efforts to provides services to individuals experiencing homelessness.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Receive and file.

BACKGROUND AND ANALYSIS:

The number of homeless persons in the City continues to increase, as demonstrated by the latest 2024 point-in-time count, which recorded 206 individuals experiencing homelessness in the City, an increase of 78 percent over the last five years, as provided in a report this evening titled "Resolution Finding and Declaring a Local Emergency Caused by Homelessness Crisis." Despite the City's significant efforts and investments in two regional navigation centers and three Project Homekey projects within the City, the current number of homeless individuals in the City far outpaces the number of available shelter beds, transitional housing, and permanent supportive housing available in the City or Orange County. In the face of these staggering odds and the City's already significant funding and support of shelter and housing options, the City continues to seek out opportunities to support service-accepting individuals.

In 2012, the City and the Illumination Foundation, an Orange County-based 501(c)(3) nonprofit that provides comprehensive services for the homeless population, came together to begin working collaboratively on sustainable and effective solutions to support unhoused individuals within the Stanton community. Over the years, the partnership has implemented multiple strategies focused on innovative, cost-effective solutions.

The Illumination Foundation manages navigation center/shelter beds in a number of cities throughout Orange County. As part of the Illumination Foundation's recent renewal of their lease with the City of Stanton, they have offered the City of Stanton dedicated access to two beds at an Anaheim facility. Staff from both agencies are finalizing the lease amendment details, and a proposed amendment will be presented to the Council in the coming months.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended action.

ENVIRONMENTAL IMPACT:

This item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

LEGAL REVIEW:

None.

PUBLIC NOTIFICATION:

Through the normal agenda posting process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

Obj. No. 1: Provide a safe community.
Obj. No. 5: Provide a high quality of life.

Prepared by: Hannah Shin-Heydorn, City Manager, as Director of Emergency Services,
(if authorized)

Approved by: Hannah Shin-Heydorn, City Manager, as Director of Emergency Services,
(if authorized)

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: VOLUNTARY HOUSING OPTIONS FOR RESIDENTS OF CITY-OWNED PROPERTIES IN THE TINA PACIFIC NEIGHBORHOOD IN RESPONSE TO HOMELESSNESS STATE OF EMERGENCY

REPORT IN BRIEF:

If the City Council adopts Resolution No. 2024-40 declaring a Homelessness State of Emergency, staff recommends the City Council approve the authorization of three voluntary housing options for residents of City-owned properties in the Tina Pacific Neighborhood pursuant to the Homelessness State of Emergency.

RECOMMENDED ACTIONS:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Authorize the City Manager, in her capacity as the City's Director of Emergency Services, to provide and implement the following voluntary housing options to residents of City-owned properties in the Tina Pacific neighborhood related to the declaration of a Homelessness State of Emergency.
 - a. For tenants in good standing per their lease provisions (i.e., current in payment of rent and not in violation of any lease provisions), a voluntary option, by the tenant, to do any of the following:
 - i. Emergency permanent relocation following the requirements of the federal Uniform Relocation Assistance and Real Property Acquisition Act (URA)/California relocation program to permanent dwellings located outside of the Tina Pacific neighborhood;
 - ii. Relocation to an available Tina Pacific unit in a preferred building with a moving expense allowance in an effort to combine occupied units to form a fully-occupied 4-plex that is easier to secure; or
 - iii. Remain in their current unit with the understanding that the City will continue to serve as the landlord.

- b. For tenants not in good standing per their lease provisions, a voluntary option, by the tenant, to do either of the following:
 - i. Relocation to an available Tina Pacific unit in a preferred building with a moving expense allowance in an effort to combine occupied units to form a fully-occupied 4-plex that is easier to secure; or
 - ii. Remain in their current unit with the understanding that the City will continue to serve as the landlord.
3. Make a finding that the City Council's authorization is based upon Resolution No. 2024-40 declaring a Homelessness State of Emergency, this staff report, and oral and written testimony at the hearing on this item.

BACKGROUND:

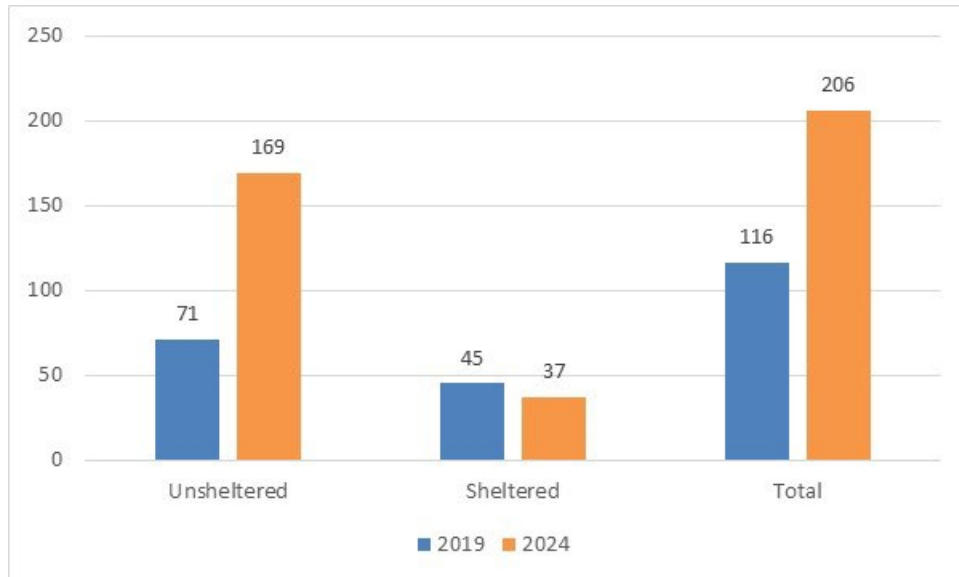
The Tina Pacific Neighborhood is generally located in the northeast quadrant of the City, at the intersection of Magnolia and Pacific Aves. The site is approximately 10 acres, and the City owns 31 parcels, along with portions of two public streets and two public alleyways. The City maintains its properties as a landlord, and no project has ever been developed at the site.

Of the 31 parcels, 14 have fourplexes sited on them.

- Two fourplexes have tenants in all four units.
- Two fourplexes have tenants in three units, and one vacant unit.
- Seven fourplexes have tenants in two units, and two vacant units.
- Three fourplexes have tenants in one unit, and three vacant units.
- Five of the 14 fourplexes have neighboring fourplexes with one or more vacant units.

Homelessness throughout the City has increased over the past five years, despite the City's significant efforts to address and combat this issue. The City's homeless population has exponentially increased since 2019. According to the County's 2024 Point in Time Count, the City has experienced a 138 percent increase in its unsheltered population from 2019 to 2024, and a 78 percent total increase in its homeless population (including both sheltered and unsheltered individuals). (See <https://ceo.ocgov.com/sites/ceo/files/2024-05/2024%20PIT%20Summary%20-%20FINAL%205.16.24.pdf>.)

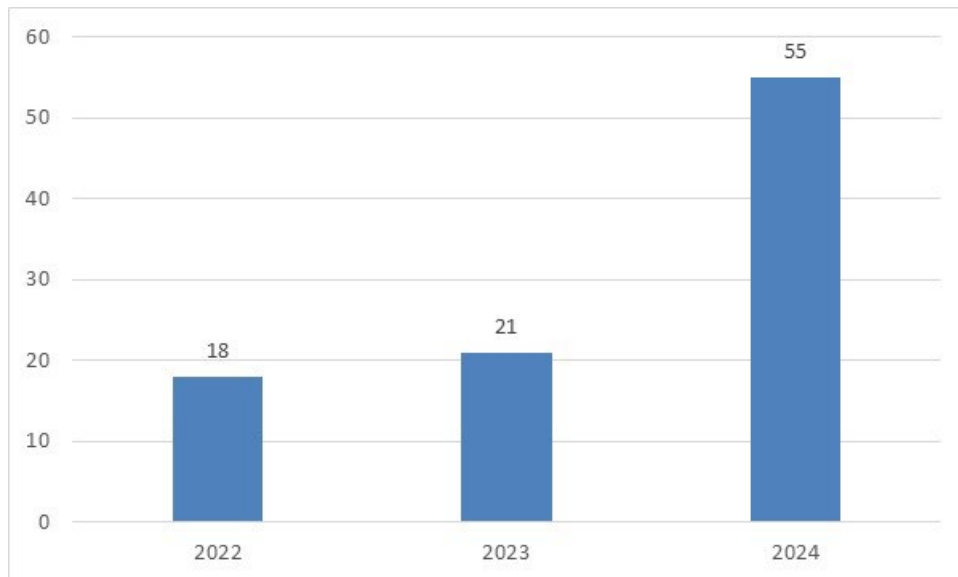
Table 1. City of Stanton Point in Time Homeless Count
2019 to 2024



The City's homeless population ranks as the fifth largest homeless population within the North Service Planning Area (SPA) even though, geographically, it is one of the smallest cities within the area at only 3.1 square miles. Only significantly larger North SPA cities (Anaheim, Fullerton, Buena Park, and Orange) have a higher homeless count. Among all 34 Orange County cities, the City's homeless population ranks as the 11th largest.

The Tina Pacific neighborhood has been particularly impacted by the state of emergency. Calls for service specifically identified as homelessness-related have increased by 162 percent from 2023 to 2024. In addition, the intensity and severity of complaints from Tina Pacific residents in relation to homelessness-related issues has increased over the last five months.

Table 2. City of Stanton Orange County Sheriff's Department
Homelessness-Related Calls for Service



Complaints made to City staff and property management within the last five months include:

- Homeless individuals have threatened to set fire to vacant units if residents keep reporting their illegal activities to the City and/or Orange County Sheriff's Department.
- Homeless individuals have threatened residents with knives and makeshift weapons.
- Homeless individuals have cursed/swore in a threatening manner to residents.
- Homeless individuals continuously break into boarded up vacant units.
- Homeless individuals have set fires in vacant units and garages that destroyed the structures.
- Homeless individuals have broken into walls in between vacant units.
- Homeless individuals have threatened to break into walls shared by occupied units.
- Homeless individuals have left drug paraphernalia inside vacant units and outside in common open areas, including used syringes, "whippet" canisters, used burnt foil, pipes, and prescription bottles with pills inside.
- Homeless individuals scream and play loud music at all hours, preventing residents from being able to sleep and rest.
- Homeless individuals have been observed scoping out units.
- Homeless individuals have stolen water pipes from vacant units.
- Homeless individuals, through improper use of stolen water and electricity, have impacted the plumbing quality and electrical quality of residents in good standing.
- Homeless individuals have stolen items from open garages.

In the last five months, approximately 35 documented requests have been made to City staff or property management regarding requests related to homeless individuals trespassing and harassing residents. It is possible that residents in the neighborhood have underreported issues at the site, and the actual number of incidents are higher. Resident requests are in addition to the proactive efforts of both the property management company's maintenance staff as well as City Code Enforcement and the Orange County Sheriff's Department.

Based on the complaints received and observations made by the City's property manager, law enforcement, and Code Enforcement, the severity of the issues, below, is a new development that started approximately in June 2024.

Date	Agency	Call Request
6/17/2024	OCFA City Code	Fire in vacant unit (8930 Pacific)
6/17/2024	Enforcement	Fire in vacant unit (8930 Pacific)
6/21/2024	QMG	Boarded up units at 3 4-plexes (8930, 8940, 8860)
7/25/2024	QMG	Homeless squatters in unit, complaint made by resident
8/5/2024	QMG	Boarded up units at 2 4-plexes (8930, 8940)
8/6/2024	QMG	Boarded up units at 2 4-plexes (8930, 8940)
8/8/2024	QMG	Boarded up units at 2 4-plexes (8930, 8940)
8/9/2024	QMG	Boarded up units at 2 4-plexes (8930, 8940)
8/13/2024	City Public Works	Board up request at Tina Pacific
8/14/2024	City Public Works	Board up request at Tina Pacific
8/15/2024	QMG	Boarded up units at 2 4-plexes (8911, 8940)
8/20/2024	QMG City Code	Boarded up units at 2 4-plexes (8930, 8940)
8/22/2024	Enforcement	Homeless squatters in unit, complaint made by resident
9/9/2024	OCFA City Code	Fire in vacant unit (8940 Pacific)
9/9/2024	Enforcement	Fire in vacant unit (8940 Pacific)
9/10/2024	QMG	Homeless squatters in unit, complaint made by resident
9/11/2024	City Public Works City Code	Board up request at Tina Pacific
9/12/2024	Enforcement	Board up request at Tina Pacific
9/16/2024	City Public Works City Code	Board up request at Tina Pacific (8920 Pacific St)
9/18/2024	Enforcement	Homeless squatters in unit, complaint made by resident Board up units at 1 4-plex (8911), called plumber due to stolen pipes
9/20/2024	QMG City Code	and no hot water
9/23/2024	Enforcement City Code	Homeless squatters in unit, complaint made by resident
10/16/2024	Enforcement	Homeless squatters in unit, complaint made by resident

	City Code	
10/22/2024	Enforcement	Homeless squatters in unit, complaint made by resident
10/23/2024	QMG	Reboarding units
10/24/2024	QMG	Reboarding units
11/4/2024	QMG	Verify presence of squatters
11/6/2024	QMG	Boarded up units at 2 4-plexes (8950, 8961)
	City Code	
11/7/2024	Enforcement	Homeless squatters in unit, complaint made by resident
	City Code	
11/7/2024	Enforcement	Public Service Request app request (8961 Pacific)
	City Code	
11/10/2024	Enforcement	Public Service Request app request (8951 Pacific)
	City Code	
11/10/2024	Enforcement	Public Service Request app request (8961 Pacific)
11/13/2024	QMG	Board up request at Tina Pacific
	City Code	
11/14/2024	Enforcement	Homeless squatters in unit, complaint made by resident
	City Code	
11/14/2024	Enforcement	Clean up trash and debris from squatters

ANALYSIS:

At its regular meeting on November 26, 2024, the City Council will also consider Resolution No. 2024-40, a Homelessness State of Emergency, which was prompted by homelessness-related issues that impact the entire City. Those impacts have driven homeless individuals to seek shelter in vacant Tina Pacific units. Without full occupancy, a four-plex structure is difficult to secure against trespassers who seek opportunities throughout the day and night to illegally trespass into a vacant unit, or into a unit they believe is vacant. In each instance, when City staff and the City's property management are made aware that a vacant unit has been broken into, the City, its property manager, or its contractors re-board the vacant unit as quickly as possible. As the number of repeat break-ins have increased at the same sites, both the City and the City's property management staff have utilized different strategies, materials, and locks to better secure vacant units. Residents are regularly informed that if an issue arises, they may call the City's property manager or law enforcement. However, the homeless individuals are continuing to find ways to break in.

The City is authorized under its police power pursuant to the California Constitution to protect the health, welfare, and safety of its citizens. If the City Council adopts Resolution No. 2024-40 declaring a Homelessness State of Emergency, then the City is also empowered to "provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency." (SMC § 2.64.010.) Moreover, as a landlord, the City is cognizant of its obligations to secure the vacant units.

Homelessness is at an emergency level throughout the City, including in the Tina Pacific neighborhood. Because of the emergency conditions and to support quality of life for Tina Pacific residents, staff is recommending that the City Council authorize the City Manager, as Director of Emergency Services, to provide the following options to residents of City-owned properties in the Tina Pacific neighborhood in response to the Homelessness State of Emergency:

- For tenants in good standing per their lease provisions (i.e., current in payment of rent and not in violation of any lease provisions), a voluntary option, by the tenant, to do any of the following:
 - Emergency permanent relocation following the requirements of the federal Uniform Relocation Assistance and Real Property Acquisition Act (URA)/California relocation program outside of the Tina Pacific neighborhood;
 - Relocation to an available Tina Pacific unit in a preferred building with a moving expense allowance in an effort to combine occupied units to form a fully-occupied 4-plex that is easier to secure; or
 - Remain in their current unit with the understanding that the City will continue to serve as the landlord.
- c. For tenants not in good standing per their lease provisions, a voluntary option, by the tenant, to do either of the following:
 - Relocation to an available Tina Pacific unit in a preferred building with a moving expense allowance in an effort to combine occupied units to form a fully-occupied 4-plex that is easier to secure; or
 - Remain in their current unit with the understanding that the City will continue to serve as the landlord.

FISCAL IMPACT:

The City has sufficient funding for the recommended action in the City's Housing Authority Fund. The total fiscal impact is unknown as moving allowances and relocation benefits vary from household to household based on a number of unique factors.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of California Environmental Quality Act ("CEQA"), the project is exempt pursuant to Sections 15378(a) and 15061(b)(3) of the State CEQA Guidelines (Title 14 of the California Code of Regulations).

PUBLIC NOTIFICATION:

Public notice was made through the regular agenda process.

STRATEGIC PLAN OBJECTIVES:

- Obj. No. 1: Provide a safe community.
- Obj. No. 5: Provide a high quality of life.

Prepared by: Hannah Shin-Heydorn, City Manager/Director of Emergency Services (if authorized)

Reviewed by: HongDao Nguyen, City Attorney

Approved by: Hannah Shin-Heydorn, City Manager/Director of Emergency Services (if authorized)

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: CONSIDERATION OF ORDINANCE NO. 1150 AMENDING TITLE 20.400.330 REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH RECENT CHANGES IN STATE LAW AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 21080.17 OF THE PUBLIC RESOURCES CODE

REPORT IN BRIEF:

The proposed ordinance will amend Section 20.400.330 of the Stanton Municipal Code to comply with recent changes to state law that impose new limits on local authority to regulate Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”).

RECOMMENDED ACTION:

1. City Council receive the presentation for proposed Ordinance No. 1150; and
2. Waive the full reading, and introduce for first reading by title only, Ordinance No. 1150, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON AMENDING SECTION 20.400.330 OF THE CITY OF STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17”; and

3. Find that the adoption of the proposed ordinance is statutorily exempt from review under the California Environmental Quality Act (“CEQA”) under Public Resources Code section 21080.17; and
4. Set December 10, 2024, as the date for the public hearing and second reading for adoption of Ordinance No. 1150.

BACKGROUND:

The Planning Commission held a public hearing on November 6, 2024 to consider proposed Ordinance No. 1150 to amend Section 20.400.330 of the Stanton Municipal Code related to Accessory Dwelling Units and Junior Accessory Dwelling Units. The Planning Commission heard a presentation, deliberated and voted unanimously to recommend approval of Ordinance No. 1150.

ANALYSIS/JUSTIFICATION:

In recent years, the California Legislature has approved, and the Governor has signed into law, numerous bills that impose limits on local authority to regulate ADUs and JADUs. In 2024, the California Legislature approved, and the Governor signed into law, two new bills — AB 2533 and SB 1211 — that further amend state ADU law as summarized below.

AB 2533 – Unpermitted ADUs and JADUs

Subject to limited exceptions, existing state law prohibits a city from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is based on the ADU not complying with applicable building, state or local ADU standards. One exception allows a city to deny a permit to legalize if the city makes a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure.

AB 2533 changes this by: (1) expanding the above prohibition to also include JADUs; (2) moving the construction-cutoff date from January 1, 2018, to January 1, 2020; and (3) replacing the above exception with a requirement that local agencies find that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 17920.3 (Substandard Buildings). (See amended Gov. Code, § 66332(a)–(f).)

SB 1211 – Replacement Parking Requirements; Multifamily ADUs

Replacement Parking

Existing state law prohibits a city from requiring off-street parking spaces to be replaced when a garage, carport or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU.

SB 1211 amends this prohibition to now also prohibit a city from requiring replacement parking when an uncovered parking space is demolished for or replaced with an ADU. (See amended Gov. Code, § 66314(d)(11).)

Multifamily ADUs

SB 1211 further defines *livable space* in connection with converted ADUs inside a multifamily dwelling structure. Existing state law requires the City to ministerially approve qualifying building-permit applications for ADUs within “portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages” The term “livable space” is not defined by existing state ADU law.

SB 1211 changes this by adding a new definition: “Livable space’ means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.” (See amended Gov. Code, § 66313(e).)

SB 1211 also increases the number of detached ADUs that lots with an existing multifamily dwelling can have. Existing state law allows a lot with an existing or proposed multifamily dwelling to have up to two detached ADUs.

Under SB 1211, a lot with an *existing* multifamily dwelling can have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. (See amended Gov. Code, § 66323(a)(4)(A)(ii).) SB 1211 does not alter the number of ADUs that a lot with a *proposed* multifamily dwelling can have — the limit remains at two. (See amended Gov. Code, § 66323(a)(4).)

Next Steps and Recommendation

Both AB 2533 and SB 1211 take effect January 1, 2025. To remain valid, the City’s ADU ordinance must comply with requirements imposed by AB 2533 and SB 1211. Adopting the proposed ordinance (Attachment A) ensures that the City’s ADU ordinance will be valid under AB 2533 and SB 1211.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended action.

ENVIRONMENTAL IMPACT:

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

LEGAL REVIEW:

The City Attorney’s Office provided guidance and oversight in the preparation of the proposed Ordinance to ensure compliance with state law.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

Objective 5: Provide a high quality of life.

PUBLIC NOTIFICATION:

Notice of Public Hearing was published in the Orange County Register on November 15, 2024. The notice was also posted at three public locations and made public through the agenda-posting process.

Prepared by: Crystal Landavazo, Community and Economic Development Director

Approved by: Hannah Shin-Heydorn, City Manager

Attachments:

- A. Draft Ordinance No. 1150
- B. Planning Commission Resolution No. 2570

ORDINANCE NO. 1150

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON AMENDING SECTION 20.400.330 OF THE CITY OF STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17

WHEREAS, the City of Stanton, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, numerous bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend state ADU law; and

WHEREAS, AB 2533 and SB 1211 take effect on January 1, 2025, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 2533 and SB 1211; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 2533’s and SB 1211’s changes to state law; and

WHEREAS, on November 6, 2024, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on November 26, 2024, the City Council held a first reading and on December 10, 2024 held a duly-noticed public hearing and second reading to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City’s Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

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

SECTION 1: The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2: Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, adoption of the Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

SECTION 3: The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c). Based on all evidence in the record for the Ordinance and all other applicable information presented, the City Council finds that the proposed Ordinance is appropriate for the following reasons:

1. **Consistency with City’s General Plan:** The proposed Ordinance is consistent with the City’s General Plan, particularly Goal H-1.1, “Provide for a housing stock of sufficient quantity composed of a variety and range of types and costs.” Accessory Dwelling Unit and Junior Accessory Dwelling Units provide a unique type of housing that allow for increased housing stock in areas with low density where additional housing was previously not possible. The proposed amendment ensures that the City’s Ordinance remains updated with recent legislative changes so it can continue to offer this variety of housing types.
2. **Adoption of Ordinance Will Not be Detrimental to the Public Interest, Health, Safety, Convenience, or Welfare:** The proposed Ordinance will maintain the current zoning framework to allow Accessory Dwelling Units and Junior Accessory Dwelling Units without introducing new uses or conditions that could pose risks. The proposed Ordinance will ensure the City’s regulations are reflective of legislative changes and are appropriate to ensure compliance with state requirements.
3. **Consistency with Zoning Code:** The Amendments are internally consistent with other provisions of the City’s Zoning Code, as they continue to allow development of Accessory Dwelling Units and Junior Accessory Dwelling Units. This Ordinance will bring the City’s regulations into compliance with legislative changes related ADU and JADU development and is necessary to maintain compliance. The Ordinance does not introduce any new uses or standards that are incompatible with other provisions of the Zoning Code.

SECTION 4: Section 20.400.330 of the Stanton Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit “A-1,” attached hereto and incorporated herein by reference.

SECTION 5: This Ordinance takes effect 30 days after its adoption.

SECTION 6: In accordance with Government Code section 66326, the City Clerk is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

SECTION 7: The City Clerk is directed to certify to the adoption of this Ordinance and post or publish this Ordinance as required by law.

SECTION 8: The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at 7800 Katella Avenue, Stanton, CA 90680.

SECTION 9: Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

PASSED, APPROVED, AND ADOPTED this 10th day of December, 2024.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1150 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 26th day of November, 2024 and was duly adopted at a regular meeting of the City Council held on the 10th day of December, 2024, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

PATRICIA A. VAZQUEZ, CITY CLERK

EXHIBIT A-1

Amended ADU Regulations

SMC 20.400.330

(follows this page)

EXHIBIT A-1

Section 20.400.330 Accessory Dwelling Units

- A. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with [Chapter 13 of Division 1 of Title 7 of the California Government Code Sections ~~65852.2~~ and ~~65852.22~~](#).
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
1. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.
 2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 4. Required to correct a nonconforming zoning condition, as defined in subsection (C)(8) below. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
- C. **Definitions.** As used in this section, terms are defined as follows:
1. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by section 18007 of the California Health and Safety Code.
 2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot. Refer to Section 20.700.70.
 3. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
 4. "Efficiency kitchen" means a kitchen that includes all of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

5. “Junior accessory dwelling unit” or “JADU” means a residential unit that satisfies all of the following:
 - a. It is no more than 500 square feet in size.
 - b. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 - e. It includes an efficiency kitchen, as defined in subsection (C)(4) above.
6. “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
7. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
8. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
9. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
10. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
11. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
12. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. Approvals. The following approvals apply to ADUs and JADUs under this section:

1. **Building-permit Only.** If an ADU or JADU complies with each of the general requirements in subsection (E) below, it is allowed with only a building permit in the following scenarios:

- a. **Converted on Single-family Lot:** One ADU as described in this subsection (D)(1)(a) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - i. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - ii. Has exterior access that is independent of that for the single-family dwelling; and
 - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - iv. The JADU complies with the requirements of Government Code ~~section 65852.22~~ sections 66333 through 66339.

- b. **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) above), if the detached ADU satisfies each of the following limitations:
 - i. The side- and rear-yard setbacks are at least four feet.
 - ii. The total floor area is 800 square feet or smaller.
 - iii. The peak height above grade does not exceed the applicable height limit in subsection (E)(2) below.

- c. **Converted on Multifamily Lot:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (D)(1)(c), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

- d. **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot ~~that has an existing or proposed multi-family dwelling with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling,~~ if each detached ADU satisfies all of the following ~~limitations:~~

- i. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
- ii. The peak height above grade does not exceed the applicable height limit provided in subsection (E)(2) below.
- iii. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

2. ADU Permit.

- a. Except as allowed under subsection (D)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections E and F below.
- b. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city’s ADU ordinance. The ADU-permit processing fee is determined by the Director of Community Development and approved by the City Council by resolution.

3. Process and Timing.

- a. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- b. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - ii. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- c. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments

must be provided to the applicant within the 60-day time period established by subsection (D)(3)(b) above.

- d. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

E. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

1. ~~Location~~ **Zoning.**

- a. An ADU subject only to a building permit under subsection (D)(1) above may be created on a lot in a residential or mixed-use zone.
- b. An ADU subject to an ADU permit under subsection (D)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- c. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

2. **Height.**

- a. Except as otherwise provided by subsections (E)(2)(b) and (E)(2)(c) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
- b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- c. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
- d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (E)(2)(d) may not exceed two stories.
- e. For purposes of this subsection (E)(2), height is measured above from existing legal the finished grade to the peak of the structure in compliance with Section 20.305.050.

3. **Fire Sprinklers.**

- a. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- b. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

4. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

5. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code section ~~65852.26~~ 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

6. **Septic System Prohibited.** The ADU or JADU must connect to the sewer system, septic systems are prohibited for every ADU and JADU.

7. **Owner Occupancy.**

- a. ~~An ADUs~~ created under this section on or after January 1, 2020, ~~but before January 1, 2025, are is~~ not subject to an owner-occupancy requirement.

~~b. Unless applicable law requires otherwise, all ADUs that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.~~

- b. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this paragraph subsection (E)(7)(b) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

8. **Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

- a. Except as otherwise provided in Government Code section ~~65852.26~~ 66341, the ADU or JADU may not be sold separately from the primary dwelling.

- b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
- c. The deed restriction runs with the land and may be enforced against future property owners.
- d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
- e. The deed restriction is enforceable by the director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

9. **Rent Reporting.** In order to facilitate the city's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 66330, the following requirements must be satisfied:

- a. With the building-permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU.
- b. Within 90 days after each January 1 following issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the city does not receive the report within the 90-day period, the owner is in violation of this Code, and the city may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the city may enforce this provision in accordance with applicable law.

10. **Building & Safety.**

- a. **Must comply with building code.** Subject to subsection (E)(10)(b) below, all ADUs and JADUs must comply with all local building code requirements.

- b. **No change of occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (E)(10)(b) prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

F. Specific ADU Requirements. The following requirements apply only to ADUs that require an ADU permit under subsection (D)(2) above.

1. Maximum Size.

- a. The maximum size of a detached or attached ADU subject to this subsection F is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- c. Application of other development standards in this subsection F, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection (F)(1)(b) above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.

2. Floor Area Ratio (FAR). No ADU subject to this subsection F may cause the total FAR of the lot to exceed the ranges set in the table below, subject to subsection (F)(1)(c) above:

FAR/Target Range	General GLMX	North Gateway NGMX	South Gateway SGMX
Target Density Range	Density range for residential uses expressed as dwelling units per NET acre.		
Residential Uses	25 - 45 du/ac	25 - 45 du/ac	30 - 60 du/ac
Target Intensity Range	Floor area ratio (FAR) for nonresidential uses		
Nonresidential Uses (1)	1.0 - 2.0	1.0 - 2.0	1.5 - 3.0

3. Setbacks.

~~a. Front Yard Setback.~~

~~i. Subject to subsection (F)(5)(a)(ii), no part of any ADU subject to this subsection F may be located within 25 feet of the front property line.~~

~~ii. If the front yard setback is the only location on the lot where an ADU may be lawfully constructed, then the ADU may encroach into the required front yard setback as necessary to enable the construction of an 800 square foot unit.~~

~~b. An ADU that is subject to this subsection F must conform to four-foot side and rear yard setbacks.~~

~~c. No setback is required for an ADU that is subject to this subsection F if the ADU is constructed in the same location and to the same dimensions as an existing structure.~~

a. ADUs that are subject to this subsection F must conform to 4-foot side and rear setbacks. ADUs that are subject to this subsection F must conform to 25-foot front setbacks, subject to subsection (F)(1)(c) above.

b. No setback is required for an ADU that is subject to this subsection (f) if the ADU is constructed in the same location and to the same dimensions as an existing structure.

4. **Lot Coverage.** No ADU subject to this subsection F may cause the total lot coverage of the lot to exceed the maximums allowed in the below, subject to subsection (F)(1)(c) above.

Lot Coverage	RE	RL	RM	RH
Interior Lot	30%	40%	50%	65%
Corner Lot	35%	45%	50%	65%

5. **Impervious Surface Coverage.** Maximum percentage of the total gross lot area that may be covered by structures and impervious surfaces shall not exceed 70 percent, subject to subsection (F)(1)(c) above.

6. **Passageway.** No passageway, as defined by subsection (C)(9) above, is required for an ADU.

7. **Parking.**

a. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (C)(12) above.

b. Exceptions. No parking under subsection (F)(7)(a) is required in the following situations:

- i. The ADU is located within one-half mile walking distance of public transit, as defined in subsection (C)(11) above.
 - ii. The ADU is located within an architecturally and historically significant historic district.
 - iii. The ADU is part of the proposed or existing primary residence (single-family converted ADUs, not multi-family converted) or an accessory structure under subsection (D)(1)(a) above.
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
 - v. When there is an established car share vehicle stop located within one block of the ADU.
 - vi. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (F)(7)(b)(i) through ~~(F)(7)(b)(v)~~ above.
- c. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

8. Architectural Requirements.

- a. The materials and colors of the exterior walls, roof, and windows and doors must ~~match the appearance and architectural design of~~ be the same architectural design and appearance as those of the primary dwelling.
- b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- c. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
- e. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.

9. Historical Protections. An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

10. Allowed Stories. No ADU subject to this subsection F may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subparagraph (E)(2)(d) of this section.

G. **Fees.** The following requirements apply to all ADUs that are approved under subsections (D)(1) or (D)(2) above.

1. **Impact Fees.**

- a. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (G)(1), “impact fee” means a “fee” under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.
- b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

2. **Utility Fees.**

- a. If an ADU ~~or JADU~~ is constructed with a new single-family home, a separate utility connection directly between the ADU ~~or JADU~~ and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- b. Except as described in subsection (G)(2)(a), converted ADUs on a single-family lot, that are created under subsection (D)(1)(a) above, are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required ~~unless the ADU is constructed with a new single family home.~~
- c. Except as described in subsection (G)(2)(a), all ADUs that are not covered by subsection (G)(2)(b) above require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.
 - i. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixtured units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - ii. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

H. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

1. **Generally.** The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

2. Unpermitted ADUs and JADUs constructed before ~~2018~~ 2020.

a. **Permit to Legalize.** As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, ~~2018~~ 2020, if denial is based on either of the following grounds:

- i. The ADU or JADU violates applicable building standards, or
- ii. The ADU or JADU does not comply with state ADU or JADU law (~~Government Code Section 65852.2~~) or this ADU ordinance (section 20.400.330).

b. Exceptions:

- i. Notwithstanding subsection (H)(2)(a) above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, ~~2018~~ 2020, if the city makes a finding that correcting a violation is necessary to ~~protect the health and safety of the public or of occupants of the structure~~ protect the health and safety of the public comply with the standards specified in California Health and Safety Code section 17920.3.
- ii. Subsection (H)(2)(a) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

I. **Restricted Areas.** ADUs or JADUs shall not be allowed where roadways, public utilities and services are inadequate with reference to objective and published thresholds established by the utility or service provider. To ensure access by public safety vehicles, an ADU may not be located on a lot that fronts a roadway that is narrower than the minimum road width standards established by the Orange County Fire Authority's Master Plans for Commercial and Residential Development (as the same may be amended from time to time), unless: (1) one on-site parking space is provided for each bedroom included in the ADU; and (2) replacement on-site parking spaces are provided for any parking spaces that are lost or converted to accommodate the ADU.

RESOLUTION NO. 2570

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTION 20.400.330 OF THE STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN THE CITY, AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17

WHEREAS, the City of Stanton, California (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend state ADU law;

WHEREAS, AB 2533 and SB 1211 take effect on January 1, 2025, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 2533 and SB 1211; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 2533’s and SB 1211’s changes to state law; and

WHEREAS, on October 3, 2024, the City gave public notice that the Planning Commission would conduct a public hearing to consider Zoning Code Amendment ZCA 24-04 by posting the public notice at three public places including Stanton City Hall, the Post Office, and the Stanton Community Services Center, and publishing the notice in the Orange County Register on October 4, 2024, and the Planning Commission agenda was made available through the agenda posting process; and

WHEREAS, the item was originally scheduled for the Planning Commission meeting of October 16, 2024, but the meeting was cancelled due to a lack of quorum, so the item was rescheduled to the meeting of November 6, 2024; and

WHEREAS, on November 6, 2024, the Planning Commission held a duly-noticed public hearing to consider the attached Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF STANTON DOES RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. Incorporation. The recitals above are true and correct and are each incorporated by reference and adopted as findings by the Planning Commission.

SECTION 2. CEQA. The Planning Commission recommends that the City Council find that, under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

SECTION 3. Based on all the evidence in the record, the Planning Commission has determined that amending Section 20.400.330 of the SMC, is necessary and finds that the proposed Zoning Code Amendments are appropriate for the following reasons:

1. **Consistency with City’s General Plan:** The proposed Ordinance is consistent with the City’s General Plan, particularly Goal H-1.1, “Provide for a housing stock of sufficient quantity composed of a variety and range of types and costs.” Accessory Dwelling Unit and Junior Accessory Dwelling Units provide a unique type of housing that allow for increased housing stock in areas with low density where additional housing was previously not possible. The proposed amendment ensures that the City’s Ordinance remains updated with recent legislative changes so it can continue to offer this variety of housing types.
2. **Adoption of Ordinance Will Not be Detrimental to the Public Interest, Health, Safety, Convenience, or Welfare:** The proposed Ordinance will maintain the current zoning framework to allow Accessory Dwelling Units and Junior Accessory Dwelling Units without introducing new uses or conditions that could pose risks. The proposed Ordinance will ensure the City’s regulations are reflective of legislative changes and are appropriate to ensure compliance with state requirements.
3. **Consistency with Zoning Code:** The Amendments are internally consistent with other provisions of the City’s Zoning Code, as they continue to allow development of Accessory Dwelling Units and Junior Accessory Dwelling Units. This Ordinance

will bring the City’s regulations into compliance with legislative changes related ADU and JADU development and is necessary to maintain compliance. The Ordinance does not introduce any new uses or standards that are incompatible with other provisions of the Zoning Code.

SECTION 4. Recommendation. Given the foregoing, and based on the entire record before the Planning Commission, the Planning Commission hereby recommends that the City Council adopts Ordinance No. 1150, attached hereto as Exhibit “A” and incorporated by reference.

SECTION 5. Effective Date. This Resolution takes effect immediately upon adoption.

Section 6. Certification; Records. The Planning Secretary shall attest as to the adoption of this Resolution and cause the same to be maintained in the permanent records of the City.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission on the 6th day of November 2024, by the following vote:

AYES:	COMMISSIONERS:	Tran, Ash, Frazier, Adams
NOES:	COMMISSIONERS:	_____
ABSENT:	COMMISSIONERS:	_____
ABSTAIN:	COMMISSIONERS:	_____

Thomas Adams, Chairperson
Stanton Planning Commission

Crystal Landavazo
Planning Commission Secretary

Exhibit “A”

Proposed Ordinance No. 1150

[Attached]

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 26, 2024

SUBJECT: COMPARISON OF RENT CONTROL / RENT STABILIZATION ORDINANCES FOR CITY COUNCIL DISCUSSION

REPORT IN BRIEF:

At their regular meeting of November 12, 2024, the City Council directed staff to locate ordinances prepared by the City of San Juan Capistrano and the City of Anaheim for their review and consideration. Staff researched these cities and found that San Juan Capistrano adopted an ordinance establishing a Municipal Code section titled, "Mobile Home Rent Control" in 1981 which was replaced by an ordinance, same title, in 1997. The City of Anaheim Municipal Code does not have any chapters or sections with titles related to rent control or rent stabilization. However, in 2019, the City of Anaheim reviewed three ordinances, at two separate meetings, focused on thresholds for mobile home space rental rate increases. These ordinances have been attached to this staff report for the City Council's review and discussion.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Review the attached adopted ordinance from the City of San Juan Capistrano and the proposed ordinances from the City of Anaheim and provide staff with direction.

BACKGROUND:

On November 12, 2024, the City Council discussed the potential for a mobile home rent control/rent stabilization ordinance. During this discussion, the City of San Juan Capistrano was identified as having an existing ordinance. Additionally, during this discussion, the City of Anaheim was noted due to complications that they faced regarding the topic. The City Council determined additional information was needed and directed staff to provide the ordinance/proposed ordinances from both cities for their review.

ANALYSIS/JUSTIFICATION:

San Juan Capistrano

The City of San Juan Capistrano initially adopted an ordinance in 1981 introducing Article 9 (Mobile Home Rent Control) into their Municipal Code. In 1997, Ordinance 795 was adopted and amended Article 9 in its entirety. Generally, the Ordinance establishes that mobile home space rent may only be increased by the Consumer Price Index for all urban consumers (CPI-U). The Ordinance also establishes a petition and hearing procedure that may be filed by either an owner or resident regarding any proposed or actual increases that exceed the maximum allowable increase. Ordinance 795 has been attached to this staff report for the City Council’s review.

Anaheim

The City of Anaheim does not have regulations within its Municipal Code related to mobile home rent control, rent stabilization, rate increase thresholds, or any similar language. However, on April 16, 2019, the Anaheim City Council did review a proposed ordinance titled, “AN UNCODIFIED INTERIM ORDINANCE OF THE CITY OF ANAHEIM IMPOSING A TEMPORARY RESTRICTION ON MOBILEHOME SPACE RENTAL RATE INCREASES THAT EXCEED THREE PERCENT (3%) ANNUALLY, OR THE CHANGE IN THE CONSUMER PRICE INDEX, WHICHEVER IS GREATER.” This Ordinance was proposed to be in place for 180 days, however, after deliberation the Ordinance was not adopted. On October 29, 2019, the Anaheim City Council reviewed an urgency ordinance and a permanent ordinance titled, “AN ORDINANCE OF THE CITY OF ANAHEIM IMPOSING A RESTRICTION ON MOBILEHOME SITE RENTAL RATE INCREASES IN EXCESS OF THOSE PERMITTED UNDER ASSEMBLY BILL 1482 (CALIFORNIA CIVIL CODE SECTION 1947.12).” These ordinances were not adopted. All three ordinances have been attached to this staff report for the City Council’s review.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended action.

ENVIRONMENTAL IMPACT:

This item is not subject to California Environmental Quality Act (“CEQA”) pursuant to Sections 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and.

LEGAL REVIEW:

None.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

None.

PUBLIC NOTIFICATION:

Through the normal agenda process.

Prepared by: Crystal Landavazo, Community and Economic Development Director

Approved by: Hannah Shin-Heydorn, City Manager

Attachments:

- A. City of San Juan Capistrano Ordinance No. 795
- B. City of Anaheim Proposed Ordinance, presented April 16, 2019
- C. City of Anaheim Proposed Urgency Ordinance, presented October 29, 2019
- D. City of Anaheim Proposed Ordinance, presented October 29, 2019

ORDINANCE NO. 795

AN AMENDMENT TO TITLE 2, CHAPTER 2, ARTICLE 9 OF THE MUNICIPAL CODE - MOBILE HOME RENT CONTROL

AN ORDINANCE OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING TITLE 2, CHAPTER 2, ARTICLE 9, OF THE MUNICIPAL CODE RELATING TO MOBILE HOME RENT CONTROL

THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Amendment.

Title 2, Chapter 2, Article 9, is hereby amended in its entirety in accordance with Exhibit "A," attached hereto.


SECTION 2. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days after its passage.

SECTION 3. City Clerk's Certification.

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance; and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED AND ADOPTED this 6th day of May, 1997.



DAVID M. SWERDLIN, MAYOR

ATTEST:



Cheryl Johnson

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF SAN JUAN CAPISTRANO)

I, **CHERYL JOHNSON**, City Clerk of the City of San Juan Capistrano, California, **DO HEREBY CERTIFY** that the foregoing is a true and correct copy of Ordinance No. 795 which was introduced at a meeting of the City Council of the City of San Juan Capistrano, California, held on April 15, 1997, and adopted at a meeting held on May 6, 1997, by the following vote:

- AYES:** Council Members Jones, Greiner, Hart and Mayor Swerdlin
- NOES:** None
- ABSTAIN:** None
- ABSENT:** Council Member Campbell

(SEAL)



CHERYL JOHNSON, CITY CLERK

EXHIBIT "A"

ARTICLE 9. MOBILE HOME RENT CONTROL**"Sec. 2-2.901. Findings.**

The Council finds and determines that:

(a) There is presently, within the City and the surrounding areas, a shortage of spaces for the location of mobile homes, resulting in a low vacancy rate and rising space rents.

(b) Mobile home owners have invested substantial sums in their mobile homes and appurtenances.

(c) Alternative sites for the relocation of mobile homes are difficult to find, and the moving and installation of mobile homes is expensive, with possibilities of damage to the units.

The Council, accordingly, does find and declare that it is necessary to protect the residents of mobile homes from unreasonable space rent increases, recognizing the need of mobile home park owners to receive a fair, just, and reasonable return. (Sec. 1, Ord. 439, eff. November 3, 1981, as amended by Sec. 1, Ord. 507, eff. May 3, 1984.)

Sec. 2-2.902. Definition.

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a) "Assessment" shall mean the entire allocation of the cost of installing, improving, repairing, or maintaining any capital improvement benefiting the resident.

(b) "Committee" shall mean the Housing Advisory Committee established under Title 2, Chapter 2, Article 2 of this Code.

(c) "Consumer Price Index" shall mean the Consumer Price Index for all urban consumers (CPI-U) published for the Los Angeles-Long Beach-Anaheim area.

(d) "Maximum allowable increase" shall mean the maximum allowable increase in mobile home space rent an owner may charge, unless a higher increase is approved by the City after a petition and hearing as provided in this article. The maximum allowable increase shall be provided in this subsection (d) and shall be determined by either of the following formulae an owner may choose to apply:

(1) Take the operating expenses of the park for the twelve (12) month period immediately preceding the date upon which notification of any rent increase is to be made; multiply that sum by the percentage of increase in the CPI-U appearing in the latest published Consumer Price Index to arrive at the maximum allowable annual increase in rent for the entire park; and divide the number of units in the park to compute the maximum allowable annual rent increase (in dollars) for each space; or

(2) Secure the percentage of annual increase in the CPI-U for the calendar year immediately preceding the one in which the rental adjustment is being made; multiply that figure by the rent to be adjusted to arrive at the maximum allowable rent increase percentage per year; and apply that product to each space rent.

(3) Effective April 1, 1988, the maximum allowable increase for rental adjustments occurring under this subsection shall be based upon the percentage of annual rise in the CPI-U for the previous calendar year. Any rental increase occurring between October 1, 1987

and March 31, 1988 shall be subject to the maximum allowable increase computed with the annual rise of the CPI-U for the 1986 calendar year.

(4) The percentage increase computed by either of the methods set forth in this subsection shall be applied to each space and shall not be applied to the park's mean rent. Moreover, there shall be no more than one increase in space rents within a park during any twelve (12) month period without the prior approval of the City.

(5) The occurrence of a vacancy in either a space within a park or a mobile home unit on a space within a park shall not result in a space rental increase in excess of the percentage increase allowed once during any twelve (12) month period by this subsection, unless it results from a petition duly heard and approved pursuant to Section 2-2.905.

(e) "Owner" shall mean the owner, lessor, or designated agent of a park.

(f) "Park" shall mean a mobile home park which rents spaces for mobile home dwelling units.

(g) "Rent" shall mean the consideration charged solely for the use and occupancy of a mobile home space in a park and shall not include any amount paid for the use of the mobile home dwelling unit or for facilities or amenities in a park, other than a mobile home space, or any other fees or charges regulated by a governmental agency and charged to residents on an actual usage and/or cost basis.

(h) "Resident" shall mean any person entitled to occupy a mobile home dwelling unit pursuant to the ownership thereof or a rental or lease arrangement with the owner of the subject dwelling unit. (Sec. 1, Ord. 439, eff. November 3, 1981, as amended by Sec. 1, Ord. 456, eff. June 3, 1982, Sec. 1, Ord. 507, eff. May 3, 1984, and Sec. 1, Ord. 602.)

**Sec. 2-2.903. Petition and hearing process
 regarding rent increases.**

(a) Petition and hearing procedure. Upon the filing with the secretary of a written petition concerning a proposed or actual increase in rent filed by an owner or by residents who reside in and represent more than fifty (50%) percent of the inhabited spaces within a park, excluding management, a hearing thereon shall be conducted by a Hearing Officer within sixty (60) calendar days, or as soon thereafter as is reasonably practicable, after the filing of the petition.

The hearing shall be conducted only in the event the petition is filed with the secretary thirty (30) calendar days following the effective date of the rent increase which is the subject of the petition.

The Hearing Officer shall be chosen and a hearing conducted in accordance with the Hearing Officer procedure established by the Council.

(b) Purpose of hearings. At the hearing on such petition, the Hearing Officer shall conduct an investigation to determine if the rent increase in question exceeds the maximum allowable increase as defined in subsection (d) of Section 2-2.902 of this article. If the Hearing Officer concludes that the rent increase exceeds the maximum allowable increase, the Hearing Officer shall then continue the hearing by receiving all relevant evidence for the purpose of rendering findings and conclusions as to the propriety of the rent increase in accordance with the criteria set forth in subsection (g) of this section.

The Hearing Officer may require either party to a hearing on the petition to provide any books, records, and papers deemed pertinent, in addition to that information previously set forth by the parties.

(c) Hearing Officer recommendations. Within thirty (30) days after concluding the hearing, the Hearing Officer shall render written findings and conclusions as to the propriety of the rent increase to the Housing Advisory Committee. The Hearing Officer recommendations shall not be binding.

(d) Committee reviews of Hearing Officer findings. The Housing Advisory Committee shall review the findings and conclusions of the Hearing Officer at its next available meeting. Its scope of review shall be limited to the written record consisting of the evidence received by the Hearing Officer, written arguments of the parties, findings of the Hearing Officer, other relevant matters as compiled by the secretary of the Committee, and additional oral or written arguments the parties may wish to make. However, the Committee shall not receive or consider any additional evidence.

The Housing Advisory Committee shall give ten (10) days prior written notice of its meeting to the parties.

(e) Council reviews. The Council shall review the findings of the Hearing Officer and the recommendations of the Housing Advisory Committee as soon as reasonably practicable. The Council shall not reopen the hearing held by the Hearing Officer for the purpose of receiving new evidence unless, in the discretion of the Council, it is necessary to do so.

The Council may affirm, modify, or reverse the rent increase in question, but in no case require a reduction lower than the maximum allowable increase.

The Council shall render written findings in support of its conclusions within thirty (30) days after its meeting, and the decision of the Council shall be final.

(f) Return of excess rents collected. Any rent increases which are collected by an owner pursuant to an increase which is the subject of a petition for hearing, and which later is determined by the Council to exceed the maximum allowable increase, or such greater increase as the Council approves, shall be either returned to the residents or credited to future space rents; provided, however, no increase collected prior to December 5, 1980, shall be returned.

(g) Criteria to be utilized in rent increase reviews.

(1) Purpose of reviews. The Hearing Officer, the Housing Advisory Committee, and the Council shall review the rent increase to determine whether the increase is, or is not, fair and reasonable. Such review shall be conducted by applying the non-exclusive criteria set forth in subsection (2) of this subsection (g) to the facts submitted to the Hearing Officer.

(2) Non-exclusive criteria. The Hearing Officer, the Committee, and the Council shall consider all relevant factors, including, but not limited to, increased or decreased costs to the mobile home park owner attributable to utility rates, property taxes, insurance, advertising, governmental assessments, cost-of-living increases attributable to incidental services, normal repairs and maintenance, capital improvements, except those defined in subsection (h) of this section, the upgrading and addition of amenities for services, except as defined in subsection (h) of this section, and a fair rate of return on the property.

(3) Fair rate of return on property criteria. The Council finds and declares that the following principles shall be applied in utilizing the fair rate of return on property standard as a criterion in the review process:

(i) All the provisions of this article shall be applied with the overall purpose of eliminating the imposition of excessive rents while at the same time providing park owners with a just and reasonable return on property.

(ii) The reasonableness of rent increases is not to be determined solely by the application of a fixed or mechanical accounting formula, such as "return on investment" or "return on market value" of the property; in particular, recent court decisions have discouraged the use of a "return on market value" test.

(iii) The fair rate of return on property is but one of a number of non-exclusive factors to be taken into account in reviewing the fairness of rent increases; it is to be given weight, but not to dominate other relevant criteria in arriving at a final determination.

(iv) The Hearing Officer, the Committee, and the Council shall impartially consider all relevant evidence in relation to the application of the non-exclusive criteria. The extent to which the criteria are considered in the review process, that is, the amount of weight given to any one of the several criteria, ultimately falls within the wisdom and best judgment of said three (3) bodies.

(v) In conducting the entire process, guidance should be taken from leading California case law decisions dealing with rent control issues and in particular, rent control in mobile home parks. Such cases include: *Birkenfeld v. City of Berkeley* (1976), 17 C.3d 165; *Gregory v. City of San Juan Capistrano* (1983), 142 C.A.3d 8; *Cotati Alliance for Better Housing v. Cotati* (1983), 143 C.A.3d 296; *Palisades Shores v. City of Los Angeles* (1983), 143 C.A.3d 369; *Oceanside Mobile Home Park Owners Association v. City of Oceanside* (1984), 157 C.A.3d 887; and *Carson Mobile Home Park Owners Association v. City of Carson* (1983), 35 C.3d 184.

(h) Rent increases and capital improvement upgrade costs.

(1) Capital Improvement upgrade costs. Only those capital improvement costs incurred to upgrade through additions, alterations or replacements, park facilities, assets, or amenities, shall not be recouped from residents through rent increases, or any other special assessment, unless the following procedure is first followed:

(i) The park owner shall first inform by first-class mail all park residents of the exact nature, approximate cost, billing method, and billing duration of the proposed capital improvement upgrade by written notice.

(ii) After allowing the residents a reasonable period of time (of not less than thirty [30] days) to consider whether the capital improvement cost is one the residents believe is necessary and desirable, the park owner shall then obtain formal written consent on a form approved by the City from a simple majority of the total number of residents in the park. The simple majority shall be calculated on the basis of one vote per coach space.

(iii) The costs of the capital improvement upgrade shall be prorated and billed in a method mutually acceptable to the park owner and the residents.

For the purposes of this subsection, "to upgrade" shall mean to raise to a substantially higher quality, or to substantially improve, the existing level of service. Examples of capital improvement upgrades include, but are not limited to, swimming pools, spas, tennis courts, clubhouses, clubhouse additions, fencing, children's play equipment, and other similar improvements.

(2) Exceptions for governmentally mandated costs. Capital improvement upgrade costs incurred because of the application of current day Building Codes, such as, but not limited to, City Building Codes, Health and Safety Codes, and State, Federal, and Fire Codes, shall be exempted from the resident consent provision set forth in subsection (1) of this subsection

(h). The park owner shall obtain a written statement from the Building Official verifying that the subject capital improvement upgrade arose from the more stringent current day Building Code requirements before the exception set forth in this subsection may be utilized by the park owner.

(i) Leasehold agreement exemptions. Notwithstanding any provision of this article to the contrary, leasehold agreements (that is, leases other than tenancies at will or month-to-month) entered into between mobile home park owners and their residents shall be exempted from the operation of the petition and hearing review process.

(ii) Forms. The City Manager is authorized and directed to develop and require the completion of forms by interested parties at the time a petition is received by the secretary. Until such forms are completed to the satisfaction of the City Manager, or his designated representative, the petition and hearing process shall proceed no further. (Sec. 1, Ord. 439, eff. November 3, 1981, as amended by Sec. 1, Ord. 456, eff. June 3, 1982, Sec. 1, Ord. 507, eff. May 3, 1984, Sec. 1, Ord. 526, eff. January 3, 1985, and Sec. 1, Ord. 545, eff. July 18, 1985.)

Sec. 2-2.904. Hearing Officer costs. Fee reimbursement.

(a) Administrative fee. There is hereby instituted a \$1,000.00 fee to be paid to the City for costs incurred in invoking the hearing officer procedure set forth in Section 2-2.903.

(b) \$500.00 deposit. At the time the park residents file a petition in protest of a proposed increase, the petitioners shall simultaneously post a \$500.00 deposit with the Secretary to the Housing Advisory Committee. The Secretary shall find that the petition is incomplete if the \$500.00 deposit is not posted. Further, the statute of limitation period of thirty (30) days from the effective date of a rent increase shall continue to run in the event that the petition has been found to be incomplete.

If the petition is in order and the deposit has been posted, the City shall promptly notify the park owner that the hearing procedure will be invoked and that the park owner shall, within ten (10) days of receipt of notice, post a \$500.00 deposit equal to the petitioners' deposit. Should the park owner not post the \$500.00 deposit within the ten (10) day time limit, the residents shall be under no legal obligation to pay the proposed rent increase.

(c) Responsibility for payment of administrative fee. At the conclusion of the administrative hearing, the Hearing Officer, as a part of his responsibility to make findings, shall make a recommendation as to the percentage that each party is to pay in satisfying the \$1,000.00 administrative fee. The City Council shall make a final decision regarding the Hearing Officer's determination based upon the final rent award.

(d) Remedies for nonpayment of administrative fee. Should any party refuse to pay his portion of the required administrative fee, the City may pursue any civil remedy available, or in the alternative, refuse to process a future petition by the same petitioners. In the case of park owner nonpayment, park tenants shall not be obligated to pay proposed rent increases until the administrative fee debt has been satisfied. (Sec 2-2.902, Ord. 439, eff. November 3, 1981, was repealed by Ord. 507, eff. May 3, 1984, and added by Sec. 1, Ord. 613, eff. December 31, 1987)."

ORDINANCE NO.

AN UNCODIFIED INTERIM ORDINANCE OF THE CITY OF ANAHEIM IMPOSING A TEMPORARY RESTRICTION ON MOBILEHOME SPACE RENTAL RATE INCREASES THAT EXCEED THREE PERCENT (3%) ANNUALLY, OR THE CHANGE IN THE CONSUMER PRICE INDEX, WHICHEVER IS GREATER

WHEREAS, in March of 2019, the City Anaheim ("Anaheim" or "City") was notified that the owner of Rancho La Paz Mobilehome Park ("La Paz"), an age restricted (55+) community, had issued notices to its residents of monthly base rent increases in excess of forty percent (40%) effective June 1, 2019.

WHEREAS, the City subsequently received information that the La Paz ownership had withdrawn the notices of proposed rent increases and was delaying any rent modifications until at least September 1, 2019; and

WHEREAS, the notices issued to the La Paz residents highlighted the situation faced by many of the residents who reside at mobilehome parks in Anaheim, a significant number of whom are elderly, live on fixed incomes, and cannot afford a precipitous increase in rent; and

WHEREAS, there are approximately 27 mobilehome parks in Anaheim, a substantial number of which serve as the primary residences of senior citizens on fixed incomes and/or low and moderate income households; and

WHEREAS, housing costs in Orange County have significantly increased in recent years, and mobilehomes are a much-needed affordable housing option for Anaheim's lower income residents; and

WHEREAS, because a mobilehome is affixed to the property on which it resides, it is generally not cost effective to move it, resulting in the owner losing the mobilehome if he or she cannot pay the rent imposed by the landlord; and

WHEREAS, the situation confronting La Paz residents, as outlined in their oral and written communications, suggest the economic conditions and recognized housing shortage in Southern California has the potential to detrimentally impact a substantial number of mobilehome residents in Anaheim, and impose a particular hardship on senior citizens, persons living on fixed incomes, and other vulnerable persons living in mobilehome parks in Anaheim; and

WHEREAS, many of the elderly residents of La Paz reported that they would become homeless if their rents were increased as originally planned, and the same may be true if other mobilehome park owners were to impose significant rent increases; and

WHEREAS, Anaheim is working diligently to care for and assist its homeless population, and has opened and funded three homeless shelters in the past several months to meet the needs of its homeless residents; and

WHEREAS, increasing the number of homeless residents in Anaheim, particularly elderly residents who may be in need of medical or other care, could create a public health and safety risk; and

WHEREAS, the State of California recognized the unique relationship among the owners and residents of mobilehome parks when it adopted the Mobilehome Residency Law, which is codified in California Civil Code Section 798 et seq., which expressly authorizes the City of Anaheim to regulate the setting and/or increasing of rents for the use and occupancy of a mobilehome space subject to certain exceptions; and

WHEREAS, Anaheim provides for and promotes the orderly growth and development of sites for mobilehome parks in the City's Zoning Code, which includes the establishment of a Mobilehome Park (MHP) Overlay Zone, consistent with the City's goal of accommodating alternative housing types as stated in the Housing Element of the City's General Plan; and

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 400 of the Charter of the City of Anaheim, the City Council of the City of Anaheim has the authority to enact and enforce ordinances and regulations for the public peace, health and welfare of the City and its residents; and

WHEREAS, based on the foregoing facts and the facts presented to the City Council at the meeting at which this ordinance was introduced and adopted, the City Council finds that, based on the unique characteristics of mobilehome tenancies, and the need to provide protection for tenants against actual or constructive eviction as a result of the high cost of moving and installing mobilehomes, finds that allowing owners of mobilehome parks to impose unrestricted rent increases could displace a large numbers of elderly, fixed-income, or low and moderate-income Anaheim residents; and

WHEREAS, the setting and increasing of rents for mobilehome spaces has not previously been a subject of regulation in the City of Anaheim, and the City Council desires to evaluate rent stabilization policies protecting mobilehome residents from unreasonable rent adjustments while ensuring that the owners of mobilehome parks may earn a fair and reasonable return on their property; and

WHEREAS, with the lack of current local regulation, some owners of mobilehome parks in the City may seek to significantly increase existing rents, which rent increases could exacerbate the current housing and economic conditions and impose a hardship on individual mobilehome residents, many of whom are elderly and/or living on low or moderate incomes; and

WHEREAS, this interim ordinance allows for an annual adjustment of mobilehome space rent in Anaheim of up to three percent (3%), or the change in the Consumer Price Index, whichever is greater, for a period of one hundred eighty (180) days. A Consumer Price Index-based increase is found and determined to provide a just and reasonable return on a mobilehome

park owner's property, and has been adopted to encourage good management, reward efficiency and discourage the flight of capital, as well as to be commensurate with returns on comparable investments, but not so high as to defeat the purpose of curtailing excessive mobilehome space rents and rental increases.

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

SECTION 1.

The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the State CEQA Guidelines.

SECTION 2.

The recitals and statements of fact set forth in the preamble to this ordinance are true and correct, constitute a substantive part of this ordinance, and are incorporated herein by this reference. Based on those facts, the City Council finds, determines and declares that this ordinance is a matter of city-wide importance and necessary for the immediate preservation of the public peace, health, safety and/or welfare of the community and is a valid exercise of the local police power and in accord with the public purposes and provisions of applicable State and local laws and requirements.

SECTION 3.

Unless expressly exempt under the Mobilehome Park Residency Law codified in California Civil Code Section 798 et seq., commencing as of the effective date of this ordinance and continuing thereafter for a period of one hundred eighty (180) days, up to and including September 29, 2019, increases in rents on mobilehome spaces in the City of Anaheim in excess of three percent (3%) or the change in the Consumer Price Index, whichever is greater, and more than one rent increase in any twelve-month period, are prohibited. The term Consumer Price Index means, at the time of the adjustment calculation, the percentage increase in the United States Consumer Price Index for all Urban Consumers in the Los Angeles-Anaheim-Long Beach Metropolitan Area published by the Bureau of Labor Statistics, not seasonally adjusted, for the most recent twelve-month period ending prior to the proposed rent increase/adjustment.

SECTION 4.

This ordinance allows for an annual adjustment of mobilehome space rent of up to three percent (3%), or the change in the Consumer Price Index, whichever is greater. A Consumer

Price Index-based increase is found and determined to provide a just and reasonable return on a mobilehome park owner's property, and has been adopted to encourage good management, reward efficiency and discourage the flight of capital, as well as to be commensurate with returns on comparable investments, but not so high as to defeat the purpose of curtailing excessive mobilehome space rents and rental increases. Notwithstanding the foregoing, however, any owner of a mobilehome park who contends that the limit on mobilehome space rental increases set forth in Section 3 above will prevent the owner from receiving a fair and reasonable return on his/her/its property, may petition for relief from the cap set forth in Section 3 pursuant to the procedures set forth in Section 5.

SECTION 5.

A mobilehome park owner may petition for a rent increase in excess of that provided in Section 3 in order to obtain a fair and reasonable return on his/her/its property. Such petition shall be on an application form prescribed by the City Manager and shall be decided by the City Manager or his or her designee ("City Manager"). The applicant shall bear the burden of establishing that a rate increase in excess of that provided in Section 3 is necessary to provide the applicant with a fair and reasonable return on his/her/its property, including by providing an independent financial report and verified financial data demonstrating that without such an increase, he/she/it will not realize a fair and reasonable return on his/her/its property.

Upon receipt of a fair return petition/application, the City Manager shall determine if the employment of expert(s) will be necessary or appropriate for a proper analysis of the applicant's request. If the City Manager so determines, he or she shall also determine the anticipated costs of employing such expert(s). The resulting figure shall be communicated to the applicant, and the application shall not be processed until the applicant has paid to the City the estimated cost of the expert analysis. Any unused portion of the advance payment for expert analysis shall be refunded to the applicant.

The factors the City Manager may consider in deciding a fair return petition/application include:

(1) Changes in the Consumer Price Index for All Urban Consumers in the Los Angeles-Anaheim-Long Beach Metropolitan Area published by the Bureau of Labor Statistics.

(2) The rent lawfully charged for comparable mobilehome spaces in the City of Anaheim.

(3) The length of time since the last determination by the City Manager on a rent increase application, or the last rent increase if no previous rent increase application has been made.

(4) The completion of any capital improvements or rehabilitation work related to the mobilehome space or spaces specified in the rent increase application, and the cost thereof, including materials, labor, construction interest, permit fees and other items the City Manager deems appropriate.

(5) Changes in property taxes or other taxes related to the subject mobilehome park.

(6) Changes in the rent paid by the applicant for the lease of the land on which the subject mobilehome park is located.

(7) Changes in the utility charges for the subject mobilehome park paid by the applicant and the extent, if any, of reimbursement from the tenants.

(8) Changes in reasonable operating and maintenance expenses.

(9) The need for repairs caused by circumstances other than ordinary wear and tear.

(10) The amount and quality of services provided by the applicant to the affected tenant.

(11) Any existing written lease lawfully entered into between the applicant and the affected tenant.

An application for a fair return adjustment shall be decided by the City Manager within sixty (60) calendar days of the date that the application has been deemed complete. The decision shall be emailed and sent by mail, with proof of mailing to the mobilehome park owner, the park owner's designated representative(s) for the petition, and a designated representative of the residents.

SECTION 6.

Pursuant to California Civil Code Section 798.17, the provisions of this interim ordinance regulating the amount of rent which a mobilehome park owner may charge for a mobilehome space shall not apply to any mobilehome park spaces initially held out for rent after January 1, 1990, nor to any mobilehome tenancy created by a rental agreement which is in excess of twelve (12) months in duration provided that the rental agreement meets the criteria of California Civil Code Section 798.17(b). A rental agreement of more than twelve (12) months that meets the criteria of Civil Code Section 798.17(b) is referred to as a "qualifying rental agreement." This exemption shall apply only during the term of the qualifying rental agreement or during one or more uninterrupted continuous extensions for such qualifying rental agreement. If a qualifying rental agreement expires or is terminated, and no new qualifying rental agreement is entered into for that particular space, then the last rent charged under the provisions of the previous rental agreement shall be the base rent upon which any adjustment shall be calculated. For the purposes of this provision, upon the assumption of an existing qualifying rental agreement, a purchaser of a mobilehome shall be deemed to have entered into a qualifying rental agreement. If a space becomes subject to this interim ordinance by reason of the expiration or termination of a qualifying rental agreement, the rent may be adjusted only in accordance with the provisions of this interim ordinance.

SECTION 7.

The Community Preservation Manager and Community Preservation Officers shall have the duty and authority to enforce this ordinance in accordance with Chapter 1.01 in the Anaheim Municipal Code. In addition, any person violating the provisions of this ordinance shall be subject to prosecution pursuant to, and in the manner set forth in, Chapter 1.01 in the Anaheim Municipal Code.

SECTION 8.

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 9.

The City Manager and City staff shall continue to study and assess the conditions that led to the adoption of this interim ordinance and, on or before July 20, 2019, shall provide a report to the City Council regarding policy alternatives with regard to mobilehome rent stabilization measures based on legal analysis, market analysis, best practices from other jurisdictions, and stakeholder engagement.

SECTION 10.

This ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

SECTION 11.

The City Clerk shall certify to the passage of this ordinance and shall cause this ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the ____ day of _____, 2019, and thereafter passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2019, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By: _____
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

CITY CLERK OF THE CITY OF ANAHEIM

131895



ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY OF ANAHEIM
IMPOSING A RESTRICTION ON MOBILEHOME SITE
RENTAL RATE INCREASES IN EXCESS OF THOSE
PERMITTED UNDER ASSEMBLY BILL 1482
(CALIFORNIA CIVIL CODE SECTION 1947.12)

WHEREAS, the City of Anaheim, along with other Southern California cities, is experiencing a humanitarian crisis of homelessness and displacement of renters; and

WHEREAS, there are approximately 27 mobilehome parks in Anaheim, a significant number of which serve as the primary residences of senior citizens on fixed incomes and/or low and moderate income households; and

WHEREAS, housing costs in Orange County have significantly increased in recent years, and mobilehomes are a much-needed affordable housing option for Anaheim's lower income residents; and

WHEREAS, because a mobilehome is affixed to the property on which it resides, it is generally not cost effective to move it, resulting in the owner losing the mobilehome if he or she cannot pay the rent imposed by the landlord; and

WHEREAS, the economic conditions and recognized housing shortage in Southern California detrimentally impact a substantial number of mobilehome residents in Anaheim and constitute a threat to public health, safety and welfare, and a particular hardship for senior citizens, persons living on fixed incomes, and other vulnerable persons living in mobilehome parks in Anaheim; and

WHEREAS, Anaheim is working diligently to care for and assist its homeless population, and has opened and funded three homeless shelters in the past several months to meet the needs of its homeless residents; and

WHEREAS, increasing the number of homeless residents in Anaheim, particularly elderly residents who may be in need of medical or other care, creates a public health and safety risk; and

WHEREAS, on October 8, 2019, California Governor Gavin Newsom approved the Tenant Protection Act of 2019, Assembly Bill 1482 ("AB 1482"), an act adding and repealing Sections 1946.2, 1947.12, and 1947.13 of the California Civil Code, effective beginning January 1, 2020, which prohibits evictions without "just cause" and prevents owners of residential rental property from increasing rents each year more than 5 percent plus the percentage change in the cost of living or 10 percent, whichever is lower; and

WHEREAS, as codified, AB 1482 does not apply to mobilehome tenancies; and

WHEREAS, mobilehome tenants are equally, if not more vulnerable to rent increases as are tenants to which AB 1482 applies; and

WHEREAS, the State of California recognized the unique relationship among the owners and residents of mobilehome parks when it adopted the Mobilehome Residency Law, which is codified in California Civil Code Section 798 et seq., which expressly authorizes the City of Anaheim to regulate the setting and/or increasing of rents for the use and occupancy of a mobilehome space subject to certain exceptions; and

WHEREAS, the City of Anaheim wishes to protect mobilehome space renters from rent increases in excess of those allowed under AB 1482, to prevent further homelessness and displacement of residents; and

WHEREAS, increasing the number of homeless residents in Anaheim, particularly elderly residents who may be in need of medical or other care, could create a public health and safety risk; and

WHEREAS, Anaheim provides for and promotes the orderly growth and development of Mobilehome Parks in the City's Zoning Code, which includes the establishment of a Mobilehome Park (MHP) Overlay Zone, consistent with the City's goal of accommodating alternative housing types as stated in the Housing Element of the City's General Plan; and

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 400 and 511 of the Charter of the City of Anaheim, the City Council of the City of Anaheim has the authority to enact and enforce ordinances and regulations for the public peace, health and welfare of the City and its residents; and

WHEREAS, based on the foregoing facts and the facts presented to the City Council at the meeting at which this ordinance was introduced and adopted, the City Council wishes to protect mobilehome space renters against actual or constructive eviction as a result of the high cost of moving and installing mobilehomes, and finds that allowing owners of mobilehome parks to impose unrestricted rent increases in excess of those allowed under AB 1482 could displace a large numbers of elderly, fixed-income, or low and moderate-income Anaheim residents.

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

SECTION 1.

Chapter 15.80 is hereby added to Title 15 (Building and Housing) of the Anaheim Municipal Code to read in full as follows:

CHAPTER 15.80 RESTRICTION ON RENT INCREASES FOR MOBILEHOME TENANCIES

15.80.010

The purpose and intent of this Chapter is to restrict the amount of rental rate increases that may be on Mobilehome Tenancies in a manner consistent with the Tenant Protection Act of 2019, Assembly Bill 1482 ("AB 1482"), which, as codified, does not apply to Mobilehome Tenancies.

15.80.020 DEFINITIONS

010 "Mobilehome Park" means an area of land in the City of Anaheim where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

.020 "Mobilehome Residency Law" means the Mobilehome Residency Law codified in California Civil Code Section 798 et seq., as the same may be amended from time to time.

.030 "Mobilehome Tenancy" means the right of a homeowner to the use of a site within a mobilehome park on which to locate, maintain, and lawfully occupy a mobilehome, including improvements and accessory structures, for human habitation, and also including the use of the services and facilities of the park.

.040 "Percentage change in the cost of living" means the percentage change from April 1 of the prior year to April 1 of the current year in the United States Consumer Price Index for all Urban Consumers in the Los Angeles-Anaheim-Long Beach Metropolitan Area as published by the Bureau of Labor Statistics.

15.80.030 RESERVED.

Subject to the exemptions set forth in section 15.80.070, this Chapter shall apply to all rent increases applicable to Mobilehome Tenancies that take effect after October 29, 2019 or the effective date of this Chapter, whichever is later.

15.80.040 ADMINISTRATION.

This Chapter is administered and enforced as deemed necessary by the City Manager.

15.80.050 RESTRICTION ON RENT INCREASES

.010 The owner of a Mobilehome Park may not, over the course of any 12-month period, increase the gross rental rate for a mobilehome site in the City of Anaheim in excess of five percent (5%) plus the percentage change in cost of living, or ten percent, whichever is lower, of the lowest gross rental rate charged for that site at any time during the 12 months prior to the effective date of the increase. In determining the lowest gross rental amount pursuant to this section, any rent discounts, incentives, concessions, or credits offered by the owner of such Mobilehome Park and accepted by the tenant shall be excluded. The gross per-month rental rate

and any Mobilehome Park owner-offered discounts, incentives, concessions, or credits shall be separately listed and identified in the lease or rental agreement or any amendments to an existing lease or rental agreement. If the same Mobilehome Tenant remains in occupancy of a mobilehome site over any 12-month period, the gross rental rate for the mobilehome site shall not be increased in more than two increments over that 12-month period, subject to other restrictions of this ordinance governing gross rental rate increases.

.020 For a new Mobilehome Tenancy in which no tenant from the prior tenancy remains in lawful occupation of the mobilehome site, the Mobilehome Park owner may establish the initial rental rate not subject to Section 15.80.050.010. Section 15.80.050.010 is only applicable to subsequent increases after that initial rental rate has been established.

.030 No tenant of a mobilehome site subject to this ordinance shall enter into a sublease that results in a total rent for the premises that exceeds the allowable rental rate authorized by Section 15.80.050.

.040 This ordinance allows for an annual adjustment of the rent for a Mobilehome Tenancy of five percent (5%) plus the percentage change in the cost of living or ten percent (10%), whichever is lower. A cost of living-based increase is found and determined to provide a just and reasonable return on a Mobilehome Park owner's property, and has been adopted to encourage good management, reward efficiency and discourage the flight of capital, as well as to be commensurate with returns on comparable investments, but not so high as to defeat the purpose of curtailing excessive rents on mobilehome sites and rental increases. Notwithstanding the foregoing, however, any owner of a Mobilehome Park who contends that the limit on mobilehome site rental increases set forth in this Chapter above will prevent the owner from receiving a fair and reasonable return on his/her/its property, may petition for relief from the cap set forth set forth in this Chapter pursuant to the procedures set forth in Section 15.80.050.040.0401.

.0401 A Mobilehome Park owner may petition for a rent increase in excess of that provided in Section 15.80.050 in order to obtain a fair and reasonable return on his/her/its property. Such petition shall be on an application form prescribed by the City Manager and shall be decided by the City Manager or his or her designee ("City Manager"). The applicant shall bear the burden of establishing that a rate increase in excess of that provided by this Chapter is necessary to provide the applicant with a fair and reasonable return on his/her/its property, including by providing an independent financial report and verified financial data demonstrating that without such an increase, he/she/it will not realize a fair and reasonable return on his/her/its property.

Upon receipt of a fair return petition/application, the City Manager shall determine if the employment of expert(s) will be necessary or appropriate for a proper analysis of the applicant's request. If the City Manager so determines, he or she shall also determine the anticipated costs of employing such expert(s). The resulting figure shall be communicated to the applicant, and the application shall not be processed until the applicant has paid to the City the estimated cost of the expert analysis. Any unused portion of the advance payment for expert analysis shall be refunded to the applicant.

The factors the City Manager may consider in deciding a fair return petition/application include:

(1) Changes in the Consumer Price Index for All Urban Consumers in the Los Angeles-Anaheim-Long Beach Metropolitan Area published by the Bureau of Labor Statistics.

(2) The rent lawfully charged for comparable mobilehome sites in the City of Anaheim.

(3) The length of time since the last determination by the City Manager on a rent increase application, or the last rent increase if no previous rent increase application has been made.

(4) The completion of any capital improvements or rehabilitation work related to the mobilehome site or sites specified in the rent increase application, and the cost thereof, including materials, labor, construction interest, permit fees and other items the City Manager deems appropriate.

(5) Changes in property taxes or other taxes related to the subject Mobilehome Park.

(6) Changes in the rent paid by the applicant for the lease of the land on which the subject Mobilehome Park is located.

(7) Changes in the utility charges for the subject Mobilehome Park paid by the applicant and the extent, if any, of reimbursement from the tenants.

(8) Changes in reasonable operating and maintenance expenses.

(9) The need for repairs caused by circumstances other than ordinary wear and tear.

(10) The amount and quality of services provided by the applicant to the affected tenant.

(11) Any existing written lease lawfully entered into between the applicant and the affected tenant.

An application for a fair return adjustment shall be decided by the City Manager within sixty (60) calendar days of the date that the application has been deemed complete. The decision shall be emailed and sent by mail, with proof of mailing to the Mobilehome Park owner, the park owner's designated representative(s) for the petition, and a designated representative of the residents.

15.80.060 EXEMPTIONS.

This Chapter shall not apply to Mobilehome Tenancies exempt from this Chapter pursuant to the Mobilehome Residency Law or to Mobilehome Tenancies for mobilehome sites initially held out for rent after January 1, 1990. The Chapter shall further not apply to any Mobilehome Tenancy created by a rental agreement which is in excess of twelve (12) months in duration provided that the rental agreement meets the criteria of California Civil Code Section 798.17(b). A rental agreement of more than twelve (12) months that meets the criteria of Civil Code Section 798.17(b) is referred to as a "qualifying rental agreement." This exemption shall

apply only during the term of the qualifying rental agreement or during one or more uninterrupted continuous extensions for such qualifying rental agreement. If a qualifying rental agreement expires or is terminated, and no new qualifying rental agreement is entered into for that particular site, then the last rent charged under the provisions of the previous rental agreement shall be the base rent upon which any adjustment shall be calculated. For the purposes of this provision, upon the assumption of an existing qualifying rental agreement, a purchaser of a mobilehome shall be deemed to have entered into a qualifying rental agreement. If a site becomes subject to this interim ordinance by reason of the expiration or termination of a qualifying rental agreement, the rent may be adjusted only in accordance with the provisions of this interim ordinance.

15.80.070 ENFORCEMENT.

The Community Preservation Manager and Community Preservation Officers shall have the duty and authority to enforce this ordinance in accordance with Chapter 1.01 in the Anaheim Municipal Code. In addition, any person violating the provisions of this ordinance shall be subject to prosecution pursuant to, and in the manner set forth in, Chapter 1.01 in the Anaheim Municipal Code.

SECTION 2.

The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the State CEQA Guidelines.

SECTION 3.

The recitals and statements of fact set forth in the preamble to this ordinance are true and correct, constitute a substantive part of this ordinance, and are incorporated herein by this reference. Based on those facts, the City Council finds, determines and declares that this ordinance is a matter of city-wide importance and necessary for the immediate preservation of the public peace, health, safety and/or welfare of the community and is a valid exercise of the local police power and in accord with the public purposes and provisions of applicable State and local laws and requirements.

SECTION 4.

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have

passed this ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 5.

The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: the City of Anaheim would suffer potentially irreversible displacement of tenants resulting from unrestricted rent increases and constructive evictions of mobilehome tenants. The Council, therefore, adopts this ordinance to become effective upon publication pursuant to Anaheim City Charter Section 511.

SECTION 6.

The City Clerk shall certify to the passage of this ordinance and shall cause this ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the 29th day of October, 2019, and thereafter passed and adopted as an urgency measure on that date, by the following roll call vote, and shall be and become effective immediately.

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By: _____
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

CITY CLERK OF THE CITY OF ANAHEIM

135201



ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANAHEIM IMPOSING
A RESTRICTION ON MOBILEHOME SITE RENTAL RATE
INCREASES IN EXCESS OF THOSE PERMITTED UNDER
ASSEMBLY BILL 1482 (CALIFORNIA CIVIL CODE
SECTION 1947.12)

WHEREAS, the City of Anaheim, along with other Southern California cities, is experiencing a humanitarian crisis of homelessness and displacement of renters; and

WHEREAS, there are approximately 27 mobilehome parks in Anaheim, a significant number of which serve as the primary residences of senior citizens on fixed incomes and/or low and moderate income households; and

WHEREAS, housing costs in Orange County have significantly increased in recent years, and mobilehomes are a much-needed affordable housing option for Anaheim's lower income residents; and

WHEREAS, because a mobilehome is affixed to the property on which it resides, it is generally not cost effective to move it, resulting in the owner losing the mobilehome if he or she cannot pay the rent imposed by the landlord; and

WHEREAS, the economic conditions and recognized housing shortage in Southern California detrimentally impact a substantial number of mobilehome residents in Anaheim and constitute a threat to public health, safety and welfare, and a particular hardship for senior citizens, persons living on fixed incomes, and other vulnerable persons living in mobilehome parks in Anaheim; and

WHEREAS, Anaheim is working diligently to care for and assist its homeless population, and has opened and funded three homeless shelters in the past several months to meet the needs of its homeless residents; and

WHEREAS, increasing the number of homeless residents in Anaheim, particularly elderly residents who may be in need of medical or other care, creates a public health and safety risk; and

WHEREAS, on October 8, 2019, California Governor Gavin Newsom approved the Tenant Protection Act of 2019, Assembly Bill 1482 ("AB 1482"), an act adding and repealing Sections 1946.2, 1947.12, and 1947.13 of the California Civil Code, effective beginning January 1, 2020, which prohibits evictions without "just cause" and prevents owners of residential rental property from increasing rents each year more than 5 percent plus the percentage change in the cost of living or 10 percent, whichever is lower; and

WHEREAS, as codified, AB 1482 does not apply to mobilehome tenancies; and

WHEREAS, mobilehome tenants are equally, if not more vulnerable to rent increases as are tenants to which AB 1482 applies; and

WHEREAS, the State of California recognized the unique relationship among the owners and residents of mobilehome parks when it adopted the Mobilehome Residency Law, which is codified in California Civil Code Section 798 et seq., which expressly authorizes the City of Anaheim to regulate the setting and/or increasing of rents for the use and occupancy of a mobilehome space subject to certain exceptions; and

WHEREAS, the City of Anaheim wishes to protect mobilehome space renters from rent increases in excess of those allowed under AB 1482, to prevent further homelessness and displacement of residents; and

WHEREAS, increasing the number of homeless residents in Anaheim, particularly elderly residents who may be in need of medical or other care, could create a public health and safety risk; and

WHEREAS, Anaheim provides for and promotes the orderly growth and development of Mobilehome Parks in the City's Zoning Code, which includes the establishment of a Mobilehome Park (MHP) Overlay Zone, consistent with the City's goal of accommodating alternative housing types as stated in the Housing Element of the City's General Plan; and

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 400 and 511 of the Charter of the City of Anaheim, the City Council of the City of Anaheim has the authority to enact and enforce ordinances and regulations for the public peace, health and welfare of the City and its residents; and

WHEREAS, based on the foregoing facts and the facts presented to the City Council at the meeting at which this ordinance was introduced and adopted, the City Council wishes to protect mobilehome space renters against actual or constructive eviction as a result of the high cost of moving and installing mobilehomes, and finds that allowing owners of mobilehome parks to impose unrestricted rent increases in excess of those allowed under AB 1482 could displace a large numbers of elderly, fixed-income, or low and moderate-income Anaheim residents.

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

SECTION 1.

Chapter 15.80 is hereby added to Title 15 (Building and Housing) of the Anaheim Municipal Code to read in full as follows:

CHAPTER 15.80 RESTRICTION ON RENT INCREASES FOR MOBILEHOME TENANCIES

15.80.010

The purpose and intent of this Chapter is to restrict the amount of rental rate increases that may be on Mobilehome Tenancies in a manner consistent with the Tenant Protection Act of 2019, Assembly Bill 1482 ("AB 1482"), which, as codified, does not apply to Mobilehome Tenancies.

15.80.020 DEFINITIONS

.010 "Mobilehome Park" means an area of land in the City of Anaheim where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

.020 "Mobilehome Residency Law" means the Mobilehome Residency Law codified in California Civil Code Section 798 et seq., as the same may be amended from time to time.

.030 "Mobilehome Tenancy" means the right of a homeowner to the use of a site within a mobilehome park on which to locate, maintain, and lawfully occupy a mobilehome, including improvements and accessory structures, for human habitation, and also including the use of the services and facilities of the park.

.040 "Percentage change in the cost of living" means the percentage change from April 1 of the prior year to April 1 of the current year in the United States Consumer Price Index for all Urban Consumers in the Los Angeles-Anaheim-Long Beach Metropolitan Area as published by the Bureau of Labor Statistics.

15.80.030 APPLICATION.

Subject to the exemptions set forth in section 15.80.070, this Chapter shall apply to all rent increases applicable to Mobilehome Tenancies that take effect on or after October 29, 2019. In the event that a rent increase in excess of that permitted by this Chapter takes effect between October 29, 2019 and the effective date of this Chapter, the applicable rent on the effective date of this Chapter shall be the rent as of October 29, 2019, which rent shall be subject to adjustment as provided in 15.80.050. In the event a Mobilehome Park owner has increased rent in excess of the amount permitted in this Chapter between October 29, 2019 and the effective date of this Chapter, the owner shall not be liable to the tenant for any corresponding rent overpayment.

15.80.040 ADMINISTRATION.

This Chapter is administered and enforced as deemed necessary by the City Manager.

15.80.050 RESTRICTION ON RENT INCREASES

.010 The owner of a Mobilehome Park may not, over the course of any 12-month period, increase the gross rental rate for a mobilehome site in the City of Anaheim in excess of five percent (5%) plus the percentage change in cost of living, or ten percent, whichever is lower, of the lowest gross rental rate charged for that site at any time during the 12 months prior to the effective date of the increase. In determining the lowest gross rental amount pursuant to this section, any rent discounts, incentives, concessions, or credits offered by the owner of such Mobilehome Park and accepted by the tenant shall be excluded. The gross per-month rental rate and any Mobilehome Park owner-offered discounts, incentives, concessions, or credits shall be separately listed and identified in the lease or rental agreement or any amendments to an existing lease or rental agreement. If the same Mobilehome Tenant remains in occupancy of a mobilehome site over any 12-month period, the gross rental rate for the mobilehome site shall not be increased in more than two increments over that 12-month period, subject to other restrictions of this ordinance governing gross rental rate increases.

.020 For a new Mobilehome Tenancy in which no tenant from the prior tenancy remains in lawful occupation of the mobilehome site, the Mobilehome Park owner may establish the initial rental rate not subject to Section 15.80.050.010. Section 15.80.050.010 is only applicable to subsequent increases after that initial rental rate has been established.

.030 No tenant of a mobilehome site subject to this ordinance shall enter into a sublease that results in a total rent for the premises that exceeds the allowable rental rate authorized by Section 15.80.050.

.040 This ordinance allows for an annual adjustment of the rent for a Mobilehome Tenancy of five percent (5%) plus the percentage change in the cost of living or ten percent (10%), whichever is lower. A cost of living-based increase is found and determined to provide a just and reasonable return on a Mobilehome Park owner's property, and has been adopted to encourage good management, reward efficiency and discourage the flight of capital, as well as to be commensurate with returns on comparable investments, but not so high as to defeat the purpose of curtailing excessive rents on mobilehome sites and rental increases. Notwithstanding the foregoing, however, any owner of a Mobilehome Park who contends that the limit on mobilehome site rental increases set forth in this Chapter above will prevent the owner from receiving a fair and reasonable return on his/her/its property, may petition for relief from the cap set forth set forth in this Chapter pursuant to the procedures set forth in Section 15.80.050.040.0401.

.0401 A Mobilehome Park owner may petition for a rent increase in excess of that provided in Section 15.80.050 in order to obtain a fair and reasonable return on his/her/its property. Such petition shall be on an application form prescribed by the City Manager and shall be decided by the City Manager or his or her designee ("City Manager"). The applicant shall bear the burden of establishing that a rate increase in excess of that provided by this Chapter is necessary to provide the applicant with a fair and reasonable return on his/her/its property, including by providing an independent financial report and verified financial data demonstrating that without such an increase, he/she/it will not realize a fair and reasonable return on his/her/its property.

Upon receipt of a fair return petition/application, the City Manager shall determine if the employment of expert(s) will be necessary or appropriate for a proper analysis of the applicant's request. If the City Manager so determines, he or she shall also determine the anticipated costs of employing such expert(s). The resulting figure shall be communicated to the applicant, and the application shall not be processed until the applicant has paid to the City the estimated cost of the expert analysis. Any unused portion of the advance payment for expert analysis shall be refunded to the applicant.

The factors the City Manager may consider in deciding a fair return petition/application include:

(1) Changes in the Consumer Price Index for All Urban Consumers in the Los Angeles-Anaheim-Long Beach Metropolitan Area published by the Bureau of Labor Statistics.

(2) The rent lawfully charged for comparable mobilehome sites in the City of Anaheim.

(3) The length of time since the last determination by the City Manager on a rent increase application, or the last rent increase if no previous rent increase application has been made.

(4) The completion of any capital improvements or rehabilitation work related to the mobilehome site or sites specified in the rent increase application, and the cost thereof, including materials, labor, construction interest, permit fees and other items the City Manager deems appropriate.

(5) Changes in property taxes or other taxes related to the subject Mobilehome Park.

(6) Changes in the rent paid by the applicant for the lease of the land on which the subject Mobilehome Park is located.

(7) Changes in the utility charges for the subject Mobilehome Park paid by the applicant and the extent, if any, of reimbursement from the tenants.

(8) Changes in reasonable operating and maintenance expenses.

(9) The need for repairs caused by circumstances other than ordinary wear and tear.

(10) The amount and quality of services provided by the applicant to the affected tenant.

(11) Any existing written lease lawfully entered into between the applicant and the affected tenant.

An application for a fair return adjustment shall be decided by the City Manager within sixty (60) calendar days of the date that the application has been deemed complete. The decision shall be emailed and sent by mail, with proof of mailing to the Mobilehome Park owner, the park owner's designated representative(s) for the petition, and a designated representative of the residents.

15.80.060 EXEMPTIONS.

This Chapter shall not apply to Mobilehome Tenancies exempt from this Chapter pursuant to the Mobilehome Residency Law or to Mobilehome Tenancies for mobilehome sites initially held out for rent after January 1, 1990. The Chapter shall further not apply to any Mobilehome Tenancy created by a rental agreement which is in excess of twelve (12) months in duration provided that the rental agreement meets the criteria of California Civil Code Section 798.17(b). A rental agreement of more than twelve (12) months that meets the criteria of Civil Code Section 798.17(b) is referred to as a "qualifying rental agreement." This exemption shall apply only during the term of the qualifying rental agreement or during one or more uninterrupted continuous extensions for such qualifying rental agreement. If a qualifying rental agreement expires or is terminated, and no new qualifying rental agreement is entered into for that particular site, then the last rent charged under the provisions of the previous rental agreement shall be the base rent upon which any adjustment shall be calculated. For the purposes of this provision, upon the assumption of an existing qualifying rental agreement, a purchaser of a mobilehome shall be deemed to have entered into a qualifying rental agreement. If a site becomes subject to this interim ordinance by reason of the expiration or termination of a qualifying rental agreement, the rent may be adjusted only in accordance with the provisions of this interim ordinance.

15.80.070 ENFORCEMENT.

The Community Preservation Manager and Community Preservation Officers shall have the duty and authority to enforce this ordinance in accordance with Chapter 1.01 in the Anaheim Municipal Code. In addition, any person violating the provisions of this ordinance shall be subject to prosecution pursuant to, and in the manner set forth in, Chapter 1.01 in the Anaheim Municipal Code.

SECTION 2.

The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the State CEQA Guidelines.

SECTION 3.

The recitals and statements of fact set forth in the preamble to this ordinance are true and correct, constitute a substantive part of this ordinance, and are incorporated herein by this reference. Based on those facts, the City Council finds, determines and declares that this ordinance is a matter of city-wide importance and necessary for the immediate preservation of the public peace, health, safety and/or welfare of the community and is a valid exercise of the local police power and in accord with the public purposes and provisions of applicable State and local laws and requirements.

SECTION 4.

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 5.

This ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

SECTION 6.

The City Clerk shall certify to the passage of this ordinance and shall cause this ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the ____ day of _____, 2019, and thereafter passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2019, by the following roll call vote:

AYES:

NOES:

ABSENT:

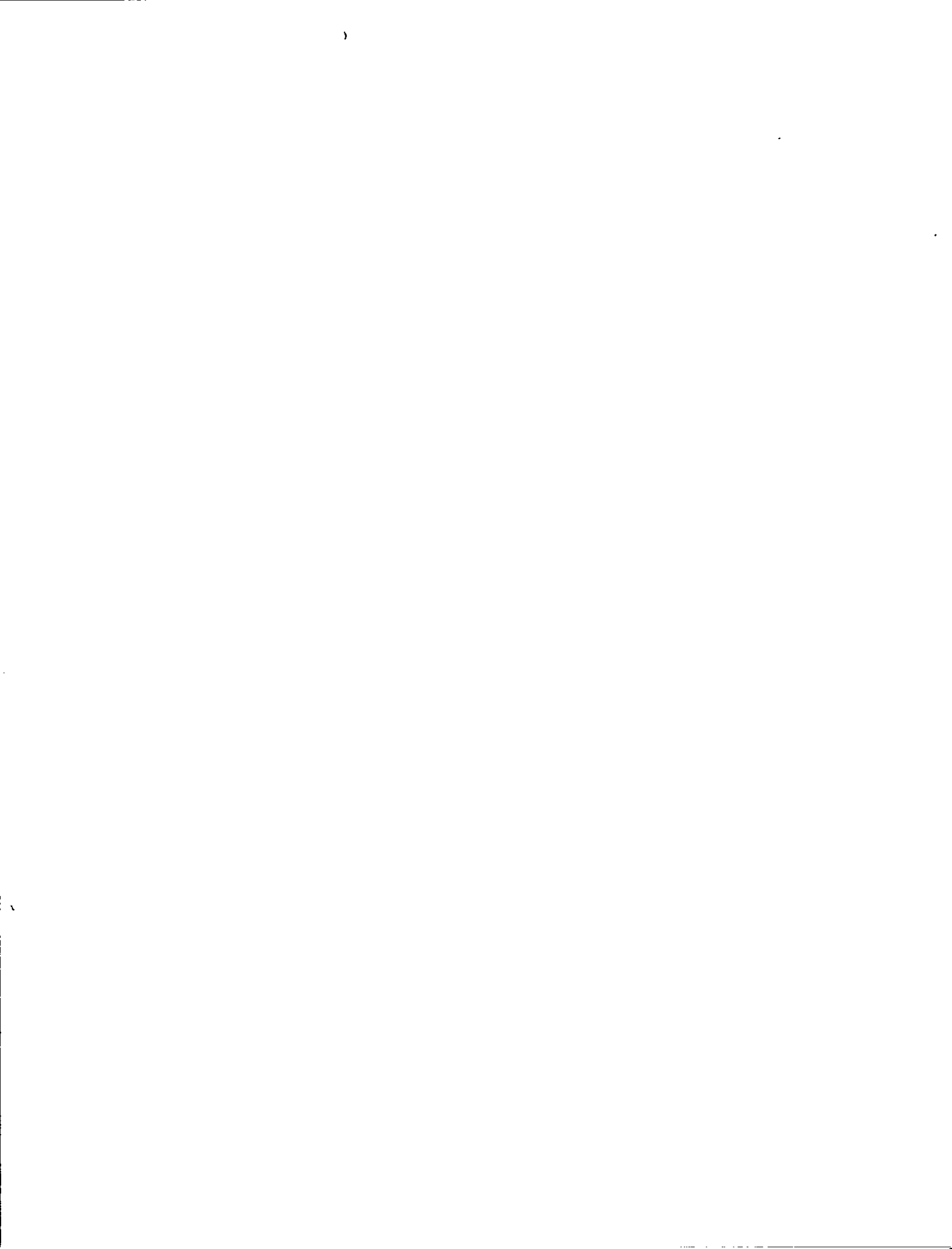
ABSTAIN:

CITY OF ANAHEIM

By: _____
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

CITY CLERK OF THE CITY OF ANAHEIM





City Council Initiated Item 15D

Item 15D:

“Discussion regarding the 2025, 4th of July Holiday Season within the City.”

(This item does not contain a staff report)