EL SEGUNDO CITY COUNCIL  
AGENDA STATEMENT  

AGENDA DESCRIPTION:

Consideration and possible action regarding the Adoption of Ordinance No.1431 to approve an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the El Segundo City Council providing Section 20903 (Two Years Additional Service Credit) for the City's Local Miscellaneous (Non-Safety) Members, with the exception of Department Directors, Assistant City Manager and City Manager. (Fiscal Impact: 1) Estimated increase in the City’s PERS miscellaneous employer rate of 0.327% and an estimated annual cost increase in FY 2011-2012 of $50,235; 2) Salary savings based on the number of employees retiring during the Designated Retirement Period, less the $5,000 payment for entering into a Date-Certain Retirement Separation Agreement.)

RECOMMENDED COUNCIL ACTION:

1. Waive Second Reading and Adoption of Ordinance No. 1431.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Ordinance No. 1431
2. CalPERS Exhibit - Amendment to Contract

FISCAL IMPACT: 1) Estimated increase in the City’s PERS Miscellaneous Employer Rate of 0.327% and an annual cost increase in FY 2011-2012 of $50,235; 2) Salary savings based on the number of employees retiring during the Designated Retirement Period, less the $5,000 payment for entering into a Date-Certain Retirement Separation Agreement.

Amount Budgeted: 
Additional Appropriation: 
Account Number(s): 

ORIGINATED BY: Bob Hyland, Director of Human Resources
REVIEWED BY: Bill Crowe, Assistant City Manager
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

As part of the March 19, 2009 Strategic Planning Session, Staff presented Council with a number of potential budget reduction options, including reducing the City’s personnel costs in the following areas:

1. Selective Hiring Freeze, administered by the City Manager;
2. Reduction of overtime costs;
3. Elimination and reduction of consulting contracts;
4. Consideration of employing designated retirees on a contractual, non-benefited basis:

5. Early Retirement Incentives.

On July 21, 2009, Council began the process to approve an Early Retirement Incentive Program which would provide eligible employees: 1) Two Years of additional PERS Service Credit; and 2) a payment of $5,000 to eligible employees entering into a Date-Certain Retirement Separation Agreement, in order that the resulting salary savings can be expeditiously factored into the Fiscal Year 2009-2010 Budget.

Section 20903 (Two Years Additional Service Credit)

Staff initiated the contract amendment process on April 16, 2009 by requesting that CalPERS provide the City with the documents required to add Section 20903 to the contract between the City Council and the CalPERS Board of Administration.

Eligibility to receive the two years of Additional Service Credit requires the following:

* The employee is a Local Miscellaneous (Non-Safety) Member of CalPERS.

* The employee will have reached age 50 and have at least five years of CalPERS Service at the time of their retirement during the retirement period designated by the City.

* Department Heads, Assistant City Manager and City Manager, are not eligible to receive the two years of Additional Service Credit.

The employee benefits because the additional two years of Service Credit adds value to his/her Retirement Annuity.

The employer benefits because the City achieves cost savings through resulting position vacancies, opportunity for workforce restructuring and/or lower compensated new employees filling certain designated vacant positions.

Approximately 60 employees are eligible to receive this benefit. To date, staff is aware of 19 individuals with some level of interest in obtaining the two years of Additional Service Credit and retiring. Realistically, we would anticipate that approximately 9 employees would expect to receive this benefit.

CalPERS requires, in accordance with Government Code Section 20903, and the contract between CalPERS and the City, that the City Council certifies that:

1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the agency will be served by granting such additional service credit.

2. The added cost to the retirement fund for all eligible employees who retire during the designated window period will be included in the contracting agency's employer contribution rate for the fiscal year that begins two years after the end of the designated period.

3. It has elected to become subject to Section 20903 because of impending mandatory transfers, demotions, and layoffs that constitute at least one percent of the job classification,
department or organizational unit, as designated by the governing body, resulting from the
curtailment of, or change in the manner of performing, its services.

4. Its intention at the time Section 20903 becomes operative is to keep all vacancies created by
retirements under this section or at least one vacancy in any position in any department or
other organizational unit permanently unfilled, thereby resulting in an overall reduction in the
workforce of such department or organizational unit.

Government Code Section 7507 requires that the future annual costs of the proposed contract
amendment be made public at a public meeting at least two weeks prior to the Second Reading and
adoption of the required Ordinance. Future annual costs were made public at the City Council

Government Code Section 20741 requires that there must be a twenty-day period between the
adoption of the Resolution of Intention and the Second Reading and Adoption of the Ordinance.
The Resolution of Intention was adopted by Council on July 21, 2009.

CalPERS requires that the retirement period within which this benefit may be provided, is no less
than 90 days and no more than 180 days in length. The retirement period designated by the City will
commence on October 5, 2009 and end on January 15, 2010. The period in which to enter into a
Date-Certain Retirement Separation Agreement and receive the one-time $5,000 payment will be
from September 2, 2009 through September 28, 2009.

**Fiscal Impact**

The cost of the Two Years of Additional Service Credit is amortized by CalPERS over a twenty year
period and will be included in the City’s Miscellaneous Employer Contribution Rate, commencing
with the Fiscal Year starting two years after the end of the Designated Retirement Period, 2011-
2012.

Staff has calculated the fiscal impact on the assumption that all 19 of those employees expressing an
interest in the benefit will retire during the Designated Retirement Period. Realistically, it is
anticipated that 9 individuals will retire, and that the actual fiscal impact will be less than estimated.

Staff’s fiscal impact calculations were based on utilizing PERS Document CON3-PA, “Procedures
for Calculation of Estimated Employer Cost” and were reviewed and certified by Actuarial John
Bartel of Bartel Associates, LLP. Mr. Bartel has provided the City with actuarial analysis and
valuation reports for a number of years.

Although it is considered highly unlikely that all 19 employees will retire within the Designated
Retirement Period, the following fiscal impact figures reflect that scenario:

1) Estimated Present Value of Additional Employer Contributions $667,000
2) Estimated Annual Employer Cost Amortized over 20 Years $ 50,235
3) Estimated Employer Rate Increase, 10.940% to 11.267% 0.327%
A much more likely scenario is that 9 employees would retire, resulting in the costing shown below:

1) Estimated Present Value of Additional Employer Contributions $328,128
2) Estimated Annual Employer Cost Amortized over 20 Years $24,733
3) Estimated Employer Rate Increase, 10.940% to 11.101 0.16%

Assuming that 4 of the 9 likely retirements would result in those positions remaining vacant, the annual cost savings to the City would be $319,078.

Those employees entering into a Date-Certain (between October 5, 2009 and January 15, 2010) Retirement Separation Agreement, by September 28, 2009 will receive a one-time payment of $5,000.
ORDINANCE NO. 1431

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN
THE CITY COUNCIL OF THE CITY OF EL SEGUNDO AND
THE BOARD OF ADMINISTRATION OF THE
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: The Attached Exhibit A, an amendment to the contract between the City Council of the City of El Segundo and the Board of Administration, California Public Employees’ Retirement System, is approved and the Mayor is authorized to execute the amendment.

SECTION 2: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 3: This Ordinance will be come effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this 1st day of September, 2009.

__________________________
Kelly McDowell, Mayor
I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 1431 was duly introduced by said City Council at a regular meeting held on the 1st day of _______________, 2009, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ______ day of _______________, 2009, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By:
__________________________
Karl H. Berger, Assistant City Attorney

A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective May 9, 2009, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members; age 55 for local fire members and age 50 for local police members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1943 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

(a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

(b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

(c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

(d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

(e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

(f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

(g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
   a. Local Fire Fighters (herein referred to as local safety members);
   b. Local Police Officers (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

   **NO ADDITIONAL EXCLUSIONS**

6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.

7. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after July 1, 1956, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

8. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full and Modified).

9. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. Public Agency elected and elects to be subject to the following optional provisions:

a. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.

b. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local miscellaneous members only.

c. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.

d. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.

e. Section 21024 (Military Service Credit as Public Service).

f. Section 20042 (One-Year Final Compensation).

g. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.

h. Section 21548 (Pre-Retirement Option 2W Death Benefit).

i. Section 20903 (Two Years Additional Service Credit) for local miscellaneous members only.

11. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

12. Public Agency shall also contribute to said Retirement System as follows:

a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.

b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

13. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

14. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the ____ day of ____________, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY ________________________________
LORI MCGARTLAND, CHIEF
EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF EL SEGUNDO

BY ________________________________
PRESIDING OFFICER

Witness Date
Attest:

________________________
Clerk

AMENDMENT ER# 0039
PERS-CON-702A (Rev. 10/05)
AGENDA DESCRIPTION:
Consideration and possible action regarding an application for a special permit (Applicant - Chekesha Palmer, a sole proprietor) to sell ice cream and miscellaneous packaged snacks from a vehicle. (Fiscal Impact: $0)

RECOMMENDED COUNCIL ACTION:
1. Determine whether to approve, deny or further condition the special permit; issue a business license; and potentially amend the El Segundo Municipal Code regulating vending from vehicles; and
2. Alternatively, take such additional, related, action that may be desirable.

ATTACHED SUPPORTING DOCUMENTS:

FISCAL IMPACT: None

Amount Budgeted: $0
Additional Appropriation: N/A
Account Number(s):

ORIGINATED BY: Steve Jones, Business Services Manager

REVIEWED BY: Mark D. Hensley, City Attorney; Deborah Cullen, Director of Finance
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
A business license registration application was submitted on July 30, 2009 for Chekesha Palmer to sell ice cream and pre-packaged snacks from an ice cream truck within the City of El Segundo.

The Police Department performed a background check on Ms. Palmer. That background check confirmed that Ms. Palmer has a current public health operating permit, possesses a valid California driver's license, has current vehicle registration, and vehicle insurance. She has no outstanding warrants. In addition, the business has no Internal Revenue Service holds and the City has not discovered any prior relevant violations.

At the August 18, 2009 Council Meeting, Members of the Council expressed different opinions regarding the issuance of the permit and the majority of the Council requested that the matter be
continued until the next Council meeting for consideration. There were concerns voiced about granting the license based upon perceived negative impacts to school aged children. To aid the Council in making a decision regarding this matter the following additional information is being provided:

El Segundo Municipal Code ("ESMC") Section 4-2-35 allows the Council to approve, deny or condition the application so long as such is consistent with state law. ESMC Section 8-5-13 provides that the persons selling food from vehicles are prohibited from parking on public right of ways except at the request of a bona-fide purchaser and that the seller may not park in any location for more than 10 minutes.

California Vehicle Code, Section 22456, provides additional restrictions regarding the operation of ice cream vending trucks. This Section provides that such trucks must be equipped with signs on the front and back of the vehicle that are legible from 100 feet under daylight conditions. The signs must be at least 12 inches high by 48 inches wide. Additionally, pursuant to this Section, an ice cream truck may not stop or park: on a public right of way with a posted speed limit greater than 25 miles per hour; on a public right of way that is within 100 feet of an intersection where one of the streets has a posted speed limit greater than 25 miles per hour; and on any public right of way where the vendor does not have an unobstructed view of 200 feet in both directions.

California Vehicle Code Section 22455 (a) in relevant part provides: "The driver of any commercial vehicle engaged in vending upon a street **may vend products on a street in a residence district** only after bringing the vehicle to a complete stop and lawfully parking adjacent to the curb...." Section 22455(b) provides: "Notwithstanding subdivision (a) of Section 114315 of the Health and Safety Code or any other provision of law, a local authority may, by ordinance or resolution, adopt additional requirements for the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon any street."

The City does regulate vending from vehicles pursuant to ESMC Section 8-5-14. Accordingly, if the Council wants to establish additional regulations regarding vending from vehicles it is recommended that Council direct staff to prepare such an amendment to the City’s existing regulations. For example, the City could potentially outright ban the sale of food from vehicles in residential zones or restrict such vehicles from vending within a certain distance of schools, parks and other public recreation areas based upon legitimate health and safety concerns.

To the extent the City Council wants to outright ban or further regulate vending of products from vehicles the following information should be considered. Vehicle Code Section 22455(b) (referenced above) was amended effective January 1, 2009. Prior to this amendment, *Barajas v. City of Anaheim* (App. 4 Dist. 1993) 19 Cal.Rptr.2d 764, 15 Cal.App.4th 1808, clearly held that cities could not outright ban vending on public right of ways. The amendment provided cities with the right to regulate of the type, as well as the time, place and manner of vending from vehicles. It is not clear how much latitude the City has in imposing an outright ban on vehicle vendors versus imposing additional regulations regarding vehicle vendors. The City Attorney’s Office believes that it is more defensible to limit the regulations to specific concerns such as the location or hours of operations (for example, prohibit vendors from conducting business within a certain distance of schools, only operate between 10:00 a.m. and dusk, etc.), rather than outright ban such vendors. With that said, it **may** be defensible to ban certain vehicle vendors from
residential zones if the Council can articulate legitimate and significant health and safety concerns to justify the ban.

City staff believes that the only types of vendors that are currently licensed to sell goods from vehicles in the City are ice cream trucks (currently one inactive license) and catering trucks (currently 23 licensed vendors - which operate almost exclusively in non-residential areas except to the extent they are in the Smokey Hollow area commercial and industrial areas that are adjacent to residential areas). In reviewing this matter with the Police Department it has been determined that there have been no significant incident involving the Police Department regarding ice cream vendors or catering trucks over the past several years.
AGENDA DESCRIPTION:

Consideration and possible action to review the water rate study, direct staff to commence the Proposition 218 protest procedures regarding potential increases to the City’s water rates for FY 2009-2010 through FY 2014-2015 and set a public hearing to consider an ordinance increasing water rates and fees. (Fiscal Impact: $20,000 for ballot mailing, Potential Fiscal Impact = Approximately $3,640,000 loss in water revenue in FY 2009-2010)

RECOMMENDED COUNCIL ACTION:

1. Present water rate study and proposed potable water rate increases.
2. Direct staff to implement the Proposition 218 protest ballot procedures for proposed potable water rate increases
3. Adopt resolution establishing procedures for mailing, handling and counting Propostion 218 protest ballots.
4. Set Public Hearing on November 4, 2009 for Council consideration of the proposed water rate increases.
5. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Proposed notices and protest ballots
Proposed Resolution re Propostion 218 Procedures

FISCAL IMPACT: Budget Adjustment Required

Amount Requested: $20,000
Additional Appropriation: No
Account Number(s): 501-400-7102-6206

ORIGINATED BY: Maryam M. Jonas, Principal Engineer
REVIEWED BY: Dana Greenwood, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

The City of El Segundo’s existing water rates were established following a detailed study of the Water Enterprise’s historical financial information and the Capital Improvement Program recommended by the Water Master Plan. The existing rate structure has three components:
• Capacity charges to recover the fixed costs of the Water Enterprise, and maintain an emergency reserve

• Ascending four tier consumption charges

• Add on of $0.3056 per 100 cubic feet of recycled water served to the City of El Segundo’s customers by the West Basin Municipal Water District (WBMWD)

On December 19, 2006, the City Council adopted Ordinance number 1403 which set forth the rate increases for residential and non-residential water services provided by the City. Ordinance number 1403 provided for four (4) increases to the City’s water rates to be implemented over four (4) years. To date, three of the increases have been implemented. The rates were set to eliminate the general fund subsidy of the Water Enterprise Fund; however, it limited passing on the actual increases imposed by WBMWD to a maximum of 4.2 percent per year for water consumption charges. Revenue based on the currently established consumption charges cannot cover the cost of imported water. Presently, the purchase cost per unit (100 cubic feet) of potable water is higher than the highest tier of the City’s existing consumption charges. Additionally the existing readiness to serve charges can not generate the revenue required to cover the City’s operation and maintenance costs.

Proposed Rate Increases
The proposed rate increase will generate the necessary revenue for operations, maintenance, capital projects and the purchase of water from West Basin Municipal Water District (WBMWD). Depending on the option approved by the City Council, the proposed water rates could also generate a reserve of $188,000 to $307,000 in 2009-2010 for the Water Enterprise Fund which is separate from the General Fund.

Staff has prepared two models for the proposed rate increases. Option 1 divides the water rates into 8 tiers and Option 2 provides 6 tiers. The following tables represent Option (1):

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### OPTION 1

#### Recommended Consumption Charges* ($/100 Cubic Feet)

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<td>$2.7153</td>
<td>$2.8293</td>
<td>$2.9482</td>
</tr>
<tr>
<td>30-50</td>
<td>$1.5988</td>
<td>$2.5000</td>
<td>$2.7144</td>
<td>$2.8284</td>
<td>$3.0710</td>
<td>$2.9472</td>
<td>$3.0710</td>
</tr>
<tr>
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<td>$2.6000</td>
<td>$2.7092</td>
<td>$2.8230</td>
<td>$3.0651</td>
<td>$3.1938</td>
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</tr>
<tr>
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<td>$2.6500</td>
<td>$2.8773</td>
<td>$2.9981</td>
<td>$3.1240</td>
<td>$3.2553</td>
<td></td>
</tr>
</tbody>
</table>

* Subject to higher adjustments per West Basin Municipal Water District increases that are passed through to the City based upon West Basin’s increased costs in operations and water purchase imposed after adoption of these rates.

### OPTION 1

#### Recommended Consumption Charges-Lifeline* ($/100 Cubic Feet)

<table>
<thead>
<tr>
<th></th>
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</thead>
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<td>$2.8293</td>
<td>$2.9482</td>
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<tr>
<td>30-50</td>
<td>$1.5988</td>
<td>$2.5000</td>
<td>$2.7144</td>
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<td>$3.0710</td>
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<td>$3.0710</td>
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<td>$2.6000</td>
<td>$2.7092</td>
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<tr>
<td>Over 100</td>
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<td>$3.1240</td>
<td>$3.2553</td>
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</tr>
</tbody>
</table>

* Subject to higher adjustments per West Basin Municipal Water District increases that are passed through to the City based upon West Basin’s increased costs in operations and water purchase imposed after adoption of these rates.

### OPTION 1

#### Recommended Fire Service Charges (Monthly)

<table>
<thead>
<tr>
<th></th>
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</thead>
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<td>$66.97</td>
<td>$70.32</td>
<td>$73.83</td>
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<td>$136.26</td>
<td>$143.08</td>
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The City’s retained earnings under Option 1 is $188,000 in the 2009-2010.
The following tables are recommended increases for Option (2):

### OPTION 2

**Recommended Capacity Charges (Monthly)**

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<th></th>
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<td>$6.70</td>
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<td>$25.48</td>
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<td>$29.50</td>
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<tr>
<td>1&quot; Lifeline</td>
<td>$9.32</td>
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<td>$12.74</td>
<td>$13.38</td>
<td>$14.05</td>
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<td>$35.98</td>
<td>$37.78</td>
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<td>$61.22</td>
<td>$64.28</td>
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<td>3&quot;</td>
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<td>$110.27</td>
<td>$115.79</td>
<td>$121.58</td>
<td>$127.66</td>
<td>$134.04</td>
<td>$140.74</td>
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<tr>
<td>4&quot;</td>
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<td>$156.62</td>
<td>$164.45</td>
<td>$172.67</td>
<td>$181.31</td>
<td>$190.37</td>
<td>$199.89</td>
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<td>$288.38</td>
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<td>$317.94</td>
<td>$333.84</td>
<td>$350.53</td>
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<td>$505.55</td>
<td>$530.83</td>
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<td>$585.24</td>
<td>$614.50</td>
<td>$645.22</td>
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<td>$4,030.92</td>
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</table>

### OPTION 2

**Recommended Potable Water Consumption Charges* ($/100 Cubic Feet)**

<table>
<thead>
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<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
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<td>0-7</td>
<td>$1.4533</td>
<td>$1.9421</td>
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<td>$2.3344</td>
<td>$2.4324</td>
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<td>12-20</td>
<td>$1.4533</td>
<td>$2.7500</td>
<td>$2.8655</td>
<td>$2.9859</td>
<td>$3.1113</td>
<td>$3.2419</td>
<td>$3.3781</td>
</tr>
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<td>20-50</td>
<td>$1.5988</td>
<td>$2.3000</td>
<td>$2.3966</td>
<td>$2.4973</td>
<td>$2.6021</td>
<td>$2.7114</td>
<td>$2.8253</td>
</tr>
<tr>
<td>50-100</td>
<td>$1.6766</td>
<td>$2.4000</td>
<td>$2.5008</td>
<td>$2.6058</td>
<td>$2.7153</td>
<td>$2.8293</td>
<td>$2.9482</td>
</tr>
<tr>
<td>Over 100</td>
<td>$1.7590</td>
<td>$2.4900</td>
<td>$2.5946</td>
<td>$2.7036</td>
<td>$2.8171</td>
<td>$2.9354</td>
<td>$3.0587</td>
</tr>
</tbody>
</table>

* Subject to higher adjustments per West Basin Municipal Water District increases that are passed through to the City based upon West Basin’s increased costs in operations and water purchase imposed after adoption of these rates.

### OPTION 2

**Recommended Potable Water Consumption Charges*—Lifeline ($/100 Cubic Feet)**

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0-7</td>
<td>$0.7267</td>
<td>$0.9711</td>
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<td>$1.1448</td>
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<tr>
<td>7-12</td>
<td>$1.3908</td>
<td>$1.0750</td>
<td>$1.1202</td>
<td>$1.1672</td>
<td>$1.2162</td>
<td>$1.2673</td>
<td>$1.3205</td>
</tr>
<tr>
<td>12-20</td>
<td>$1.3908</td>
<td>$2.7500</td>
<td>$2.8655</td>
<td>$2.9859</td>
<td>$3.1113</td>
<td>$3.2419</td>
<td>$3.3781</td>
</tr>
<tr>
<td>20-50</td>
<td>$1.5988</td>
<td>$2.3000</td>
<td>$2.3966</td>
<td>$2.4973</td>
<td>$2.6021</td>
<td>$2.7114</td>
<td>$2.8253</td>
</tr>
<tr>
<td>50-100</td>
<td>$1.6766</td>
<td>$2.4000</td>
<td>$2.5008</td>
<td>$2.6058</td>
<td>$2.7153</td>
<td>$2.8293</td>
<td>$2.9482</td>
</tr>
<tr>
<td>Over 100</td>
<td>$1.7590</td>
<td>$2.4900</td>
<td>$2.5946</td>
<td>$2.7036</td>
<td>$2.8171</td>
<td>$2.9354</td>
<td>$3.0587</td>
</tr>
</tbody>
</table>

* Subject to higher adjustments per West Basin Municipal Water District increases that are passed through to the City based upon West Basin’s increased costs in operations and water purchase imposed after adoption of these rates.
OPTION 2
Recommended Fire Service Charges (Monthly)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2”</td>
<td>$39.90</td>
<td>$49.48</td>
<td>$51.95</td>
<td>$54.55</td>
<td>$57.27</td>
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<td>$63.15</td>
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<tr>
<td>3”</td>
<td>$59.85</td>
<td>$74.21</td>
<td>$77.92</td>
<td>$81.82</td>
<td>$85.91</td>
<td>$90.21</td>
<td>$94.72</td>
</tr>
<tr>
<td>4”</td>
<td>$79.81</td>
<td>$98.96</td>
<td>$103.91</td>
<td>$109.11</td>
<td>$114.56</td>
<td>$120.29</td>
<td>$126.31</td>
</tr>
<tr>
<td>6”</td>
<td>$119.71</td>
<td>$148.44</td>
<td>$155.86</td>
<td>$163.66</td>
<td>$171.84</td>
<td>$180.43</td>
<td>$189.45</td>
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<tr>
<td>8”</td>
<td>$159.61</td>
<td>$197.92</td>
<td>$207.81</td>
<td>$216.20</td>
<td>$229.11</td>
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<td>$252.60</td>
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<tr>
<td>10”</td>
<td>$199.53</td>
<td>$247.42</td>
<td>$259.79</td>
<td>$272.78</td>
<td>$286.42</td>
<td>$300.74</td>
<td>$315.77</td>
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</table>

The City’s retained earnings under Option 2 is $307,000 in the 2009-2010.

The proposed water rates for both options are based upon actual consumption of water and meter capacity. A survey of current water bills shows that the average residential customer with a 1” meter using 19 units of water per month pays about $46.68 monthly for potable water service. The following table uses this average to show the difference between current and proposed rates:

<table>
<thead>
<tr>
<th></th>
<th>Current</th>
<th>Proposed (Option 1)</th>
<th>Proposed (Option 2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Capacity Charge</td>
<td>$18.64</td>
<td>$16.64</td>
<td>$23.11</td>
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<tr>
<td>Water Consumption Charge</td>
<td>$28.04</td>
<td>$41.11</td>
<td>$43.60</td>
</tr>
<tr>
<td>Total - Monthly</td>
<td>$46.68</td>
<td>$57.75</td>
<td>$66.71</td>
</tr>
<tr>
<td>Net Increase</td>
<td>$11.07</td>
<td>$20.03</td>
<td></td>
</tr>
<tr>
<td>Increase Per Day (at 30 Days)</td>
<td>$0.37</td>
<td>$0.67</td>
<td></td>
</tr>
</tbody>
</table>

The actual water bills will vary from month-to-month based on amount of water actually used.

**Recycled Water**

The City’s current agreement with WBMWD allows the City to charge only $0.3056 per 100 cubic feet (748 gallons) of recycled water sold to El Segundo customers on top of the actual cost of the water. The City’s Agreement with Chevron Products Company, allows the recycled water markup to be increased up to the same percentage increase it increases the potable water charges, rates or surcharges to other purchasers of potable water. The recycled water markup for Chevron Products Company for the FY 2009-2010 through FY 2014-2015 is shown in the table below:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>100 CF</td>
<td>0.3056</td>
<td>0.5614</td>
<td>0.5850</td>
<td>0.6096</td>
<td>0.6352</td>
<td>0.6618</td>
<td>0.6896</td>
</tr>
</tbody>
</table>
Comparison with Other Agencies

A comparison of water rates to those of surrounding agencies is provided in the table below. The proposed Option 1 water rates for FY 2009-2010 are well below average of all other agencies. The proposed Option 2 water rates ($44.18) is still below average with only two (2) of fourteen agencies with lower rates.
## Water Enterprise Fund

The table below illustrates the Water Utility finances based upon the estimated expenditures for Fiscal Year 2008-2009, adjusted for water purchases; the capital improvement program and the proposed rate increases for Options 1 and 2.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EXPENSES</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>Administration, Operation and Maintenance</td>
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<td>2,652,000</td>
<td>2,821,000</td>
<td>3,004,000</td>
<td>3,200,000</td>
<td>3,414,000</td>
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<tr>
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<td>7,910,000</td>
<td>8,243,000</td>
<td>8,589,000</td>
<td>8,950,000</td>
<td>9,326,000</td>
<td>9,718,000</td>
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<tr>
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<td>7,956,000</td>
<td>8,290,000</td>
<td>8,638,000</td>
<td>9,001,000</td>
<td>9,379,000</td>
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<tr>
<td>Capital Improvements</td>
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<td>1,622,000</td>
<td>1,613,000</td>
<td>1,716,000</td>
<td>1,733,000</td>
<td>1,785,000</td>
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<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td>19,641,000</td>
<td>20,473,000</td>
<td>21,313,000</td>
<td>22,308,000</td>
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<td>Recycled Water Sales</td>
<td>9,840,000</td>
<td>10,253,000</td>
<td>10,684,000</td>
<td>11,133,000</td>
<td>11,601,000</td>
<td>12,088,000</td>
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<tr>
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<td>9,087,000</td>
<td>9,469,000</td>
<td>9,867,000</td>
<td>10,281,000</td>
<td>10,713,000</td>
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<tr>
<td>Capacity Charges</td>
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<td>1,505,000</td>
<td>1,580,000</td>
<td>1,659,000</td>
<td>1,742,000</td>
<td>1,829,000</td>
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<td><strong>TOTAL REVENUES</strong></td>
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<td>20,845,000</td>
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<td>22,659,000</td>
<td>23,624,000</td>
<td>24,630,000</td>
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<td>560,000</td>
<td>980,000</td>
<td>1,331,000</td>
<td>1,695,000</td>
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<td><strong>REVENUES (OPTION 2)</strong></td>
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<tr>
<td>Recycled Water Sales</td>
<td>9,840,000</td>
<td>10,253,000</td>
<td>10,684,000</td>
<td>11,133,000</td>
<td>11,601,000</td>
<td>12,088,000</td>
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<tr>
<td>Potable Water Sales</td>
<td>8,277,000</td>
<td>8,625,000</td>
<td>8,987,000</td>
<td>9,364,000</td>
<td>9,757,000</td>
<td>10,167,000</td>
</tr>
<tr>
<td>Capacity Charges</td>
<td>1,831,000</td>
<td>1,923,000</td>
<td>2,019,000</td>
<td>2,120,000</td>
<td>2,226,000</td>
<td>2,337,000</td>
</tr>
<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td>19,948,000</td>
<td>20,801,000</td>
<td>21,690,000</td>
<td>22,617,000</td>
<td>23,584,000</td>
<td>24,592,000</td>
</tr>
<tr>
<td><strong>RETAINED EARNINGS</strong></td>
<td>307,000</td>
<td>635,000</td>
<td>1,012,000</td>
<td>1,321,000</td>
<td>1,645,000</td>
<td>1,941,000</td>
</tr>
<tr>
<td><strong>OPTION (2)</strong></td>
<td></td>
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</tr>
</tbody>
</table>
Proposition 218

In November 1995, the California electorate approved Proposition 218 that requires certain procedures be followed with regard to “property-related” fee increases imposed by governmental agencies. Initially, case law indicated that these procedures would not be applicable to water rate increases. However, a 2006 California Supreme Court decision held Proposition 218 fee increase procedures must be followed for any proposed increases to the City’s water rates. In short, water rate increases are subject to a “majority protest” process that provides that if a majority of the parcels in the City protest the proposed rate increase the City cannot impose the increase.

Just as there initially was some disagreement between lawyers and court decisions regarding which fees were subject to Proposition 218, there is currently a disagreement with respect to the protest ballot process. Specifically, there is a disagreement amongst attorneys that represent public agencies (and potentially between the language approved by the voters and some recent legislation) as to whether tenants that pay for fees covered by Proposition 218 must be afforded the opportunity to protest proposed fee increases. Last year the state legislature attempted to clarify this issue by passing legislation that on its face requires that tenants be afforded the opportunity to protest such fee increases. The City Attorney’s Office believes the legislation is not consistent with Proposition 218 and believes it is potentially invalid since the language in Proposition 218 stated that the notice regarding the protest process must be sent to the “record owner” and the owner was the person that had the right to file the protest.

Despite the City Attorney’s Office opinion on this matter, staff and the City Attorney agree that the most conservative approach is to send the protest ballots to the property owners and to the tenants if the tenant is the water customer. The City is only required to count one protest per parcel. Accordingly, even if both the owner and tenant file a protest, only one protest shall be counted for purposes of determining whether there is a “majority protest” as described below.

Proposition 218 requires that the City provide all properties receiving the service for which the fee is charged (in this case, water treatment and distribution) with a minimum of 45 days written notice prior to Council holding a public hearing on a proposed rate increase. The property owners and now tenants have the ability to “protest” the proposed rate increase until the close of the public hearing. If a majority of the parcels file written protests with the City prior to the close of the public hearing, Proposition 218 states that the City cannot implement the proposed increase. If a majority of the parcels do not protest the proposed increase, the Council has the authority to implement the proposed rate increase.

In accordance with Proposition 218 requirements, several steps have been taken to comply with the law. Drafts of a Notice to Parcel Owners of a Proposed Rate Increase and a Notice of a Public Hearing set for November 4, 2009 at 7:00 p.m., and a Schedule of Proposed Water Rate Adjustments have been prepared and are attached for Council review and comment. The most current assessor’s parcel roll from the Los Angeles County Assessor’s office has been obtained and a direct mailing to each parcel owner within the City limits will be made. Additionally, to the extent a tenant rather than a property owner is the water customer, a protest notice will be sent to the tenant utilizing the water billing address that the City has on file. Staff is prepared to produce the required notices and mail out to all property owners by September 19, 2009.
Finally, staff is recommending that Council adopt the attached resolution for purposes of setting forth some rules and regulations regarding the process for distributing, processing and counting protest ballots. The rules and regulations are consistent with Proposition 218, legislation relating to Proposition 218 and the process outlined above. For example, it states who will be sent notices and ballots, which department at the City is responsible for receiving and storing the ballots, the process for counting the ballots, and a process by which replacement ballots may be requested.
August 25, 2009

IMPORTANT NOTICE TO PARCEL OWNERS
REGARDING PROPOSED INCREASES IN WATER RATE CHARGES AND
NOTICE OF PUBLIC HEARING ON November 4, 2009

Dear City of El Segundo Property Owner/Water Customer:

TAKE NOTICE that on November 4, 2009, at 7:30 pm., the City Council will conduct a Public Hearing at the Council Chambers, 350 Main Street, El Segundo, California to consider proposed water service rate increases associated with providing water services to property located in the City of El Segundo. Increases are proposed to pay for increases in the City’s costs to acquire water from other agencies, to provide water and services to properties located within the City, and to meet the regulatory obligations imposed by the State of California Department of Public Health (DPH) and the U.S. Environmental Protection Agency (EPA).

A recently completed water rate study proposed a multi-year rate schedule to adjust water rates in an effort to offset the City’s cost of providing these services. The FY 2009-2010 increase is proposed to be implemented on December 1, 2009. FY 2010-2011, FY 2011-2012, FY 2012-2013, FY 2013-2014, FY 2014-2015 rate increases are proposed for implementation on October 1 of each year.

Complete copies of the water study, entitled "City of El Segundo Water Rate Study" dated August 2009 are available at City of El Segundo City Hall, 350 Main Street in the City Clerk’s office.

The proposed new rates are provided on the enclosed “Schedule of Proposed Service Charge Increases.” Review these to determine how your specific parcel would be affected. Customers are encouraged to review water use history found on prior utility bills. Charges are based upon a combination of meter size, and actual usage. If you have any questions on the proposed increase please call (310) 524-2742 for assistance. Any adjustment shown, if enacted, will take effect no earlier than January 2010.

IMPORTANT INFORMATION: If you oppose an increase to your water service charges and wish to protest this action you must do so in writing before the close of the public hearing on November 4, 2009. If you do not oppose an increase, no response is necessary. A majority protest exists if, at the end of the Public Hearing, there are valid written protests submitted by owners of a majority of the properties subject to the fee increases. A majority protest will result in the fee increase not being imposed. Note that no more than one protest per parcel may be submitted. If you want more information, please contact the City’s Water Division at (310) 524-2742.

Provided is a WATER RATE INCREASE PROTEST BALLOT. If you wish to protest implementation of the multi-year water rate increases, you should 1) check the box on the ballot indicating that you protest the proposed service charge increases, 2) print and sign your name on the lines provided, 3) cut or tear off the form where indicated, 4) deliver the signed form to the City Clerk before the close of the public hearing on November 4, 2009 by one of the following methods: U.S. mail addressed to City Clerk/Water Rates, City of El Segundo, 350 Main Street, El Segundo, CA 90245 or hand deliver to the City Clerk’s office at the same address.
WATER RATE INCREASE PROTEST BALLOT

☐ I protest the proposed water service charge increases for FY 2009-2010 through 2014-2015.

_________________________________________  __________________________
Print Legibly – Full Name                    Signature

I own the property at ________________________  _______________________
                                        Address

I am a water customer at ________________________  _______________________
                                        Address

Return to: City Clerk/Water Rates, City of El Segundo, 350 Main Street, El Segundo CA 90245 before close of the public hearing to be conducted by the City Council on November 4, 2009

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RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO ESTABLISHING PROCEDURES FOR INCREASING WATER AND WASTEWATER FEES IN ACCORDANCE WITH THE REQUIREMENTS OF PROPOSITION 218

The Council of the City of El Segundo does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

A. On July 24, 2006, the California Supreme Court confirmed that charges for water and wastewater services are subject to Proposition 218 procedures (Bighorn-Desert View Water Agency v. Verjil (2006) 39 Cal.4th 205);

B. The City Council anticipates that there will be future increases in water, and wastewater rates. Adopting the policies and procedures set forth in this Resolution will help implement the requirements set forth in Article XIIIID of the California Constitution and help ensure that the rights of those persons that are authorized to protest service charges are preserved;

C. Elections Code § 4000(c)(9) provides that any protest ballot proceeding required or authorized by California Constitution Articles XIIIIC or XIIIID may be conducted wholly by mail. In the event a protest ballot process is required, the City Council seeks to achieve higher awareness of those affected by the proposed increase, provide an orderly protest process for both those receiving the ballots and the City, insure to the extent practicable that there is some verification process regarding the protests received, and to reduce the costs of the protest ballot process; and

D. Adopting this Resolution is in the public interest for the reasons set forth above and as further stated within Article XIIIID and the Proposition 218 and state legislation relating to the implementation of Proposition 218.

SECTION 2: The City Council adopts the procedures set forth in this Resolution for conducting all proceedings required by California Constitution Article XIIIID for utility fee (as defined below) increases. Where no specific procedures are imposed by Article XIIIID or the Proposition 218 Omnibus Implementation Act (Government Code §§ 53750, et seq.), the procedures set forth in this Resolution apply. This Resolution may be referred to as the “Proposition 218 Protest Proceedings Resolution.”

SECTION 3: Definitions. Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Resolution. Words and phrases not defined by this chapter will have the meaning set forth in California Constitution Article XIIIID or the Proposition 218 Omnibus
Implementation Act.

A. "Act" means the Proposition 218 Omnibus Implementation Act found at Government Code §§ 53750, et seq.;

B. "Article 13D" means California Constitution Article XIIID, § 6;

C. "Manager" means the City Manager or designee;

D. "Property owner" has the same meaning set forth in Article 13D and also pursuant to the Act includes tenancies of real property where tenants are directly liable to pay the proposed water or wastewater fee or charge;

E. "Protest" means a written protest filed with the City Clerk in accordance with Article 13D, the Act, and this Resolution as described in Article 13D, § 6(a)(2);

F. "Utility fee" means a fee or charge imposed for water or wastewater services provided to customers in accordance with the El Segundo Municipal Code ("ESMC"), and other applicable law, by the City of El Segundo;

SECTION 4. Administration of Proceedings. The City Manager, or designee, is authorized to implement this Resolution in a manner consistent with the California Constitution and other applicable law.

SECTION 5. Notice. Notice of a proposed utility fee increase is provided as follows:

A. In general, the City will identify the record property owner(s) of each parcel to which the utility fee would be applied from its billing system database and/or the latest equalized tax roll produced by Los Angeles County. The City’s Utility Billing database and the equalized tax roll is presumptive evidence of ownership of the land for voting purposes.

B. If either the City’s Utility Billing Database or Los Angeles County Recorder’s website shows that more than one property owner has an interest in a parcel, all property owners (each property owner) must receive notice at the address shown for the property owner. Both property owners and parties financially responsible for paying the fee will be provided notice.

C. The notice must be sent by first class mail at least forty-five (45) days before the date set for the public hearing on the utility fee.

D. The form of the notice of hearing will be approved by the City Council and be on file with the City Clerk.
E. The notice provided by these procedures, in accordance with Article 13D, supersedes and is in lieu of notice required by any other statutes to levy or increase a utility fee.

F. The City Clerk, or designee, may certify the proper mailing of notices by an affidavit which constitutes conclusive proof of mailing in the absence of fraud.

G. Failure of any person to receive notice does not invalidate the proceedings.

SECTION 6. Protests against Utility Fee Increases.

A. The property owner(s) of parcels subject to the proposed fee increase are entitled to a single protest for each parcel. When a parcel is held as community property or in joint tenancy or as a tenancy in common, any spouse or joint tenant or tenant in common is presumed to have authority to cast a protest on behalf of such parcel.

B. If the owner(s) of the property desire to designate a particular owner as the person authorized to cast the protest for such parcel, they may file with the City Clerk, at any time before the commencement of the public hearing or the date of the election, as the case may be, a written authorization of such designation, signed by all the owners of record, and acknowledged in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the Los Angeles County Recorder’s Office.

C. Executors, administrators, and guardians may cast a protest on behalf of the estate represented by them. If such representatives are shown on the latest assessment roll as paying taxes and assessments on behalf of the property owner(s), that fact establishes the right of such representative(s) to cast a protest. If such representatives are not shown on the latest assessment roll, the representatives may file with the City Clerk, at any time before the commencement of the public hearing, or the date of the election, as the case may be, certified copies of the written documentation establishing the legal representation.

D. The protest of any public or quasi-public corporation, private corporation, or unincorporated association may be signed by any person so authorized in writing by the board of directors or trustees or other managing body thereof.

E. The Manager is designated as the voting representative with respect to City-owned property.
F. In any case where the documentation provided to the City Clerk is ambiguous or unclear, the City Attorney will determine whether the documentation is adequate for the purpose provided.

G. In the event a property owner loses or misplaces a protest ballot, upon request by the property owner the City will send by first class mail a replacement protest ballot unless a properly filled out protest ballot has already been received for the parcel of property.

SECTION 7. Public Hearing.

A. Only protest ballots that (i) were provided by the City to the property owner in the form approved by the Council and (ii) are properly filled out and legibly signed by an eligible property owner is made will be counted as a valid protest. Only one protest shall be counted for each parcel of property regardless of the number of protests filed by property owners for the parcel.

B. The City Clerk must stamp each written protest the date and time it is filed with the City Clerk for purposes of establishing whether the protest was filed before the close of the public testimony portion of the public hearing. No protest received after the close of the public testimony portion of the public hearing can be counted in determining the amount of protest, but the Council may, in its discretion, consider such protests in making its decision. Written protests may be withdrawn in writing at any time before the conclusion of the public testimony portion of the public hearing.

C. At the time and place fixed for the hearing, or at any time to which the hearing is adjourned, the Council must:

1. Hear all persons interested in the matter of the proposed fee increase;

2. Hear all objections, protests or other written communications from any owner of property subject to the proposed utility fee; and

3. Take and receive oral and documentary evidence pertaining to the proposed fee increase.

4. The hearing may be continued from time to time, as the Council determines necessary to complete its consideration of the proposed fee increase.
5. If the Council determines, at the close of the public testimony portion of the public hearing, that votes were received from property owners representing a majority of the parcels subject to the proposed fee increase, the Council shall adopt a resolution setting forth the results of the protest ballot process and the proceedings shall then be closed and the utility fee cannot be approved by the City Council.

6. If the Council determines at the close of the public testimony portion of the public hearing that written protests were not received from property owners representing a majority of the parcels subject to the proposed utility fee, the Council shall adopt a resolution setting forth the results of the protest ballot process and then may by Ordinance change the utility fee so long as in an amount that does exceed the amount and methodology set forth in the public notices sent to the property owners.

SECTION 8. Environmental Review. This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a “project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

SECTION 9. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 10. Repeal of any provision of the El Segundo Municipal Code, or other Resolution, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Resolution’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 11. The City Clerk is directed to certify the passage and adoption of this Resolution; and cause it to be entered into the City of El Segundo’s book of original Resolutions.

This Resolution will take effect immediately day following its final passage and
adoption.

PASSED AND ADOPTED this ______ day of __________, 2009.

_________________________
Kelly McDowell, Mayor
ATTEST:

Cindy Mortesen, City Clerk

APPROVED AS TO FORM

Mark Hensley, City Attorney
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: September 1, 2009
AGENDA HEADING: Old Business

AGENDA DESCRIPTION:
Consideration and possible action to introduce and waive first reading of an ordinance adding a new Chapter 10-5 to the El Segundo Municipal Code ("ESMC") regulating water conservation methods and amending ESMC §§ 1-2A-1, 1-2A-2, and 1-2A-3 to enforce Chapter 10-5 with administrative citations. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
(1) Introduce and waive first reading of an ordinance adding Chapter 10-5 to the ESMC and amending ESMC §§ 1-2A-1, 1-2A-2, and 1-2A-3;
(2) Schedule second reading and adoption for September 15, 2009;
(3) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Draft Ordinance
Sample ordinance from Metropolitan Water District (from 4/21/09)
Letter dated April 21, 2009 from Continental Development Corporation
Ordinance No. 1180, adopted April 21, 1992
Ordinance No. 1160, adopted February 19, 1991

FISCAL IMPACT: Included in Adopted Budget
Amount Budgeted: N/A
Additional Appropriations: N/A
Account Numbers: N/A

ORIGINATED BY: Karl H. Berger, Assistant City Attorney
REVIEWED BY:
APPROVED BY: Mark D. Hensley, City Attorney

BACKGROUND AND DISCUSSION:
As you are aware, in April 2009, the City Council considered a draft ordinance regulating water conservation. That ordinance was the verbatim version of the Metropolitan Water District’s ("MWD") draft model Water Conservation ordinance from December 2008. According to the MWD, local water providers failing to adopt regulations that are at least as strict as MWD’s model ordinance would be ineligible to receive grant funding. In 2008, the City received grant funds from Metropolitan Water District for the Environmental Expo in the amount of $3,000, and most recently received $53,087 for the “It’s Time to Get Serious“ El Segundo Water Conservation Banner Program.
At its April 21st meeting, the City Council discussed the proposed ordinance. A majority of the Council concluded that MWD’s ordinance did not meet the City’s needs and directed the City Attorney’s office to redraft the ordinance.

Included with this staff report is the redrafted ordinance which largely incorporates regulations from the City’s previously enacted water conservation ordinances: Ordinance Nos. 1160 and 1180 (collectively, “Previous Regulations”). While it borrows sparingly from the MWD model ordinance, the regulations are nevertheless just as strict. Among other things, the proposed ordinance accomplishes the following:

- requires persons to adopt drought water conservation programs (per the Previous Regulations);
- requires leak repairs within 72 hours (the Previous Regulations allow 48 hours; the MWD allows 7 days after receiving notice);
- prohibits watering landscaping between 9 a.m. and 5 p.m. (which follows the MWD model ordinance; the Previous Regulations prohibit watering between 10 a.m. and 4 p.m.);
- prohibits wasteful use of water through various means including, e.g., watering sidewalks and washing cars without a bucket/shutoff nozzle (per Previous Regulations and MWD);
- requires commercial car wash facilities to use water recycling equipment (MWD requires this beginning January 1, 2010);
- requires restaurants to serve water only upon request (both Previous Regulations and MWD);
- allows the City Council to impose water use reductions by resolution to comply with federal, state or regional restrictions because of emergency conditions (MWD has a mandatory “Level” approach to which the City Council and Continental Development Corporation objected; the proposed regulation allows greater flexibility);
- provides a procedure for waivers (per Previous Regulations and MWD); and
- allows administrative citations to be used for enforcing the water conservation regulations (this allows for a civil proceeding rather than simply relying upon criminal prosecution).

While staff generally tries to provide a redlined version of ordinances to assist with City Council discussion, the extensive changes made by the City Attorney’s office would make such comparison impractical; most of the resulting document would show deleted language.

With the adoption of this ordinance there will be several new requirements that residents and business owners need to be aware of. Staff will use various methods to get the information out to the public such as water bill stuffers, articles in the El Segundo Herald, the City’s website and Community Cable Channel.
ORDINANCE NO. __________

AN ORDINANCE ADDING A NEW CHAPTER 10-5 TO THE EL SEGUNDO MUNICIPAL CODE ("ESMC") ESTABLISHING WATER CONSERVATION MEASURES IN ACCORDANCE WITH WATER CODE § 375 AND AMENDING ESMC §§ 1-2A-1, 1-2A-2, AND 1-2A-3 TO ENFORCE ESMC CHAPTER 10-5 WITH ADMINISTRATIVE CITATIONS.

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds as follows:

   A. Protecting, conserving, and managing water supplies is an issue of municipal concern. Contamination, drought, or damage to the City's potable water infrastructure can lead to a water emergency.

   B. The City receives all of its water from the West Basin Municipal Water District ("WBMWD") and Metropolitan Water District of Southern California ("MWD"; collectively, "Districts").

   C. It is in the public interest for the City to enact regulations for distribution and use of potable water including, without limitation, water conservation programs to encourage efficient water use and discourage waste.

SECTION 2: El Segundo Municipal Code ("ESMC") §§ 1-2A-1, 1-2A-2, and 1-2A-3 are amended to read as follows:

"1-2A-1: Purpose.

This chapter is adopted pursuant to the city's police powers and Government Code § 53069.4 for the purpose of making any violations of El Segundo Municipal Code §§ 5-4-1 to 5-4-13 (entitled "Storm Water and Urban Runoff Pollution Control") and §§ 10-5-1 to 10-5-23 (entitled "Water Conservation") subject to an administrative fine and to set forth the procedures for the imposition and collection of such fines.

1-2A-2: Applicability.

This chapter provides for administrative citations that are in addition to all other legal remedies, criminal or civil, which the city may pursue to address violations of the Storm Water Code and Water Conservation Code. The use of this chapter is at the sole discretion of the code enforcement officer.

1-2A-3: Definitions:

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter:
"Water Conservation Code" means §§ 10-5-1 to 10-5-23 of the El Segundo Municipal Code and any federal, state, or local regulation enforced by and through the Water Conservation Code including, without limitation, pertinent provisions of Titles 13 and 15 of this Code.

SECTION 3: A new Chapter 10-5, entitled Water Conservation, is added to the ESMC to read as follows:

"CHAPTER 10-5

WATER CONSERVATION

10-5-1: Purpose.
10-5-2: Definitions.
10-5-3: Water Conservation Program.
10-5-4: Repair of Plumbing, Sprinkler and Irrigation System.
10-5-5: Watering/Irrigation.
10-5-6: Miscellaneous Restrictions.
10-5-7: Commercial Car Washes.
10-5-8: Washing of Equipment and Machinery.
10-5-9: Cleaning of Structures.
10-5-10: Cleaning of Surfaces.
10-5-11: Water Spillage.
10-5-12: Swimming Pools and Spas.
10-5-14: Cooling Systems.
10-5-15: Commercial Laundry Facilities.
10-5-16: Visitor-Serving Facilities.
10-5-17: Restaurants.
10-5-18: Construction.
10-5-19: Use of Hydrants.
10-5-20: Indiscriminate Use.
10-5-22: Water shortage contingency measures.
10-5-23: Relief from compliance.

10-5-1: Purpose.

This Chapter is adopted pursuant to Water Code § 375 for the purpose of establishing water conservation requirements and implementing contingency measures in the event of water shortages.

10-5-2: Definitions.

Unless the contrary is stated or clearly appears from the context, the
following definitions govern the construction of the words and phrases used in this Chapter.

"Impervious surface" means a constructed or modified surface that cannot effectively percolate water. The terms includes, without limitation, sidewalks, driveways, gutters, and roads.

"Person" means a natural or corporate person who receives potable water service from the City.

"Programmed" means a weather-based or sensor-based irrigation controller that was programmed in accordance with manufacturer’s instructions and site-specific conditions.

"Responsible person" means the person responsible for daily operations of every residential or commercial premises located within the City’s jurisdiction including, without limitation, the property owner.

"Sensor-based irrigation controller" means an irrigation controller that operates based upon input received from any combination of sensors such as rain, light, and soil moisture, installed within or around an irrigated landscape area.

"Weather-based irrigation controller" means an irrigation controller that operates based on evapotranspiration rates and historic or real-time weather data.

10-5-3: Water Conservation Program.

All water customers are required to adopt and put into use at the earliest possible date drought water conservation programs.

10-5-4: Repair of Plumbing, Sprinkler and Irrigation System.

Responsible persons must, as soon as practicable, but not later than seventy-two (72) hours after such person first discovers water leaks, commence repair of any leaking pipes, faucets, plumbing fixtures, other water service appliances, sprinklers, watering or irrigation systems, or distribution systems and promptly complete such repair work, unless a waiver is obtained from the City.

10-5-5: Watering/Irrigation.

It is unlawful for any person to water their lawn or landscaping or permit their lawn or landscaping to be watered between the hours of nine (9:00) AM and seven (5:00) PM, except as provided below:
A. Persons may operate an irrigation system between 9:00 AM and 5:00 PM for the purpose of installing, repairing or routine maintenance of the same;

B. Persons may water between the hours of 9:00 AM and 5:00 PM using any of the following methods:

1. Properly programmed weather-based and/or sensor-based irrigation controllers;

2. Drip irrigation;

3. By hand, using a bucket; or

4. By hand, using a hose with an automatic shutoff nozzle.

10-5-6: **Miscellaneous Restrictions.** The following are unlawful for any person:

A. Allowing grass, lawns, groundcover, shrubbery, and open ground to be watered at any time while it is raining.

B. Operating landscape irrigation system(s) that allow overspray or excess runoff onto impervious surfaces (such as sidewalks, driveways, v-ditches, gutters and roadways).

C. To use a water hose to wash any vehicle including, without limitation, cars, trucks, boats, trailers, recreational vehicles, or campers, or any other aircraft, tractor, or any other vehicle, or any portion thereof, unless the hose is equipped with an automatic shutoff nozzle. Except for individual residential vehicle washing, all wash water from vehicle washing/cleaning activity must be prevented from discharging to the stormwater drainage system.

10-5-7: **Commercial Car Washes.**

A. It is unlawful for commercial car wash facilities to permit the washing of any boat or vehicle in such facility or on its premises, other than by the following methods:

1. Use of mechanical automatic car wash facilities utilizing water recycling equipment;

2. Use of a hose that operates on a timer for limited time periods and shuts off automatically at the expiration of the time period;

3. Use of a hose equipped with an automatic shutoff nozzle; or
4. Use of bucket and hand washing.

B. All wash/rinse water must be captured and recycled or discharged into the sanitary sewer system.

C. All new commercial conveyor car wash facilities must be equipped with a water recycling system.

10-5-8: Washing of Equipment and Machinery.

It is unlawful for any person to use a water hose to wash any type of equipment or machinery, or any portion thereof, unless the hose is equipped with an automatic shutoff nozzle. All wash water from such washing/cleaning activity must be prevented from discharging to the stormwater drainage system.

10-5-9: Cleaning of Structures.

It is unlawful for any person to use water through a hose to clean the exterior of any building or structure unless such hose is equipped with a shutoff nozzle. All wash water from such activity must be prevented from discharging to the stormwater drainage system.

10-5-10: Cleaning of Surfaces.

It is unlawful for any person to use water through a hose to clean any sidewalk, driveway, roadway, parking lot, or any other outdoor paved or hard surfaced area, unless all wash water from such activity is prevented from discharging to the stormwater drainage system.

10-5-11: Water Spillage.

Every person must minimize water spillage into streets, curbs, or gutters and minimize runoff beyond the immediate area of use. Every person is deemed to have under his/her control at all times his/her water distribution lines and facilities, and to know the manner and extent of his/her water use and excess runoff.

10-5-12: Swimming Pools and Spas.

It is unlawful for any person to empty and refill a swimming pool or spa except to prevent or repair structural damage or to comply with public health regulations. Discharge of pool water, other than directly to the sanitary sewer system, must be consistent with this Code with regard to stormwater. Discharge of pool filter backwash water to the stormwater drainage system is
prohibited. All pools and spas must be equipped with a water recirculation device. The use of a pool/spa cover is encouraged to prevent evaporative water loss.

10-5-13: **Fountains, Decorative Basins, Ponds, Waterways.**

It is unlawful for any person to use water to operate or maintain levels in decorative fountains, basins, ponds, and waterways unless a recirculation device is in use. Discharge of water, other than directly to the sanitary sewer system, must be consistent with this Code with regard to stormwater. Discharge of filter backwash water to the stormwater drainage system is prohibited.

10-5-14: **Cooling Systems.**

No single pass cooling systems are permitted in new connections.

10-5-15: **Commercial Laundry Facilities.**

New commercial laundry facilities must be equipped with a water reclamation system for rinse water.

10-5-16: **Visitor-Serving Facilities.**

The owner and manager of each hotel, motel, restaurant, and other visitor-serving facility must ensure that such facility displays, in places visible to all customers, placards or decals approved by the City, promoting public awareness of the need for water conservation and/or advising the public that waste of water is prohibited.

10-5-17: **Restaurants.**

Restaurants in the City cannot serve water to restaurant customers, except upon request of the customer.

10-5-18: **Construction.**

A. It is unlawful to use potable water for compacting or dust control purposes in construction activities where there is a reasonably available source of recycled or other non-potable water approved by the California State Department of Health Services and appropriate for such use.

B. All water hoses used in connection with any construction activities must be equipped with an automatic shutoff nozzle when an automatic shutoff nozzle can be purchased or otherwise obtained for the size or type of hose in use.
10-5-19: Use of Hydrants.

It is unlawful for any person to utilize any fire hydrant for any purpose other than fire suppression or emergency aid, without first obtaining written approval from the City Manager, or designee.

10-5-20: Indiscriminate Use.

It is unlawful for any person to cause or permit the indiscriminate running of water not otherwise prohibited by this chapter which is wasteful and without reasonable purpose.


These regulations cannot be construed to limit water use which is immediately necessary to protect public health or safety.

10-5-22: Water shortage contingency measures.

The City Council by resolution is authorized to require or impose reductions in the use of water if such reductions are necessary in order for the City to comply with water use restrictions imposed by federal, state or regional water agencies or to respond to emergency water shortage conditions. Depending on the expected duration and severity of the shortage, these measures may include, without limitation, the following:

A. Prohibit the filling or emptying and refilling of swimming pools, excluding normal maintenance of water levels due to evaporation.

B. Prohibit the use of a temporary fire hydrant meter from the City, or otherwise using water through a temporary City water service.

C. Require all major water users to reduce their usage by the percentage determined by the City Manager, or designee, to be necessary to sustain adequate water supply for the City. Such percentage must be based both on the rate of supply to the City and the rate of current water demand.

D. Impose an additional water surcharge above and beyond the existing City water rates on all City residents, water users and water consumers who fail or refuse to abide by the requirements, restrictions and priorities adopted by the City in response to the emergency water shortage condition.

E. Employ additional City staff to monitor water usage, provide assistance to water users to reduce their water consumption, and to police the
enforcement of the requirements, restrictions and priorities adopted by the City in response to the emergency water shortage condition.

F. Suspend all sales and deliveries of City water, or use of City water, for construction or grading purposes.

G. Reduce or prohibit consumption or use of City water by residential, recreational, commercial, industrial and institutional water users for landscape irrigation purposes.

H. Initiate or implement additional or innovative actions to increase the supply of water available to the City and to conserve the City's existing water supply.

10-5-23: Relief from compliance.

The City Manager, or designee, may grant written waivers to persons who apply on forms supplied by the City for:

A. Prohibited uses of water if it is found that a waiver is necessary to prevent an emergency condition relating to health and safety, and if the person seeking a waiver demonstrates that he or she implemented water conservation measures in some other manner that achieves the objectives of this Chapter. No waiver can be granted for the filling of any decorative fountain, basin, pond, hot tub, spa or permanent swimming or wading pool, unless the filling occurs as the result of performing necessary leak repairs and unless the other provisions of this Section are met.

B. No waiver can be granted unless the person demonstrates that he or she has already achieved the maximum practical reduction in water consumption as can be achieved by the affected property or business. Any waiver granted must be based upon the water consumption rates of similar water users, properties or businesses."

SECTION 4: CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION. This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to permit operation of existing facilities; minor temporary use of land; ensure maintenance, restoration and protection of the environment; and regulate normal operations of facilities for public gatherings. This Ordinance, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. Title 14, §§ 15301, 15304(e), 15308, and 15323.

SECTION 5: SAVINGS CLAUSE. Repeal of any provision of the SPMC or any other
regulation by this Ordinance does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6: SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 7: VALIDITY OF PREVIOUS CODE SECTIONS. If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the SPMC or other regulation by this Ordinance will be rendered void and cause such SPMC provision or other regulation to remain in full force and effect for all purposes.

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

SECTION 9: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2009.

__________________________________________
Kelly McDowell, Mayor

ATTEST:

__________________________________________
Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: _______________________________________
Karl H. Berger, Assistant City Attorney
City Council  
City of El Segundo  
350 Main Street  
El Segundo, CA  90245

Subject:  Agenda Item 10 – Draft Water Conservation Ordinance

Honorable Mayor McDowell and City Council Members:

It is evident that the current water supply situation in California is highly uncertain. California faces a third consecutive year of historically dry conditions, reservoir levels have been drawn down over the past two years, and uncertainties and limitations have been placed on imported water deliveries. The current water supply conditions mean that all Californians must eliminate wasteful water use practices and focus on water conservation and best practices for efficient use of potable water.

Continental Development Corporation (CDC) is committed to proactive resource conservation and supports the City’s action to amend and update its existing water conservation ordinance to reflect current conditions. CDC respectfully submits the following comments regarding the draft water conservation ordinance. These comments focus on requests for clarification and suggestions for potential alternative methods to achieve the objectives of the proposed ordinance with flexibility of implementation.

Sections 10.02.10., 11, 12: Water Supply Shortage:

Further clarification is requested as to what event(s) and/or event thresholds may cause the City to declare a Level 1, 2, or 3 Water Supply Shortage.

Section 10.02.10: Level 1 Water Supply Shortage:

1. Limits on Watering Days:

The proposed ordinance establishes limits on watering to no more than three days per week except during the months of November through March when watering with potable water is limited to one day a week with exceptions for drip irrigation systems and by hand held hose with a shut-off nozzle.

The one day per week restriction during November through March presents potential challenges for adequate maintenance of lawns and plantings in areas where hand...
watering with a hose is not possible due to lack of a nearby hose bib. Proposed
Section 10.02.09 Water Conservation Requirements – Prohibition Against Waste
includes item b. Limit on Watering Duration which limits watering duration to no
more than fifteen minutes watering per day per station. It is requested that the
ordinance provide an option to continue to water three days per week during the
months of November through March with watering duration limited to no more than
five minutes per day per station. This option imposes the same water use limit while
providing flexibility. Users equipped with irrigation systems and time clocks can
achieve the same water savings objective by using best practices in the utilization of
their irrigation systems.

Section 10.02.11 Level 2 Water Supply Shortage

1. Watering Days

Level 2 Water Shortage limits watering days to two days per week and includes
the Level 1 restriction to limit watering no more than one day per week during
November through March. It is requested that the same option requested for
Level 1 apply to Level 2, so users may utilize their irrigation systems to continue
to water two days per week during November through March with a requirement
that watering duration limited to no more than 7 minutes per day per station.

Section 10.02.12 Level 3 Water Supply Shortage – Emergency Conditions

No Watering or Irrigating: This measure limits maintenance of vegetation to
watering with hand held container or hand held hose with a shut-off nozzle.
Commercial complexes that typically use zoned irrigation systems are not equipped
with hose bibs in all the necessary locations that may be needed to reach and maintain
minimum vegetation, including trees and shrubs, with a hand held hose. It is
requested that users equipped with zoned irrigation systems with time clocks be
permitted to utilize the zone capability of the irrigation system to water vegetation
two days per week as long as the volume of water used does not exceed the volume of
water that would be used with a hand held hose and that all other requirements of the
ordinance are adhered to. This option provides flexibility to maintain minimum
vegetation in areas that cannot practically be reached with hose.

As California continues to face dry conditions, water supply uncertainties and a
growing population, it is critical that everyone practice water conservation to help
meet our conservation goals. We need drought protection and reduced dependence
on imported water supplies. Increased local control of our water supply will result in a more stable and reliable supply of water.

CDC is committed to practicing proactive resource conservation and will continue to investigate new strategies to expand its conservation efforts.

Thank you for consideration of our comments. I am available to answer any questions regarding these comments at 310-640-1520, Ext. 205 or via email at treina@continentaldevelopment.com.

Sincerely,

\[\text{Toni Reina}\]

Toni Reina
Planning Manager

:tr

Copy: Dana Greenwood, Public Works Director
Cindy Mortesen, City Clerk
Richard C. Lundquist, CDC
Lianne Ibarra, CDC
Alex J. Rose, CDC
ORDINANCE NO. 1180

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO DECLARING A CONTINUANCE OF THE WATER SHORTAGE EMERGENCY, REPEALING CITY MANDATORY WATER CONSERVATION ORDINANCE NO. 1160 AND ADOPTING THE CITY VOLUNTARY WATER CONSERVATION ORDINANCE.

THE CITY COUNCIL OF THE CITY OF EL SEGUNDO does ordain as follows:

Section 1. Purpose and Scope.

The City of El Segundo (hereinafter called City) receives all or its potable (drinking) water supplies from the West Basin Municipal Water District (hereinafter called WBMWD) which District receives all of its potable water supplies from The Metropolitan Water District of Southern California (hereinafter called MWD). In February 1991 WBMWD and MWD respectively declared water shortage emergencies and adopted mandatory water conservation programs which required a 20% reduction in usage of non-interruptible municipal and industrial water supplies. The City of El Segundo as a 100% user of non-interruptible treated municipal and industrial water supplies from MWD and WBMWD was required to adopt a conservation program similar to that of MWD and WBMWD. On 3/10/92 MWD changed the level of required conservation to a 10% mandatory level effective 3/1/92. On 3/27/92 MWD changed the 10% conservation requirement from that of a mandatory program to that of a voluntary program.

Section 2. Findings.

The Council does hereby find, determine and declare as follows:

a. The City did on 2/19/91 adopt a Mandatory Water Conservation Program as Ordinance No. 1160 effective that date that established a mandatory level of conservation at 20% below the baseline period of 1989-90 as a requirement of WBMWD and MWD.

b. MWD on 3/10/92 changed the level of mandatory water conservation to 10% of the 1989-90 baseline period and accordingly allocated an increased supply of water to the WBMWD.

c. MWD on 3/27/92 changed the mandatory conservation program to that of a voluntary program at a level of 10% below the 1989-90 baseline year usage.

d. WBMWD is proceeding to change their conservation program.

e. The change in the level of Mandatory Water Conservation by MWD and WBMWD from 20% to 10% of the 1989-90 baseline and from mandatory to voluntary permits the City to do likewise.

f. The change in the level of Mandatory Water Conservation by MWD, WBMWD and the City to 10% of the 1989-90 baseline on a voluntary basis will not have any significant adverse environmental impacts as disclosed by environmental documents prepared and distributed as required by law. A Notice of Categorical Exemption has been filed and is hereby adopted and approved.

g. Ordinance No. 1160 is hereby rescinded and replaced by this Ordinance.
Section 3. Water Allotment.

The purpose of this Ordinance is to reduce the amount of potable water consumed by City customers by a minimum of 10% below the base year usage.

Section 4. Use Restriction Guidelines.

a. All water customers are required to adopt and put into use at the earliest possible date drought water conservation programs. Those customers whose consumption places them in the 100 largest quantity consumers of water on a 12-month basis in the City shall have filed under former Ordinance No. 1160 their written conservation plans with the City. Such plans as accepted by the City shall hereby be considered to be consistent with this Ordinance other than the goal thereof shall be to conserve 10% of the 1989-90 baseline year usage on a voluntary basis. Any new business whose anticipated consumption would place them in the top 100 users in the City shall file also a plan with the City upon applying for the water service.

b. All uses by water service customers of the City and the programs of the top 100 users are to be consistent with the following restrictions concerning the use of water:

(1) With respect to practices:

- Lawn watering and landscape irrigation with potable water is to be generally only permitted between the hours of 4 p.m. and 10 a.m. Golf courses, parks, school grounds and recreational fields are to generally be irrigated within the designated times. For the purpose of maintenance and testing the irrigation system minimum water use will be allowed during the daytime.

- Agricultural users, commercial nurseries, landscape contractors and irrigation of livestock and irrigation of propagation beds may continue to irrigate with potable water as management practices dictate, but are requested to curtail all non-essential water uses.

- Hand watering is recommended to be done by use of a hand-held hose equipped with a positive shut-off nozzle, a hand-held faucet-filled bucket of five gallons or less is used, or a drip irrigation system is used.

(2) With respect to exterior washing practices:

(a) Washing of building, facilities, equipment, autos, trucks, trailers, boats, airplanes and other types of mobile equipment should be curtailed except where a hand-held hose equipped with a positive shut-off nozzle for quick rinses is used. Whenever possible, such as when washing vehicles, a bucket wash is recommended.

(b) Washings are exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle or other facility or equipment cleaning, such as garbage trucks and vehicles used to transport food and perishables.

(c) Water should not be used to wash down sidewalks, driveways, parking areas, residential tennis courts, patios or other paved areas except to alleviate immediate fire, sanitation or health hazards.
(d) Water should not be allowed to run off landscape areas into adjoining streets, sidewalks, or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering.

(3) With respect to ornamental or recreational uses:

(a) Filling and refilling residential swimming pools and spas should be held to a minimum, but if necessary should only be done between the hours of 6 p.m. and 6 a.m.

(b) Filling and refilling of ponds, fountains, and artificial lakes is discouraged and the recycling of water in ponds, fountains, and artificial lakes is recommended.

(4) With respect to other uses:

(a) Water from fire hydrants is to only be used for fire fighting and public health, safety, and welfare activities including public street sweeping.

b) Water from meters installed on fire hydrants may be used for construction purposes proved the contractor practices conservation.

(c) Flushing of water mains should only be done as necessary to protect the public health.

(d) Eating establishments should practice water conservation for all water usages.

Water system leaks are recommended to be repaired as soon as possible after being discovered and should not be allowed to continue for an unreasonable time.

Section 5. The base year allocation to the City set by the WBMWD is defined as a consecutive 12 monthly water delivery amounts for the period of July 1, 1989 through June 30, 1990, inclusive.

Section 6. Enforcement.

The Director of Public Works of the City of El Segundo or his designated representative shall have the duty and are hereby authorized to work with and assist water system customers in meeting the provisions of this Ordinance and shall have all the powers and authority contained in California Penal Code Section 836.5, including the power to issue written notice to appear.

Section 7. Nonapplicability of Ordinance.

This ordinance shall be inoperative to the extent any regulations and restrictions adopted pursuant to Division I, Chapter 3, of the Water Code conflict.

Section 8. This ordinance shall expire at such time as WBMWD should terminate its corresponding Water Conservation Ordinance.

Section 9. Severability.

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

Section 10. The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the adoption thereof in the records of the meeting at which the same is passed and adopted; and shall cause it to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED this 21st day of April, 1992.

[Signature]
Mayor of the City of El Segundo
California

ATTEST:

[Signature]
Cindy Mortensen
City Clerk
(SEAL)
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF EL SEGUNDO

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, DO HEREBY CERTIFY that the whole number of members of the City Council of the said City is five; that the foregoing ordinance, being ORDINANCE NO. 1180 is a full, true correct original of ORDINANCE NO. 1180 of the said City of El Segundo, California, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO DECLARING A CONTINUANCE OF THE WATER SHORTAGE EMERGENCY, RESCINDING CITY MANDATORY WATER CONSERVATION ORDINANCE NO. 1160 AND ADOPTING THE CITY VOLUNTARY WATER CONSERVATION ORDINANCE.

which was duly passed and adopted by the said City Council, approved and signed by the Mayor or said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council held on the 21st DAY OF APRIL, 1992, and the same was so passed and adopted by the following vote:

AYES: Mayor Jacobson, Mayor ProTem Wise, Councilmembers Robbins, Switz, and West.

NOES: None

ABSTENTION: None

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California, that the foregoing ORDINANCE NO. 1180 as duly and regularly published according to law and the order of the City Council of said City of El Segundo Herald, a weekly newspaper of general circulation, printed, published and circulated within said City and that the same was so published therein on the following day, to wit:

[Signature]
Cindy Mortesen
City Clerk of the City of El Segundo, California
(SEAL)
ORDINANCE NO. 1160

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF EL SEGUNDO
DECLARING A WATER SHORTAGE EMERGENCY
ADOPTING MANDATORY WATER CONSERVATION
REGULATIONS AND RESTRICTIONS AND DECLARING
THE URGENCY THEREOF

THE CITY COUNCIL OF THE CITY OF EL SEGUNDO does ordain
as follows:

Section 1. Purpose and Scope

The City of El Segundo (hereinafter called City) receives
all of its potable water supplies from the West Basin Municipal
Water District, (hereinafter called WBMWD) which District
receives all of its potable water supplies from The Metropolitan
Water District of Southern California (hereinafter called MWD).
The WBMWD and MWD have declared water shortage emergencies as a
result of a continuing severe drought and have both adopted
mandatory water conservation regulations and restrictions. These
regulations and restrictions will significantly affect and limit
the City's efforts and responsibilities of providing potable
water to the City's citizens and businesses. The WBMWD requires
that each organization buying water adopt a conservation program
consistent with WBMWD's program. To assist the City in meeting
its obligations in a reasonable manner and to be responsive to
the drought situation the City needs to adopt a similar program.

Section 2. Findings

The Council does hereby find, determine and declare as
follows:

a. The City obtains from the WBMWD all of the potable
water needed to serve its water using customers. The WBMWD
delivered 20,651.7 acre feet of potable water to the City in the
base year of June 1, 1989 to May 31, 1990, inclusive (hereinafter
called base year).

b. WBMWD on January 28, 1991, adopted a mandatory water
conservation program, the intent of which is to cause the overall
reduction in water usage of a minimum of 10%, commencing February
1, 1991 due to a water shortage caused by the drought which is
affecting most of the State of California. Subsequently the MWD adopted on February 12, 1991, a program of 20% reduction in water usage to be effective March 1, 1991. The WBMWD on February 25, 1991 adopted a similar program to become effective March 1, 1991. As a result, the allocation of water to the City for distribution to City water system customers will be reduced by the WBMWD by approximately 20%, or 4,130 acre feet.

c. The ordinary demands and requirements of water using consumers cannot be satisfied without depleting the available water supply to the extent that there would be insufficient water supplies for human consumption, sanitation and fire protection due to the reduction in the supply allocation imposed by the WBMWD due to the drought. The City, to protect the health, welfare and safety of the community, must immediately impose regulations and require all water customers within the City’s boundaries to implement a drought water conservation program thereby reducing the amount of water needed by those customers. Should all of the water customers of the City implement their individual water conservation programs, the amount of water allocated can be equitably used to meet the primary health and safety needs of the City.

d. The City supplies approximately 21,000 acre feet of potable water in an average year to approximately 4,550 customer meters serving many residential units, commercial and industrial businesses.

e. The regulations and restrictions set forth herein will not produce any significantly adverse environmental impacts as disclosed by environmental documents prepared and distributed as required by law. A negative declaration covering the adoption of the regulations and restrictions described below is hereby adopted and approved.

f. There is a need to put this Ordinance into effect at the earliest possible date as an Urgency Ordinance. That effective date is hereby established to be February 19, 1991.
Section 3. Water Allotment

The purpose of this Ordinance is to reduce the amount of potable water consumed by City customers by a minimum of 20% below the base year usage.

Section 4. Use Restriction Guidelines

a. All water customers are required to adopt and put into use at the earliest possible date drought water conservation programs. Those customers whose consumption places them in the 100 largest quantity consumers of water on a 12-month basis in the City shall file no later than March 15, 1991 their written conservation plans with the City.

b. All programs should be consistent with the following restrictions concerning the use of water:

(1) With respect to practices:

(a) Lawn watering and landscape irrigation with potable water is permitted only between the hours of 4 p.m. and 10 a.m. Golf courses, parks, school grounds and recreational fields are to be irrigated within the designated times. For the purpose of maintenance and testing the irrigation system only, minimum water use will be allowed during the daytime. Agricultural users, commercial nurseries, landscape contractors and irrigation of livestock and irrigation of propagation beds may continue to irrigate with potable water as management practices dictate, but are required to curtail all non-essential water uses.

(b) Watering is permitted at any time if a hand-held hose equipped with a positive shut-off nozzle is used, a hand-held faucet-filled bucket of five gallons or less is used, or a drip irrigation system is used.

(2) With respect to exterior washing practices:

(a) Washing of buildings, facilities, equipment, autos, trucks, trailers, boats, airplanes and other types of mobile equipment is restricted except where a hand-held hose equipped with a positive shut-off nozzle for quick rinses is used. Whenever possible, such as when washing vehicles, a bucket wash is required.
(b) Washings are exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle or other facility or equipment cleaning, such as garbage trucks and vehicles used to transport food and perishables.

(c) Water shall not be used to wash down sidewalks, driveways, parking areas, residential tennis courts, patios or other paved areas except to alleviate immediate fire, sanitation or health hazards.

(d) Water shall not be allowed to run off landscape areas into adjoining streets, sidewalks, or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering.

(3) With respect to ornamental or recreational uses:

(a) Filling and refilling residential swimming pools and spas is discouraged, but if necessary is only allowed between the hours of 6 p.m. and 6 a.m.

(b) Filling and refilling of ponds, fountains, and artificial lakes is discouraged and the recycling of water in ponds, fountains, and artificial lakes shall be required.

(4) With respect to other uses:

(a) Water from fire hydrants shall only be used for fire fighting and public health, safety, and welfare activities including public street sweeping.

(b) Flushing of water mains is not permitted except as necessary to protect the public health.

(c) Restaurants shall not serve water to their customers unless specifically requested.

(5) Leaks shall be repaired as soon as possible after being discovered and shall not be allowed to continue for more than 48 hours.

Section 5. Base Year Billing Systems

The WBMWD bills monthly the City for water delivered in the prior month based on meter readings that are taken on or about the first day of each month.

The base year allocation to the City set by the WBMWD is
defined as the consecutive 12 monthly water delivery amounts for the period of June 1, 1989 through May 31, 1990, inclusive.

The City bills some of its customers monthly and some bi-monthly.

The City's billing period for the monthly customer approximates the monthly billing period of the WBMWD. A monthly non-exempt customer will be subject to being billed by the City for applicable surcharges/incentives/penalties for consumption beginning March 1, 1991.

A bi-monthly non-exempt customer will be subject to being billed by the City for applicable surcharges/incentives/penalties for the respective first regular bi-monthly period for that customer beginning after March 1, 1991 and ending following termination of the Program.

Section 6. Enforcement

(a) The Director of Public Works of the City of El Segundo or his designated representative shall have the duty and are hereby authorized to enforce the provisions of this Ordinance and shall have all the powers and authority contained in California Penal Code Section 836.5, including the power to issue written notice to appear.

(b) Each law enforcement officer of the City shall, in connection with his duties imposed by law, diligently enforce the provisions of this ordinance.

Section 7. Customers Exempt from Surcharge/Incentive/Penalty Provisions of Ordinance

(a) All customers on the City Lifeline Water Rate schedules are expected to do their reasonable best to conserve water. The Lifeline customers shall be exempt from the surcharge/incentive/penalty water rate portions of the City Water Conservation program as long as it appears that they are making a reasonable effort at conserving water.

(b) All customers who consumed in the two (2) years prior to March 1991 on the average the equivalence of 15 - 100's cubic feet (42.5 cubic meters) or less of water per month per single family residence or per commercial or industrial
business or who used the equivalence of 13 – 100’s cubic feet (36.8 cubic meters) or less of water per month per residential unit in a multiple residential development shall be exempt from the surcharge/incentive/penalty water rate portions of the City Water Conservation program as long as it appears that they are making a reasonable effort at conserving water.

Section 8. Relief from Ordinance Provisions

A customer may file an application with the City Director of Public Works for relief from any provision of this Ordinance, including changes in the base year allocation.

The applicant for relief must submit an application in a form acceptable to the City requesting such relief in whole or in part from the water use curtailment/allowance provisions herein.

Relief and/or adjustment in the base year allocation may be applied for on the basis of changed circumstances since the base year period of June 1, 1989 to May 31, 1990, inclusive or the nearest 12 month billing period thereto of the City water billing system based on such reasons as change in the number of family members, of number of occupants, or changes in business practices, or business growth.

Upon receipt of the application the Director is within fifteen (15) days to communicate with the applicant a decision thereon. The Director shall take into consideration all relevant factors presented by the customer.

The decision of the Director of Public Works shall be final except for City Council review.

Section 9. Surcharge for Water Conservation Program

All customers who are not exempt from the surcharge/incentive/penalty rate provisions of this Ordinance shall be subject to a surcharge rate on their bill to pay for the program cost and to maintain the financial integrity of the City Water System Fund. The Program Surcharge shall be an amount to be established by the City Council by separate Resolution.

Section 10. Conservation Incentive Credit for Using Less Than 80% of Base Year Allocation.

When a non-exempt customer has used a quantity of water less
than the 80% base year allocation or for the respective billing period there shall be applied by the City a credit amount to the customer’s bill for the billing period in the amount to be established by the City Council by separate Resolution.

Section 11. Penalty for Exceeding 80% of Base Year Allocation.

(a) On the basis of each billing period’s water meter readings, should it be noted that a customer has used more water than 80% of the base year allocation level (exceeded level) as allowed herein for the first time occurrence the customer is to be given a written notice by the City and the customer shall be billed on their regular bill for such excess usage at the water rates of the City plus the additional penalty rate to be established by the City Council by separate Resolution.

(b) Should it appear from visual inspection that a customer is consuming an abnormally large quantity of water through inefficient utilization of such water that customer is to be given by the City a preliminary notice in writing, of such situation. Such person shall have five (5) working days to either correct such situation, or to terminate the use, or to present to the City a plan of action to mitigate the situation to the satisfaction of the Director of Public Works.

(c) Should after such written notice(s) and/or addition of the penalty to the water bill the customer has not responded and/or made a reasonable effort to reduce its water usage and to conserve the available water supply, the City may forthwith install a flow-restricting device in the customer service restricting the flow of water to the customer’s premises. Before the City installs a flow-restricting device the customer is to be given a notice in writing of such intended action. Should the customer either not take responsible action or respond to the City as to the customer’s inability to comply with the Ordinance within a reasonable time the City shall proceed to install the flow-restricting device. The flow restricting device will be removed by the City upon satisfactory evidence presented to the City that the customer has mitigated the
situation. The customer will be charged for the actual cost of installation and/or removal of the flow restricting device. Actual cost shall include all City material, labor, equipment and overhead charges.

(d) A customer allowing an adjacent customer to connect to its private water system following installation of a restrictive device shall after written notice by the City to abate such practice and does not immediately cease such action shall have a restrictive device installed by the City in their service line at their expense for a period of a minimum of ten (10) days or for as long a period of time as the connection between the two customers' premises remains.

Section 12. Notices

All written first notices will be given by the City either in writing to the customer's mailing address by regular First Class U. S. Mail or hand delivered to the customer service address as convenient or appropriate to the City.

Any second or subsequent written notices shall be given by the City by Certified U.S. Mail to the customer's mailing address and hand delivered to the service address.

Section 13. Nonapplication of Ordinance

This ordinance shall be inoperative to the extent any regulations and restrictions adopted pursuant to Division I, Chapter 3, of the Water Code conflict.

Section 14. Violation Penalty

Any customer appearing to have violated any of the provisions or failed to comply with any of the mandatory requirements of the Ordinance shall be first notified in writing of that violation or non-compliance and will be given an appropriate period of time to respond and/or to mitigate the situation causing the appearance of a violation. Should after that time period no effective response or action has been taken by the customer the City may deem the customer guilty of either an infraction and/or of a misdemeanor. Any customer that in the opinion of the City has violated this City Ordinance may be issued at the discretion of the Director of Public Works or his
designee a citation of the City charging the customer with an infraction of this Ordinance. The first citation issued shall include a fine of one hundred dollars ($100.00). For each subsequent citation issued in a one (1) year period for additional infractions the fine shall be increased respectively by $50 over the prior citation up to a maximum of $250.00. Should the customer, after a minimum of three (3) citations, not have complied with this Ordinance that customer may be charged at the discretion of the Director of Public Works or his designee with a misdemeanor. Any customer convicted of a misdemeanor under this Ordinance of the City shall be punished by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Each such customer charged with an infraction or misdemeanor shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the City is committed, continued, or permitted by any such person, and he shall be punished accordingly.

Section 15. This Ordinance shall expire at such time as WBMWD should terminate its Water Conservation Ordinance.

Section 16. Severability

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

Section 17. The City Council of the City of El Segundo hereby declares that a serious water shortage exists and that the protection of the public health, safety, and welfare of the citizens of the community requires that this Ordinance be adopted as an Urgency Ordinance.
Section 18. The City Clerk shall certify to the adoption of this Ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the adoption thereof in the records of the meeting at which the same is passed and adopted; and shall cause it to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED this 19th day of February, 1991.

[Signature]
Mayor of the City of El Segundo, California

[Signature]
City Clerk
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF EL SEGUNDO  

I, Ronald L. Hart, City Clerk of the City of El Segundo, California, DO HEREBY CERTIFY that the whole number of members of the City Council of the said City is five; that the foregoing ordinance, being Ordinance No. 1160 is a full, true correct original of Ordinance No. 1160 of the said City of El Segundo, California, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO DECLARING A WATER SHORTAGE EMERGENCY ADOPTING MANDATORY WATER CONSERVATION REGULATIONS AND RESTRICTIONS AND DECLARING THE URGENCY THEREOF.

which was duly passed and adopted by the said City Council, approved and signed by the Mayor or said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council held on the 19th day of February, 1991, and the same was so passed and adopted by the following vote:

AYES: Courtmembers Dannen, Clutter, West, Wise and Mayor Jacobsen

NOES: None

ABSTENTIONS: None

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California, that the foregoing Ordinance No. 1160 was duly and regularly published according to law and the order of the City Council of said City of El Segundo Herald, a weekly newspaper of general circulation, printed, published and circulated within said City and that the same was so published therein on the following day, to wit:

[Signature]

Ronald L. Hart  
City Clerk of the  
City of El Segundo, California

(SEAL)
ORDINANCE No. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO, CALIFORNIA, AMENDING CHAPTER 2.10 TO THE CITY OF EL SEGUNDO MUNICIPAL CODE REGARDING POLICIES FOR WATER CONSERVATION

THE CITY COUNCIL OF THE CITY OF EL SEGUNDO HEREBY FINDS, DETERMINES AND DECLARES:

WHEREAS, The City of El Segundo recognizes Article X, Section 2 of the California Constitution that declares that water resources be put to beneficial use, waste or unreasonable use of unreasonable method of use of water be prevented, and conservation of water to be fully exercised with a view to the reasonable and beneficial use thereof; and

WHEREAS, Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies; and

WHEREAS, The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the City’s potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare; and

THE CITY COUNCIL OF THE CITY OF EL SEGUNDO OF DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 10 Chapter 2 of Recreation and Parks Department of the City of El Segundo is hereby amended to be added and read as:

Section 10.02.09: Water Conservation Requirements – Prohibition Against Waste

The following water conservation requirements are effective at all times. Violations of this section will be considered waste and an unreasonable use of water.

a. Limits on Watering Hours: Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
b. **Limit on Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.

c. **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

d. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.

e. **Obligation to FixLeaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user’s plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven (7) days of receiving notice from the City is prohibited.

f. **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

g. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

h. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.

i. **Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services:** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

j. **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.
k. **No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

l. **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

m. **Commercial Car Wash Systems:** Effective on January 1, 2010, all commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the City

**Section 10.02.10: Level 1 Water Supply Shortage**

a. A Level 1 Water Supply Shortage exists when the City determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City of a Level 1 Water Supply Shortage condition, the City will implement the mandatory Level 1 conservation measures identified in this section.

b. **Additional Water Conservation Measures:** In addition to the prohibited uses of water identified in Section 10.01.09, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage:

1. **Limits on Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three days per week on a schedule established and posted by the City. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the City. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within seventy-two (72) hours of notification by the City unless other arrangements are made with the City

**Section 10.02.11. Level 2 Water Supply Shortage**

a. A Level 2 Water Supply Shortage exists when the City determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City of a Level 2 Water Supply Shortage condition, the City will implement the mandatory Level 2 conservation measures identified in this section.
b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section 10.02.09 and 10.02.11, the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage:

1. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week on a schedule established and posted by the City. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the City. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within forty-eight (48) hours of notification by the City unless other arrangements are made with the City.

3. **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this ordinance.

4. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems, or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.

5. **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

### Section 10.02.12. Level 3 Water Supply Shortage – Emergency Condition

a. A Level 3 Water Supply Shortage condition is also referred to as an “Emergency” condition. A Level 3 condition exists when the City declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 Water Supply Shortage condition, the City will implement the mandatory Level 3 conservation measures identified in this section.

b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section 10.02.09, 10.02.10, and 10.02.11, the following water conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency:
1. **No Watering or Irrigating:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use, unless the City has determined that recycled water is available and may be applied to the use:

   i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device;

   ii. Maintenance of existing landscape necessary for fire protection;

   iii. Maintenance of existing landscape for soil erosion control;

   iv. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;

   v. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two (2) days per week according to the schedule established in Section 10.02.11(b)(1) and time restrictions in Section 10.02.09(a) and (b)(1);

   vi. Actively irrigated environmental mitigation projects.

2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within twenty four (24) hours of notification by the City unless other arrangements are made with the City.

3. **Discontinue Service:** The City, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section.

### Section 10.02.13. Procedures for Determination / Notification of Water Supply Shortage

a. **Declaration and Notification of Water Supply Shortage:** The existence of Level 1, Level 2 or Level 3 Water Supply Shortage conditions may be declared by resolution of the City adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation requirements applicable to Level 1, Level 2 or Level 3 conditions will take effect on the tenth day after the date the shortage level is declared. Within five (5) days following the declaration of the shortage level, the City must publish a copy of the resolution in a newspaper used for publication of official notices. If the City activates a water allocation process, it must provide notice of the activation by including it in the regular billing statement or by any other mailing to the address to which the City customarily mails the billing statement for fees or charges for on-going water service. A water allocation will be effective on the fifth day following the date of mailing or at such later date as specified in the notice.

### Section 10.02.14. Hardship Waiver

a. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to
similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.

b. **Written Finding:** The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user’s property.

1. **Application:** Application for a waiver must be on a form prescribed by the City and accompanied by a non-refundable processing fee in an amount set by the Public Works Director.

2. **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. **Required Findings for Waiver:** An application for a waiver will be denied unless the Public Works Director finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City or its Agent, all of the following:

   i. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;

   ii. That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;

   iii. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City to effectuate the purpose of this chapter and will not be detrimental to the public interest; and

   iv. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.

4. **Approval Authority:** The Public Works Director must act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to; the subject property during the period of the mandatory water supply shortage condition. The decision of the Public Works Director will be final.

**Section 10.12.15. Penalties and Violations**

a. **Misdemeanor:** Any violation of this chapter may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days, or by a fine not exceeding one thousand dollars ($1,000), or by both.
b. **Penalties:** Penalties for failure to comply with any provisions of the ordinance are as follows:

1. **First Violation:** The City will issue a written warning and deliver a copy of this ordinance by mail.

2. **Second Violation:** A second violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed one hundred dollars ($100).

3. **Third Violation:** A third violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed two hundred and fifty ($250).

4. **Fourth and Subsequent Violations:** A fourth and any subsequent violation is punishable by a fine not to exceed five hundred ($500).

   i. **Water Flow Restrictor:** In addition to any fines, the City may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor for a minimum of forty eight (48) hours.

5. **Discontinuing Service:** In addition to any fines and the installation of a water flow restrictor, the City may disconnect a customer's water service for willful violations of mandatory restrictions in this chapter.

c. **Cost of Flow Restrictor and Disconnecting Service:** A person or entity that violates this ordinance is responsible for payment of the City's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the City's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the City before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

d. **Separate Offenses:** Each day that a violation of this ordinance occurs is a separate offense.

e. **Notice and Hearing:**

1. The City will issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action. Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with the City no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the City will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing.

2. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the City may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water Level condition.

Section 10.02.16. **Severability**
If any section, subsection, sentence, clause or phrase in this chapter is for any reason held invalid, the validity of the remainder of the chapter will not be affected. The City Council of the City of El Segundo hereby declares it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

SECTION 2. Adoption and implementation of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15307 of the State CEQA Guidelines, as a Class 7 Categorical Exemption.

SECTION 3. Any provision of the City of El Segundo Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to the extent necessary to affect the provision of this ordinance.

SECTION 4. Should any provision of this Ordinance be determined to be invalid or unconstitutional all other provisions of this Ordinance shall remain in full force and effect as approved.

SECTION 5. The Mayor shall sign this Ordinance. The City Clerk shall certify to the passage and adoption of this Ordinance; shall cause the same to be entered in the book of original Ordinances of the City; shall make a minute of the passage and adoption thereof in the records of the meeting of the City Council at which the same is passed and adopted; and shall cause to be posted the same in three public places in the City of El Segundo in the time and manner provided by law. This Ordinance shall become effective 30 days after its adoption.

PASSED AND APPROVED This 21st Day of April 2009.

Kelly McDowell, Mayor
Of the City of El Segundo,
California

ATTEST:

Cindy Mortesen, City Clerk

APPROVED AS TO FORM:

Mark Hensley, City Attorney
**DATE: 8/24/09**

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**NOTES**

- Void checks due to computer software error.
- Void checks due to incorrect check date.
- Void checks due to alignment.

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**State of California**

**County of Los Angeles**

**Amount of Approval:**

As of September 01, 2009

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** Within the Authority of the Board of Education as defined in the Constitution of the State of California**

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**Total Amounts**

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**CAIF**

- For Appropriation: Regular check paid to City Council to make
- Information on the above expenditures is provided in the Director of Administration Services Office in the
- City of Los Angeles

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**Register #22**
CITY OF EL SEGUNDO
PAYMENTS BY WIRE TRANSFER
08/07/09 THROUGH 08/20/09

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</table>

DATE OF RATIFICATION: 9/01/09
TOTAL PAYMENTS BY WIRE: 2,358,545.02

Certified as to the accuracy of the wire transfers by:

Mary M. Koba
Deputy City Treasurer
Date 8/24/09

Deborah Dell
Director of Finance
Date 8/24/09

City Manager
Date 8/24/09

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, AUGUST 18, 2009 – 5:00 P.M.
ADJOINED TO 6:00 P.M.

6:00 P.M. SESSION –

CALL TO ORDER – Mayor McDowell

ROLL CALL

Mayor McDowell - Present
Mayor Pro Tem Busch - Absent
Council Member Brann - Present
Council Member Fisher - Present
Council Member Jacobson - Present

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.

SPECIAL ORDER OF BUSINESS:

1. Appoint Jack Wayt (City Manager) to represent the City as labor negotiator of the unrepresented management/confidential employees (City employees who are not members of bargaining units).

MOTION by Council Member Don Brann, SECONDED by Council Member Bill Fisher to appoint Jack Wayt (City Manager) to represent the City as labor negotiator of the unrepresented management/confidential employees (City employees who are not members of bargaining units). MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. MAYOR PRO TEM BUSCH ABSENT.

CLOSED SESSION:
The City Council moved into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City’s Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City’s Labor Negotiators; as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(a) -0- matter
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -0-
potential case (no further public statement is required at this time); Initiation of litigation
pursuant to Government Code §54956.9(c): -0- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov’t Code §54957): - 0- matters

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -1
matters

City Negotiators: City Manager Jack Wayt, Employee Organizations: unrepresented
management/confidential employees (City employees who are not members of
bargaining units).

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): - 0-
matter

SPECIAL MATTERS: - 0- matter

Council Recessed at 6:50 p.m.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, AUGUST 18, 2009 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor McDowell at 7:00 p.m.

INVOCATION – Father Alexei Smith, Russian Orthodox Church

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson

PRESENTATIONS

ROLL CALL

Mayor McDowell - Present
Mayor Pro Tem Busch - Absent
Council Member Brann - Present
Council Member Fisher - Present
Council Member Jacobson - Present

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.

MOTION by Council Member Jacobson, SECONDED by Council Member Fisher to read all ordinances and resolutions on the Agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. MAYOR PRO TEM BUSCH ABSENT.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS
D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

E. CONSENT AGENDA
All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

1. Approved Warrant Numbers 2573018 to 2573244 on Register No. 21 in the total amount of $1,521,936.97 and Wire Transfers from 07/24/09 through 08/06/09 in the total amount of $2,017,380.66. Authorized staff to release. Ratified: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.


3. Accepted the work as complete on the Brett Field and Softball Field Lighting at 339 Sheldon St. – Project No. PW 08-15. (Fiscal Impact: $291,384.96) Authorized the City Clerk to file a Notice of Completion in the County Recorder’s Office.

4. Approved plans and specification and to authorized staff to solicit bids for the installation of a storm drain infiltration structure adjacent to 1815 Maple Avenue. Project No. PW 09-12 (Fiscal Impact: $40,000.00)

5. Pursuant to El Segundo Municipal Code § 1-7-11 authorized the City Manager to join into the National Joint Powers Alliance (NJPA), competitively solicited Contract #011707, for furniture with Steelcase (manufacturer); Waived purchasing bid procedures pursuant to El Segundo Municipal Code § 1-7-10 and authorized the City Manager to purchase furnishings from authorized distributor/installers Tangram Interiors, in a total amount not to exceed $110,000.00.

6. Approved Professional Services Agreement No. 3977 between the City of El Segundo and independent contractor Ella Sotelo to provide services as the Los Angeles 9-1-1 County Coordinator. (Fiscal Impact: None) Authorized the City Manager to execute a Professional Services Agreement approved by the City Attorney. Approved appropriations in an amount not to exceed $170,000 per year for services provided by the Los Angeles 9-1-1 County Coordinator as set forth in Exhibit “A”; Authorized the City Manager to execute extension options in the Professional Services Agreement; Authorized the Manager of the Communications Center to approve invoices for payment, State of California Reimbursement Claim Support Document (TD-290A), and State of California Reimbursement Claim (TD-290) forms.
7. Awarded Contract No. 3978 to Big West Construction Corporation for construction related to Group 37 (22 homes) of the City’s Residential Sound Insulation Program. (RSI 09-14). (Fiscal Impact: $685,582) Authorized the City Manager to execute a contract in a form approved by the City Attorney.

8. PULLED FOR DISCUSSION BY COUNCIL MEMBER BRANN

MOTION by Council Member Brann, SECONDED by Council Member Jacobson, to approve Consent Agenda Items 1, 2, 3, 4, 5, 6, and 7. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. MAYOR PRO TEM BUSCH ABSENT

CALL ITEMS FROM CONSENT AGENDA

8. Consideration and possible action regarding obtaining a special permit from the City Council to approve Chekesha Palmer, a sole proprietor doing business as Smallchek Enterprises, to peddle ice cream, miscellaneous packaged snacks, and small toys while driving an ice cream truck in the City. (Fiscal Impact: None)

Council directed staff to return with this item at the September 1, 2009 meeting, with more detailed information and statistics.

Council also requested that the applicant be present to answer questions.

F. NEW BUSINESS

9. Consideration and possible action to receive and file the FY 2009-2010 Preliminary Operating Budget. (Fiscal Impact: None)

Received and filed the FY 2009-2010 Preliminary Operating Budget. Directed staff to publish announcements of the key budget dates: a) Public Hearing September 1, 2009, 7:00 p.m. and b) Continued Public Hearing and Adoption September 15, 2009, 7:00 p.m.

Staff to provide detailed breakdown of each department's proposed budget cuts.

Council also requested additional information on the safety personnel shortage and estimated cost to add a measure to the April 2010 election to raise business license tax.

G. REPORTS – CITY MANAGER - NONE

H. REPORTS – CITY ATTORNEY - NONE

I. REPORTS – CITY CLERK - NONE

J. REPORTS – CITY TREASURER - NONE
K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann – Visited new RSJ Office at 333 Main Street, Unit A. Requested status on suggested Resolution on Water Conservation which was brought forward 2-3 months ago. Spoke on the opening of Da Vinci High School. Also renewed his call for City to continue level of support to schools at same dollar amount as previous years. Requested status on Filming Subcommittee. Special Filming Subcommittee meeting scheduled for September 17th at 5pm.

Council Member Fisher – Congratulated five new Eagle Scouts, Scott Craig, Matt Donahue, Ryan Donanue, Will Usher and Chris Warner.

Council Member Jacobson – Spoke regarding the El Segundo Car Show on Saturday, August 22, 2009.

Mayor Pro Tem Busch – Absent

Mayor McDowell – Noted, per the City Attorney, that a Water Conservation resolution will be presented at the next Council Meeting.

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have receive value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed. - NONE

MEMORIALS – NONE

CLOSED SESSION – NONE

ADJOURNMENT at 8:05 p.m.

Mona Shilling, City Clerk Pro Tem
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: September 1, 2009
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:

Consideration and possible action to award a three year contract to Johnson Controls for a Heating, Ventilation and Air Conditioning (HVAC) 100% coverage maintenance contract for City Buildings and additional repair services as required. RFP No. 09-13. (Fiscal Impact: Year 1 = $118,140; Year 2 = $60,400; Year 3 = $62,212.)

RECOMMENDED COUNCIL ACTION:

(1) Award a three year contract to the lowest responsible bidder, Johnson Controls, in the amount of $240,752;

(2) Authorize the City Manager to execute a Maintenance Agreement in a form as approved by the City Attorney and to extend the contract for up to three additional years upon mutual consent of the contractor and City;

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

ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $118,140 (Year 1); $60,400 (Year 2); $62,212 (Year 3)
Additional Appropriation: N/A
Account Number(s): 001-400-2601-6206; 405-400-0000-6215; 001-400-2601-6215

ORIGINATED BY: Ron Fajardo, General Services Manager

REVIEWED BY: Dana Greenwood, Director of Public Works

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

The HVAC systems at City Hall, Police Department, Fire Station No. 1, Library, Joslyn Center, Community Clubhouse, and Maintenance Facility are in fair operating condition and have been maintained under a 100% coverage, maintenance service contract since September 2006 by ACCO Engineered Systems. This contract was approximately $57,000 annually and originally set to expire on September 1, 2009. However, ACCO Engineered Systems exercised their right to terminate the contract early citing increased costs by their company. The contract was effectively cancelled on August 1, 2009.

On June 24, 2009, staff advertised for a new three year 100% coverage, maintenance service contract along with any additional services or repairs necessary to bring current systems up to standard. On July 30, 2009, the City Clerk received and opened two bids. The bid results are as follows:
<table>
<thead>
<tr>
<th>Bidder</th>
<th>Year</th>
<th>Annual Maintenance Contract</th>
<th>Additional Services and Repairs</th>
<th>Annual Total</th>
<th>3 Yr. Bid Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Johnson Controls</td>
<td>Year 1</td>
<td>$58,640</td>
<td>$59,500</td>
<td>$118,140</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Year 2</td>
<td>$60,400</td>
<td>-</td>
<td>$60,400</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Year 3</td>
<td>$62,212</td>
<td>-</td>
<td>$62,212</td>
<td>$240,752</td>
</tr>
<tr>
<td>Western Allied Corporation</td>
<td>Year 1</td>
<td>$117,360</td>
<td>$12,698</td>
<td>$130,058</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Year 2</td>
<td>$117,360</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Year 3</td>
<td>$117,360</td>
<td></td>
<td>$117,360</td>
<td>$364,778</td>
</tr>
</tbody>
</table>

Staff recommends awarding the contract to the lowest, responsible bidder, Johnson Controls in an amount of $240,752.

**ANNUAL MAINTENANCE CONTRACT**
A 100% coverage, maintenance service contract includes all maintenance service and repairs for the term of the contract. Typical items to be repaired and/or replaced include compressors, motors, electrical components, chillers, boilers, fans, coils, cooling towers, heating units and evaporators. City HVAC systems under the proposed contract are at City Hall; Police Department; Fire Station No. 1; Library; Joslyn Center; Community Clubhouse; and Maintenance Facility. Other systems will continue to be maintained by City staff.

**ADDITIONAL SERVICES AND REPAIRS**
During a mandatory on-site inspection, conducted on July 9, 2009, several deficiencies were identified that need to be repaired to ensure the system continues to operate reliably. These deficiencies included roof mounted AC units that had deteriorated from exposure, furnaces that had deteriorated from age, and outside air dampers and air distribution systems that have become damaged from corrosion. These repairs were included in the RFP as a separate bid item. The amount reflected in this category is the additional cost required to bring all identified deficiencies up to standard.
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: September 1, 2009
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:

Consideration and possible action regarding the Award of the Lease of 1051 acre feet of
ground water rights to the City of Manhattan Beach.
(Fiscal Impact: $105,100 Revenue to the Water Fund)

RECOMMENDED COUNCIL ACTION:

1. Authorize the Mayor to execute a lease with the City of Manhattan Beach in a form
approved by the City Attorney
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

City of Manhattan Beach Bid Sheet
Proposed Water Right License and Agreement

FISCAL IMPACT: Included in Adopted Budget

Amount Requested: $0
Additional Appropriation: No
Account Number(s):

ORIGINATED BY: Dana Greenwood, Public Works Director
REVIEWED BY: Bill Crowe, Assistant City Manager
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

The City of El Segundo has adjudicated ground water rights to pump up to 953 acre feet of
ground water each year. A water year runs from July 1 to the following June 30 of each
year. Each agency with water rights is only allowed to carry-over 20% of unused rights each
year. Since the City was not able to pump or lease all of its water rights last year, the City was
allowed to carry over a portion of those rights and make them available for lease this year. The
total available for lease this year is therefore 1051 acre feet.

The City currently does not have any wells and therefore does not have the capacity to utilize the
rights. Any rights above the carryover allowance that are not exercised during the water year
will be are lost. Rather than let the water rights expire, staff is recommending that 1051 acre feet
of this City’s water year rights (including carryover from last year) be leased to the City of
Manhattan Beach, at a rate of $100 per acre foot. The City of El Segundo will realize $105,100
in revenue to the City’s water fund.

Staff had solicited bids for these rights from over 80 purveyors in the West Basin. The City
received two bids: City of Manhattan Beach - $100/AF and Golden State Water - $75/AF.
WATER RIGHT LICENSE AND AGREEMENT
(West Coast Basin)

For a valuable consideration, the City of El Segundo hereby grants to the City of Manhattan Beach a license to extract 1051 acre-feet of licensor's Adjudicated Right allocated to licensor (or predecessors in interest) pursuant to Judgement dated August 19, 1961, and entered in Los Angeles Superior Court Case No. 506806 entitled "California Water Service Company, et al. vs. City of Compton, et al." during the period commencing July 1, 2009 and continuing to and including June 30, 2010 for the amount of ________ $105,100.____

Said License is granted, subject to the following conditions:

(1) Licensee shall exercise said right and extract the same on behalf of the City of El Segundo during the period above specified and put the same to beneficial use and licensee shall not be the exercise hereunder of said right acquire any right to extract water independent of the rights of licensor.

(2) Licensee shall pay assessments levied on the pumping of said ground water by the Central and West Basin Water Replenishment district.

(3) Licensee shall notify the District and the Watermaster that said pumping was done pursuant to this license and provide the Watermaster with a copy of the document.

(4) Licensee shall note, in any recording of water production for the period of agreement that said pumping was done pursuant to this license.

(5) Licensee's Adjudicated Right shall be increased by the amount hereby licensed when computing carryover or allowable over extraction as provided by Paragraph V in said Judgement.

(6) Licensee acquires hereunder pumping rights only and should be responsible to provide the means and location to effect said pumping itself and shall bear the cost of said pumping.

The City of El Segundo warrants that it has 1051 acre-feet of Adjudicated Right and it has not pumped and will not pump or permit or license any other person to pump any part of said 1051 acre-feet during period of July 1, 2009 through June 30, 2010.

Licensor:  CITY OF EL SEGUNDO

By:  _______________________________
Kelly McDowell

Title:  Mayor  _______________________

ATTESTED:  _______________________________
Cindy Mortesen
City Clerk  (SEAL)

APPROVED AS TO FORM:

______________________________
Assistant City Attorney

Licensee:

By:  _______________________________

Title:  _______________________

ATTEST:  _______________________________

APPROVED AS TO FORM:

______________________________
City Attorney

Date:  8/17/09
CITY OF EL SEGUNDO

I, (We) ________________________________

CITY OF MANHATTAN BEACH

(Type or print the full name of the bidder as given on West Coast Basin Watermaster Records)

hereby submit the following bid to lease during the 2009-2010 Fiscal Year, water production rights owned by the City of El Segundo in the West Coast Basin: (Maximum Amount of Lease – 1051 Acre Feet).

QUANTITY: *

1051 Acre Feet

PRICE:

$100/AF

TOTAL AMOUNT OF LEASE:

$105,100

*Bids will be accepted in increments of 100-acre feet. The City reserves the right to award to successful bidders less than the number of acre feet upon which they have bid and reject any or all bids without cause. A bidder may submit several bids.

Signed: ________________________________

Print or type Name: GEDFF DOLAN

Title: CITY MANAGER

Address: MANHATTAN BEACH, CA

Date: 8-14-09 Phone: 310 802-5053

Full name of Designee or Assignee to appear in Lease Agreement:

CITY OF MANHATTAN BEACH, CA

________________________________________

Corporation incorporated in the State of

________________________________________

Individual Partnership of the following parties:

________________________________________

Individual dba

This bid form shall be returned to:

City of El Segundo-City Clerk
350 Main Street
El Segundo CA 90245

• Bid Receipt Deadline time: 3:00p.m. August 17, 2009.
• Bids will be publicly opened at 3:00p.m. on said day in the City Clerk’s Office

350 Main Street, El Segundo CA 90245
AGENDA DESCRIPTION:

Consideration and possible action regarding acceptance of the project for the installation of new carpets at the El Segundo Police Department (348 Main Street).
Project No.: PW 09-02 (Fiscal Impact: 76,124.91)

RECOMMENDED COUNCIL ACTION:

1. Accept the work as complete.
2. Authorize the City Clerk to file a Notice of Completion in the County Recorder's Office.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Notice of Completion

FISCAL IMPACT: Included in Adopted Budget

Amount Requested: $76,124.91
Additional Appropriation: No
Account Number(s): 405-400-0000-6215

ORIGINATED BY: Maryam M. Jonas, Principal Engineer
REVIEWED BY: Dana Greenwood, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

On March 17, 2009, the City Council awarded a contract to Shaw Industries Inc., in the amount of $75,620.91 to replace the existing carpets at the El Segundo Police Department building.

The original colors of the baseboard did not compliment the new carpets and had to be returned to Shaw Industries Inc. stockroom in Virginia. The final contract amount is $76,124.91 which includes the original contract amount and an additional $504.00 for the restocking of the baseboards.

All work associated with this project has now been completed to the satisfaction of the City and staff recommends acceptance of the complete project.
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Installation of New Carpets at El Segundo Police Department
Project No.: PW 09-02

Notice is hereby given pursuant to State of California Civil Code Section 3093 et seq that:

1. The undersigned is an officer of the owner of the interest stated below in the property hereinafter described.

2. The full name of the owner is: City of El Segundo

3. The full address of the owner is: City Hall, 350 Main Street, El Segundo, CA, 90245

4. The nature of the interest of the owner is: Public Building

5. A work of improvement on the property hereinafter described was field reviewed by the City Engineer on August 17, 2009. The work done was: Replace existing carpets at Police Department

6. On September 1, 2009, City Council of the City of El Segundo accepted the work of this contract as being complete and directed the recording of this Notice of Completion in the Office of the County Recorder.

7. The name of the Contractor for such work of improvement was: Shaw Industries Inc.

8. The property on which said work of improvement was completed is in the City of El Segundo, County of Los Angeles, State of California, and is described as follows: Public Building

9. The street address of said property is: 348 Main Street

Dated: ____________________________

Dana Greenwood
Public Works Director

VERIFICATION

I, the undersigned, say: I am the Director of Public Works/City Engineer of the City El Segundo, 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 the foregoing is true and correct.

Executed on __________________________, 2009 at El Segundo, California.

Dana Greenwood
Public Works Director
EL SEGUNDO CITY COUNCIL

AGENDA STATEMENT

MEETING DATE: September 1, 2009

AGENDA DESCRIPTION:

Consideration and possible action to award a standard Public Works Contract to Pavement Coatings Company for the slurry sealing of the streets in the area bounded by Sheldon Street, Mariposa and Imperial Avenues and Sepulveda Boulevard.: Project No.: PW 09-10 (Fiscal Impact: $199,987.00)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to execute a Standard Public Works Contract in a form as approved by the City Attorney with Pavement Coatings Company, in the amount of $199,987.00
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Location Map

FISCAL IMPACT: Included in Adopted Budget

<table>
<thead>
<tr>
<th>Amount Requested:</th>
<th>$219,987.00</th>
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<tbody>
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<td>Additional Appropriation:</td>
<td>No</td>
</tr>
<tr>
<td>Account Number(s):</td>
<td>001-400-4202-6206</td>
</tr>
</tbody>
</table>

ORIGINATED BY: Maryam M. Jonas, Principal Engineer

REVIEWED BY: Dana Greenwood, Public Works Director

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

On July 21, 2009, the City Council authorized staff to advertise the 2008-2009 Slurry Seal Project for receipt of construction bids. On August 18, 2008, the City Clerk received and opened five (5) bids as follows:

1. Pavement Coatings Company $199,987.00
2. Roy Allan Slurry Seal, Inc. $209,681.63
3. All American Asphalt $214,075.00
4. Doug Martin Contracting Company $229,325.80
5. Valley Slurry Seal $243,753.00

The recommended contract will provide slurry sealing in the area bounded by Mariposa Avenue, Sheldon Street, Imperial Avenue and Sepulveda Boulevard as shown on the attached map.

Funding for slurry sealing is available from the City’s allocated Gas Tax Fund.
Staff recommends awarding the contract to the lowest responsible bidder, Pavement Coatings Company in the amount of $199,987.00. The total amount ($219,987.00) requested includes the contract amount of $199,987 and an additional $20,000 for contingencies.
Slurry Seal Program History and Proposed FY 2008-09 Project

Proposed Area for FY 2008-09
AGENDA DESCRIPTION:

Consideration and possible action to award a standard Public Works Contract to CJ Concrete Construction, Inc., for the 2008-2009 annual contract for curb, gutter, handicap ramps, sidewalk and other minor improvements at various locations citywide. Approved Capital Improvement Program. Project No.: PW 09-08, CDBG Project No. 601209-09 (Fiscal Impact: $158,863.00)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to execute a Standard Public Works Contract in a form as approved by the City Attorney with CJ Concrete Construction, Inc., in the amount of $158,863.00

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

ATTACHED SUPPORTING DOCUMENTS:

Location Map

FISCAL IMPACT: Included in Adopted Budget

| Amount Requested: $174,750.00 |
| Additional Appropriation: No |
| Account Number(s): 106-400-8203-8603 $62,550 Gas Tax CIP 111-400-2795-8441 $112,200.00 CDBG |

ORIGINATED BY: Maryam M. Jonas, Principal Engineer

REVIEWED BY: Dana Greenwood, Public Works Director

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

On July 21, 2009, the City Council adopted the plans and specifications for the 2008-2009 annual contract for curb, gutter, handicapped access ramps, and replacement of displaced sidewalks, and driveways citywide and authorized staff to advertise the project for competitive bids. On August 25 2009, the City Clerk received and opened Twelve (12) bids as follows:

1. CJ Concrete Construction, Inc. $158,863.00
2. Kalban, Inc. $169,062.00
3. Kormx Inc. $170,102.45
4. FS Construction $171,927.00
5. Pave West $172,686.00
6. MG Enterprises, Inc. $173,206.20
7. Haitbrink Asphalt Paving, Inc. $239,254.60
8. International Pavement Solutions, Inc.  $256,304.00
9. S. Parker Engineering, Inc.  $256,594.00
10. Elite Bobcat Service, Inc.  $261,959.00
11. Grigolla & Sons Const. Co., Inc.  $278,355.00
12. Civil Works Corp.  $321,754.00

Staff contacted the references provided by the lowest responsible bidder, CJ Concrete Construction, Inc., and received favorable responses regarding the quality of the contractor’s work. Thus staff recommends awarding a standard public works contract to CJ Concrete Construction, Inc. in the amount of $158,863.00. The total amount ($174,750.00) requested includes the bid amount of $158,863 and an additional 10% contingency for potential change orders.

In addition to $62,550 from Gas Tax Revenue, $112,200 in Community Development Block Grant funding is available for the construction of curb ramps to enhance handicapped access at street corners.

All concrete work in the area of the 2008-2009 Slurry Seal Project will be coordinated to be performed prior to the application of the slurry seal.
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: September 1, 2009
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:
Consideration and possible action regarding award of contract to Professional Building Contractors, Inc. for construction related to Group 38 (26 homes) of the City's Residential Sound Insulation Program. (RSI 09-16).
(Fiscal impact: $839,531)

RECOMMENDED COUNCIL ACTION:
1. Award a contract to Professional Building Contractors, Inc. (PBC) for construction related to Group 38 of the Residential Sound Insulation Program
2. Authorize the City Manager to execute a contract in a form approved by the City Attorney; and/or
3. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. The “Bidder’s Assurance of Compliance with Title 49 CFR Part 26 relating to Disadvantaged Business Enterprise Participation,” as submitted by S&L with its Bid
2. The “Designation of Subcontractors,” as submitted by S&L with its Bid

FISCAL IMPACT: Included in Adopted Budget

  Amount Budgeted:  $10,570,900
  Additional Appropriation: N/A
  Account Number(s):  116-400-0000-8960

ORIGINATED BY: James S. O'Neill, Program Manager
REVIEWED BY: Greg Carpenter, Director of Planning & Building Safety
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

On August 18, 2009 the City Clerk’s office opened sealed bids for Group 38 (RSI 09-16) of the City’s Residential Sound Insulation (RSI) Program. The result of the bid opening was as follows:

1. S&L Specialty Contracting, Inc. ........................................... $690,800.00
2. Professional Building Contractors, Inc. ...................... $763,210.00
3. Big West Construction, Inc. ........................................ $776,757.00
4. Tron Construction, Inc. ................................................ $779,686.00
5. Sam Boo Construction ................................................. $785,000.00
The Bid from S&L Specialty Contracting, Inc. (S&L) was reviewed by City staff and found to be non-responsive, as the Disadvantage Business Enterprise (DBE) goals were not met, and documentation of a "Good Faith Effort" was not included with the Bid.

The Bid from Professional Building Contractors, Inc. (PBC) was reviewed and found to be responsive. Although the Disadvantage Business Enterprise (DBE) goals of 11% were not met, documentation of a "Good Faith Effort" was included with the Bid.

The amount requested for the contract is $839,531 which represents the Total Bid amount and an additional 10% for potential change orders related to unforeseen conditions.

As the City Council is aware, eighty percent (80%) of costs associated with the Residential Sound Insulation Program are covered by federal grant funding from the Federal Aviation Administration (FAA). This remains a funding source until those funds identified in the Grant Implementation Plan to the City of Los Angeles are exhausted. Remaining expenses, except for elective "Owner Upgrades" selected by property owners, are paid for by funding received as part of the settlement agreement with LAWA.

To date, the City’s RSI Program has completed work at 921 homes, representing Groups 1-29.
Bidder's Assurance of Compliance with Title 49 CFR Part 26 relating to Disadvantaged Business Enterprise Participation

The Bidder hereby gives assurance pursuant to the requirements of Title 49 CFR part 26 that Bidder has made a reasonable effort to meet goals for Disadvantaged Business Enterprise participation specified for the Contract for which this proposal is submitted and that the Bidder, if the contract is awarded to Bidder, will have a DBE participation of

Eleven (11)% of the amount of this Bid.

Bidder further gives assurance that Bidder will submit the documentation required by said regulations and the Contract Documents, including the Listing of Disadvantaged Business Enterprises with which the Bidder will subcontract if the Contract is awarded and if Bidder is unable to meet the contract goals for DBE participation, of the steps Bidder has taken to obtain DBE participation.

Name of Firm: S&L Specialty Contracting, Inc.
Address: 315 South Franklin Street
Syracuse, NY 13202
Telephone Number: 315 478 9746
Contractor Representative: James W. Leonard
Title: President
Signature: 
Dated this 5th day of August, 2009.
Designation of Subcontractors

Bidders must identify as Subcontractors all individuals and/or companies that are not direct employees of the Bidder that will perform ANY PORTION of the Work under the Contract. Each Bidder must set forth below: (a) the Work activity to be performed, (b) the percentage of Work to be performed, (c) the name and address of the individual or company who will perform such Work, (d) the number of employees of the Subcontractor, (e) the applicable license number as issued by the State of California, (f) if individual or company is certified as a Disadvantaged Business Enterprise by Caltrans, and (g) the contract value of the subcontract to be entered into if Bidder is awarded a Contract for the Project.

Bidders must list only one (1) individual or company for each portion of Work to be performed. Bidder agrees that Bidder is fully qualified and will perform all Work for which Bidder has not identified a Subcontractor.

Bidders must not substitute any Subcontractor, permit any subcontract to be voluntarily assigned or transferred, or allow a portion of Work to be performed by anyone other than the original Subcontractor listed in the original Bid, except in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the City awarding the Contract setting forth the facts constituting the emergency or necessity.

<table>
<thead>
<tr>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
<th>(d)</th>
<th>(e)</th>
<th>(f)</th>
<th>(g)</th>
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<tbody>
<tr>
<td>Work Activity</td>
<td>Percentage of Work to be performed</td>
<td>Business Name and Address</td>
<td>Number of employees</td>
<td>State Contractor's License Number</td>
<td>Certified as a DBE Contractor?</td>
<td>Contract Value</td>
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Note: Bidders are reminded that Certification of Disadvantage Business Enterprises (DBE) Contractors and Subcontractors by Caltrans must be submitted for each DBE and must be submitted within forty eight (48) hours after the opening of Bids. (Refer to requirements of the Notice Inviting Sealed Bids)
Bidders's Proposal and Statement

Project Number RSI 09-16
“Residential Sound Insulation Program – Group 38”

To the Mayor and City Council
City of El Segundo
350 Main St.
El Segundo, CA 90245

The undersigned declares that he/she has examined the Contract Documents, including without limitation the “Instructions to Bidders” and the “Conditions of the Contract,” and otherwise satisfied himself/herself as to the nature and location of the Work, and is fully informed as to all conditions and matters which can in any way affect the Work or its cost, and agrees to the following:

To perform all Work in strict conformity with the requirements of the Contract Documents and at the following lump sum price:

<table>
<thead>
<tr>
<th>ID</th>
<th>Address</th>
<th>Description</th>
<th>Engineer’s Estimate</th>
<th>Bid Amount</th>
<th>Property Subtotal</th>
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### Residential Sound Insulation Program

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<tr>
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<th>Cost 2</th>
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Bidder's Proposal and Statement
RSI 09-16 (Group 38)

Last Modified: August 13, 2009
Addendum #1
<table>
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<tr>
<th>Address</th>
<th>RSI Improvements</th>
<th>Door A Upgrade</th>
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**Total Bid (Contract Sum)**

Seven Hundred Sixty-Three Thousand Two Hundred Ten

$743,210.00

In case of discrepancy between the words and figures, the words must prevail.

**Notices:**

- Illegible Bids must be disqualified
- If the Total Bid does not equal the total of the Schedule of Values, it is grounds for rejection of the Bid or rescinding a Notice of Award.
- Inconsistencies between the Schedule of Values and the Plans for each Home are grounds for rejection of the Bid

If awarded the Contract for the Work, the undersigned hereby agrees to execute the Contract within ten (10) calendar days as required by the Contract Documents (See Section 00 51 00).

Bid Security, which must not be less than ten percent (10%) of the Total Bid (Contract Sum), is enclosed as a guarantee that the undersigned will enter into a Contract if awarded to the undersigned. Bidder further agrees that in the event Bidder fails to execute the Contract in accordance with the requirements of the Contract Documents after being awarded the Contract, Bidder will be liable for and forfeit to the City the amount of the difference between the amount of its Bid and the larger amount for which the City procures the Work.
Name of Firm: PBC, Inc.
Address: 125 Sheldon St., El Segundo, CA 90245
Telephone Number: 310-524-0580
Contractor's License Number: 765663
Type of License: Class B
License Expiration Date: 7/31/11
Type of Entity: □ Sole Proprietorship □ Partnership ☒ Corporation □ Other

I declare under penalty of perjury that the foregoing is true and correct.

Contractor Representative: Richard J. Williams
Title: President
Signature: [Signature]

Dated this 18th day of August, 2009.

If Corporation, please attach evidence of authority to sign.
EL SEGUNDO CITY COUNCIL

AGENDA STATEMENT

MEETING DATE: September 1, 2009
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:

Consideration and possible action to waive City fees and costs in accordance with ESMC section 8-8-7 D 1, for the 33rd Annual Richmond Street Fair, use of the City's ligature artwork for event-related promotional merchandising; authorize the City Manager to execute a License Agreement with the El Segundo Kiwanis in a form approved by the City Attorney; operation of a "Beer Garden;" and support of a CalTrans permit application for installation of an event banner across Sepulveda Blvd. (Fiscal Impact: $3,118)

RECOMMENDED COUNCIL ACTION:

1. Waive City fees and costs per ESMC section 8-8-7 D 1, and as authorized in the adopted budget;
2. Approve request for permission to use City's ligature artwork on Richmond Street Fair event-related promotional items;
3. Authorize the City Manager to execute a License Agreement with the El Segundo Kiwanis in a form approved by the City Attorney;
4. Authorize operation of a "Beer Garden" in the food court section of the Fair subject to compliance with all Alcohol Beverage Commission regulations and permits;
5. Support the Kiwanis permit application to CalTrans for permission to install an event banner across Sepulveda Blvd., at no cost to City.
6. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. El Segundo Kiwanis waiver request letter
2. Copy of Municipal Code section 8-8-7 D 1

FISCAL IMPACT: Included in Adopted Budget

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<th>Amount Budgeted:</th>
<th>$3,118</th>
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<td>Additional Appropriation:</td>
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<tr>
<td>Account Number(s):</td>
<td>N/A</td>
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</table>

ORIGINATED BY: Bill Crowe, Assistant City Manager

REVIEWED BY: [Signature]

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

El Segundo Kiwanis is sponsoring the 33rd Annual Richmond Street Fair to be held in Downtown El Segundo, on Saturday, September 26th. A request has been submitted by Mr.
David Wagner, Secretary, El Segundo Kiwanis Club to waive city fees related to the event’s support and permit requesting use of city streets and right-of-ways for the annual fair. Additionally, Mr. Wagner has requested authorization to utilize the City’s ligature for event-related promotion, support for their CalTrans permit application to install an event banner across Sepulveda Blvd., as well as, support for their operation of a “Beer Garden” in the food court section of the Fair, subject to state Alcohol Beverage Commission regulations and permits.

The event permit waiver is required, per Municipal Code section 8-8-7 D 1, and the associated event support costs subject to waiver of $3,118 have already been appropriated in the adopted budget. Additionally, while the use of the City’s ligature does not fall under the provisions of El Segundo Municipal Code (Title 1 Chapter 3 requires a permit be obtained prior to the use of the City Logo), nonetheless, it is recommended the City Council grant a limited use license agreement for use of the City’s ligature for this community event. The Council has approved a similar request in the past.

The Kiwanis propose to sell merchandise to help defray event costs and promote the City’s branding program. They have requested permission to use the City’s ligature logo on event promotional items including T-shirts, beverage dispensing containers, and other event-related merchandise.
25 August 2009

Mr. Bill Crowe  
Assistant City Manager  
City of El Segundo  
City Hall  
350 Main Street  
El Segundo, CA 90245

Dear Mr. Crowe,

The El Segundo Kiwanis Club respectfully requests the support of the City of El Segundo for the 33rd Annual Richmond Street Fair scheduled from 9 a.m. to 5 p.m. on Saturday, September 26, 2009. The fair will take place in the 100, 200 and 300 blocks of Richmond Street and the West 100 and 200 blocks of Grand Avenue and Franklin Street. All businesses and residences in the affected areas will be notified to minimize their inconvenience.

For 2009, the El Segundo Kiwanis Club respectfully requests the following City Assistance:

1. Waiver of City-related fees as authorized in the adopted budget;

2. Utilization of the City’s ligature artwork on Richmond Street Fair event-related promotional items;

3. Authorize operation of a “Beer Garden” in the food court section of the Fair subject to compliance with all Alcohol Beverage Commission regulations and permits;
4. Support The Kiwanis Club’s permit application to CalTrans for permission to install an event banner across Sepulveda Boulevard, at no cost to the City of El Segundo.

Again, our most sincere and deep appreciation to you and the City of El Segundo for your very precious time and significant assistance in continuing an El Segundo tradition.

Sincerely,

[Signature]

David Wagner
Secretary
El Segundo Kiwanis Club
General

8-8-1: PURPOSE:

This chapter is adopted pursuant to the city's police powers and California Vehicle Code section 21101(e), and any succeeding statute, for the purpose of regulating parades, athletic events, block parties and public assemblies on or within a city street, parking facility, sidewalk or other public rights of way that obstruct, delay or otherwise interfere with the normal flow of vehicle or pedestrian traffic, or which do not comply with applicable traffic laws or controls. (Ord. 1362, 6-3-2003)

8-8-2: DEFINITIONS:

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter:

ATHLETIC EVENT: Any event where a group of persons collectively engage in a sport or form of physical exercise on or within a city street, parking facility, sidewalk, or other public right of way, including, without limitation, jogging, running, walking, racing, bicycling, rollerblading, and rollerskating.

BLOCK PARTY: A noncommercial social gathering on a local, not arterial or collector, street or area requiring partial or complete street closure to vehicular traffic and use of the street for the festival.

CITY MANAGER: The city manager or designee.

DIRECTOR: The city of El Segundo's director of recreation and parks, or designee.

EVENT: Any parade, athletic event, block party or public assembly that may require partial or complete street closure to vehicular traffic and use of the street for the event.

FREE SPEECH: Activity protected by the first amendment of the United States constitution and/or article 1, section 2 of the California constitution provided that such activity is a significant part of the event.

GROUP: Two (2) or more individuals.

IN WRITING: Telegram, facsimile or any other written document.

PARADE: Any organized march or organized procession of animals, vehicles or persons on or within a city street, parking facility, sidewalk or other public right of way.

PERMITTEE: A person or entity to which the city issues a permit pursuant to this chapter.
PUBLIC ASSEMBLY: Any group of people participating in an organized activity on or within a city street, parking facility, sidewalk or other public right of way, other than a group of people participating in an athletic event, block party or parade.

PUBLIC SAFETY OFFICER: Has the same definition as set forth in Government Code section 3301, and any successor statute. (Ord. 1362, 6-3-2003)

8-8-3: ADMINISTRATION BY DIRECTOR:

The director will receive applications, issue and revoke permits, and otherwise implement this chapter according to the procedures herein. (Ord. 1362, 6-3-2003)

8-8-4: NOTICES:

A. Where the provisions of this chapter require that an applicant/permittee be served with notice, such notice will be deemed served when personally delivered to such applicant/permittee or five (5) days following deposit in the first class U.S. mail, addressed to such applicant/permittee at the applicant/permittee's last known address.

B. Unless otherwise provided, written notification to a permittee/applicant of a permit decision will state with particularity the basis for such decision. (Ord. 1362, 6-3-2003)

8-8-5: PERMIT REQUIREMENTS:

A. It is unlawful for any person to conduct, sponsor, or knowingly participate in any event on or within any city street, sidewalk, parking facility, or other public right of way that obstructs or interferes with the normal flow of vehicular or pedestrian traffic or which does not comply with applicable traffic laws or controls.

B. Activity in subsection A of this section is permissible when a permit for such an event is obtained pursuant to this chapter. A permit is not deemed issued until the director receives the applicant's written acceptance in accordance with this chapter. (Ord. 1362, 6-3-2003)
8-8-6: EXCEPTIONS:

A special event permit is not required for a parade consisting of a vehicular funeral procession or wedding procession. (Ord. 1362, 6-3-2003)

8-8-7: FEES:

A. Established: Except as otherwise provided by federal, state, or local laws, or other city council authorized restrictions, all fees applicable to this chapter including, without limitation, fees for using public property, will be established by city council resolution.

B. Service Charges: Charges will be imposed for city services provided to a permittee other than public safety and emergency services. Such charges will be determined by the applicable servicing city department(s) and will be based on the actual cost incurred by the city in providing such services. Such service charges will include, without limitation, charges for labor, supervision, overhead, administration and the use of any and all city equipment, supplies, and the like. Additional charges may be imposed to cover the cost of extraordinary permit investigation and staff costs, if the director determines this necessary.

C. Traffic Control Fee: Permittee will pay the city a fee in an amount equal to the city's total estimated costs for providing all of the personnel and materials, including, without limitation, public safety personnel, necessary to control and monitor pedestrian and vehicular traffic for such event. Such fee will be paid by the permittee before the director issues a permit. The traffic control fee may be waived by the director for any permit authorizing an event involving an exercise of free speech rights. Such waiver may be granted only upon a showing of the applicant's inability to pay, which will be supported by a financial declaration.

D. Fee Waivers: Upon an applicant's request, the director may, but is not required to, seek a fee waiver from the city council for an event. Fees may only be waived for the following applicants:

1. Nonprofit groups with current internal revenue code 501(c)(3) status or 501(c)(6) status, government agencies, and public schools; or

2. Community service groups or organizations without current internal revenue code 501 (c)(3) status or 501(c)(6) status where the city council, by resolution, determines that the proposed event provides services that meet community needs and it is in the public interest to waive such fees. (Ord. 1362, 6-3-2003)
AGENDA DESCRIPTION:

Consideration and possible action regarding adoption of a resolution authorizing the annual destruction of identified records in accordance with the provisions of Section 34090 of the Government Code of the State of California. (Fiscal Impact: Not to exceed $1,000)

RECOMMENDED COUNCIL ACTION:

1. Adopt Resolution authorizing the destruction of certain records;
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Resolution with Attachments

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $1,000
Additional Appropriation: N/A
Account Number(s): 001-400-1301-6214

ORIGINATED BY: Cathy Domann, Deputy City Clerk
REVIEWED BY: Cindy Mortesen, City Clerk
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

Each year various Departments need to transition older documents to storage or destruction and make space for the new year’s records. By reviewing the older records and inventorying the current ones, available storage space is used more efficiently.

Documents from the City Clerk’s Office (unsuccessful bids and requests for proposals, election material, closed contracts and agreements, agenda packets archived in document imaging database, and miscellaneous administrative and duplicate records) are proposed to be destroyed.

In addition, documents from the Finance Department (purchase orders, miscellaneous reports, cash receipts, accounts receivable, vendor payments, water utility stubs, expired business licenses), the Fire Department (emergency medical service reports, copies of invoices and purchase orders), Police Department (citations, miscellaneous correspondence, impound reports, crime reports and records subpoenas), the Library (general and miscellaneous correspondence), Public Works (overload permits), and the Treasury (cancelled checks, deposit slips, and check registers) are proposed to be destroyed in accordance with Government Code Section 34090.
BACKGROUND AND DISCUSSION – CONTINUED

All listed records meet the required retention schedule adopted by City Council Resolution No. 4471 and the City Attorney has given written approval for the destruction of these records.
RESOLUTION NO.

A RESOLUTION AUTHORIZING THE DESTRUCTION OF PUBLIC RECORDS IN ACCORDANCE WITH THE CALIFORNIA GOVERNMENT CODE.

BE IT RESOLVED by the Council of the City of El Segundo as follows:

SECTION 1: The City Council finds as follows:

A. Certain documents from the City Clerk’s Office, Finance Department, Fire Department, Library, Police Department, Public Works, and Treasury are proposed to be destroyed in accord with Government Code § 34090;

B. The City Attorney gave written approval for the destruction of these records pursuant to Government Code § 34090;

C. Based upon the documents presented to it for destruction, it does not appear to the City Council that these records need be retained and are occupying valuable storage space.

SECTION 2: Pursuant to Government Code § 34090, the City Council approves the destruction of the records referred to in attached Exhibit “A,” which is incorporated by reference, and authorizes the City Clerk to dispose of the records in any lawful manner.

SECTION 3: Upon destroying these documents, the City Clerk is directed to complete a certificate verifying the destruction of these records and file the certificate with the City’s official records.

SECTION 4: The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the City’s original resolutions; and make a minute of the adoption of the Resolution in the City Council’s records and the minutes of this meeting.

SECTION 5: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 1st day of September 2009.

Kelly McDowell,
Mayor

725
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF EL SEGUNDO

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, hereby certify that the whole number of members of the City Council of the City is five; that the foregoing Resolution No. _________ was duly passed and adopted by said City Council, approved and signed by the Mayor of said City, and attested to by the City Clerk of said City, all at a regular meeting of said Council held on the 1st day of September 2009, and the same was so passed and adopted by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

______________________________
Cindy Mortesen,
City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:
______________________________
Karl H. Berger
Assistant City Attorney
EXHIBIT A
CITY OF EL SEGUNDO

RECORDS DESTRUCTION FORM

The records listed below are scheduled to be destroyed, as indicated on the Retention Schedule adopted by the City Council (Resolution 4291 adopted 12/17/02, Amended 06/07/06 by Resolution 4471):

<table>
<thead>
<tr>
<th>Records Description</th>
<th>Start Date</th>
<th>End Date</th>
<th>Box #</th>
<th>Retention Period</th>
<th>Dept</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closed Contracts and Agreements (SEE ATTACHED)</td>
<td>Through 1998</td>
<td>4</td>
<td>Current year + 10</td>
<td>City Clerk</td>
<td></td>
</tr>
<tr>
<td>City Council Agenda Packets (ARCHIVED IN DOCUMENT IMAGING DATABASE)</td>
<td>1/3/98</td>
<td>12/15/98</td>
<td>5 &amp; 6</td>
<td>10 years</td>
<td>City Clerk</td>
</tr>
<tr>
<td>April 2004 General Municipal Election – roster of voters, tally sheets</td>
<td></td>
<td>4/04</td>
<td>7</td>
<td></td>
<td>City Clerk</td>
</tr>
<tr>
<td>2005 General Correspondence Files</td>
<td>1/1/05-12/31/05</td>
<td>8</td>
<td></td>
<td></td>
<td>City Clerk</td>
</tr>
<tr>
<td>2005 Public Records Requests</td>
<td>1/1/05</td>
<td>12/31/05</td>
<td>9</td>
<td>3 years</td>
<td>City Clerk</td>
</tr>
<tr>
<td>April 8, 2008 Election items (voted ballots, unused ballots, VBM Applications, return envelopes – does not include rosters)</td>
<td></td>
<td>4/8/08</td>
<td>10 &amp; 11</td>
<td>8 months</td>
<td>City Clerk</td>
</tr>
</tbody>
</table>

APPROVED FOR DESTRUCTION:

[Signature] 7-9-09
Department Head

APPROVED FOR DESTRUCTION:

[Signature] 7/8/09
City Attorney

I HEREBY CERTIFY that the items listed above are approved for destruction on in accordance with City policies and procedures:

Cindy Mortesen, City Clerk 7/8/09
**DOCUMENTS FOR DESTRUCTION – 6/2009**  
**BOX NO. 4**

<table>
<thead>
<tr>
<th>CONTRACT #</th>
<th>COMPANY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1653</td>
<td>PGA Insurance Service</td>
</tr>
<tr>
<td>1699</td>
<td>Gess &amp; Associates</td>
</tr>
<tr>
<td>2006</td>
<td>Ross Loos Medical Group, Inc.</td>
</tr>
<tr>
<td>2068</td>
<td>City of L.A.-Dept. of Airports</td>
</tr>
<tr>
<td>2115</td>
<td>Roger Ernst &amp; Assoc. Auctioneers</td>
</tr>
<tr>
<td>2344/ABC</td>
<td>Daniel Freeman Marina Hosp. (CDBG)</td>
</tr>
<tr>
<td>2353</td>
<td>Angelica Rental Services Group</td>
</tr>
<tr>
<td>2381</td>
<td>Land Forms Landscape Construction</td>
</tr>
<tr>
<td>2389</td>
<td>D.J. Construction</td>
</tr>
<tr>
<td>2394</td>
<td>So. Cal Humane Society/</td>
</tr>
<tr>
<td>2414</td>
<td>Cal. Teamsters Public, Prof. &amp; Med. Union, Local 911</td>
</tr>
<tr>
<td>2417</td>
<td>The Compliance Group</td>
</tr>
<tr>
<td>2426</td>
<td>United States Escrow</td>
</tr>
<tr>
<td>2438</td>
<td>Thomas, Bigbie &amp; Smith</td>
</tr>
<tr>
<td>2439</td>
<td>Diehl, Evans &amp; Company</td>
</tr>
<tr>
<td>2440</td>
<td>S.S. Mechanical Corp.</td>
</tr>
<tr>
<td>2452</td>
<td>MBI Instruments and Control</td>
</tr>
<tr>
<td>2453</td>
<td>TAMTEC Company</td>
</tr>
<tr>
<td>2454</td>
<td>Just Right Help, II Inc. (CDBG)</td>
</tr>
<tr>
<td>2455</td>
<td>Assoc. of Governments-Access Project</td>
</tr>
<tr>
<td>2456</td>
<td>South Bay Youth Project (CDBG)</td>
</tr>
<tr>
<td>2459</td>
<td>Pavement Coatings Co.</td>
</tr>
<tr>
<td>2460</td>
<td>Tina Gall</td>
</tr>
<tr>
<td>2461</td>
<td>City of Redondo Beach-South Bay Youth Project</td>
</tr>
<tr>
<td>2462</td>
<td>R.C. Foster Corporation</td>
</tr>
<tr>
<td>2463</td>
<td>Williams Supply Co., Inc.</td>
</tr>
<tr>
<td>2466</td>
<td>Willdan Assoc.</td>
</tr>
<tr>
<td>2467</td>
<td>El Segundo Police Officers' Assoc.</td>
</tr>
<tr>
<td>2473</td>
<td>The Compliance Group</td>
</tr>
<tr>
<td>2474</td>
<td>Hartzog &amp; Crabill, Inc.</td>
</tr>
<tr>
<td>2475</td>
<td>Great American Insurance Co.</td>
</tr>
<tr>
<td>2476</td>
<td>Fedje</td>
</tr>
<tr>
<td>2480</td>
<td>E.S. Firefighters Assoc.</td>
</tr>
<tr>
<td>2483</td>
<td>Eaton Corp.</td>
</tr>
<tr>
<td>2489</td>
<td>On-Site Microfilming Service</td>
</tr>
<tr>
<td>2501</td>
<td>Southland Construction</td>
</tr>
<tr>
<td>2502</td>
<td>Dominguez Water Corporation</td>
</tr>
<tr>
<td>2503</td>
<td>C.J. Construction</td>
</tr>
<tr>
<td>2506</td>
<td>Marianne O'Reilly</td>
</tr>
<tr>
<td>2512</td>
<td>Landscape West</td>
</tr>
<tr>
<td>2525</td>
<td>Century Paving, Inc.</td>
</tr>
<tr>
<td>2532</td>
<td>Astrium Energy Services</td>
</tr>
<tr>
<td>2533</td>
<td>South Bay Youth Project (CDBG)</td>
</tr>
<tr>
<td>2540</td>
<td>The Compliance Group</td>
</tr>
<tr>
<td>2550</td>
<td>Sanchez Brothers Paving</td>
</tr>
<tr>
<td>2554</td>
<td>Bill Theo Construction</td>
</tr>
<tr>
<td>2557</td>
<td>Ralph Andersen &amp; Assoc.</td>
</tr>
<tr>
<td>2558</td>
<td>Peerless Products, Inc.</td>
</tr>
<tr>
<td>2562</td>
<td>G.B. Construction</td>
</tr>
</tbody>
</table>
2564  T&M Construction
2565  G.B. Construction
2566  G.B. Construction
2577  Jean Ushijima
2590  Emery Air Freight Corporation
2599  Raymond Chavez
2602  Robert Bein, William Frost And Associates
2606  On-Site Microfilming
2607  On-Site Microfilming
2610  Tracy Ferguson
2613  Susan Cooper
2618  Hayer Consultants, Inc.
2624  Moreland & Associates
2632  Pavement Coatings Co.
2633  Colleen Mulvany
2292  C-DAD Inc, ADA Upgrades City Buildings
CITY OF EL SEGUNDO

RECORDS DESTRUCTION FORM

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<tr>
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<th>Start Date</th>
<th>End Date</th>
<th>Box #</th>
<th>Retention Period</th>
<th>Dept</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsuccessful Bid – Construction of Golf Course PW 93-6</td>
<td>5-4-93</td>
<td></td>
<td>1</td>
<td>opening +2 yrs</td>
<td></td>
</tr>
<tr>
<td>General Correspondence on Co. Consolidated School Board Election</td>
<td>11/2/99</td>
<td></td>
<td>2</td>
<td>3 yrs</td>
<td>City Clerk</td>
</tr>
<tr>
<td>Correspondence, Notices, and publications, Candidate Handbook – 1998 Municipal Election</td>
<td>4/14/98</td>
<td></td>
<td>2</td>
<td>2 yrs</td>
<td>City Clerk</td>
</tr>
<tr>
<td>Correspondence, Notices, and publications, Candidate Handbook – 1996 Municipal Election</td>
<td>4/9/96</td>
<td></td>
<td>2</td>
<td>2 yrs</td>
<td>City Clerk</td>
</tr>
<tr>
<td>Misc. Correspondence Presidential Primary Election</td>
<td>3/7/00</td>
<td></td>
<td>2</td>
<td>2 yrs</td>
<td>City Clerk</td>
</tr>
</tbody>
</table>

APPROVED FOR DESTRUCTION:

Cindy Mortesen, City Clerk

I HEREBY CERTIFY that the items listed above are approved for destruction on _____________ in accordance with City policies and procedures:

Cindy Mortesen, City Clerk

7-9-09

7/8/09
CITY OF EL SEGUNDO

RECORDS DESTRUCTION FORM

The records listed below are scheduled to be destroyed, as indicated on the Retention Schedule adopted by the City Council (Resolution 4291 adopted 12/17/02, Amended 06/07/06 by Resolution 4471):

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<th>Start Date</th>
<th>End Date</th>
<th>Box #</th>
<th>Retention Period</th>
<th>Dept</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attached schedule</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Finance</td>
</tr>
</tbody>
</table>

APPROVED FOR DESTRUCTION:

[Signature]
Department Head

8/3/09
Date

APPROVED FOR DESTRUCTION:

[Signature]
City Attorney

8/6/09
Date

I HEREBY CERTIFY that the items listed above are approved for destruction on

 in accordance with City policies and procedures:

Cindy Mortesen, City Clerk

Date
<table>
<thead>
<tr>
<th>Description</th>
<th>Start Date</th>
<th>End Date</th>
<th>Box #</th>
<th>Retention Period</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor Distribution - PERS City Share</td>
<td>1/1/1995</td>
<td>12/31/1995</td>
<td>140788267</td>
<td>T + 4</td>
<td></td>
</tr>
<tr>
<td>Delta Dental</td>
<td>1/1/1996</td>
<td>12/31/1997</td>
<td>140788256</td>
<td>T + 3</td>
<td></td>
</tr>
<tr>
<td>Labor Distribution; W-2 Verification</td>
<td>6/1/1996</td>
<td>10/31/1996</td>
<td>140788273</td>
<td>AU + 4</td>
<td></td>
</tr>
<tr>
<td>Budget Files</td>
<td>7/1/1996</td>
<td>6/30/1997</td>
<td>140788165</td>
<td>AU + 2</td>
<td></td>
</tr>
<tr>
<td>1st Quarter Labor Distribution</td>
<td>1/1/1997</td>
<td>12/31/1997</td>
<td>140788270</td>
<td>AU + 2</td>
<td></td>
</tr>
<tr>
<td>Timesheets</td>
<td>1/1/1997</td>
<td>12/31/1997</td>
<td>140788204</td>
<td>AU + 6</td>
<td></td>
</tr>
<tr>
<td>Labor Distribution Reports</td>
<td>8/1/1997</td>
<td>11/30/1997</td>
<td>140788263</td>
<td>AU + 2</td>
<td></td>
</tr>
<tr>
<td>PERS Reports; W-2 Verification</td>
<td>12/1/1992</td>
<td>12/31/1995</td>
<td>140788257</td>
<td>AU + 4</td>
<td></td>
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<tr>
<td>Eden Void Checks Reconciliation</td>
<td>7/1/1998</td>
<td>9/30/1999</td>
<td>140788176</td>
<td>AU + 5</td>
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<tr>
<td>Timesheets</td>
<td>1/1/1999</td>
<td>12/31/2000</td>
<td>140788238</td>
<td>AU + 6</td>
<td>Workests</td>
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<tr>
<td>Timesheets</td>
<td>1/1/1999</td>
<td>12/31/2001</td>
<td>140788144</td>
<td>AU + 6</td>
<td></td>
</tr>
<tr>
<td>Fund 108 Recreation FY 99/00</td>
<td>10/1/1999</td>
<td>9/30/2000</td>
<td>140788209</td>
<td>AU + 4</td>
<td>Budget Detail; Box 2 of 2</td>
</tr>
<tr>
<td>Fund 108 Recreation FY 99/00</td>
<td>10/1/1999</td>
<td>9/30/2000</td>
<td>140788208</td>
<td>AU + 4</td>
<td>Budget Detail; Box 1 of 2</td>
</tr>
<tr>
<td>Equipment Replacement Backup</td>
<td>1/1/2001</td>
<td>12/31/2002</td>
<td>244516044</td>
<td>AU + 4</td>
<td>PR J.E. Detail (backup)</td>
</tr>
<tr>
<td>Equipment Replacement Backup</td>
<td>1/1/1997</td>
<td>12/31/2000</td>
<td>244516045</td>
<td>AU + 4</td>
<td></td>
</tr>
<tr>
<td>Labor Distribution Reports</td>
<td>1998</td>
<td></td>
<td>140788227</td>
<td>AU + 2</td>
<td></td>
</tr>
<tr>
<td>Timesheet Reports</td>
<td></td>
<td></td>
<td>140788226</td>
<td>AU + 6</td>
<td>Receipt Date 8/5/02</td>
</tr>
<tr>
<td>Timesheets 6/29/02 - 9/6/02</td>
<td>1/1/1992</td>
<td>12/31/2002</td>
<td>244516035</td>
<td>AU + 6</td>
<td></td>
</tr>
<tr>
<td>W-2s</td>
<td>1/1/1995</td>
<td>12/31/1997</td>
<td>244516022</td>
<td>AU + 4</td>
<td></td>
</tr>
<tr>
<td>Salary Tables; Labor Distribution</td>
<td>1/1/1997</td>
<td>12/31/1999</td>
<td>244516023</td>
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### CITY OF EL SEGUNDO FINANCE DEPARTMENT
### RECORDS DESTRUCTION FORM

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CITY OF EL SEGUNDO

RECORDS DESTRUCTION FORM

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APPROVED FOR DESTRUCTION:

[Signature]

Department Head

8/4/09

Date

APPROVED FOR DESTRUCTION:

[Signature]

City Attorney

8/13/09

Date

I HEREBY CERTIFY that the items listed above are approved for destruction on ____________ in accordance with City policies and procedures:

Cindy Mortesen, City Clerk

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CITY OF EL SEGUNDO

RECORDS DESTRUCTION FORM

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APPROVED FOR DESTRUCTION:

[Signature]

Department Head

8/4/09

Date

APPROVED FOR DESTRUCTION:

[Signature]

City Attorney

8/16/09

Date

I HEREBY CERTIFY that the items listed above are approved for destruction on

[Signature]

Cindy Mortesen, City Clerk

Date
CITY OF EL SEGUNDO

RECORDS DESTRUCTION FORM

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APPROVED FOR DESTRUCTION:

[Signature]

Department Head

6-29-09

Date

APPROVED FOR DESTRUCTION:

[Signature]

City Attorney

[Signature]

Date

I HEREBY CERTIFY that the items listed above are approved for destruction on

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in accordance with City policies and procedures:

Cindy Mortesen, City Clerk

[Signature]

Date
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<td>May 1, 2002</td>
<td>Aug. 31, 2002</td>
<td>17</td>
<td>7 Years</td>
<td>Fire</td>
</tr>
<tr>
<td>EMS Reports</td>
<td>May 16, 2002</td>
<td>Aug. 31, 2002</td>
<td>17</td>
<td>7 Years</td>
<td>Fire</td>
</tr>
<tr>
<td>Dispatch Printouts</td>
<td>Sept. 1, 2002</td>
<td>Dec. 31, 2002</td>
<td>18</td>
<td>7 Years</td>
<td>Fire</td>
</tr>
<tr>
<td>EMS Reports</td>
<td>Sept. 1, 2002</td>
<td>Dec. 31, 2002</td>
<td>18</td>
<td>7 Years</td>
<td>Fire</td>
</tr>
<tr>
<td>Payroll</td>
<td>Jan. 2000</td>
<td>Dec. 2006</td>
<td>19</td>
<td>Copies n/a</td>
<td>Fire</td>
</tr>
<tr>
<td>FLSA</td>
<td>Jan. 1998</td>
<td>June 2004</td>
<td>20</td>
<td>Copies n/a</td>
<td>Fire</td>
</tr>
<tr>
<td>Billing</td>
<td>Jan. 2006</td>
<td>Dec. 2006</td>
<td>21</td>
<td>Copies n/a</td>
<td>Fire</td>
</tr>
<tr>
<td>Billing</td>
<td>Jan. 2007</td>
<td>Dec. 2007</td>
<td>22</td>
<td>Copies n/a</td>
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</tr>
<tr>
<td>Invoice/PO</td>
<td>2000</td>
<td>2001</td>
<td>23</td>
<td>Copies n/a</td>
<td>Fire</td>
</tr>
<tr>
<td>Invoice/PO</td>
<td>2001</td>
<td>2002</td>
<td>24</td>
<td>Copies n/a</td>
<td>Fire</td>
</tr>
<tr>
<td>Invoice/PO</td>
<td>2001</td>
<td>2002</td>
<td>25</td>
<td>Copies n/a</td>
<td>Fire</td>
</tr>
</tbody>
</table>

APPROVED FOR DESTRUCTION:

[Signature]  3.31.09

Date

APPROVED FOR DESTRUCTION:

[Signature]  4/7/09

Date

I HEREBY CERTIFY that the items listed above are approved for destruction on

[Signature]  Date

in accordance with City policies and procedures:

Cindy Mortesen, City Clerk  Date
CITY OF EL SEGUNDO

RECORDS DESTRUCTION FORM

The records listed below are scheduled to be destroyed, as indicated on the Retention Schedule adopted by the City Council (Resolution 4291 adopted 12/17/02, Amended 06/07/06 by Resolution 4471):

<table>
<thead>
<tr>
<th>Records Description</th>
<th>Start Date</th>
<th>End Date</th>
<th>Box #</th>
<th>Retention Period</th>
<th>Dept</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attached list</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Library</td>
</tr>
</tbody>
</table>

APPROVED FOR DESTRUCTION:

[Signature]
Department Head

8/3/09
Date

APPROVED FOR DESTRUCTION:

[Signature]
City Attorney

8/6/09
Date

I HEREBY CERTIFY that the items listed above are approved for destruction on

________________________

in accordance with City policies and procedures:

Cindy Mortesen, City Clerk

Date
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>DATES COVERED</th>
<th>BOX NO.</th>
<th>RETENTION PERIOD</th>
<th>DEPT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal Memo</td>
<td>Jan 1989 – Mar 1989</td>
<td>1</td>
<td>3 years</td>
<td>Library</td>
</tr>
<tr>
<td></td>
<td>Jan 1990 – Dec 1990</td>
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</tr>
<tr>
<td>Correspondence – Library</td>
<td>1989</td>
<td>1</td>
<td></td>
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</tr>
<tr>
<td>Correspondence – City Manager</td>
<td>1989</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correspondence – Budget</td>
<td>1989-1990</td>
<td>1</td>
<td></td>
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<tr>
<td>Correspondence – City Manager</td>
<td>1990</td>
<td>1</td>
<td></td>
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<tr>
<td>Correspondence – Employee Review Form</td>
<td>1990</td>
<td>1</td>
<td></td>
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</tr>
<tr>
<td>City Manager Weekly Report</td>
<td>1990</td>
<td>1</td>
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<td></td>
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<tr>
<td>Correspondence – City Clerk</td>
<td>1990</td>
<td>1</td>
<td></td>
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</tr>
<tr>
<td>Correspondence – Fire</td>
<td>1990</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correspondence – City Attorney</td>
<td>1990</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correspondence – Development Services</td>
<td>1990</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correspondence – Finance</td>
<td>1990</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correspondence – Police</td>
<td>1990</td>
<td>1</td>
<td></td>
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</tr>
<tr>
<td>Correspondence – Library</td>
<td>1990</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correspondence – Personnel</td>
<td>1990</td>
<td>1</td>
<td></td>
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</tr>
<tr>
<td>Correspondence – Police</td>
<td>1990</td>
<td>1</td>
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<tr>
<td>Literacy Project</td>
<td>1990-91</td>
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<tr>
<td>Position Description</td>
<td>1990</td>
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<tr>
<td>Miscellaneous Correspondence</td>
<td>June 1992-93 thru Dec. 1992-93</td>
<td>1</td>
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<tr>
<td>Correspondence – City Attorney</td>
<td>1992</td>
<td>1</td>
<td></td>
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<tr>
<td>Correspondence – City Clerk</td>
<td>1992</td>
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</tr>
<tr>
<td>DESCRIPTION</td>
<td>DATES COVERED</td>
<td>BOX NO.</td>
<td>RETENTION PERIOD</td>
<td>DEPT</td>
</tr>
<tr>
<td>------------------------------</td>
<td>--------------</td>
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<td>Correspondence – Finance</td>
<td>1992-93</td>
<td>1</td>
<td>3 years</td>
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<tr>
<td>Correspondence – Gov't Bldg.</td>
<td>1992-93</td>
<td>1</td>
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<tr>
<td>Correspondence – City Clerk</td>
<td>1992-93</td>
<td>1</td>
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<tr>
<td>Correspondence – City Manager</td>
<td>1992-93</td>
<td>1</td>
<td></td>
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<td>Correspondence – Planning</td>
<td>1992-93</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correspondence – Library</td>
<td>1992-93</td>
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<td></td>
</tr>
<tr>
<td>Correspondence – Personnel</td>
<td>1992-93</td>
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<tr>
<td>Correspondence – Police</td>
<td>1992-93</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Correspondence – Fire</td>
<td>1992-93</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correspondence – Rec &amp; Park</td>
<td>1992</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correspondence – Finance</td>
<td>1992</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accts Payable Procedure</td>
<td>1992</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Problems</td>
<td>1993</td>
<td>1</td>
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<tr>
<td>LBOT Agenda</td>
<td>1991-01</td>
<td>2</td>
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<tr>
<td>Baker &amp; Taylor Invoices</td>
<td>1999-00</td>
<td>3</td>
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<tr>
<td>Baker &amp; Taylor Invoices</td>
<td>2001</td>
<td>4</td>
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<td></td>
</tr>
</tbody>
</table>
CITY OF EL SEGUNDO

RECORDS DESTRUCTION FORM

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<th>End Date</th>
<th>Box #</th>
<th>Retention Period</th>
<th>Dept</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITATIONS – MOVING TRAFFIC 2003</td>
<td>01/01/03</td>
<td>12/31/03</td>
<td>2</td>
<td>2 YEARS</td>
<td>POLICE</td>
</tr>
<tr>
<td>CITATIONS – PARKING TRAFFIC</td>
<td>01/01/06</td>
<td>12/31/06</td>
<td>1</td>
<td>2 YEARS</td>
<td>POLICE</td>
</tr>
<tr>
<td>CHIEF’S SECRETARY MISCELLANEOUS DOCUMENTS</td>
<td>1980</td>
<td>1988</td>
<td>5</td>
<td>2 YEARS</td>
<td>POLICE</td>
</tr>
<tr>
<td>RECORDS – CLETS DEPT. OF JUSTICE OLD MANUALS</td>
<td>1999</td>
<td>1999</td>
<td>1</td>
<td>5 YEARS</td>
<td>POLICE</td>
</tr>
<tr>
<td>RECORDS – REPORTS OF IMPOUND AND STORE VEHICLES</td>
<td>01/01/96</td>
<td>12/31/96</td>
<td>2</td>
<td>2 YEARS</td>
<td>POLICE</td>
</tr>
<tr>
<td>RECORDS CHECKS AND FINGERPRINTS APPLICATIONS</td>
<td>01/01/07</td>
<td>12/31/07</td>
<td>1</td>
<td>2 YEARS</td>
<td>POLICE</td>
</tr>
<tr>
<td>RECORDS – CRIME REPORTS INCLUDING PETTY THEFT,</td>
<td>01/01/96</td>
<td>12/31/96</td>
<td>2</td>
<td>4 YEARS</td>
<td>POLICE</td>
</tr>
<tr>
<td>SIMPLE ASSAULTS, INCIDENT REPORTS, PUBLIC</td>
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</tr>
<tr>
<td>INTOXICATION, LOCATED MISSING PERSON, 5150</td>
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</tr>
<tr>
<td>HOLDS, LOST AND FOUND. TRAFFIC COLLISION</td>
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<tr>
<td>REPORTS PROPERTY DAMAGE.</td>
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</tr>
<tr>
<td>RECORDS – SUBPOENAS</td>
<td>01/01/06</td>
<td>01/01/06</td>
<td>1</td>
<td>2 YEARS</td>
<td>POLICE</td>
</tr>
</tbody>
</table>
APPROVED FOR DESTRUCTION:

Department Head

Approved For Destruction:

City Attorney

I HEREBY CERTIFY that the items listed above are approved for destruction on _________________ in accordance with City policies and procedures:

Cindy Mortesen, City Clerk

Date
CITY OF EL SEGUNDO

RECORDS DESTRUCTION FORM

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<th>End Date</th>
<th>Box #</th>
<th>Retention Period</th>
<th>Dept</th>
</tr>
</thead>
<tbody>
<tr>
<td>OVERLOAD PERMITS</td>
<td>January 1, 2004</td>
<td>June 30, 2007</td>
<td>CLOSURE + 2</td>
<td>Public Works</td>
<td></td>
</tr>
</tbody>
</table>

APPROVED FOR DESTRUCTION:

[Signature]
Department Head

[Signature]
City Attorney

Date

I HEREBY CERTIFY that the items listed above are approved for destruction on ______________________ in accordance with City policies and procedures:

___________________________
Cindy Mortesen, City Clerk

Date

749
CITY OF EL SEGUNDO

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<th>Retention Period</th>
<th>Dept</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Attached</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

APPROVED FOR DESTRUCTION:

[Signature]
Department Head

8/1/2009
Date

APPROVED FOR DESTRUCTION:

[Signature]
City Attorney

8/6/09
Date

I HEREBY CERTIFY that the items listed above are approved for destruction on

______________________________

in accordance with City policies and procedures:

______________________________
Cindy Mortesen, City Clerk

______________________________
Date

C:\Documents and Settings\thim\Local Settings\Temporary Internet Files\OLK1\Cert of Destruction (2).doc
1. Lake At El Segundo  
   Cancelled Check 01/15/98-11/13/2000  
   Assigned Box no. 129056357

2. Union Bank Deposit Slips  
   10/1/08 – 09/30/99  
   Assigned Box No. 129056355

3. Worker Comp  
   Check Register 7/1/2000 – 9/30/2001  
   Assigned Box No. 244516152

4. Union Bank Statement / Wires 20001  
   Employee Saving Bonds 2000-2001  
   Assigned Box No. 244516154

5. Credit Card Rec & Park  
   01/09/2000 – 01/12/2001  
   Assigned Box No. 244516145

6. Paramedic  
   1/08/2000-01/12/2001  
   Assigned Box No. 244516146

7. Union Bank Deposit Slip  
   4/1/2001 – 01/31/2002  
   Assigned Box No. 244516147

8. Union Bank Deposit Slip  
   6/1/2000 – 03/31/2001  
   Assigned Box No. 244516148

9. Bank Statement Union Bank  
   Employee Saving Bond  
   Assigned Box No. 244516150

10. Worker Comp  
    Check Register 4/1/2000 – 4/30/2002  
    Assigned Box No. 244516224

11. Worker Comp  
    Assigned Box No. 244516225

12. Returned Checks  
    YR.1994 – 2003  
    Assigned Box No. 244516200

151