

**CITY OF REDONDO BEACH
CITY COUNCIL AGENDA
Tuesday, December 10, 2024**

415 DIAMOND STREET, REDONDO BEACH

CITY COUNCIL CHAMBER

THE CITY COUNCIL HAS RESUMED PUBLIC MEETINGS IN THE COUNCIL CHAMBER. MEMBERS OF THE PUBLIC MAY PARTICIPATE IN-PERSON, BY ZOOM, eCOMMENT OR EMAIL.

**4:30 P.M.- CLOSED SESSION- ADJOURNED REGULAR MEETING
6:00 P.M.- OPEN SESSION- REGULAR MEETING**

City Council meetings are broadcast live through Spectrum Cable, Channel 8, and Frontier Communications, Channel 41 and/or rebroadcast on Wednesday at 3 p.m. and Saturday at 3 p.m. following the date of the meeting. Live streams and indexed archives of meetings are available via internet. Visit the City's official website at www.Redondo.org/rbtv.

TO WATCH MEETING LIVE ON THE CITY'S WEBSITE:

<https://redondo.legistar.com/Calendar.aspx>

*Click "In Progress" hyperlink under Video section of meeting

TO WATCH MEETING LIVE ON YOUTUBE:

<https://www.youtube.com/c/CityofRedondoBeachIT>

TO JOIN THE MEETING VIA ZOOM (FOR PUBLIC INTERESTED IN SPEAKING. OTHERWISE, PLEASE SEE ABOVE TO WATCH/LISTEN TO MEETING):

Register in advance for this meeting:

https://us02web.zoom.us/webinar/register/WN_epuEp-JaQ0KvVb3vpk7e4Q

After registering, you will receive a confirmation email containing information about joining the meeting.

If you are participating by phone, be sure to provide your phone # when registering. You will be provided a Toll Free number and a Meeting ID to access the meeting. Note; press # to bypass Participant ID. Attendees will be muted until the public participation period is opened. When you are called on to speak, press *6 to unmute your line. Note, comments from the public are limited to 3 minutes per speaker.

eCOMMENT: COMMENTS MAY BE ENTERED DIRECTLY ON THE WEBSITE AGENDA PAGE:

<https://redondo.granicusideas.com/meetings>

- 1) Public comments can be entered before and during the meeting.
- 2) Select a SPECIFIC AGENDA ITEM to enter your comment;
- 3) Public will be prompted to Sign-Up to create a free personal account (one-time) and then comments may be added to each Agenda item of interest.
- 4) Public comments entered into eComment (up to 2200 characters; equal to approximately 3 minutes of oral comments) will become part of the official meeting record.

EMAIL: TO PARTICIPATE BY WRITTEN COMMUNICATION, EMAILS MUST BE RECEIVED BEFORE 3:00 P.M. THE DAY OF THE MEETING (EMAILS WILL NOT BE READ OUT LOUD): Written materials pertaining to matters listed on the posted agenda received after the agenda has been published will be added as supplemental materials under the relevant agenda item. Public comments may be submitted by email to cityclerk@redondo.org. Emails must be received before 3:00 p.m. on the date of the meeting to ensure Council and staff have the ability to review materials prior to the meeting.

4:30 P.M. - CLOSED SESSION - ADJOURNED REGULAR MEETING

A. CALL MEETING TO ORDER

B. ROLL CALL

C. SALUTE TO FLAG AND INVOCATION

D. BLUE FOLDER ITEMS - ADDITIONAL BACK UP MATERIALS

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

E. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS AND NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on Closed Session Items or any subject that does not appear on this agenda for action. This section is limited to 30 minutes. Each speaker will be afforded three minutes to address the Mayor and Council. Each speaker will be permitted to speak only once. Written requests, if any, will be considered first under this section.

F. RECESS TO CLOSED SESSION

F.1. [CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9\(d\)\(1\).](#)

[Name of case:](#)

[City of Redondo Beach, et al. v. California State Water Resources Control Board](#)

[Case Number: 20STCP03193](#)

F.2. [CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9\(d\)\(1\).](#)

[Name of case:](#)

[New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach and City Council of the City of Redondo Beach](#)

[Case Number: 22TRCP00203](#)

F.3. [CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9\(d\)\(1\).](#)

[Name of case:](#)

[New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and DOES 1 through 100, inclusive](#)

Case Number: 23STCV10146

- F.4.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426

- F.5.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189

- F.6.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

In re 9300 Wilshire LLC

Bankruptcy C.D. Cal. Case Number: 2:23-bk-10918-ER

- F.7.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive

Case Number: 23TRCP00325

- F.8.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Sec. 54956.9(d)(1).

Name of case: Jennifer Gornbein v. City of Redondo Beach; and DOES 1 to 50, inclusive

Case Number: 24TRCV03931

- F.9.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Section 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Greg Kapovich, Waterfront & Economic Development Director

PROPERTY:

208 Yacht Club Way, Redondo Beach, CA 90277
King Harbor Marina (a portion of APN: 7503-003-900)

NEGOTIATING PARTIES:

Allen Ginsburg - Majestic KHM, LLC

UNDER NEGOTIATION:

Lease Terms

CONTACT: GREG KAPOVICH, WATERFRONT AND ECONOMIC DEVELOPMENT
DIRECTOR

- F.10.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Sec. 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager
Luke Smude, Assistant to the City Manager

PROPERTY:

200 N. Pacific Coast Highway, Redondo Beach, CA 90277
(a portion of APN: 750-500-9902)
715 Julia Ave, Redondo Beach, CA 90277
(portion of parcels APN: 750-702-0900 and APN: 750-702-1900)
3007 Vail Ave., Redondo Beach, CA 90278
(a portion of APN: 415-001-7931)
1935 Manhattan Beach Blvd., Redondo Beach, CA 90278
(APN: 404-900-8903)
Parking Lot at the Corner of Felton Ln. and 182nd St., Redondo Beach, CA 90278
(APN: 415-803-3900)
807 Inglewood Ave., Redondo Beach, CA 90278
(a Portion of APN: 408-302-4900)

NEGOTIATING PARTIES:

Dr. Nicole Wesley, Superintendent
Redondo Beach Unified School District

UNDER NEGOTIATION:

Both Price and Terms

- F.11.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Section 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager
Greg Kapovich, Waterfront & Economic Development Director
Brian Campbell, BC Urban

PROPERTY:

201 Fisherman's Wharf, Redondo Beach, CA 90277
(a portion of APN: 7505-002-913)

NEGOTIATING PARTIES:
Prolife USA, LLC - DBA Bae Watch
Dong (Gus) Kyu Park - Principal

UNDER NEGOTIATION:
Price and Terms

- F.12.** CONFERENCE WITH LEGAL COUNSEL AND LABOR NEGOTIATOR - The Closed Session is authorized by the Government Code Sec. 54957.6.

AGENCY NEGOTIATOR:
Mike Witzansky, City Manager
Diane Strickfaden, Director of Human Resources

EMPLOYEE ORGANIZATIONS:
Management and Confidential Employee Group, Redondo Beach Firefighters' Association - Fire Management Unit

- F.13.** CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE PERSONNEL MATTER/EVALUATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54957(b).

Title: City Manager

- G. RECONVENE TO OPEN SESSION**
- H. ROLL CALL**
- I. ANNOUNCEMENT OF CLOSED SESSION ACTIONS**
- J. ADJOURN TO REGULAR MEETING**

6:00 PM - OPEN SESSION - REGULAR MEETING

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. SALUTE TO THE FLAG AND INVOCATION**
- D. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS**
- E. APPROVE ORDER OF AGENDA**
- F. AGENCY RECESS**
- G. BLUE FOLDER ITEMS - ADDITIONAL BACK UP MATERIALS**

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

- G.1.** For Blue Folder Documents Approved at the City Council Meeting
- H. CONSENT CALENDAR**

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Mayor or any City Council Member may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar will be approved in one motion. The Mayor will call on anyone wishing to address the City Council on any Consent Calendar item on the agenda, which has not been pulled by Council for discussion. Each speaker will be permitted to speak only once and comments will be limited to a total of three minutes.

H.1. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED AND REGULAR MEETING OF DECEMBER 10, 2024

CONTACT: ELEANOR MANZANO, CITY CLERK

H.2. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

CONTACT: ELEANOR MANZANO, CITY CLERK

H.3. APPROVE THE FOLLOWING CITY COUNCIL MINUTES:

A. JULY 30, 2024 ADJOURNED AND REGULAR MEETING

B. AUGUST 6, 2024 ADJOURNED AND REGULAR MEETING

CONTACT: ELEANOR MANZANO, CITY CLERK

H.4. APPROVE FINAL TRACT MAP NO. 74481 (FOR THE SOUTH BAY SOCIAL DISTRICT'S COMMERCIAL CONSTRUCTION PROJECT AT 1815 HAWTHORNE BOULEVARD) AND AUTHORIZE THE CITY CLERK TO CERTIFY THE MAP'S APPROVAL

CONTACT: ANDREW WINJE, PUBLIC WORKS DIRECTOR

H.5. REJECT ALL BIDS FOR THE NORTH PIER PARKING STRUCTURE REPAIRS PROJECT, JOB NO. 70610 AND DIRECT STAFF TO REVISE THE SCOPE OF THE PROJECT AND RE-ADVERTISE THE UPDATED CONSTRUCTION DOCUMENTS

CONTACT: ANDREW WINJE, PUBLIC WORKS DIRECTOR

H.6. APPROVE A GRANT YEAR 2023 STATE HOMELAND SECURITY PROGRAM (SHSP) SUBRECIPIENT AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR AN AMOUNT OF \$58,728 AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

CONTACT: JOE HOFFMAN, CHIEF OF POLICE; PATRICK BUTLER, FIRE CHIEF

H.7. APPROVE AN AGREEMENT FOR CONSULTING SERVICES WITH GEOSYNTEC CONSULTANTS, INC. FOR AN AMOUNT NOT TO EXCEED \$216,100 TO PERFORM ENVIRONMENTAL ENGINEERING SERVICES TO SUPPORT A FEDERAL GRANT APPLICATION FOR THE REDONDO BEACH POLICE DEPARTMENT SHOOTING RANGE PROJECT, JOB NO 20810 AND TO ASSIST WITH INQUIRIES FROM THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH REGARDING THE DOMINGUEZ PARK LANDSCAPING AND PLAYGROUND IMPROVEMENT PROJECT, JOB NO 30730

CONTACT: ANDREW WINJE, PUBLIC WORKS DIRECTOR

H.8. DECLARING THE RESULTS OF THE NOVEMBER 5, 2024 ELECTION

CONTACT: ELEANOR MANZANO, CITY CLERK

I. EXCLUDED CONSENT CALENDAR ITEMS

J. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on any subject that does not appear on this agenda for action. This section is limited to 30 minutes. Each speaker will be afforded three minutes to address the Mayor and Council. Each speaker will be permitted to speak only once. Written requests, if any, will be considered first under this section.

J.1. For eComments and Emails Received from the Public

K. EX PARTE COMMUNICATIONS

This section is intended to allow all elected officials the opportunity to reveal any disclosure or ex parte communication about the following public hearings

L. PUBLIC HEARINGS

M. ITEMS CONTINUED FROM PREVIOUS AGENDAS

M.1. DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING RESOLUTION CC-2412-112 REGARDING THE CITY CLERK DUTIES AND QUALIFICATIONS; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2412-117, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-112, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE XI ELECTIVE OFFICERS, POWERS AND DUTIES SECTION 11 CITY CLERK, ARTICLE XII CITY MANAGER POWERS AND DUTIES SECTION 12.3 POWERS AND DUTIES, AND ARTICLE XX FUNDS, DISBURSEMENTS AND LIABILITY SECTION 20.1 APPROVAL OF DEMANDS AND SETTING PROCEDURAL DETAILS; FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION NO. 2410-090

CONTACT: ELEANOR MANZANO, CITY CLERK

M.2. DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING RESOLUTION NO. CC-2412-113 REGARDING THE CITY TREASURER DUTIES AND QUALIFICATIONS; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2412-118, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-113, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE XI ELECTIVE OFFICERS, POWERS AND DUTIES SECTION 11.1 CITY TREASURER, AND SETTING PROCEDURAL DETAILS; FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION NO. 2410-090

CONTACT: ELEANOR MANZANO, CITY CLERK

M.3. DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING RESOLUTION CC-2412-114 REGARDING PUBLISHING/PUBLICATION; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2412-119, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-114, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE IX, SECTION 9.15 ORDINANCES, PUBLICATION, ARTICLE XVII, SECTION 17.9 BUDGET HEARING AND ADOPTION AND ARTICLE XIX, SECTIONS 19 PUBLIC WORKS, CONTRACTS AND 19.5 LEGAL NOTICES, CONTRACT FOR PUBLICATION FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION NO. CC-2410-090.

CONTACT: ELEANOR MANZANO, CITY CLERK

M.4. DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING RESOLUTION CC-2412-115 REGARDING RESIDENCY; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2412-120, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-115, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE VI CITY COUNCIL SECTION 6.5. VACANCY, DECLARED BY COUNCIL, ARTICLE VIII THE MAYOR, ADDING SECTION 8.6 VACANCY, DECLARED BY COUNCIL, AND AMENDING ARTICLE X ELECTIVE OFFICES SECTION 10.2 ELECTIVE OFFICES, VACANCIES, LEAVE OF ABSENCE, TEMPORARY APPOINTMENTS FOR RESIDENCY, AND SETTING PROCEDURAL DETAILS; FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION 2410-090

CONTACT: ELEANOR MANZANO, CITY CLERK

N. ITEMS FOR DISCUSSION PRIOR TO ACTION

O. CITY MANAGER ITEMS

P. MAYOR AND COUNCIL ITEMS

Q. MAYOR AND COUNCIL REFERRALS TO STAFF

R. RECESS TO CLOSED SESSION

R.1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

City of Redondo Beach, et al. v. California State Water Resources Control Board

Case Number: 20STCP03193

R.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach and City Council of the City of Redondo Beach

Case Number: 22TRCP00203

- R.3.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and DOES 1 through 100, inclusive

Case Number: 23STCV10146

- R.4.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426

- R.5.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189

- R.6.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

In re 9300 Wilshire LLC

Bankruptcy C.D. Cal. Case Number: 2:23-bk-10918-ER

- R.7.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive

Case Number: 23TRCP00325

R.8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Sec. 54956.9(d)(1).

Name of case: Jennifer Gornbein v. City of Redondo Beach; and DOES 1 to 50, inclusive

Case Number: 24TRCV03931

R.9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Section 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Greg Kapovich, Waterfront & Economic Development Director

PROPERTY:

208 Yacht Club Way, Redondo Beach, CA 90277

King Harbor Marina (a portion of APN: 7503-003-900)

NEGOTIATING PARTIES:

Allen Ginsburg - Majestic KHM, LLC

UNDER NEGOTIATION:

Lease Terms

CONTACT: GREG KAPOVICH, WATERFRONT AND ECONOMIC DEVELOPMENT DIRECTOR

R.10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Sec. 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Luke Smude, Assistant to the City Manager

PROPERTY:

200 N. Pacific Coast Highway, Redondo Beach, CA 90277

(a portion of APN: 750-500-9902)

715 Julia Ave, Redondo Beach, CA 90277

(portion of parcels APN: 750-702-0900 and APN: 750-702-1900)

3007 Vail Ave., Redondo Beach, CA 90278

(a portion of APN: 415-001-7931)

1935 Manhattan Beach Blvd., Redondo Beach, CA 90278

(APN: 404-900-8903)

Parking Lot at the Corner of Felton Ln. and 182nd St., Redondo Beach, CA 90278

(APN: 415-803-3900)

807 Inglewood Ave., Redondo Beach, CA 90278

(a Portion of APN: 408-302-4900)

NEGOTIATING PARTIES:

Dr. Nicole Wesley, Superintendent

Redondo Beach Unified School District

UNDER NEGOTIATION:
Both Price and Terms

- R.11.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Section 54956.8.

AGENCY NEGOTIATOR:
Mike Witzansky, City Manager
Greg Kapovich, Waterfront & Economic Development Director
Brian Campbell, BC Urban

PROPERTY:
201 Fisherman's Wharf, Redondo Beach, CA 90277
(a portion of APN: 7505-002-913)

NEGOTIATING PARTIES:
Prolife USA, LLC - DBA Bae Watch
Dong (Gus) Kyu Park - Principal

UNDER NEGOTIATION:
Price and Terms

- R.12.** CONFERENCE WITH LEGAL COUNSEL AND LABOR NEGOTIATOR - The Closed Session is authorized by the Government Code Sec. 54957.6.

AGENCY NEGOTIATOR:
Mike Witzansky, City Manager
Diane Strickfaden, Director of Human Resources

EMPLOYEE ORGANIZATIONS:
Management and Confidential Employee Group, Redondo Beach Firefighters' Association - Fire Management Unit

- R.13.** CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE PERSONNEL MATTER/EVALUATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54957(b).

Title: City Manager

S. RECONVENE TO OPEN SESSION

T. ADJOURNMENT

The next meeting of the City Council of the City of Redondo Beach will be an Adjourned Regular meeting to be held at 4:30 p.m. (Closed Session) and a Regular meeting to be held at 6:00 p.m. (Open Session) on Tuesday, December 17, 2024, in the Redondo Beach City Hall Council Chamber, 415 Diamond Street, Redondo Beach, California.



Administrative Report

F.1., File # 24-1952

Meeting Date: 12/10/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

City of Redondo Beach, et al. v. California State Water Resources Control Board

Case Number: 20STCP03193



Administrative Report

F.2., File # 24-1953

Meeting Date: 12/10/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach and City Council of the City of Redondo Beach

Case Number: 22TRCP00203



Administrative Report

F.3., File # 24-1954

Meeting Date: 12/10/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and
DOES 1 through 100, inclusive

Case Number: 23STCV10146



Administrative Report

F.4., File # 24-1955

Meeting Date: 12/10/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426



Administrative Report

F.5., File # 24-1956

Meeting Date: 12/10/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189



Administrative Report

F.6., File # 24-1957

Meeting Date: 12/10/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

In re 9300 Wilshire LLC

Bankruptcy C.D. Cal. Case Number: 2:23-bk-10918-ER



Administrative Report

F.7., File # 24-1958

Meeting Date: 12/10/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive

Case Number: 23TRCP00325



Administrative Report

F.8., File # 24-1961

Meeting Date: 12/10/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Sec. 54956.9(d)(1).

Name of case: Jennifer Gornbein v. City of Redondo Beach; and DOES 1 to 50, inclusive

Case Number: 24TRCV03931



Administrative Report

R.9., File # 24-1880

Meeting Date: 12/10/2024

TITLE

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Section 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Greg Kapovich, Waterfront & Economic Development Director

PROPERTY:

208 Yacht Club Way, Redondo Beach, CA 90277

King Harbor Marina (a portion of APN: 7503-003-900)

NEGOTIATING PARTIES:

Allen Ginsburg - Majestic KHM, LLC

UNDER NEGOTIATION:

Lease Terms



Administrative Report

F.10., File # 24-1935

Meeting Date: 12/10/2024

TITLE

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Sec. 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Luke Smude, Assistant to the City Manager

PROPERTY:

200 N. Pacific Coast Highway, Redondo Beach, CA 90277

(a portion of APN: 750-500-9902)

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(a portion of APN: 415-001-7931)

1935 Manhattan Beach Blvd., Redondo Beach, CA 90278

(APN: 404-900-8903)

Parking Lot at the Corner of Felton Ln. and 182nd St., Redondo Beach, CA 90278

(APN: 415-803-3900)

807 Inglewood Ave., Redondo Beach, CA 90278

(a Portion of APN: 408-302-4900)

NEGOTIATING PARTIES:

Dr. Nicole Wesley, Superintendent

Redondo Beach Unified School District

UNDER NEGOTIATION:

Both Price and Terms



Administrative Report

R.11., File # 24-1936

Meeting Date: 12/10/2024

TITLE

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Section 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Greg Kapovich, Waterfront & Economic Development Director

Brian Campbell, BC Urban

PROPERTY:

201 Fisherman's Wharf, Redondo Beach, CA 90277

(a portion of APN: 7505-002-913)

NEGOTIATING PARTIES:

Prolife USA, LLC - DBA Bae Watch

Dong (Gus) Kyu Park - Principal

UNDER NEGOTIATION:

Price and Terms



Administrative Report

R.12., File # 24-1932

Meeting Date: 12/10/2024

TITLE

CONFERENCE WITH LEGAL COUNSEL AND LABOR NEGOTIATOR - The Closed Session is authorized by the Government Code Sec. 54957.6.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Diane Strickfaden, Director of Human Resources

EMPLOYEE ORGANIZATIONS:

Management and Confidential Employee Group, Redondo Beach Firefighters' Association - Fire Management Unit



Administrative Report

R.13., File # 24-1943

Meeting Date: 12/10/2024

CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE PERSONNEL MATTER/EVALUATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54957(b).

Title: City Manager



Administrative Report

G.1., File # 24-1938

Meeting Date: 12/10/2024

TITLE

For Blue Folder Documents Approved at the City Council Meeting



Administrative Report

H.1., File # 24-1939

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL
From: ELEANOR MANZANO, CITY CLERK

TITLE

APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED AND REGULAR MEETING OF DECEMBER 10, 2024

EXECUTIVE SUMMARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF REDONDO BEACH)

AFFIDAVIT OF POSTING

In compliance with the Brown Act, the following materials have been posted at the locations indicated below.

Legislative Body	City Council
Posting Type	Adjourned & Regular Agenda
Posting Locations	415 Diamond Street, Redondo Beach, CA 90277 ✓ Adjacent to Council Chambers
Meeting Date & Time	December 10, 2024 4:30 p.m. Closed Session 6:00 p.m. Open Session

As City Clerk of the City of Redondo Beach, I declare, under penalty of perjury, the document noted above was posted at the date displayed below.

Eleanor Manzano, City Clerk

Date: December 6, 2024



Administrative Report

H.2., File # 24-1940

Meeting Date: 12/10/2024

TITLE

APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA



Administrative Report

H.3., File # 24-1941

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL
From: ELEANOR MANZANO, CITY CLERK

TITLE

APPROVE THE FOLLOWING CITY COUNCIL MINUTES:

- A. JULY 30, 2024 ADJOURNED AND REGULAR MEETING
- B. AUGUST 6, 2024 ADJOURNED AND REGULAR MEETING

EXECUTIVE SUMMARY

Approval of Council Minutes

APPROVED BY:

Eleanor Manzano, City Clerk



Minutes
Redondo Beach City Council
Tuesday, July 30, 2024
Closed Session - Adjourned Regular Meeting 4:30 p.m.
Open Session –Regular Meeting 6:00 p.m.

4:30 PM - CLOSED SESSION – ADJOURNED REGULAR MEETING

A. CALL MEETING TO ORDER

An Adjourned Regular Meeting of the Redondo Beach City Council was called to order at 4:30 p.m. by Mayor Light in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

B. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Loewenstein, Nehrenheim, Obagi, Mayor Light

Officials Present: Mike Witzansky, City Manager
Lucie Colombo, Chief Deputy City Clerk

C. SALUTE TO THE FLAG AND INVOCATION - NONE

D. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

Chief Deputy City Clerk Colombo announced there were no Blue Folder Items for Closed Session.

E. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS AND NON-AGENDA ITEMS

There were no public communications on Closed Session items and non-agenda items.

F. RECESS TO CLOSED – 4:33 p.m.

Chief Deputy City Clerk Colombo read title to the items to be considered in Closed Session.

City Manager Witzansky announced that the following would be participating in Closed Session: City Manager Mike Witzansky, City Attorney Mike Webb, Assistant City Attorney Cheryl Park, Director of Community Development Marc Wiener and Public Works Director Andy Winje.

Motion by Councilmember Obagi, seconded by Councilmember Kaluderovic, and approved by voice vote to recess to Closed Session at 4:33 p.m.

Motion carried, 5-0.

- F.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.8**

NEGOTIATOR:

**Mike Witzansky, City Manager
Andy Winje, Public Works Director**

PROPERTY:

**422 S. PCH
(APN: 7508-020-026)**

NEGOTIATING PARTY:

Sandcastle Pacific LLC

UNDER NEGOTIATION:

Both Price and Terms

- F.2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED POTENTIAL LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(4).**

One potential case

- F.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

**City of Redondo Beach, a California Charter City; City of Carson, a California Charter City; City of Torrance, a California Charter City; City of Whittier, a California Charter City; City of Del Mar, a California Charter City v. Rob Bonta, in his official capacity as California Attorney General, State of California; and DOES 1 through 50, inclusive
Case Number: 22STCP01143**

- G. RECONVENE TO OPEN SESSION – 6:00 p.m.**

Mayor Light reconvened to Open Session at 6:00 p.m.

H. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Loewenstein, Nehrenheim, Obagi, Mayor Light

Officials Present: Eleanor Manzano, City Clerk
Mike Witzansky, City Manager
Lucie Colombo, Chief Deputy City Clerk

I. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

City Manager Witzansky announced that Director of Community Development, Marc Wiener, joined for Item No. F.3 and there were no other reportable actions.

J. ADJOURN TO REGULAR MEETING

Motion by Councilmember Loewenstein, seconded by Councilmember Kaluderovic, and approved by voice vote, to adjourn to the regular meeting at 6:00 p.m.

Motion carried, 5-0.

6:00 PM - OPEN SESSION – REGULAR MEETING

A. CALL TO ORDER

A Regular Meeting of the Redondo Beach City Council was called to order at 6:00 p.m. by Mayor Light in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

B. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Loewenstein, Nehrenheim, Obagi, Mayor Light

Officials Present: Eleanor Manzano, City Clerk
Mike Witzansky, City Manager
Mike Webb, City Attorney
Lucie Colombo, Chief Deputy City Clerk

C. SALUTE TO THE FLAG AND INVOCATION

Mayor Light invited Veterans and Active Military to stand and recognized them for their service.

Kaniel, Fourth Grader, Valor Christian Academy, led in the salute to the flag.

Mayor Light called for a moment of silence.

D. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS

Councilmember Nehrenheim spoke about going to the recent canine show; announced the upcoming International Surf Festival and the Medal of Valor Ceremony for life guards at the King Harbor Yacht Club; talked about the Riviera Village Sidewalk Sale; and thanked Public Works for their cleaning efforts along the Esplanade.

Councilmember Loewenstein announced the District 2 Community Meeting will be held on August 28, 2024 on Zoom at 6:00 p.m. and will be joined by Director of Community Development, Marc Weiner.

Councilmember Kaluderovic thanked the Rbfd for assisting in setting up a vigil for a student community member who recently passed away.

Councilmember Obagi also thanked Rbfd for assisting with the vigil; talked about how Rbfd is helping other regions fight fires; reported that as a District 4 representative, he has received many complaints along specific streets where cars are parked during street sweeping, the street is not being swept, and cars are not being ticketed; addressed changes in the policy and reported the items will be the subject of City Council's discussion next week.

Mayor Light reported attending the Rotary Club 100 Anniversary celebration; talked about their 100 Days of Kindness Program and spoke about attending the Pride event at the King Harbor Yacht Club.

E. APPROVE ORDER OF AGENDA

Motion by Councilmember Kaluderovic, seconded by Councilmember Obagi, and approved by voice vote, the order of the agenda, as presented.

Motion carried, 5-0.

F. AGENCY RECESS – None

G. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

G.1 For Blue Folder Documents Approved at the City Council Meeting

City Clerk Manzano announced Blue Folder Items for Items No. J.1, H.9, N.1 and N.3.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, and approved by voice vote, to receive and file Blue Folder Items.

Motion carried, 5-0.

H. CONSENT CALENDAR

**H.1. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL
ADJOURNED AND ADJOURNED REGULAR MEETING OF JULY 30, 2024**

CONTACT: ELEANOR MANZANO, CITY CLERK

**H.2. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER
READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE
AGENDA**

CONTACT: ELEANOR MANZANO, CITY CLERK

H.3. APPROVE THE FOLLOWING CITY COUNCIL MINUTES: NONE

CONTACT: ELEANOR MANZANO, CITY CLERK

**H.4. This Item was pulled from the Consent Calendar by Councilmember
Kaluderovic.**

H.5. APPROVE CONTRACTS UNDER \$35,000:

**1. APPROVE AN AGREEMENT WITH MARIA SHAFER FOR
PREPARATION OF MINUTES FOR CITY COUNCIL AND COMMISSION
MEETINGS IN AN AMOUNT OF \$75 PER HOUR FOR THE FIRST SIX
MONTHS OF THE AGREEMENT AND \$85 PER HOUR THEREAFTER, FOR
THE TERM JULY 30, 2024 TO AUGUST 1, 2025 WITH A ONE-YEAR
AUTOMATIC RENEWAL**

CONTACT: WENDY COLLAZO, FINANCE DIRECTOR

**H.6. APPROVE THE PLANS AND SPECIFICATIONS FOR THE NORTH PIER
PARKING STRUCTURE REPAIRS PROJECT, JOB NO. 70610, AND
AUTHORIZE THE CITY CLERK TO ADVERTISE THE PROJECT FOR
COMPETITIVE BIDS**

**APPROVE THE SECOND AMENDMENT TO THE AGREEMENT FOR
CONSULTING SERVICES BETWEEN THE CITY OF REDONDO BEACH
AND WALKER PARKING CONSULTANTS/ENGINEERS, INC. TO
INCREASE THE AMOUNT BY \$65,500 FOR ADDITIONAL CONSULTING
SERVICES FOR A NEW NOT TO EXCEED TOTAL OF \$629,500 AND
EXTEND THE TERM TO SEPTEMBER 5, 2025**

CONTACT: ANDREW WINJE, PUBLIC WORKS DIRECTOR

H.7. APPROVE THE SECOND AMENDMENT TO THE AGREEMENT WITH CITY

NET TO EXTEND THE TERM TO OCTOBER 30, 2024.

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY

H.8. This Item was pulled from the Consent Calendar by Councilmember Kaluderovic.

H.9. APPROVE THE FIRST AMENDMENT TO THE ON-CALL CONSULTING SERVICE AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC., TO INCREASE THE NOT TO EXCEED AMOUNT BY \$150,000 FOR A NEW TOTAL NOT TO EXCEED AMOUNT OF \$250,000.

ADOPT BY 4/5 VOTE AND BY TITLE ONLY RESOLUTION NO. CC-2407-059, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AUTHORIZING A FISCAL YEAR 2024-2025 BUDGET MODIFICATION TO APPROPRIATE \$1,338,753 OF GRANT FUNDS TO THE INTERGOVERNMENTAL GRANTS FUND FOR THE EXPANSION OF THE REDONDO BEACH PALLET SHELTER AND IMPLEMENTATION OF THE ALTERNATIVE CRISIS RESPONSE PILOT PROGRAM.

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY

Councilmember Nehrenheim spoke about current projects along the International Boardwalk.

Councilmember Loewenstein commented favorably about Item No. H.6.

Councilmember Kaluderovic pulled Items No. H.4 and H.8 from the Consent Calendar for separate discussion.

There were no public comments on this item.

Motion by Councilmember Obagi, seconded by Councilmember Kaluderovic, and approved by voice vote, the Consent Calendar as amended, except for Items No. H.4 and H.8 which were pulled for separate discussion.

Motion carried, 5-0.

City Clerk Manzano read title to Resolution No. CC-2407-059.

I. EXCLUDED CONSENT CALENDAR ITEMS

H.4. EXCUSED ABSENCES FROM VARIOUS COMMISSION AND COMMITTEE MEETINGS

CONTACT: ELEANOR MANZANO, CITY CLERK

Councilmember Kaluderovic asked whether this item will return for Council discussion.

City Clerk Manzano reported that Staff will return with the Absentee Report, most likely towards the end of August, and explained the information that will be provided.

There were no public comments on this item.

Motion by Councilmember Kaluderovic, seconded by Councilmember Obagi, and carried by voice vote, to approve Item No. H.4, as presented.

Motion carried, 5-0.

H.8. APPROVE A GRANT AGREEMENT BETWEEN THE CITY OF REDONDO BEACH AND DOING IT WITH LOVE INC., DBA TRADEWINDS, IN AN AMOUNT OF \$ 3,263 FOR THE COMPLETION OF STOREFRONT IMPROVEMENTS AT 142 INTERNATIONAL BOARDWALK

CONTACT: GREG KAPOVICH, WATERFRONT & ECONOMIC DEVELOPMENT DIRECTOR

Councilmember Kaluderovic asked about other improvements taking place at the International Boardwalk.

Waterfront and Economic Development Director Kapovich and Sr. Management Analyst Dave Charabee addressed the project background; talked about engaging tenants and receiving a good reception; discussed current projects and other businesses that have expressed interest in the program; mentioned there are 18 tenants along the boardwalk and five have expressed interest in the program.

Discussion followed regarding the status of signage, lighting and pavers.

Joan Irvine (via Zoom), District 1, discussed pavers along the International Boardwalk; hoped the pavers are not like those used along the Esplanade that stain easily.

There were no other public comments on this item.

Motion by Councilmember Kaluderovic, seconded by Councilmember Obagi, and carried by voice vote, to approve Item No. H.8, as presented.

Motion carried, 5-0.

J. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

J.1 For eComments and Emails Received from the Public

David Engle, Redondo Beach resident, discussed street sweeping and asked about City Council’s review of the matter.

City Manager Witzansky explained Council’s policy review process and reported the discussion is scheduled for the City Council Meeting on September 3, 2024.

Some discussion ensued regarding enforcement of street sweeping and City Manager Witzansky addressed the topic and mentioned more clarification will come.

Joan Irvine, via Zoom, announced the upcoming Keep the Esplanade Beautiful first Saturday sweep hosted by Leadership Redondo.

City Clerk Manzano reported receiving two eComments.

There were no other public comments.

K. EX PARTE COMMUNICATIONS - None

L. PUBLIC HEARINGS - None

M. ITEMS CONTINUED FROM PREVIOUS AGENDAS – None

N. ITEMS FOR DISCUSSION PRIOR TO ACTION

N.1. DISCUSSION AND POSSIBLE ACTION RELATED TO THE ISSUANCE OF BONDS TO FINANCE THE RENOVATION OR REPLACEMENT OF CRITICAL PUBLIC INFRASTRUCTURE AND CONSIDER RESOLUTION AND ORDINANCE TO SUBMIT TO THE VOTERS AT THE STATEWIDE GENERAL ELECTION ON NOVEMBER 5, 2024.

ADOPT BY TITLE ONLY RESOLUTION NO. 2407-060, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR REPLACEMENT OF MUNICIPAL IMPROVEMENT PROJECTS CONSTITUTING PUBLIC INFRASTRUCTURE OF THE CITY, AND THEIR FINANCING THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS

INTRODUCE BY TITLE ONLY ORDINANCE NO. 3274-24, AN ORDINANCE OF THE CITY OF REDONDO BEACH ORDERING THE SUBMISSION OF A PROPOSITION INCURRING BONDED INDEBTEDNESS TO THE QUALIFIED VOTERS OF THE CITY OF REDONDO BEACH AT THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF FINANCING THE COSTS OF THE ACQUISITION,

CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR REPLACEMENT OF CERTAIN MUNICIPAL IMPROVEMENT PROJECTS CONSTITUTING PUBLIC INFRASTRUCTURE OF THE CITY FOR INTRODUCTION AND FIRST READING.

CONTACT: LUKE SMUDE, ASSISTANT TO THE CITY MANAGER

Assistant to the City Manager Smude narrated a PowerPoint presentation with details of the Administrative Report regarding the public infrastructure bond discussion; addressed a Resolution of Public Necessity and an Ordinance Ordering Submission of General Obligation, both of which needs a two thirds vote by Council; discussed the July 16, 2024 Council Meeting where direction was given to Staff; explained the research and studies conducted, and gave recommendations to approve the Resolution of Public Necessity and approve introduction of Ordinance for General Obligation bond measure submission to voters.

In reply to Mayor Light's questions regarding writing the argument for the bond measure, City Manager Witzansky reported that City Council will officially call for the election next week.

City Clerk Manzano added that arguments are due August 16, 2024 and rebuttals August 26, 2024.

Councilmember Obagi asked about Bond Counsel's recommendations to round the total figure and City Manager Witzansky reported the language was clarified and a rounded number would be "easier to digest" and noted there is value in simplicity.

Councilmember Nehrenheim displayed a PowerPoint with images of the current conditions of the Public Works Yard; talked about including critical projects in the bond ballot; showed and commented on the current state of the Public Works Yard having structures with dry rot and termite damage, stating it is not secure or safe and it houses the city's valuable vehicles and equipment; showed evidence where structures are falling apart and noted this is where the employees spend their day. In addition, he referenced the condition of the Annex and stated he will make a motion to completely rebuild the Public Works Yard instead of refurbishing the Annex; talked about the importance of having a safe building for Public Works staff and Public Safety vehicles.

Motion by Councilmember Nehrenheim, to amend the current bond amount to include rebuilding/refurbishing the Public Works Yard.

The motion died for lack of a second.

Assistant to the City Manager Smude reported the total amount adding to the bond would be \$7,389,430.

Councilmember Kaluderovic acknowledged there is a significant need to rebuild the

Public Works Yard; talked about the survey results being the City's barometer as to what residents are willing to pay for; stated it is Council's responsibility to include projects in the bond that will be passed; felt that Council needs to be responsible with the bond amount and balance it with the intention to do right by the city; reiterated that she wants a bond that will pass and the City needs to create income to help with other facilities; reaffirmed support for the previous motion to include Public Safety facilities only and work with the Strategic Plan to bring in revenue to the City to be responsible with residents and cover other costs.

In response to Councilmember Loewenstein's question, City Manager Witzansky reported that it is \$500,000 to cover annual debt service on \$1 million lease revenue bond issuance; stated those are rough numbers.

Councilmember Loewenstein stated there are multiple ways to address this; asked about maintenance costs for the Fire and Police Stations; City Manager Witzansky reported the City is spending several thousands of dollars per year between the four facilities that are contemplated for the bond; acknowledged Councilmember Nehrenheim's concerns are legitimate; hoped the City will have enough resources to tackle that project in the future; stated that if the bond is approved, the City will have more capital to address the project.

Councilmember Loewenstein discussed the possibility of issuing lease revenue bonds in the future for the Public Works Yard; noted that if the bond does not pass, the City will not be able to proceed forward with these projects and agreed with Councilmember Kaluderovic's comments.

In reply to Councilmember Obagi's question about the ability of the City to issue a lease revenue bond for \$7.4 million, City Manager Witzansky reported the City can issue tranches in whatever increments it would like; discussed the various structures on the Public Works Yard and commented that Public Works handles day to day work environment differently than the rest of the City; he did state they do need a new tilt-up structure.

Mayor Light added that it is not just the structure, but the wiring as well.

City Manager Witzansky stated that the City would benefit from a upgraded Public Works facility.

In further reply to Councilmember Obagi's questions, City Manager Witzansky addressed the process involved in issuing a lease revenue bond and suggested tackling it as part of the mid-year budget review.

Mayor Light redirected the meeting to the subject at hand.

Councilmember Obagi agreed that replacing the Public Works Yard is more critical than refurbishing the Annex, however, he does not want to approach residents twice for Public

Safety financing; mentioned turning to a lease revenue bond in the future to build the new Public Works Yard.

Motion by Councilmember Obagi, seconded by Councilmember Behrendt, and approved by voice vote, to adopt by title only, Resolution No. 2407-060 and introduce by title only Ordinance No. 3274-24, as updated per the Blue Folder Item for this matter for a total amount of \$93,350,000.

Mayor Light invited public comments.

Wayne Craig, District 1, agreed with Councilmember Nehrenheim for the need to rebuild the Public Works Yard; spoke about the number of Capital Improvement Projects in the CIP program; commented on how efficient the Public Works department would be with a modern facility; felt that a lot of projects would be completed quicker with an updated facility; asked that Council consider making it a priority.

Joan Irvine (via Zoom), District 1, provided a brief history of the item; mentioned the Waterfront project and agreed with Councilmember Nehrenheim and Wayne Craig's comments about needing to do something with Public Works.

Mayor Light commented on the Waterfront project and disagreed with Joan Irvine's comments regarding the Waterfront.

There were no other public comments on this item.

The motion carried, 4-1. Councilmember Nehrenheim was opposed.

City Clerk Manzano read title to Resolution No. 2407-060 and Ordinance No. 3274-24.

N.2. DISCUSSION AND POSSIBLE ACTION PERTAINING RESOLUTIONS, CALLING AND GIVING NOTICE OF HOLDING A SPECIAL MUNICIPAL ELECTION, BY CONSOLIDATING WITH LA COUNTY STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, TO ADD A BALLOT MEASURE FOR A CHARTER AMENDMENT ARTICLE XXVII MAJOR CHANGE IN ALLOWABLE AND LAND USE SECTIONS 27.2, 27.4(b), AND 27.6(h) AND (i); AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2407-062, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF HOLDING A SPECIAL MUNICIPAL ELECTION, CONSOLIDATE WITH THE LA COUNTY STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, AS REQUIRED BY THE PROVISIONS OF THE CHARTER AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO PROPOSED CHARTER AMENDMENT ARTICLE XXVII MAJOR CHANGE IN ALLOWABLE AND LAND USE SECTIONS 27.2, 27.4(b), AND 27.6(h) AND (i); AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2407-061, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE FOR CERTAIN MEASURE; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2407-063, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND REBUTTALS REGARDING CITY MEASURE RELATED TO CHARTER AMENDMENT TO ARTICLE XXVII, MAJOR CHANGES IN ALLOWABLE LAND USE SECTIONS 27.2, 27.4(b), AND 27.6(h) AND (i) AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, AND LETTER DESIGNATIONS FOR SUCH MEASURE

CONTACT: ELEANOR MANZANO, CITY CLERK

City Clerk Manzano explained the need to wait for the City Attorney but presented details of the Administrative Report; discussed a resolution calling the election and another resolution asking the Board of Supervisors to place it on the election; stated Council needs authorize who will write the arguments and reported there is a new rule in the Election Code allowing the addition of up to five sponsors for arguments for and against. She reported the City Attorney will have to look at it and the item will return to City Council on August 6, 2024; announced the due dates for the arguments for and against are due August 16, 2024, rebuttals and the impartial analyses due on August 25, 2024; discussed the need to pick a first, second and third choice of letters for identifying the ballot measures; commenting one alpha are most likely taken.

City Attorney Webb arrived back at approximately 6:25 p.m.

City Attorney Webb stated he did not have a chance to review the resolutions due to the next item; reported he has significant concerns about the proposed ballot question; stated it is ultimately up to the Mayor and Council to prepare the ballot question; opined that the last sentence in the current ballot question is incorrect and suggested shortening it as well and gave suggestions for changes to the wording; reported that, typically, the City Clerk prepares it and he reviews it but reported he did not have the opportunity to do so; reiterated that ultimately it is the Mayor and Council's responsibility to approve it but agreed that he can review it first.

Motion by Councilmember Obagi to continue this item. Mayor Light interjected that City Council may be able to address some of the items this evening as he would like to make some progress.

City Attorney Webb agreed that some items could be taken care of tonight and he agreed to assist with the writing of the ballot measure question.

Councilmember Nehrenheim agreed Council could choose the sponsors and the letters; noted he would love to be a sponsor.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, to direct the City Attorney to return next week with the ballot measure question and to establish sponsors.

City Attorney Webb suggested forming a subcommittee with the Mayor, having it make the necessary determinations including getting sponsors and assigning the measure letters; suggested the Council, as a whole, sponsor it and return with it at next week's meeting.

City Clerk Manzano explained only five signatures are on the form but sponsors may include groups and organizations; noted she will need to review the matter further and reported she will request a sample book from the County. She added that the arguments cannot move forward until they become public on September 16th.

More discussion ensued on options for the alpha options.

City Clerk Manzano reported that, next week, she will ask Council to provide input on what order the ballot measures should be listed in on the ballot, and it will be before the School District.

In reply to Councilmember Obagi's question regarding the ability to circulate the proposed measures among Council as proponents of the measure, City Attorney Webb reported he understands the question but wants to be careful and will need to review whether that would be a Brown Act violation.

Discussion followed regarding having the Mayor, Councilmember Nehrenheim and Councilmember Obagi making up the subcommittee.

City Clerk Manzano reported receiving one eComment in opposition.

There were no other public comments.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi and carried by voice vote, to direct the City Attorney to return next week with an updated proposed ballot question, to assign the Mayor as a proponent for, to work on the signatures and to label the measure as Measure DD, RB or LC and form a Subcommittee of the Mayor and Councilmembers Nehrenheim and Obagi to work on the ballot language.

The motion carried, 5-0.

City Clerk Manzano announced she will provide the necessary materials at the August 6th City Council meeting.

N.3. DISCUSSION AND POSSIBLE ACTION TO PROVIDE DIRECTION TO STAFF RELATING TO THE DRAFT ORDINANCE AMENDING THE CITY'S MUNICIPAL CODE RELATED TO RANKED CHOICE VOTING AS AN INSTANT RUNOFF MODEL.

CONTACT: ELEANOR MANZANO, CITY CLERK

City Clerk Manzano presented details of the draft ordinance.

Chief Deputy City Clerk Colombo presented details of a draft sample ballot for ranked choice voting including overvotes.

City Attorney Webb commented he was unsure if the draft presented is what the draft ordinance reads; noted the decision is ultimately left to the Council; stressed this should be given a lot of thought and that is why it is being presented to Council early; noted that Staff reviewed similar ordinances; referenced overvotes, undervotes and exhaustive ballots; mentioned that in the sample provided the vote would not count in round five or six as currently drafted.

More discussion followed regarding the draft sample ballot.

Chief Deputy City Clerk Colombo discussed skipped ranking and undervote.

Councilmember Behrendt asked for an overview of ranked choice voting.

City Clerk Manzano provided an explanation of ranked choice voting; presented examples; addressed voter outreach; stated that Staff will present to Council the outreach promotional materials including videos for Council's input; stated they used the ordinance of the City of San Francisco and applied it to Redondo Beach.

Discussion ensued regarding the process for reviewing the ballots, ranked choice voting providing an instant runoff and different scenarios that could occur in ranked choice voting.

Steve Chessin (via phone), President, Californians for Electoral Reform, helped present ranked choice voting in January 2022. He spoke about the organization and its work in support of ranked choice voting; thanked Council for reaching out to CER to learn more about ranked choice voting; discussed the importance of voter education and requested to display a video.

City Attorney Webb expressed concerns about showing a video on the City system from an advocate as it would be difficult not to allow other advocates.

Steve Chessin reported it is an educational video explaining ranked choice voting, not an advocacy video.

City Attorney Webb suggested submitting the video to the City Clerk where it can be distributed and submitted to City Council to receive and file.

Steve Chessin explained ranked choice voting.

Councilmember Nehrenheim provided a brief history of the topic; referenced an article in the San Francisco Chronicle regarding a programming error and miscount across all races in a recent election; talked about looking at a voter's intent as being very dangerous and felt it has gotten worse for ranked choice voting because the ordinance would need to be programmed into the system to understand how to rank individuals; opined that the more rankings that are done, the more votes are being thrown out for many different reasons and listed possible reasons. He referenced a Blue Folder Item entitled, "Minority Electorate and Ranked Choice Voting"; summarized some of the conclusions of the article; addressed significant issues with tallying; provided examples of other states; did not see Ranked Choice Voting as a way forward and listed states that have eliminated it. In reply to his question regarding about the rule to do a manual hand tally, City Clerk Manzano reported that would be a hand tally of districts; noted there are two precincts per district and talked about the counting methodology.

Chief Deputy City Clerk Colombo clarified election night would be considered preliminary and Staff would not continue doing additional rounds because there would be ballots yet to be collected.

City Attorney Webb suggested that no round should happen until all ballots are received and read from definitions indicating that, "No round of counting or elimination of candidates can occur before all eligible ballots are received by the City Clerk." Additionally, he addressed unofficial election night reports, adding they do not constitute a round of counting, and no candidates will be eliminated based on the report.

Discussion followed regarding requirements for verifying, counting, tallying, submitting and certifying elections.

Councilmember Nehrenheim addressed voter fatigue; reiterated that issues have not been ironed out and have grown; stated he would rather have a different system other than ranked choice voting and spoke in support of having other conversations about different systems.

City Attorney Webb clarified their discussion in January; confirmed Council would like to look at other forms of instant-runoffs and that there is a desire to have the option of making a Charter amendment; added that if changes will be made, they need to be made next week.

Councilmember Obagi asked if anyone knew the reason the City of Berkeley changed

from three slots to five or six as noted in the Staff Report; City Attorney Webb felt it was because the machines were better able to process them. Councilmember Obagi wondered about STAR voting and City Attorney Webb redirected the discussion to the agenda item. He added that Council may revisit STAR voting at a future meeting, that Council provided direction regarding ranked choice voting; stated that Council may reconsider it at a future meeting along with other systems as well as a Charter amendment to the same meeting. Additionally, he noted the Charter Review Committee supported for ranked choice voting in January but stated that things may have changed.

Councilmember Obagi asked about the disenfranchisement rate in San Francisco and Alameda County; City Clerk Manzano stated she would need to research the matter.

Councilmember Obagi expressed concerns that Council does not have the educational material that would be disseminated to residents.

City Clerk Manzano noted the deadline is approaching; reported she will need to contact the vendor towards the beginning of October for a contract and addressed increased costs.

City Attorney Webb reported a couple of sample ordinances he has read included specific requirements of the voter outreach to be conducted and noted that can be included in the ordinance.

City Clerk Manzano reported her office already has that; stated that her staff is just making last minute touches and noted she will bring the item back when Council considers it again.

Mayor Light expressed concerns that people will wait till the last night and not understand the process; talked about not wanting to make the process more complex; agreed with Councilmember Nehrenheim in terms of issues and problems rising due to ranked choice voting and noted that voters will need to vote for or rank choice every candidate.

In response to Mayor Light's question as to what happens if Council does not come to terms with this, City Attorney Webb stated then Council will have no rules for conducting its elections; talked about agendaizing the item correctly if City Council wants to look at all available options it must be done now.

Councilmember Nehrenheim mentioned round-robin as another system.

Councilmember Obagi expressed concerns that voters voted for this; mentioned that any change other than STAR voting would be unprecedented and that on the same ballot the City will be asking the voters for \$93,000,000; felt it is not building confidence in Council or the government; talked about some problems and potential confusion but hoped that having Councilmembers that are in touch with their constituents to guide them on how to use ranked choice voting. He voiced his support for testing ranked choice voting for this election.

Mayor Light invited public comments.

Dr. Mark Stratton, District 1, spoke about what machines have done to the voting process; felt it is not for the government to implement the most efficient or least costly way to obtain the ballot information, but rather for the people; asserted the people need to have a clear understanding and when there is confusion people will question results. He suggested the City should simply have run-off elections, noting that those who are motivated to vote will vote again.

Arend Castelein, Equal Vote Coalition, asked to collaborate with Sara Wolk (via Zoom), Executive Director and Co-Founder, Equal Vote Coalition

City Clerk Manzano confirmed slides were submitted and are part of Blue Folder Items for this matter.

Arend Castelein, Production Lead, Equal Vote, explained that the organization advocates for better voting methods; they recommend STAR voting over ranked choice voting; stated RCV has been banned in 10 states; noted ranked choice voting is complicated; talked about two elections where a jurisdiction using RCV mis-counted votes and the results were certified incorrectly; reported ranked choice voting does not support precincts. He discussed ranked choice voting in the cities of Berkeley and San Francisco to address Councilmember Obagi's earlier inquiry.

Eric Harrell, District 1, felt that STAR voting seems like ranked choice voting; talked about most people voting for one person; opined that a ranking system makes it more difficult for the voters, they will not want to vote and creates mistrust among voters and urged Council to keep it simple.

Wayne Craig, District 1, stated the more he researched ranked choice voting the more he rethought his support for it; talked about the added complexity of the system and reported people he has spoken with are also reconsidering their support.

Nancy Skiba, District 4, felt that the voters who supported ranked choice voting were not in full possession of necessary facts and were missing crucial information; talked about the possibility of disenfranchising voters and hoped Council will consider other methods.

Sara Wolk, via Zoom, narrated slides explaining various voting methods, showed many areas where ranked choice voting can backfire on the voter, measuring public opinion and addressed vote-splitting, and problematic issues with ranked choice voting.

Motion by Councilmember Obagi, seconded by Councilmember Nehrenheim and carried by voice vote, to extend Sara Wolk's time by one minute.

The motion carried, 5-0.

Sara Wolk, via Zoom, discussed voiced ballot issues and implementation logistics.

Sara Wolk's time was up but Councilmember Nehrenheim asked her more questions regarding her slides and information.

In response to Councilmember Nehrenheim's questions, Sara Wolk discussed wasted votes and ballot limitations, bullet voting for ranked choice voting and exhausted ballots.

Councilmember Obagi asked for clarification and Sara Wolk compared the features and ballot limitations of STAR and ranked choice voting. In response to his question, Sara Wolk explained why ranked choice voting is also known as instant runoff voting; she also stated why it is no longer allowed to be called instant runoff voting. Councilmember Obagi asked a question regarding STAR voting.

City Attorney Webb advised that is a topic for next week's City Council meeting and is not on the present agenda.

City Attorney Webb explained voters approved an instant runoff voting system, not specifically ranked choice voting; Council gave direction to use ranked choice voting; noted that even if they come up with a Charter amendment, before you find out the results, Council will have to come up with an instant runoff voting ordinance to specify how the rules will be carried out for March should it not pass; suggested sending to the voters that instant runoff voting is still not ready and the effective date can be a future date once Council has it all sorted out in cases that do not involve plaintiffs versus the City of Redondo Beach and Council could go back to the old system or plurality.

Councilmember Obagi talked about looking at the language and feeling constrained to ranked choice voting.

City Attorney Webb noted they need to come up with a decision by the end of August; stated he will research the issue and return to City Council with a report.

Discussion followed regarding other instant runoff systems and keeping the choice of systems open.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, to direct staff to return next week to investigate any other available instant runoff voting systems, as well as a possible Charter amendment to allow Council to postpone this until a later date because of the new information available and problems with implementation as well as using a traditional voting method for the March election.

Councilmember Loewenstein stated being leery of developing a Charter amendment in one week; noted people voted for a Charter amendment; acknowledged complications; felt this should have been addressed earlier.

Mayor Light worried about putting something in front of voters that they do not understand; felt it is Council's responsibility to put in front of the voters something that represents their true vote and reiterated problems with ranked choice voting.

Councilmember Behrendt agreed with Councilmember Loewenstein's comments; stated he did not see the harm in returning next week to discuss the subject further and talked about ensuring that all instant runoff systems are considered.

City Attorney Webb reiterated his recommendations as stated earlier.

City Clerk Manzano commented on the time needed to research the various voting systems.

City Attorney Webb mentioned Council can discuss the item and the City Clerk can provide information about the other systems and whether they are certifiable. He added that he is on jury duty after tomorrow.

Councilmember Obagi suggested looking into how to double check or audit uncertified equipment if the City decided to use it.

City Attorney Webb stated Staff will get as much information as possible but the decision will be ultimately up to City Council.

Councilmember Behrendt mentioned there are a few items in the ordinance that need to be fine-tuned which will be discussed next week.

City Attorney Webb reported Council does not need to pass the ordinance next week and if Council is not interested in a Charter amendment it can be postponed a few weeks.

Mayor Light stated his concerns over voting for something that was not really vetted and has been banned and continues to have multiple problems; felt voting is sacred and Council needs to be careful.

Councilmember Nehrenheim voiced his concerns over the equipment for ranked choice voting not being accurate; talked about preventing mass confusion and the complexity of the system; felt Council is doing its due diligence and expressed how important voting is.

Councilmember Loewenstein talked about needing to be ready with something if it does not pass in November.

Councilmember Obagi expressed concerns regarding the possible lack of a majority in ranked choice voting.

City Attorney Webb indicated it would be a majority of the round but stated it could act as a plurality if people tell them to only vote for one candidate and discussed other

iterations.

The motion carried, 5-0, by voice vote.

O. CITY MANAGER ITEMS

City Manager Witzansky reiterated a discussion regarding street sweeping on September 3rd; reported a small support team was sent to fight a fire in Riverside County; noted they are in fire season and they may occasionally need to send support to other areas.

P. MAYOR AND COUNCIL ITEMS - None

Q. MAYOR AND COUNCIL REFERRALS TO STAFF

Councilmember Nehrenheim commented on the upcoming Strategic Planning Session.

City Manager Witzansky reported he is waiting to hear back from LRI for their availability.

Councilmember Nehrenheim asked about the status of the Co-Living ordinance with the Planning Commission.

City Manager Witzansky reported the matter has not yet been considered by the Planning Commission and he will look into the status.

Mayor Light voiced his concern over this situation; felt Council has no objective standards to measure it by if the matter is brought to them.

City Manager Witzansky stated the problem is the workload on the general plan side.

Councilmember Loewenstein asked to place the matter of an electronic sign ordinance on the agenda; noted it has been out there for a long time.

City Manager Witzansky mentioned it might already be on the Strategic Plan; noted it is a matter of Community Development's bandwidth; questioned deviating resources from the General Plan update.

Mayor Light asked Council if there were any other types of bonds they wanted to discuss; Council felt the City has a lot on their plate already; City Manager Witzansky reported the Strategic Plan discussion would be the appropriate time to address it.

R. RECESS TO CLOSED SESSION – None

The Closed Session meeting was cancelled.

S. RECONVENE TO OPEN SESSION – None

The Closed Session meeting was cancelled.

T. ADJOURNMENT – 9:16 p.m.

There being no further business to come before the City Council, motion by Councilmember Kaluderovic, seconded by Councilmember Obagi to adjourn the meeting tonight at 9:16 p.m. in memory of Kingston Navarro, 10 years old, who passed away recently from cancer, and to play his favorite song, to an Adjourned Regular meeting to be held at 4:30 p.m. (Closed Session) and a Regular meeting to be held at 6:00 p.m. (Open Session) on Tuesday, August 6, 2024 in the Redondo Beach City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

Motion carried, 5-0.

All written comments submitted via eComment are included in the record and available for public review on the City website.

Respectfully submitted:

Eleanor Manzano, CMC
City Clerk



Minutes
Redondo Beach City Council
Tuesday, August 6, 2024
Closed Session - Adjourned Regular Meeting 4:30 p.m.
Open Session –Regular Meeting 6:00 p.m.

4:30 PM - CLOSED SESSION – ADJOURNED REGULAR MEETING

A. CALL MEETING TO ORDER

An Adjourned Regular Meeting of the Redondo Beach City Council was called to order at 4:30 p.m. by Mayor Light in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

B. ROLL CALL

Councilmembers Present: Behrendt (arrived at 4:31 p.m.), Kaluderovic, Loewenstein, Nehrenheim, Mayor Light

Councilmembers Absent: Obagi

Officials Present: Mike Witzansky, City Manager
Lucie Colombo, Chief Deputy City Clerk

C. SALUTE TO THE FLAG AND INVOCATION - NONE

D. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

Chief Deputy City Clerk Colombo announced there were no Blue Folder Items for Closed Session.

E. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS AND NON-AGENDA ITEMS

There were no public communications on Closed Session items and non-agenda items.

F. RECESS TO CLOSED – 4:34 p.m.

Chief Deputy City Clerk Colombo read title to the items to be considered in Closed Session.

City Manager Witzansky announced that the following would be participating in Closed Session: City Manager Mike Witzansky, City Attorney Mike Webb, Assistant City Attorney Cheryl Park, Outside Legal Counsel Carolyn Valiso, Human Resources

Director Diane Strickfaden and Outside Legal Counsels Abby O'Brient and Jon Welner.

Motion by Councilmember Kaluderovic, seconded by Councilmember Nehrenheim, and approved by voice vote, to recess to Closed Session at 4:34 p.m.

Motion carried, 4-0. Councilmember Obagi was absent.

- F.1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege - Government Code Section 54956.9(d)(1).**

Name of case:

**John Cabeza de Vaca v. City of Redondo Beach
WCAB No: ADJ16557364**

- F.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

**Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive
Case Number: 23TRCP00325**

- F.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

**City of Redondo Beach, et al. v. California State Water Resources Control Board
Case Number: 20STCP03193**

- F.4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

**New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach and City Council of the City of Redondo Beach
Case Number: 22TRCP00203**

F.5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426

F.6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and DOES 1 through 100, inclusive

Case Number: 23STCV10146

F.7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189

F.8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

In re 9300 Wilshire LLC

Bankruptcy C.D. Cal. Case Number: 2:23-bk-10918-ER

G. RECONVENE TO OPEN SESSION – 6:00 p.m.

Mayor Light reconvened to Open Session at 6:00 p.m.

H. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Loewenstein, Nehrenheim, Obagi, Mayor Light

Officials Present: Eleanor Manzano, City Clerk
Mike Witzansky, City Manager
Lucie Colombo, Chief Deputy City Clerk

I. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

City Manager Witzansky announced that there were no reportable actions taken by City Council under Closed Session.

J. ADJOURN TO REGULAR MEETING

Motion by Councilmember Obagi, seconded by Councilmember Kaluderovic, and approved by voice vote, to adjourn to the regular meeting at 6:00 p.m.

Motion carried, 5-0.

6:00 PM - OPEN SESSION – REGULAR MEETING

A. CALL TO ORDER

A Regular Meeting of the Redondo Beach City Council was called to order at 6:00 p.m. by Mayor Light in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

B. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Loewenstein, Nehrenheim, Obagi, Mayor Light

Officials Present: Eleanor Manzano, City Clerk
Mike Witzansky, City Manager
Mike Webb, City Attorney
Lucie Colombo, Chief Deputy City Clerk

C. SALUTE TO THE FLAG AND INVOCATION

Mayor Light invited Veterans and Active Military to stand and recognized them for their service.

Caden, Fifth Grader, Alta Vista Elementary School, led in the salute to the flag.

Mayor Light called for a moment of silence.

D. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS

Councilmember Nehrenheim commented on the recent International Surf Festival; announced the upcoming District 1 Community Meeting at Alta Vista on Saturday at 9:30 a.m.; mentioned the compost giveaway before his meeting on Saturday at 8:00 a.m. at Wilderness Park.

Councilmember Loewenstein mentioned how impressed he is with the students in attendance and the poise of those that participate; reported attending the Medal of Valor dinner; announced there will be a townhall meeting from 10:00 a.m. to 11:30 a.m. on Saturday at the Library with Assemblymember Al Muratsuchi; stated the District 2 Community Meeting will be held on August 28th from 6:00 p.m. to 7:30 p.m. on Zoom and he will be joined by Community Development Director Marc Weiner.

Councilmember Kaluderovic announced the District 3 Community Meeting will be held in late August; noted discussions will include a community strategic plan. She said once she firms up the details, she will put it on the website and announce it.

Councilmember Obagi reported receiving messages regarding loud noise over the weekend from Inglewood close to SoFi Stadium; stated he spoke with Mayor Butts that day; stated he will come up with possible solutions regarding disturbances and make it a point to speak with Mayor Butts at the South Bay COG; announced the District 4 Community Meeting will be joined with Community Services Director Elizabeth Hause on August 29th at 6:30 p.m. at Perry Park Senior Center; stated discussions will focus on street sweeping and on the many City programs available to the community.

Mayor Light spoke about attending the Medal of Valor dinner; announced National Night Out at the Performing Arts Center on Saturday; acknowledged receiving several complaints about the loud music over the weekend and reported he will write a formal letter protesting it as well.

E. APPROVE ORDER OF AGENDA

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, and approved by voice vote, the order of the agenda as presented.

Motion carried, 5-0.

F. AGENCY RECESS

F.1. COMMUNITY FINANCING AUTHORITY - REGULAR MEETING - CANCELLED

F.2. PUBLIC FINANCING AUTHORITY - REGULAR MEETING - CANCELLED

G. BLUE FOLDER ITEMS - ADDITIONAL BACK UP MATERIALS

G.1 For Blue Folder Documents Approved at the City Council Meeting

City Clerk Manzano announced Blue Folder Items for Items No. J.1, N.2 and N.3.

Motion by Councilmember Kaluderovic, seconded by Councilmember Nehrenheim, and approved by voice vote, to receive and file Blue Folder Items.

Motion carried, 5-0.

H. CONSENT CALENDAR

**H.1. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL
ADJOURNED AND REGULAR MEETING OF AUGUST 6, 2024**

CONTACT: ELEANOR MANZANO, CITY CLERK

**H.2. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER
READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE
AGENDA**

CONTACT: ELEANOR MANZANO, CITY CLERK

H.3. APPROVE THE FOLLOWING CITY COUNCIL MINUTES: NONE

CONTACT: ELEANOR MANZANO, CITY CLERK

H.4. PAYROLL DEMANDS

**CHECKS 29848-29877 IN THE AMOUNT OF \$22,912.26, PD. 7/19/24
DIRECT DEPOSIT 281455-282092 IN THE AMOUNT OF \$2,523,186.29, PD.
7/19/24
EFT/ACH \$9,246.68, PD. 6/24/24 (PP2413)
EFT/ACH \$447,955.39, PD. 6/28/24 (PP2413)**

ACCOUNTS PAYABLE DEMANDS

**CHECKS 115159-115398 IN THE AMOUNT OF \$6,686,700.37
EFT CALPERS MEDICAL INSURANCE \$464,040.92
DIRECT DEPOSIT 100008547-100008638 IN THE AMOUNT OF \$95,526.24,
PD.8/1/24
REPLACEMENT DEMANDS 115157-115158**

CONTACT: WENDY COLLAZO, FINANCE DIRECTOR

H.5. APPROVE CONTRACTS UNDER \$35,000:

**1. APPROVE AN AGREEMENT WITH DOUGLAS DECASTRO DBA
SIGNVERTISE FOR THE DESIGN, FABRICATION AND INSTALLATION
OF SEVENTEEN (17) ALUMINUM STRUCTURE BLADE SIGNS FOR THE
BUSINESSES ON THE INTERNATIONAL BOARDWALK IN AN AMOUNT**

NOT TO EXCEED \$34,000 FOR THE TERM AUGUST 6, 2024 TO JANUARY 17, 2025

2. APPROVE AN AGREEMENT WITH SOUTHERN CALIFORNIA EDISON COMPANY FOR A NEW SERVICE LINE EXTENSION FOR THE MANHATTAN BEACH BLVD AND DOW AVE TRAFFIC SIGNAL AT 2430 MANHATTAN BEACH BLVD #U IN AN AMOUNT NOT TO EXCEED \$1,241.86 EFFECTIVE AUGUST 6, 2024 UNTIL COMPLETED

3. APPROVE AN AGREEMENT WITH CASHEL CORPORATION DBA INTEGRATED MEDIA SYSTEMS TO REPLACE THE EXISTING PAGING SYSTEM AT THE MAIN LIBRARY IN AN AMOUNT NOT TO EXCEED \$10,680 FOR THE TERM AUGUST 6, 2024 TO DECEMBER 1, 2024

4. APPROVE A SEVENTH AMENDMENT TO THE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA) REVISING THE PROJECT SCHEDULE FOR THE REDONDO BEACH BICYCLE TRANSPORTATION PLAN IMPLEMENTATION PROJECT AWARDED TO THE CITY THROUGH LACMTA'S 2009 CALL FOR PROJECTS

CONTACT: WENDY COLLAZO, FINANCE DIRECTOR

H.6. APPROVE AN AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR CROSSING GUARD SERVICES FOR AN AMOUNT NOT TO EXCEED \$132,408 AND THE TERM AUGUST 6, 2024 THROUGH AUGUST 5, 2025

CONTACT: JOE HOFFMAN, CHIEF OF POLICE

H.7. APPROVE AN AMENDMENT TO THE AGREEMENT WITH COMMLINE, INC. FOR THE PURCHASE AND INSTALLATION OF AN EMERGENCY COMMUNICATIONS DISPATCH CONSOLE STATION AT A COST OF \$36,327

CONTACT: JOE HOFFMAN, CHIEF OF POLICE

H.8. APPROVE THE CITY'S CONSENT TO RDR'S ELEVENTH SUBLEASE AMENDMENT WITH PEGGY HIRAIZUMI, DBA KOBE PEARL, FOR PROPERTY LOCATED AT 100 "D" FISHERMAN'S WHARF

CONTACT: GREG KAPOVICH, WATERFRONT & ECONOMIC DEVELOPMENT DIRECTOR

H.9. APPROVE AN AGREEMENT WITH KOSMONT & ASSOCIATES, INC. FOR REAL ESTATE CONSULTING SERVICES FOR AN AMOUNT NOT TO

EXCEED \$50,000 AND THE TERM AUGUST 7, 2024 TO AUGUST 6, 2025

CONTACT: GREG KAPOVICH, WATERFRONT & ECONOMIC DEVELOPMENT DIRECTOR

H.10. This Item was pulled from the Consent Calendar by Councilmember Loewenstein for separate discussion.

H.11. APPROVE THE CONTRACT BETWEEN KARPEL COMPUTER SYSTEMS INC., AND THE CITY OF REDONDO BEACH FOR A CASE MANAGEMENT SYSTEM.

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY

H.12. This Item was pulled from the Consent Calendar by Councilmember Kaluderovic for separate discussion.

H.13. APPROVE A LESSOR ESTOPPEL CERTIFICATE AND CONSENT TO DEED OF TRUST FOR PORTOFINO HOTEL PARTNERS, L.P.

CONTACT: GREG KAPOVICH, WATERFRONT & ECONOMIC DEVELOPMENT DIRECTOR

H.14. ADOPT BY TITLE ONLY ORDINANCE NO. 3274-24, AN ORDINANCE OF THE CITY OF REDONDO BEACH ORDERING THE SUBMISSION OF A PROPOSITION INCURRING BONDED INDEBTEDNESS TO THE QUALIFIED VOTERS OF THE CITY OF REDONDO BEACH AT THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF FINANCING THE COSTS OF THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR REPLACEMENT OF CERTAIN MUNICIPAL IMPROVEMENT PROJECTS CONSTITUTING PUBLIC INFRASTRUCTURE OF THE CITY. FOR SECOND READING AND ADOPTION.

CONTACT: LUKE SMUDE, ASSISTANT TO THE CITY MANAGER

Councilmember Loewenstein pulled Item No. H.10 from the Consent Calendar for separate discussion.

Councilmember Kaluderovic and Councilmember Obagi pulled Item No. H.12 from the Consent Calendar for separate discussion.

There were no public comments on this item.

Motion by Councilmember Kaluderovic, seconded by Councilmember Nehrenheim, and approved by voice vote, the Consent Calendar as amended, except for Items

No. H.10 and H.12 which were pulled for separate discussion.

Motion carried, 5-0.

City Clerk Manzano read title to Ordinance No. 3274-24.

I. EXCLUDED CONSENT CALENDAR ITEMS

H.10. ADOPT BY TITLE ONLY RESOLUTION NO. CC-2408-067, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF REDONDO BEACH AND THE REDONDO BEACH FIREFIGHTERS' ASSOCIATION, FROM JULY 1, 2024 THROUGH JUNE 30, 2028

CONTACT: DIANE STRICKFADEN, DIRECTOR OF HUMAN RESOURCES

Councilmember Loewenstein reported this is the last bargaining group being settled; spoke about valuing all firefighters and employees under collective bargaining and Council will provide their best effort to budget for them. He asked for a brief report from Rbfd Chief Butler regarding the new Harbor Master.

Rbfd Interim Chief Butler reported that the Harbor Master will be a trial program involving a captain-level individual as a single point of contact for Harbor related matters and with the ability to interact with yacht clubs and stakeholders regarding Harbor Patrol activities. He announced the selection of Captain Kurt Mahoney, a senior tenured Department Captain from the area who, in the interim, acts as the Deputy Fire Marshall. Additionally, he hoped that the program's success will be based on the stakeholders in the Harbor as well as internal stakeholders, which are the firefighters that work in Fire Station 3; mentioned the position will be funded out of the Fire Department's current budget; stated if they decide to move forward with the program, he will return to Council with a request for funding; noted that currently he is both Chief and Harbor Master and cannot focus on the task and noted that the program will benefit everyone.

In reply to Councilmember Loewenstein's questions, Rbfd Interim Chief Butler reported that a Captain's position costs about \$268,000 a year including benefits; noted there is currently no rotating staff; addressed the possibility of a rotation with personnel and deck hands down the road; stated the Fire Boat Captain positions will be civil service classifications, and those Captains will be assigned to those positions. He added there will be no routine cross staffing; addressed enforcement and the Harbor Master's tasks.

City Manager Witzansky reported that unit has lacked day-to-day supervision and is one of the causes for the erosion of the City's enforcement focus; talked about being able to set priorities and felt this position will help bridge the divide between Fire

Administration and the operating unit in the Harbor.

There were no public comments on this item.

Motion by Councilmember Loewenstein, seconded by Councilmember Obagi, to approve Item No. H.10, as presented.

Mayor Light thanked Council for supporting strengthening Harbor Patrol; talked about seeing immediate results, noting last week there were three rescues in the Harbor; addressed fuel spills, paddlers who were blocking the channel and kids who were jumping off rocks; spoke about the upcoming boat ramp project and was glad there will be someone representing the Harbor Patrol interests in the design of the boat ramp.

Mayor Light invited public comments.

Andy Porkchop, Torrance, spoke in support of firefighters and commented on practices of the Torrance Fire Department.

There were no other public comments on this item.

The motion carried, 5-0, by voice vote.

City Clerk Manzano read title to Resolution No. CC-2408-067.

H.12. APPROVE THE GOOD NEIGHBOR PLEDGE AS DRAFTED AND AUTHORIZE SOUTH BAY CITIES COUNCIL OF GOVERNMENTS DELEGATE ZEIN OBAGI TO SIGN THE PLEDGE ON BEHALF OF THE CITY OF REDONDO BEACH AT THE SIGNING CEREMONY.

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY

Councilmember Kaluderovic referenced the Supreme Court ruling on Grants Pass; reported there have been questions as to how it will change policies in neighboring cities; stated residents fear cities will be moving their homeless population into neighboring cities; she wanted to address these concerns by highlighting elements of the Good Neighbor Pledge; mentioned that the services and shelter are the cornerstone of the efforts; stated they will not be just moving people around since that does not solve the problem; pledged that City personnel will be aware of the resources available in the City and will educate everyone in need. Additionally, she thanked SBCCOG and the City Attorney for their efforts on this matter.

Motion by Councilmember Kaluderovic, seconded by Councilmember Nehrenheim, to approve the Good Neighbor Pledge as drafted and authorize SBCCOG Delegate Councilmember Zein Obagi to sign the Pledge on behalf of the City of Redondo Beach at the signing ceremony.

Councilmember Obagi offered a friendly amendment to make the City's signing of the pledge conditioned upon Manhattan Beach, Hermosa Beach, Torrance and Lawndale signing the pledge as well. His concern is that Redondo Beach signs the pledge but surrounding cities do not and the program will fail if that happens.

Councilmember Kaluderovic did not fully agree that all the neighboring cities need to pledge but that at least some of them need to in order for this to work.

Substitute motion by Councilmember Obagi, seconded by Councilmember Behrendt, and carried by voice vote, to approve the Good Neighbor Pledge and authorize SBCCOG Delegate Councilmember Zein Obagi to sign the Pledge, conditioned on Hermosa Beach, Manhattan Beach, Torrance, Lawndale and Hawthorne signing the Pledge, on behalf of the City of Redondo Beach at the signing ceremony.

Mayor Light invited public comments.

Andy Porkchop, Torrance, spoke about growing homelessness and spoke in support of the pledge.

There were no other public comments.

Councilmember Kaluderovic asked the City Attorney if he has any hesitation on the condition of the cities listed; City Attorney Webb stated that it allows a veto for any one of the City's neighboring cities; noted that, whether the City signs it or not, the City will not act any differently, this is simply getting neighbors to do what Redondo Beach has been doing already; discussed a case regarding necessity being a defense to any enforcement of an anti-camping ordinance and supervisors have said that jails cannot be used for any pre- or post-trial sentences for anti-camping ordinances; felt that it is good to encourage all their neighbors to join and noted his hesitation would be if Torrance or others do not get around to signing it.

Councilmember Nehrenheim stated he has a hesitation in terms of waiting for the other cities to join; felt that Redondo Beach is doing a great job, but other cities may decline as they do not have the room, space, or budget and may "play the shell game" of moving people experiencing homelessness around. He talked about Redondo Beach continuing to do what it is doing and stated he would be more inclined to vote for the first motion than the substitute motion.

Councilmember Kaluderovic opined that the City signing the pledge will make the neighboring cities look bad by not signing it and may put them in a position to realize they are deficient.

Councilmember Obagi reiterated City Attorney Webb's statement that Redondo Beach will not change what it is currently doing regardless of whether it adopts the pledge or not; stated his goal is to induce other cities to take action in response to the Supreme

Court decision and take the good neighbor approach, specifically Manhattan Beach, Hermosa Beach, Torrance and Lawndale.

Councilmember Kaluderovic noted this as an opportunity to lead by example.

The substitute motion failed, 2-3, by voice vote. Councilmembers Kaluderovic, Loewenstein and Nehrenheim voted, "No".

Mayor Light called for the vote on the original motion.

Councilmember Behrendt commented on the importance of having the surrounding cities make a real commitment.

The motion carried, 4-1, by voice vote. Councilmember Behrendt voted, "No".

J. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

J.1 For eComments and Emails Received from the Public

Peggy Cochran, part of a group of residents near PCH and Pearl; asked for the City's help regarding the new street sweeping ordinance requiring three hours of no parking on the street during street sweeping; stated they do not have enough places to park and requested special permit parking for residents in that area.

Mayor Light confirmed this matter will return to City Council at its meeting on September 3, 2024.

Andy Porkchop agreed with the prior speaker.

City Clerk Manzano reported receiving one eComment.

There were no other public comments.

K. EX PARTE COMMUNICATIONS - None

L. PUBLIC HEARINGS - None

M. ITEMS CONTINUED FROM PREVIOUS AGENDAS – None

N. ITEMS FOR DISCUSSION PRIOR TO ACTION

N.1. DISCUSSION AND POSSIBLE ACTION REGARDING E-BIKE USE IN THE CITY OF REDONDO BEACH

CONTACT: JOE HOFFMAN, CHIEF OF POLICE

RBPD Chief Hoffman stated he is there to give a six-month eBike update; introduced Captain Martinez from Special Operations Bureau and Lieutenant King from Special Operations Division; noted a representative from the School District will be there to answer questions regarding the permitting program that will be started during the school year and possibly a member of the public that will speak about the rewards program starting through the Outreach for eBikes. RBPD Chief Hoffman detailed out the main points of the updates with a PowerPoint presentation; items to go over included status of increased enforcement, status of community meetings, outreach and feedback, status of Assembly Bills, status of bicycle diversion programs, and status of enforcement statues; stated 135 citations have been issued and the main infractions were failure to stop at posted stop signs, absence of helmets, and riding with passengers illegally; listed the many ways they reached out to people to gain feedback regarding eBikes; found several overlapping complaints including most violators were youths or juveniles, discussed parents being accountable, and the possibility of needing a license to operate and ride one; spoke about solutions through eBike diversion; reviewed Assembly Bill 530 and noted that the Bill failed; discussed Assembly Bill 2234 and he would monitor the progress; stated it is tough to enforce some of the eBike laws.

RBPD Chief Hoffman discussed ordinances created in neighboring cities; displayed a chart with a comparison of violations and the related MC/CVC sections related to eBikes in the South Bay; stressed that enforcement is meant to correct behavior, encourage the safe operation of eBikes and prevent people from being injured; noted the enforcement of violations is not punitive in nature and that the goal is to create a safer environment for everyone; reported working closely with the School District; announced the School District has decided to implement eBike training through a local partner; summarized RBPD eBike recommendations.

In response to Mayor Light's question regarding whether bikes are allowed on sidewalks, RBPD Chief Hoffman reported bicycles are allowed to be operated on sidewalks and felt that is a discussion that is needed. Additionally, he reported there are sufficient statutes in the codes that allow the Police Department to conduct a reasonable amount of enforcement and create a safe environment; agreed that bicycles on sidewalks can be dangerous.

City Manager Witzansky reported that if the City posts the prohibition of bicycles on sidewalks in certain segments it can restrict that activity under the code.

Mayor Light suggested a middle ground of establishing some sidewalk ordinances.

Discussion followed regarding circumstances and the nature of the activity of the riders.

Councilmember Obagi spoke about injuries and fatalities of people that have come into contact with eBikes and asked whether RBPD efforts have made an impact.

RBPD Chief Hoffman reported that they have been fortunate to not have many eBike accidents reported, especially over the summer; asserted the number of complaints

received about eBikes has decreased substantially; mentioned increased uses during the school year versus the summer.

In regard to a comparison of administrative penalties with Manhattan Beach and Hermosa Beach, RBPB Chief Hoffman reported speaking with police chiefs from both agencies; noted they seem satisfied with their ordinances and enforcement; opined that their penalties are just administrative fines with little deterrence; discussed impounding eBikes and noted that each city has a slightly different experience based on the way the city is structured.

Councilmember Loewenstein mentioned he has seen the recklessness of eBikes while driving his daughter to school and in response to his questions, RBPB Chief Hoffman discussed the differences between passing an ordinance versus using the vehicle code; addressed violations and aligning enforcement to surrounding cities; discussed the need for a court to agree to a diversion program.

City Attorney Webb provided a brief history of diversion in the City; explained the process for applying for a diversion program and expanded on the need for court approval; touched on the South Bay Bicycle Coalition diversion program.

Councilmember Kaluderovic thanked RBPB for the community outreach; indicated her preference of having students and their parents go to court rather than paying a fine; felt it is important to understand the School District program and enforcement through other cities; commented she understands that there will always be reckless riders and not everything can be mitigated but noted the City could add rules.

In reply to Mayor Light's question regarding regulations relative to riding at night without lights, RBPB Chief Hoffman reported those are in the vehicle code; stated it is a section specifically for bicycles and police officers regularly enforce it. Mayor Light talked about identifying the classes of eBikes and the ability of riders to override them and stated he reached out to the City's Legislative Lobbyist to see if the City can interject something at the State level that would hit the point of sale or manufacturers.

RBPB Chief Hoffman reported that it is difficult to identify classes and easy to convert them illegally.

Councilmember Behrendt commended Chief Hoffman, Captain Martinez and Lieutenant King for the report; felt their education and programs have effectuated a welcome change over the last year and affirmed he has heard less complaints from residents regarding the issue. He spoke favorably regarding the School District's training program; thanked RBPB for their work and efforts and urged them to keep up the great work.

Councilmember Obagi requested an update in April of next year to give a status update in terms of complaints, violations, citations and accidents to ensure that Council tailors the policy according to the needs of the community.

RBPD Chief Hoffman replied favorably to the report; mentioned eBikes will continue to grow and evolve and there will continue to be a variety of approaches to try to make them safer. He added that regular reporting will keep Council and residents informed and agreed to provide an update as Council directs.

Councilmember Obagi clarified he suggested April, as there will be a new Mayor and Councilmembers and they can address the issue right away.

Councilmember Nehrenheim invited the School Board representative to the podium.

Byung Cho, Board Clerk for Redondo Beach Unified School District, commented favorably about working with the RBPD; spoke about the sticker program for eBikes; noted training at the middle school age to address the matter early on, doing continuous monitoring and working with the BCHD; added that school begins August 21, 2024 and the program rolled out this week, information was distributed to all parents via email and other methods; reported whoever attended the recent Bike Rodeo will get credit and will receive the stickers.

Councilmember Nehrenheim commented he has noticed changes for the better, especially a remarkable difference in Riviera Village, since Memorial Day; in response to his questions, RBPD Chief Hoffman discussed citations for juveniles requiring parents to attend court with the juvenile, raising fines for municipal code violations and the inability for the City to adjust fines for vehicle code violations since they are administered through the State.

Councilmember Nehrenheim spoke about eBikes being expensive; suggested the possibility of increasing fines for municipal code violations and looked toward seeing what the City can do on the administrative side. Additionally, he talked about issuing citations for not having lights, underinflated tires, etc., noting that he wants parents to understand the seriousness of the matter.

Motion by Councilmember Obagi, to receive and file the PowerPoint presentation and request an update report from RBPD in April 2025.

Councilmember Nehrenheim offered a friendly amendment adding any actions regarding fines or tickets be added administratively regarding violations of the municipal code.

Councilmember Obagi interjected that the City Attorney will speak to that as the City does not have an administrative review officer procedure and it would require the development of a whole new system, including the appointment of a City employee as an Administrative Review Officer. City Attorney Webb concurred with Councilmember Obagi.

Councilmember Behrendt seconded the motion.

Discussion followed regarding continuing the Bike Rodeo and enforcement details.

Councilmember Obagi made a clarifying comment that his motion includes the expectation for the continued work and reporting being done by the RBPB.

Juwan Asani, Business Owner, 7-Eleven on Aviation and Grant, thanked RBPB Chief Hoffman and his team for keeping Redondo Beach residents, businesses and kids safe; presented 1,000 slurpee coupons for the Police to distribute in rewarding positive behavior from young residents; thanked Councilmember Kaluderovic for her efforts and looked forward to continuing to work together.

Mayor Light invited public comments.

Andy Porkchop, Torrance, talked about his experience with eBikes; discussed existing laws to regulate eBikes and did not believe kids need more rules and expressed concerns with kids missing exercise with eBikes.

Wayne Craig, District 1, agreed there has been a significant improvement; commented favorably regarding the report and felt the problems include adults as well as kids

Kyle Johnson (via Zoom), District 1, mentioned he rides his eBike to work, to run to the grocery store and for recreation; stated he is grateful that Redondo Beach has not implemented ordinances like those in Manhattan Beach and Hermosa Beach; felt that ordinances are unnecessary and have a chilling effect on getting people to ride bikes; suggested the City build more Class 4 protected bike lanes so that people will have a safe space in which to ride and listed the benefits of doing so.

Brianna Egan (via Zoom), District 1, commended the City, the RBPB, and the School District for their proactive approach to this matter; noted the education has been effective; echoed the benefits of promoting bicycles for transportation; spoke in support of building more Class 4 protected bike lanes; addressed enforcement and mentioned if the City is going to step-up enforcement of eBikes, it should also step-up enforcement of vehicles.

Liam Walsh (via Zoom), District 5, commented on his family's use of eBikes; mentioned that his family downsized their auto use due to eBikes; thanked the RBPB for its efforts; spoke about relevant City laws and infrastructure needs regarding bike use; talked about prohibiting bicycles on sidewalks which would increase pedestrian safety and building more Class 4 protected bike lanes which would increase bicyclists' safety; urged Council to eliminate pedestrian/bike and vehicle conflict points and spoke about vehicle code exceptions.

Grace Peng (via Zoom), District 5, spoke about her eBike as her primary source of transportation; noted that if more people used eBikes instead of cars it would alleviate parking issues; talked about motorists breaking the law; encouraged people to try riding eBikes as a means of transportation just as they do cars; wanted car drivers to be more aware of eBikes on the road to avoid hitting them.

City Clerk Manzano reported receiving three eComments regarding this item.

There were no other public comments.

Councilmember Nehrenheim talked about following the lead of Manhattan Beach and Hermosa Beach in regards to laws and fees for specific violations; asked RBPD Chief Hoffman if the City could enforce similar fines. In reply to the question, RBPD Chief Hoffman stated they have the sidewalk ordinance but it needs to be posted and Council needs to decide what sidewalks they want these to be posted at and action can be taken. When asked how Manhattan Beach came up with the amounts for the fines, RBPD Chief Hoffman stated their Council came up with those amounts.

Mayor Light called for the vote.

The motion carried 5-0, by voice vote.

N.2. DISCUSSION AND POSSIBLE ACTION PERTAINING RESOLUTIONS, TO CALL A SPECIAL ELECTION, BY CONSOLIDATING WITH LA COUNTY STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, TO PLACE BALLOT MEASURES; TO APPROVE THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE MUNICIPAL IMPROVEMENT PROJECTS CONSTITUTING PUBLIC INFRASTRUCTURE AND CHARTER AMENDMENTS FOR ARTICLE XXVII MAJOR CHANGES IN ALLOWABLE LAND USE AND ARTICLE XVI REDONDO BEACH UNIFIED SCHOOL DISTRICT.

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2408-064, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF HOLDING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, ORDERING THE SUBMISSION OF A MEASURE TO THE QUALIFIED VOTERS OF THE CITY, PLACING A MEASURE TO APPROVE THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE MUNICIPAL IMPROVEMENT PROJECTS CONSTITUTING PUBLIC INFRASTRUCTURE OF THE CITY ON THE NOVEMBER 5, 2024 BALLOT, REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION, AND SETTING PROCEDURAL DETAILS; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2407-062, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF HOLDING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, CONSOLIDATED WITH THE LOS ANGELES COUNTY STATEWIDE ELECTION, AND ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF A MEASURE RELATING TO CHARTER

AMENDMENT ARTICLE XXVII MAJOR CHANGES IN ALLOWABLE LAND USE SECTIONS 27.2, 27.4(b), AND 27.6(h) AND (i), AND SETTING PROCEDURAL DETAILS; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2408-065, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF HOLDING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, CONSOLIDATED WITH THE LOS ANGELES COUNTY STATEWIDE ELECTION, AND ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF A MEASURE RELATING TO CHARTER AMENDMENT ARTICLE XVI REDONDO BEACH UNIFIED SCHOOL DISTRICT SECTION 16.1, AND SETTING PROCEDURAL DETAILS; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2407-061, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE FOR PROPOSED MEASURES.

CONTACT: ELEANOR MANZANO, CITY CLERK

Mayor Light announced this item has four sections; stated Council will discuss each and provide motions, after which the public will be invited to comment.

City Attorney Webb stated Council may allow the public to speak once per item and then can take separate votes on each.

City Clerk Manzano introduced the item; noted it involves three ballots to be placed on the November 5th election and narrated a PowerPoint presentation regarding the proposed measures and highlighted changes.

Discussion followed regarding the assessed value total aggregate amount that would be used to pay off the debt service associated with the issuance of the bonds.

City Clerk Manzano continued with the PowerPoint presentation and addressed arguments for, arguments against, and rebuttals.

In reply to Councilmember Obagi's question regarding Exhibits A and B, City Clerk Manzano reported they are attached to the resolution.

Councilmember Obagi favored a designation of PS (Public Safety), FD (Fire Department) or PD (Police Department).

Councilmember Loewenstein suggested a designation of PS, FP or PF.

City Manager Witzansky suggested Measure S for Safety.

In terms of authorizing authors, Councilmember Loewenstein volunteered and asked Councilmember Kaluderovic and Mayor Light to work with him.

Mayor Light and Councilmember Kaluderovic agreed.

Discussion followed regarding the ballot language.

City Manager Witzansky reported the original draft was prepared by the City's outside consultant and legal bond counsel and discussed use of slashes versus commas.

Motion by Councilmember Loewenstein, seconded by Councilmember Kaluderovic, to approve the item as written; designate Mayor Light, Councilmembers Kaluderovic and Loewenstein to write the argument and the designation would be PS, FP or PF and adopt by title only, Resolution No. CC-2408-064.

City Clerk Manzano narrated a PowerPoint presentation with details of the proposed Charter amendments to Article 27 and stated that it has been approved by the City Attorney. She confirmed that Council suggested using the designations, DD, RB or LC.

City Attorney Webb reviewed the proposed amendment and talked about not including amendments that are not made in connection with the required Housing Element; addressed using the term "required amendments"; noted it is the City Council's decision and felt the initial version was harder for voters to read.

Councilmember Behrendt offered non-substantive potential changes and City Attorney Webb explained the rationale for his proposal; noted that City Council can make any non-substantive changes it wants to and deferred to the City Clerk regarding punctuation.

City Clerk Manzano reported that commas are not counted as a word.

Councilmember Behrendt suggested edits including numbering the statements for ease of reading, changing "requirement" under the Charter and adding commas as appropriate.

City Attorney Webb agreed but noted it is a problem if the intent is to refer to the exception that it be a required amendment. He added that the Charter is the law and that is why the strikethroughs are included in what the voters get.

Councilmember Obagi felt it will make the preceding bond measure look confusing.

Councilmember Behrendt acknowledged that is a good point.

City Attorney Webb reported there are specific requirements which is why the City uses bond counsel.

Council continued offering grammatical edits to the Charter amendment.

Motion by Councilmember Obagi, seconded by Councilmember Nehrenheim, to adopt by title only Resolution No. CC-2407-062, with the ballot language as shown on the PowerPoint slide on the screen, designating Mayor Light, and Councilmembers Nehrenheim and Obagi, as the authors of the proponent statement and designate the letters DD, RB or LC.

City Clerk Manzano narrated PowerPoint slides with information related to a proposed Charter amendment and one to the Redondo Beach Unified School District pertaining to Section 16.1 Board Members related to removing language “without compensation except necessary expenses when acting as a designated representative of the Board of Education as provided in the Education Code of State of California”.

Byung Cho, Board Clerk for the Redondo Beach Unified School District, confirmed that the school board is satisfied with the proposed wording in terms of who will author the proponent statements; he stated they have a list of names which includes the Board President and community members.

Discussion followed regarding designating School Board Members as determined by the School Board and designating Raymur Flinn as the author.

Councilmember Loewenstein suggested SD (School District), SB (School Board), or BE (Board of Education).

Motion by Councilmember Obagi, seconded by Councilmember Nehrenheim, to adopt by title only Resolution No. CC-2407-065, with the ballot question as shown on the PowerPoint slide on the screen, designating School Board President, Raymur Flinn, as the author of the proponent statement and designate the letters SD, SB or BE.

City Clerk Manzano reported that arguments cannot exceed 300 words; noted that edits can be made as long as they are made before August 16, 2024 by 5:00 p.m. and stated she will submit the necessary forms to the authors so they can begin writing the arguments and get five people to support their statements; indicated she will ask the City Attorney to work on the impartial analyses; explained an addition to the Election Code involving other support that begins in 2025 and information for which is included in Blue Folder Items for this item. She added that each author will get a packet with the resolutions, county information, forms and specifications; City Clerk Manzano listed the resolutions to be adopted as amended.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, to adopt Resolution No. CC-2407-061.

Mayor Light invited public comments.

Andy Porkchop, Torrance, spoke about the bond measures; spoke about competing bond measures and wished the City good luck with it.

There were no other public comments on this item.

The motions carried 5-0, by voice vote.

City Clerk Manzano read titles to Resolutions No. CC-2407-061, CC-2407-062, CC-2407-064 and CC-2407-065.

RECESS/RECONVENE

Motion by Councilmember Behrendt, seconded by Councilmember Obagi, and carried by voice vote, to recess at 8:37 p.m.

The motion carried 4-1-0. Councilmember Nehrenheim voted, "No".

Mayor Light reconvened the meeting at 8:46 p.m.

ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Loewenstein, Nehrenheim, Obagi, Mayor Light

N.3. DISCUSSION AND POSSIBLE ACTION TO PROVIDE DIRECTION TO STAFF RELATING TO OPTIONS RELATING TO INSTANT RUNOFF METHODS, INCLUDING BUT NOT LIMITED TO CONSIDERING CALLING ELECTION TO CONSIDER PLACING A MEASURE FOR A CHARTER AMENDMENT ARTICLE 18, ELECTIONS, SECTION 18.4, MAJORITY VOTE; INSTANT RUNOFF ELECTION, AND TO DISCUSS DRAFT ORDINANCE AMENDING THE CITY'S MUNICIPAL CODE RELATED TO INSTANT RUNOFF MODEL AND/OR PROVIDE STAFF DIRECTION.

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2408-068, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF HOLDING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, TO CONSOLIDATE WITH THE LOS ANGELES COUNTY STATEWIDE ELECTION, AND ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF A MEASURE RELATING TO CHARTER AMENDMENT ARTICLE XVIII ELECTIONS SECTION 18.4, MAJORITY VOTE: INSTANT RUNOFF ELECTION, AND SETTING PROCEDURAL DETAILS.

**CONTACT: ELEANOR MANZANO, CITY CLERK
MICHAEL WEBB, CITY ATTORNEY**

City Attorney Webb talked about the options available for Council to consider; noted that at this time, Council only needs to decide whether to proceed with a Charter amendment or not; displayed a short video; reported Council was tasked with preparing an ordinance two years ago and Council decided to go with ranked choice voting (RCV); discussed how Council discovered that RCV is not what they perceived it to be and several mentioned he/she may have voted differently and displayed another short video.

City Clerk Manzano reported that a representative of the equipment company is on Zoom as is Rosemary from the RCV Resource Center.

Councilmember Obagi asked whether the Charter permits the City to conduct a STAR voting election.

City Attorney Webb stated there is no answer to that; reported Council would have to decide whether STAR voting is an instant runoff system; talked about the Charter referring to adopting the election procedure in the California Elections Code, in turn, it requires that the equipment be certified by the Secretary of State (he does not believe any machine is certified to do STAR voting) and a provision which is a pilot program with 10 or so criteria; indicated he cannot answer the question at this point and noted it is not up for discussion at this time but would be in two weeks and may require another ordinance allowing the City to do it by hand.

Councilmember Obagi reported that another choice could be that Council could provide direction to put a Charter amendment on the ballot in March to clarify what Council intended in the first instance, which is anything other than a delayed runoff and that currently the City wants an instant runoff voting system.

City Attorney Webb talked about whether the STAR voting system is an instant runoff system; discussed certifying machines and picking a pilot program; stated that as a Charter City, Redondo Beach could face legal challenges that the City is not following the State elections majority preference voting system. He added that previous Council direction in January was clear in terms of returning with an ordinance for RCV and noted focus is on the Charter amendment; stated Council could delay it and in the meantime, as other systems are developed that are not instant runoff systems, Council could propose Charter language that would be applicable. Council has to decide whether to do a Charter amendment tonight and has to pass an ordinance for an instant runoff voting system in two weeks. He reiterated that the Charter amendment has to be today, and the ordinance does not; talked about a provision that speeds up the voting process and mentioned the language is confusing.

City Clerk Manzano reported speaking with the consultant who sent her a guide about RCV; stated it indicates that California can be a single elimination or batch elimination.

City Attorney Webb added that if there are a lot of candidates that do not get many votes, the lower candidates can be eliminated in one round.

City Clerk Manzano narrated a PowerPoint presentation regarding Charter amendment options relative to instant runoff voting.

City Attorney Webb discussed details of the various options available for Council's consideration and reported people want certainty in casting their votes.

City Clerk Manzano listed recommendations.

Councilmember Obagi provided a brief background of the item; talked about the percentage of voters voting in runoff elections resulting in people getting elected by a minority in a small plurality; noted the voters supported the Charter amendment by 77% and that was the clearest expression in a direct democracy of what they wanted, which is to avoid our costly runoff elections. Additionally, he discussed voter fatigue and stated he will do anything to avoid runoff elections in Redondo Beach; stated he would prefer to defer this discussion until after the City's first experience with RCV to see how it goes. Additionally, he reported speaking with the City Clerk who confirmed that her office will be able to count every RCV ballot and will be able to provide audits; addressed comments by RCV advocates and the public; wondered about people attesting to the success of RCV in other cities as well as minorities being elected. He shared Slide 2B with listing quotes from numerous municipalities regarding the success of RCV; stated he has no reluctance to heed the vote of the people in choosing RCV; suggested seeing how it goes and moving forward from there; questioned communicating an "oops" at the same time Council is asking for \$93.5 million for public safety infrastructure.

Mayor Light asserted that when there is a runoff election a majority of people choose to vote in that election and stated it is not a plurality, but the majority of people who go out and take the time to run in that runoff election. He expressed concern that people who voted can get excluded in the rounds and can end up without a majority; discussed the Condorcet method of voting and felt it is confusing and premature to put it in front of the voters; voiced against doing this at the last minute. Additionally, he reported that he voted for an instant runoff system and would not have voted for RCV had he had the information that he now does; felt the City is funneled into one single choice because of the certification unless the City can get a pilot program; discussed failures in other elections and felt it is not ready for implementation.

Councilmember Nehrenheim agreed with Mayor Light's comments; talked about studies showing disenfranchisement of people of color and women in RCV; displayed Slide 1A showing a discussion in December 2022 and then Councilmember Emdee's comments about RCV and instant runoff systems allowing for flexibility of the choices of voting systems; reported the eventual language was "and instant runoff system"; spoke about the City of San Francisco's definition and noted one of the issues with RCV is that an election night tally cannot be done.

City Clerk Manzano explained the process the clerk's office goes through to verify votes. She explained how they organize, do a random drawing for the 1% tally, then hand count each box; she went on to explain the procedure her office goes through; she explained it takes a long time. She answered questions regarding errors and how her office catches mistakes; addressed precincts and districts and provided details of the counting and reporting process.

Councilmember Nehrenheim reported the City of Oakland was unable to catch a voting error and the incorrect candidate took office.

City Clerk Manzano talked about needing to go to the second ranking and was unsure what occurred in Oakland.

Councilmember Nehrenheim talked about the different tabulations; opined Council needs a backstop moving forward; noted Council is just now working out the ordinance and stated he would like to test the system that is currently in place to fully understand it; talked about comments he received from San Francisco voters about RCV, including it is confusing and not fully understood. He stated he would rather see issues of concern taken care of and delay the item and ensure the process is made completely transparent, auditable by a third party, clear, and concise.

Councilmember Loewenstein pointed out that 77% of people voted for RCV.

Councilmember Nehrenheim corrected Councilmember Loewenstein noting that they voted for an instant runoff system, not specifically RCV.

Councilmember Loewenstein wondered if Council will tell residents they were wrong; talked about RCV being around for 100 years in other countries and 20 years in the U.S.; opined it is not complicated to vote and rank who you like; reported the League of Women Voters supports RCV; stated California has approved RCV as the only form of instant runoff and felt this encourages a broad spectrum of people to run for office and not have to raise tons and tons of money. He expressed concern that if this does not pass, and the City moves forward with a Charter amendment, instead of seven months the City will only have three months to educate the public; felt that Council will be undermining the faith of people that their votes count; talked about voting irregularities in every election and saw no reason to rush this; discussed not handcuffing future Councils and stated he is nervous about overturning something that almost 80% of people voted for.

Mayor Light stated Council would not be overturning what the voters wanted if Council places this on the ballot and that it is up to them, not the Council; reported that what he read, as a voter, was "an instant runoff system".

Discussion followed between Mayor Light and Councilmember Loewenstein about RCV and voters choosing an instant runoff system versus specifically RCV and placing the

question to voters as to whether they specifically want RCV.

Mayor Light stated that voters were not informed that they were being roped into the one system and added that they were not informed they were choosing RCV.

Rosemary Blizzard (via Zoom), RCV Resources Center, discussed exit polling of voters after they have participated in RCV and overwhelmingly there is a 75% to 80%+ satisfaction rate and reported she has not seen any form of mass dissatisfaction with the process over the last several years. In response to Councilmember Loewenstein's questions, she commented on potential pitfalls being overblown and reported she has not observed a "gaming of the system". Additionally, she responded to questions from Council regarding efforts to repeal RCV.

Mayor Light commented on attempts at gaming the system and felt there is no way this process can solve the Condorcet voting problem.

Councilmember Obagi suggested not arguing with someone who does not have a vote.

Councilmember Nehrenheim noted the Mayor has veto power.

City Attorney Webb confirmed the Mayor cannot veto a Charter amendment onto the ballot and reported he could veto any ordinance that would put it on the ballot.

Councilmember Obagi commented on the voter education required for this next election; felt this is not likely to pass and will decimate the confidence people have in the City Council; noted the City is asking for the largest investments of people's lifetimes in the City at this time.

Mayor Light stated Council is under the obligation to put the best voting system in place.

Discussion followed regarding whether voters understood what they were voting for two years ago.

Councilmember Nehrenheim noted Council simply votes to put things onto the ballot and whether they pass or not is up to the voters; reported the State of Alaska has included a ballot measure to repeal RCV; felt Council needs to make a rational decision about the clarity of a voting system and stated he would rather get this right and do it correctly.

Mayor Light invited the consultant to address Council.

Sara Wolk (via Zoom), Executive Director, Equal Vote Coalition, reported she used to be an advocate for RCV but changed positions when she realized many of the points used to persuade the public are over sold or factually false; talked about STAR voting not being certified yet but, if Council chose to move forward, it could be certified through an established certification process; discussed establishing STAR voting as a pilot program; addressed options for certification and felt the pilot program could be

implemented by March but may take longer; suggested Council should pass an ordinance stating that a new voting method will go into effect not more than one year after the time that a process is in place to tally the elections. She discussed weaknesses in RCV; opined the main weakness is how pervasively it has been oversold and the fact that most rankings are not being counted; addressed voter disenfranchisement issue and a reason why STAR voting is a more accurate method; reasoned that centralized tabulation is the real problem and danger; claimed California is out of compliance with auditing laws around RCV and believed RCV cannot be implemented legally in Redondo Beach as it is physically impossible to comply with California law as written. In summary, she recommended that Council proceed with an ordinance and not do a charter amendment; suggested that the ordinance state a new voting method will go into effect after a new system is in place adding that it can reaffirm Council's commitment to the goals of the voter.

Mayor Light noted voters chose an instant runoff system and the City does not have an alternative for this next election.

Mayor Light invited public comments.

Tony Hale, Redondo Beach resident spoke about his advocacy for instant runoff, RCV last year; referenced comments by the Equal Vote Coalition discrediting RCV; opined they are a fringe group proposing a system that has never been used in any public election and are not experts in election systems; stated the City should not allow this group to derail the will of the voters. He reported that RCV is supported by 65 academic experts including 10 Nobel Prize laureates; listed others high profile individuals that support RCV; suggested the City take advantage of the expert knowledge available to help implement what the voters have asked for and start the education process; spoke about the resources available for education; noted there is no reason to delay and urged Council to reject the proposed Charter amendments and move forward to meet the will of the Redondo Beach voters.

Arend Castelein, Los Angeles resident, Production Lead for Equal Vote Coalition, stated all three Charter amendment options are in direct opposition to the ballot measure that voters supported last year; believed it will create confusion and undermine voters' trust in the Council; asked that Council begin implementation of STAR voting instead of drafting a Charter amendment; he described and defined the STAR voting method and urged Council to use STAR instead of RCV.

Eugene Solomon shared comments as someone who was present through discussions of the topic by the Charter Review Advisory Committee (CRAC); spoke about those discussions and comments received from various political action committees; discussed plurality in terms of whether or not to include the School Board in the instant runoff methodology; noted it was determined that the plurality was acting in that capacity; noted that, when it was presented to Council, the concept was addressed as an instant runoff but the methodology was not.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, and carried by voice vote, to allow Eugene Solomon three minutes to provide his personal views on the topic.

The motion carried 5-0.

Eugene Solomon expressed concerns about comments regarding how this will make Council “look” to the electorate or that Council will yo-yo back and forth; opined it is more important to get something right than being embarrassed about how Council will “look” to the voters; asserted that voters voted for a concept, not a methodology; talked about the ordinance not being “fully cooked” and suggested a pause to develop the best possible instant runoff system for the voters.

Kyle Johnson (via Zoom), District 1, spoke in support of RCV; discussed the voters’ choice for an instant runoff system; noted California has certified RCV as an instant runoff system and urged Council to give people what they voted for.

Tom Sharon (via Zoom), California RCV Coalition, spoke in support of RCV and implementing the system that the voters chose; read the argument in favor of RCV that was provided in the ballot measure; asserted that RCV works and has been proven in dozens of elections.

Diane Silver (via Zoom), spoke about the disrespectful claims presented by Sara Wolk against RCV; pointed out that RCV has had far more positive outcomes than the two negative claims pointed out; felt this is an effort to undermine the will of the voters by discrediting RCV; encouraged Council to hold a study session to research those claims and better understand RCV;

Motion by Councilmember Loewenstein, seconded by Councilmember Kaluderovic, and carried by voice vote, to allow Diane Silver an additional 30 seconds to comment.

The motion carried 5-0.

Diane Silver (via Zoom), addressed the idea of majority winners and reported the rate of participation in instant runoffs, round by round, is higher for RCV than it is for delayed runoffs or STAR voting.

Marcela Miranda-Caballero (via Zoom), Executive Director, California RCV Coalition, spoke about disingenuous comments regarding RCV by other electoral reformers; addressed a brief history of RCV and its benefits; noted the recommendations of the CRAC and asserted that the voters’ wishes must be fulfilled.

Eileen Reavey (via Zoom), Santa Monica resident, Deputy Director, Rank the Vote, talked about voters being in favor of RCV over STAR voting; listed concerns with the STAR voting system and reasons why; claimed RCV has a proven track record across the world for over 100 years and hoped the will of the voters is respected.

Steve Chessin (via Zoom), President, Californians for Electoral Reform, spoke about misleading and out of context information presented; pointed out that voters understood what they were voting for and read from the impartial analysis; claimed that STAR voting can violate majority rule; addressed the potential for “gaming the system”; spoke about the many successful elections in the U.S. that were run by RCV and urged Council to follow the will of the voters.

Mike Feinstein (via Zoom), Former Santa Monica Mayor and City Councilmember, spoke about being a student of electoral systems in the U.S., Australia, and Ireland; urged Council to stay the course with what Redondo Beach voters approved; discouraged placing any Charter amendment on the November ballot that would change that commitment for policy and political reasons and listed reasons why Council should not.

Colter Cederlof (via Zoom), Riverside, Volunteer with California STAR Voting Chapter, spoke in support of a STAR voting ordinance while maintaining the current Charter; asserted that STAR voting is an instant runoff voting method; expressed his commitment to help with voter education for STAR voting as he currently offers an online Zoom tutorial to educate voters about STAR voting.

Colin Lord (via Zoom), San Diego, California STAR Voting Chapter, spoke in support of moving forward with the STAR voting system and listed its benefits over RCV.

City Clerk Manzano reported receiving 11 eComments all of which oppose a Charter amendment.

There were no other public comments on this item.

Councilmember Obagi wanted to address Mr. Solomon’s comments and stated that he does believe Council’s credibility is currently on the line for this November’s election; stated he does not believe in creating policy out of fear; noted that with the public’s positive statements regarding RCV, he is willing to see it through along with confidence in the City Clerk that she will ensure all the votes are counted accurately, and then decide from there rather than “shooting from the hip” at the last minute.

Councilmember Nehrenheim reported he added his name to the list of proponents before he understood the magnitude and expressed concerns with the depth of money that is supporting one side versus the other; noted that when Council first discussed this it was supposed to be simple; felt that it is far more complicated than they realized and feels the City is not quite ready at present; reiterated Council should put forward a backstop as a delay and start moving forward and refine any system that the City wants to put in place. Additionally, he talked about ensuring that any system the City implements is certified and has been tested along with the City having the right ordinances in place.

Motion by Councilmember Nehrenheim, to propose a Charter amendment, choosing Option No. 1.

The motion died for lack of a second.

Discussion ensued between Councilmember Nehrenheim and City Attorney Webb regarding previous discussions regarding election cycles and timing and language needed to pass an ordinance.

City Attorney Webb stated it would be tough to list all the things because of other conversations about this; affirmed Redondo Beach is a Charter City, and the City could set thresholds but would invite lawsuits; stated that the City could reverse the Charter or produce a specific date.

Motion by Councilmember Nehrenheim, to propose Charter amendment Option No. 1, to be placed on the November election for 2029.

The motion died for lack of a second.

In response to questions from Councilmember Behrendt, City Clerk Manzano reported that the RCV system is already certified by the Secretary of State and is the only instant runoff system certified in California; stated she has never run an election using RCV but noted there is plenty of support to complete one and expressed full confidence in the system.

Councilmember Behrendt stated he is open to considering other instant runoff systems; stated his central issue with STAR voting is that it may not be consistent with Charter Section 18.4, as amended, and specially in the automatic round where there is no subsequent round of voting as required by the Charter and he cannot support that. He referenced approval of instant runoff voting in 2023 by the voters; stated he has not heard anything that justifies postponing, let alone changing the Charter, on that issue and asserted he is not inclined to vote to put a Charter amendment on the ballot for those reasons.

Motion by Councilmember Obagi to receive and file the report and direct staff to return with a report to the August 20, 2024 meeting and return with a discussion on potential Charter changes to permit other forms of instant runoff systems in one year.

City Attorney Webb reported that Council is not necessarily trapped into RCV for the future because the ordinance can be amended; noted Council will have to remember to do that since he will not longer be with the City.

Amended motion by Councilmember Obagi, seconded by Councilmember Behrendt, and carried by voice vote, to receive and file the report.

The amended motion carried 5-0.

O. CITY MANAGER ITEMS

City Manager Witzansky announced the launch of the City's online application portal; referenced the no parking signs on Lot 13 and reported the City cleared its appeal period with the Coastal Commission, signs will be installed next week, and enforcement will begin quickly.

Discussion followed regarding the Strategic Planning meeting.

P. MAYOR AND COUNCIL ITEMS - None

Q. MAYOR AND COUNCIL REFERRALS TO STAFF

Councilmember Nehrenheim thanked Public Works for installing the lights on Topaz and the City Clerk's office for going above and beyond in providing the election information.

Councilmember Loewenstein mentioned putting LED lights on stop signs at the Esplanade at Topaz and at Sapphire.

R. RECESS TO CLOSED SESSION – None

The Closed Session meeting was cancelled.

S. RECONVENE TO OPEN SESSION – None

The Closed Session meeting was cancelled.

T. ADJOURNMENT – 11:08 p.m.

There being no further business to come before the City Council, motion by Councilmember Kaluderovic, seconded by Councilmember Loewenstein, to adjourn the meeting at 11:08 p.m. to an Adjourned Regular meeting to be held at 4:30 p.m. (Closed Session) and a Regular meeting to be held at 6:00 p.m. (Open Session) on Tuesday, August 13, 2024 in the Redondo Beach City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

Motion carried, 5-0.

All written comments submitted via eComment are included in the record and available for public review on the City website.

Respectfully submitted:

Eleanor Manzano, CMC
City Clerk



Administrative Report

H.4., File # 24-1404

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL
From: ANDREW WINJE, PUBLIC WORKS DIRECTOR

TITLE

APPROVE FINAL TRACT MAP NO. 74481 (FOR THE SOUTH BAY SOCIAL DISTRICT'S COMMERCIAL CONSTRUCTION PROJECT AT 1815 HAWTHORNE BOULEVARD) AND AUTHORIZE THE CITY CLERK TO CERTIFY THE MAP'S APPROVAL

EXECUTIVE SUMMARY

Pursuant to State law and Title 10 of the Redondo Beach Municipal Code, a subdivider shall prepare maps consistent with the design standards and accomplish improvements consistent with the improvement standards adopted by the City and file them with the County Recorder's Office. When that map is a tract map, the City Council is required to approve the final tract map prior to the map being recorded with the County.

The Acting City Engineer has determined, and so certified, that Final Tract Map No. 74481 related to the redevelopment of the South Bay Social District (formally known as the South Bay Galleria) conforms to the requirements of Title 10 of the Municipal Code, the California Environmental Quality Act, and the State Subdivision Map Act and is substantially the same as it appeared on the approved tentative map and related amendments. The Los Angeles County Engineer is ready to record the map with the Los Angeles County Recorder's Office following approval by the City Council and certification by the City Clerk. Accordingly, it is recommended the City Council approve Final Tract Map No. 74481 and authorize the City Clerk to certify its approval.

BACKGROUND

On January 15, 2019, the City Council adopted Resolution No. 1901-004 approving an exemption declaration and granting the requests for a Conditional Use Permit, Planning Commission Design Review, and Vesting Tentative Tract Map No. 74481 to allow for the construction of the South Bay Galleria Improvement Project, now known as the South Bay Social District. The proposed project is located at 1815 Hawthorne Boulevard within Commercial (CR) zone. The City Council denied an appeal of the project and upheld the Planning Commission's decision to certify the Final Environmental Impact Report (EIR) and approve a water supply assessment, environmental findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program while also granting the requests for a Conditional Use Permit, a Planning Commission Design Review, a Variance with concessions/incentives/waivers, and Vesting Tentative Tract Map No. 74481.

Per the development conditions approved by the Planning Commission and City Council for the project, easements for public street and highway purposes on Artesia Boulevard are shown and

dedicated on the Tract Map No. 74481, creating a consistent right-of-way width with the surrounding streets. To certify the public's interest in the easements, the City is required to accept the dedication of the easements. Other development conditions including, but not limited to, pedestrian pathways, comprehensive common area plans, and common area maintenance and operations will be reviewed and presented to City Council at a later phase of the project's development.

On November 18, 2021, the Planning Commission adopted Resolution No. 2021-11-PCR-15 approving a three-year extension to January 14, 2025 of the vesting tentative Tract Map, the conditional use permit, the Planning Commission's design review, and the variances approved by City Council Resolution No. 1901-004 for the construction of the South Bay Galleria Improvement Project at 1815 Hawthorne Blvd.

Tract Map No. 74481 shows that the easement dedications and acceptance is within the 3-year vesting period extension for recordation, and is ready for recording with the Los Angeles County Recorder's Office upon approval of the map by the City Council.

Therefore, it is recommended that the Final Tract Map 74481 be approved by the City Council and that the City Clerk be authorized to certify the map's approval. The Map has been reviewed by the Community Development Department Director, who concurs with the recommendation for approval.

COORDINATION

This item was coordinated with the Public Works and Community Development Departments.

FISCAL IMPACT

There is no fiscal impact associated with this item. Funding for the staff time needed to review the Final Tract Map and prepare the report is included in the Public Works Department's annual operating budget and regular work plan.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Map - Site Location, Tract No. 74481
- Final Map- Tract No. 74481

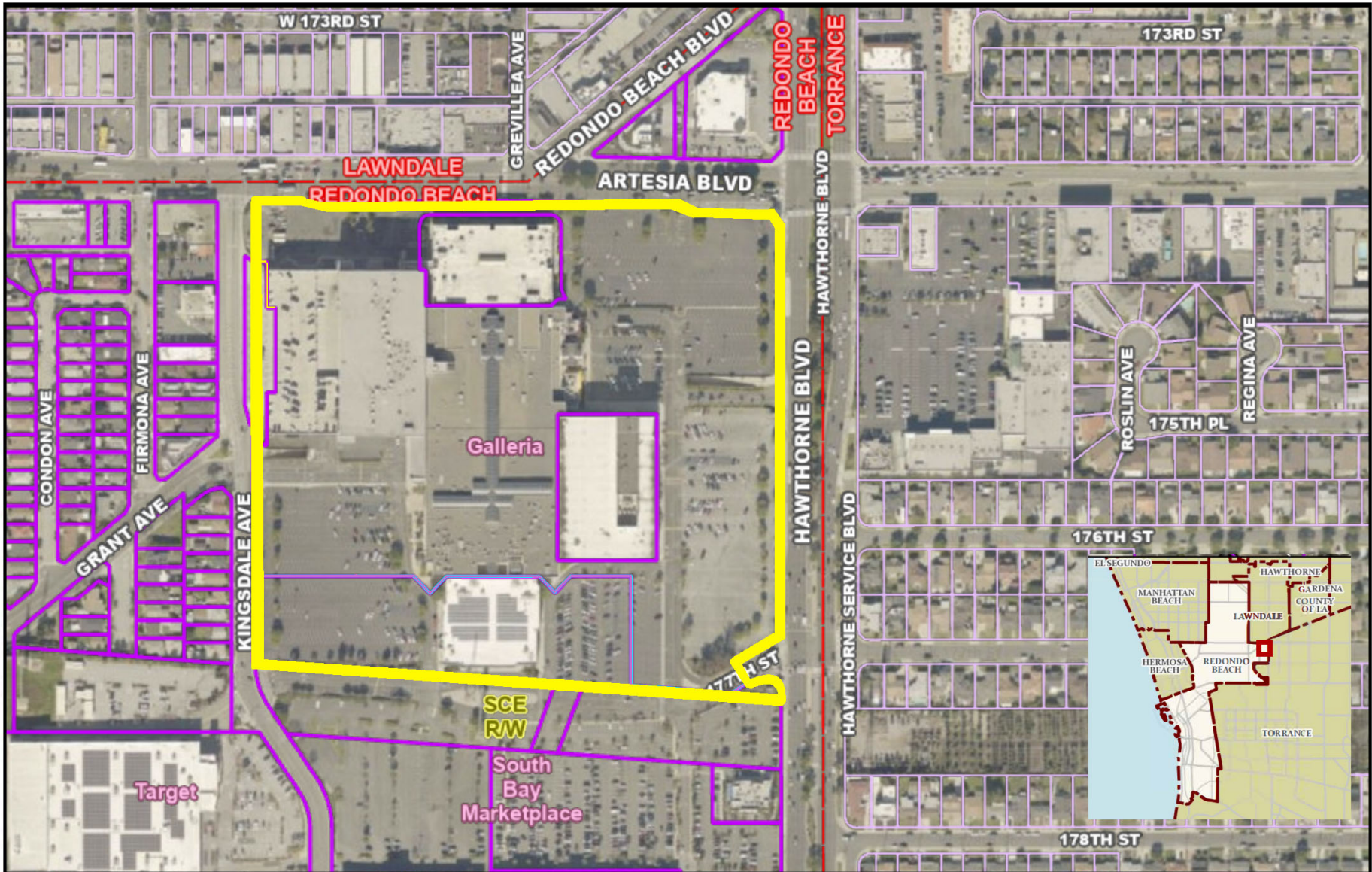



Exhibit
Tract No. 74481



 Tract No. 74481

IN THE CITY OF REDONDO BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

SIGNATURE OMISSIONS:

THE SIGNATURE OF THE STATE OF CALIFORNIA, HOLDER OF AN EASEMENT FOR HIGHWAY SLOPE AND DRAINAGE, RECORDED NOVEMBER 13, 1951 AS INSTRUMENT NO. 3159, IN BOOK 37623, PAGE 150, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF THE STATE OF CALIFORNIA, HOLDER OF AN EASEMENT FOR HIGHWAY SLOPE AND DRAINAGE, RECORDED NOVEMBER 13, 1951 AS INSTRUMENT NO. 3160, IN BOOK 37623, PAGE 154, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF MAY DEPARTMENT STORES COMPANY, CORPORATION HOLDER OF A LESSEE'S INTEREST, RECORDED APRIL 26, 1956 AS INSTRUMENT NO. 4355, IN BOOK 51007, PAGE 434, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF MAY DEPARTMENT STORES COMPANY, CORPORATION HOLDER OF A LESSEE'S INTEREST, RECORDED NOVEMBER 16, 1959 AS INSTRUMENT NO. 3492, IN BOOK M391, PAGE 122, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF AN EASEMENT FOR ELECTRIC LINE, RECORDED OCTOBER 4, 1957 AS INSTRUMENT NO. 3587, IN BOOK 55776, PAGE 432, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURES OF SOUTH BAY ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP; MERVYN'S, A CALIFORNIA CORPORATION; AND NORDSTROM, INC., A WASHINGTON CORPORATION, HOLDERS OF RECIPROCAL EASEMENTS FOR INGRESS AND EGRESS, PARKING OF VEHICLES, PEDESTRIANS, UTILITY LINES, DEVELOPMENT AND CONSTRUCTION, FIRE AND SERVICE CORRIDOR, AND EASEMENTS FOR THE CONSTRUCTION, MAINTENANCE AND USE OF PEDESTRIAN BRIDGES AS PER A "CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT", RECORDED AUGUST 1, 1984 AS INSTRUMENT NO. 84-922919, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(C) OF THE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AS SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF CITY OF REDONDO BEACH, HOLDER OF AN EASEMENT FOR PUBLIC SIDEWALK, RECORDED AUGUST 31, 1984 AS INSTRUMENT NO. 84-1055724, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF GENERAL TELEPHONE COMPANY OF CALIFORNIA, A CORPORATION HOLDER OF AN EASEMENT FOR COMMUNICATION FACILITIES, RECORDED JULY 2, 1985 AS INSTRUMENT NO. 85-767608, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE THE CITY OF REDONDO BEACH, HOLDER OF AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE AS PER "CONSTRUCTION EASEMENT AND MAINTENANCE AGREEMENT", RECORDED JULY 28, 1986 AS INSTRUMENT NO. 86-855522 AND AMENDED DECEMBER 15, 1993 AS INSTRUMENT NO. 93-2442494, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF AN EASEMENT FOR UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS, RECORDED NOVEMBER 6, 1987 AS INSTRUMENT NO. 87-1783951, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF REDONDO BEACH REDEVELOPMENT AGENCY, LESSEE UNDER "PARKING PARCEL GROUND LEASE" AS DISCLOSED BY AGREEMENTS TO AMEND OR MODIFY CERTAIN PROVISIONS OF SAID LEASE, RECORDED OCTOBER 1, 2013 AS INSTRUMENT NO. 2013-1420973 AND 2013-1420995, BOTH OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

SIGNATURE OMISSIONS (CONT.):

THE SIGNATURE OF THE CITY OF TORRANCE, A MUNICIPAL CORPORATION, HOLDER OF AN EASEMENT FOR WATER MAIN AND APPURTENANT STRUCTURES, RECORDED DECEMBER 14, 1987 AS INSTRUMENT NO. 87-1974613, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, HOLDER OF AN EASEMENT FOR POLE LINES, RECORDED OCTOBER 4, 1957 AS INSTRUMENT NO. 3587, IN BOOK 55776, PAGE 432, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

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THE SIGNATURE OF THE PARTY(IES) NAMED AS OWNER(S) OF THE INTEREST SET FORTH IN A DOCUMENT ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENTS", RECORDED JANUARY 7, 2008 AS INSTRUMENT NO. 20080031224, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF THE PARTY(IES) NAMED AS OWNER(S) OF THE INTEREST SET FORTH IN A DOCUMENT ENTITLED "ASSIGNMENT OF OPERATING AGREEMENTS", RECORDED JULY 28, 2009 AS INSTRUMENT NO. 20091150172, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF THE PARTY(IES) NAMED AS OWNER(S) OF THE INTEREST SET FORTH IN A DOCUMENT ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENTS", RECORDED NOVEMBER 22, 2013 AS INSTRUMENT NO. 20131665136, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF AN EASEMENT FOR PUBLIC UTILITIES, RECORDED NOVEMBER 6, 1987 AS INSTRUMENT NO. 87-1783952, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF THE CITY OF TORRANCE HOLDER OF AN EASEMENT FOR UNDERGROUND WATER MAIN AND ANY RELATED APPURTENANCES, RECORDED DECEMBER 14, 1987 AS INSTRUMENT NO. 87-1974614, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

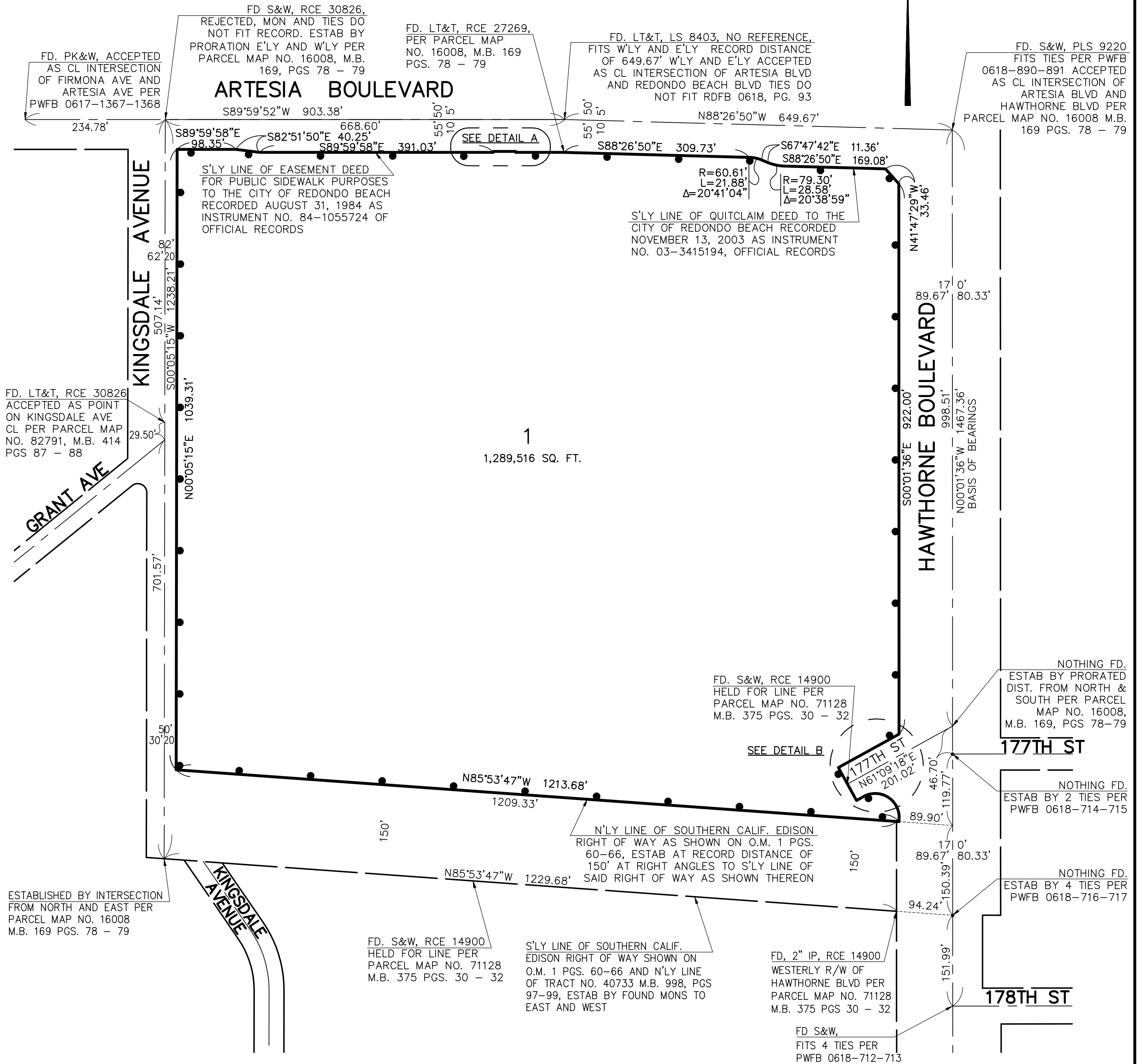
THE SIGNATURE OF KOHL'S DEPARTMENT STORES, INC., A DELAWARE CORPORATION, HOLDER OF A LESSEE'S INTEREST IN LEASE DISCLOSED BY "MEMORANDUM OF LEASE", RECORDED JANUARY 7, 2008 AS INSTRUMENT NO. 20080031225, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

THE SIGNATURE OF GENERAL CINEMA CORP. OF CALIFORNIA, A CALIFORNIA CORPORATION, HOLDER OF A LESSEE'S INTEREST IN LEASE DISCLOSED BY "MEMORANDUM OF LEASE", RECORDED DECEMBER 11, 1997 AS INSTRUMENT NO. 97-1948405, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a) 3(A) (I-VIII) OF THE FEE TITLE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOS ANGELES CITY COUNCIL.

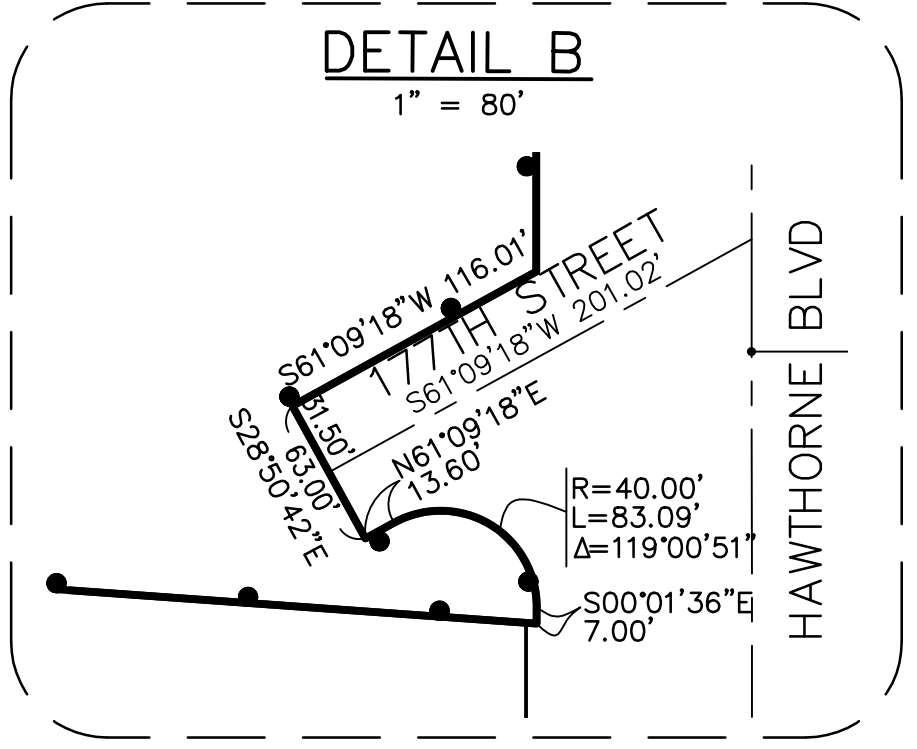
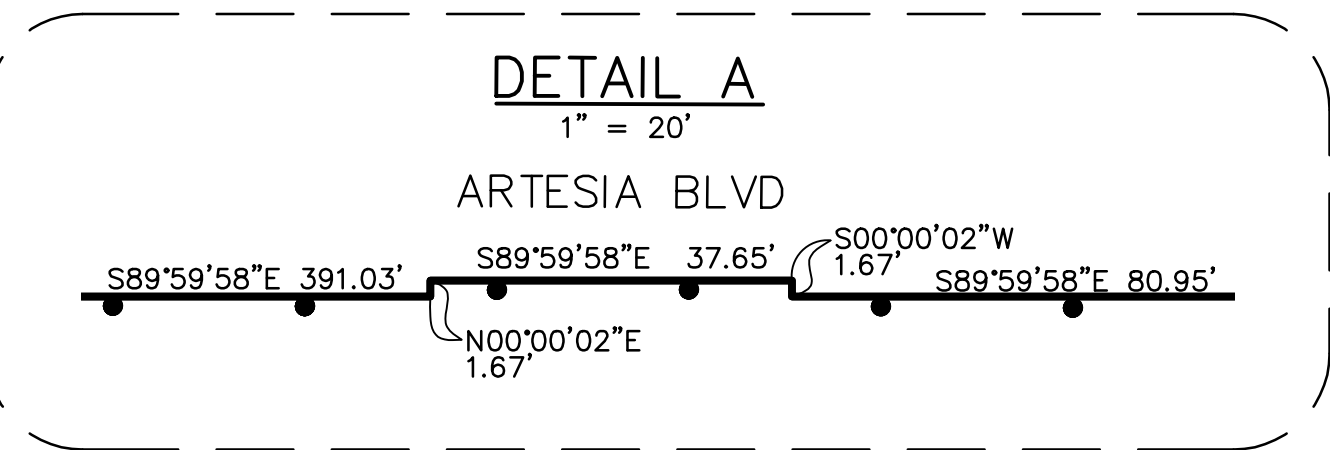
TRACT NO. 74481

IN THE CITY OF REDONDO BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

BOUNDARY ESTABLISHMENT



1
1,289,516 SQ. FT.



LEGEND:

—●—●—●—

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

SCALE 1" = 100'

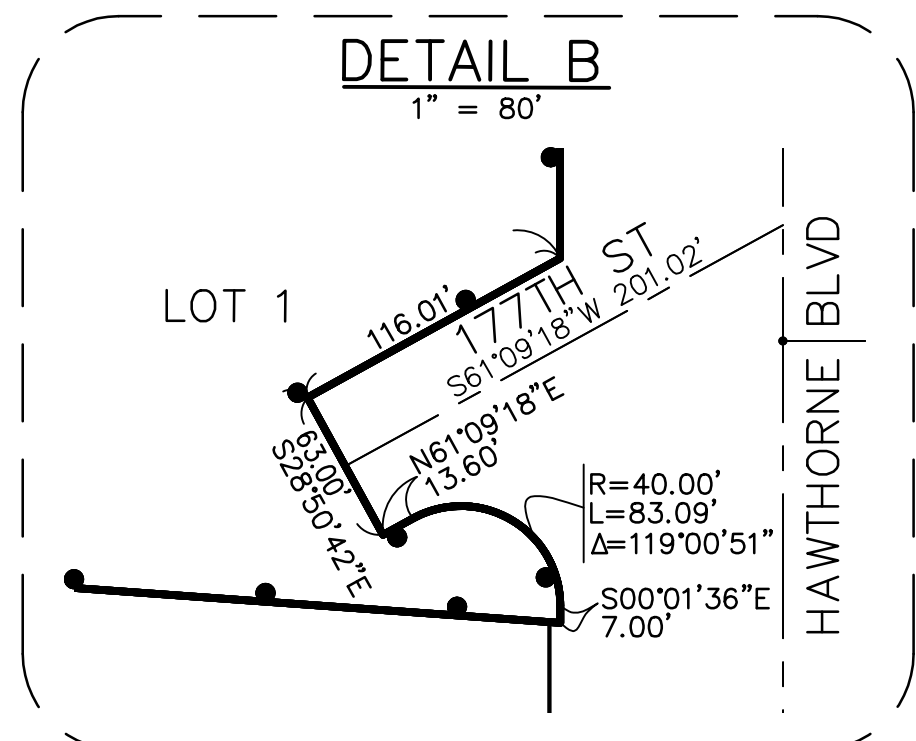
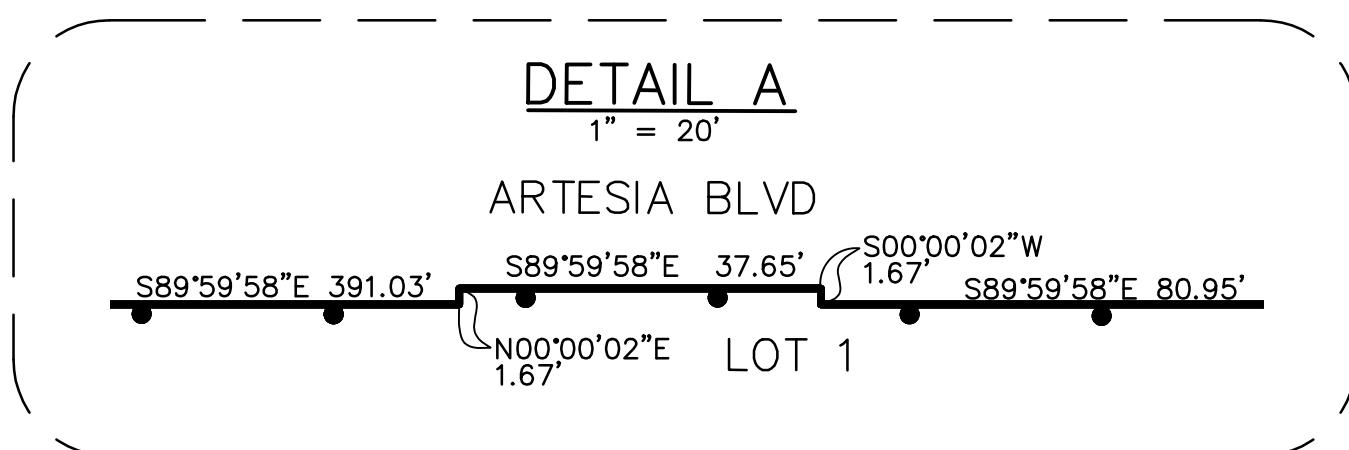
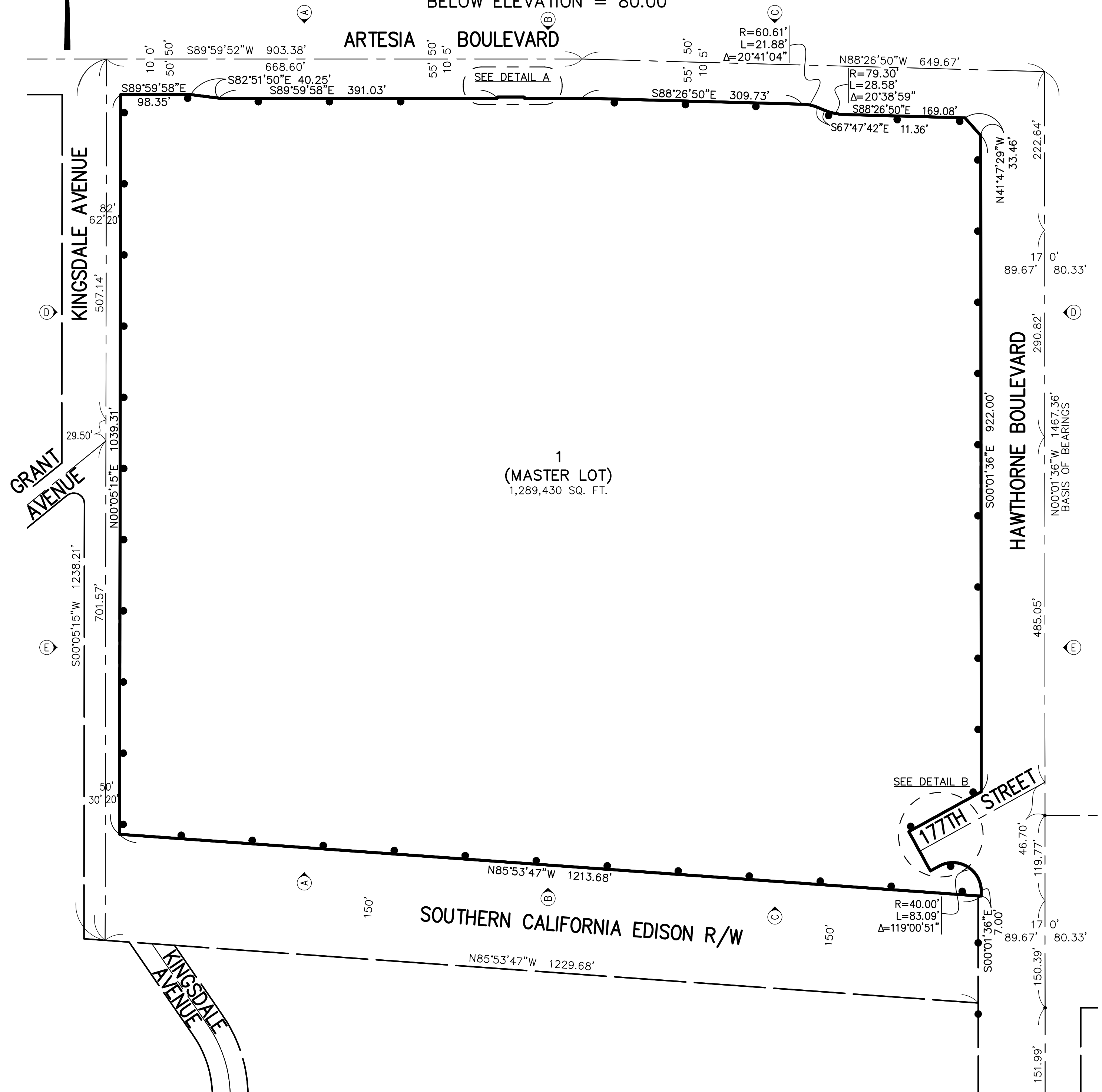
TRACT NO. 74481

SHEET 6 OF 18 SHEETS

IN THE CITY OF REDONDO BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

MASTER LOT

ABOVE ELEVATION = 200.00'
BELOW ELEVATION = 80.00'



LEGEND:

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

SCALE 1" = 100'

TRACT NO. 74481

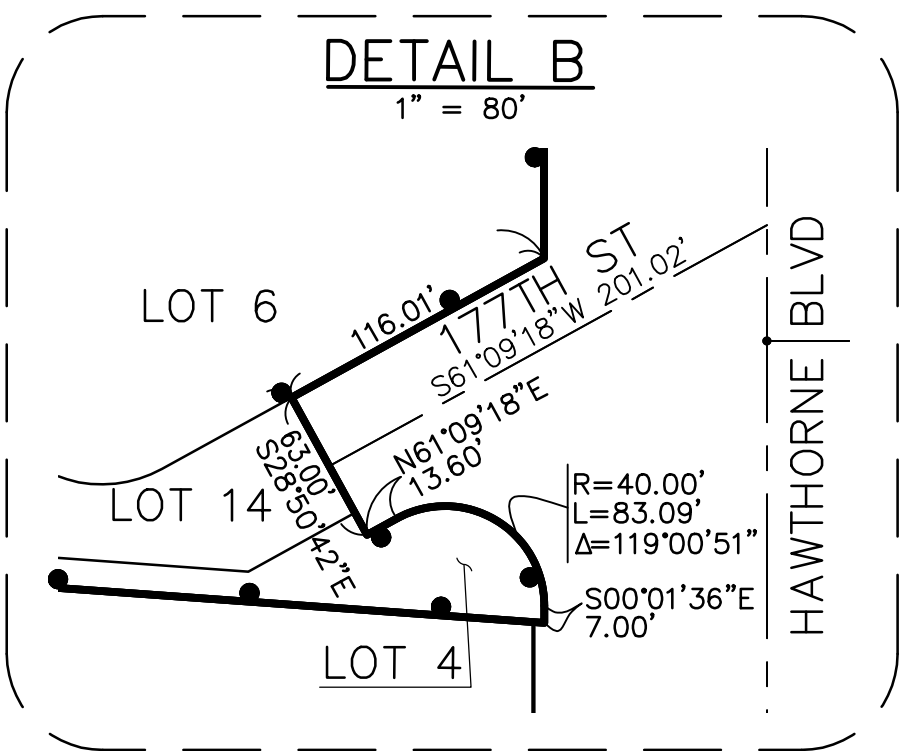
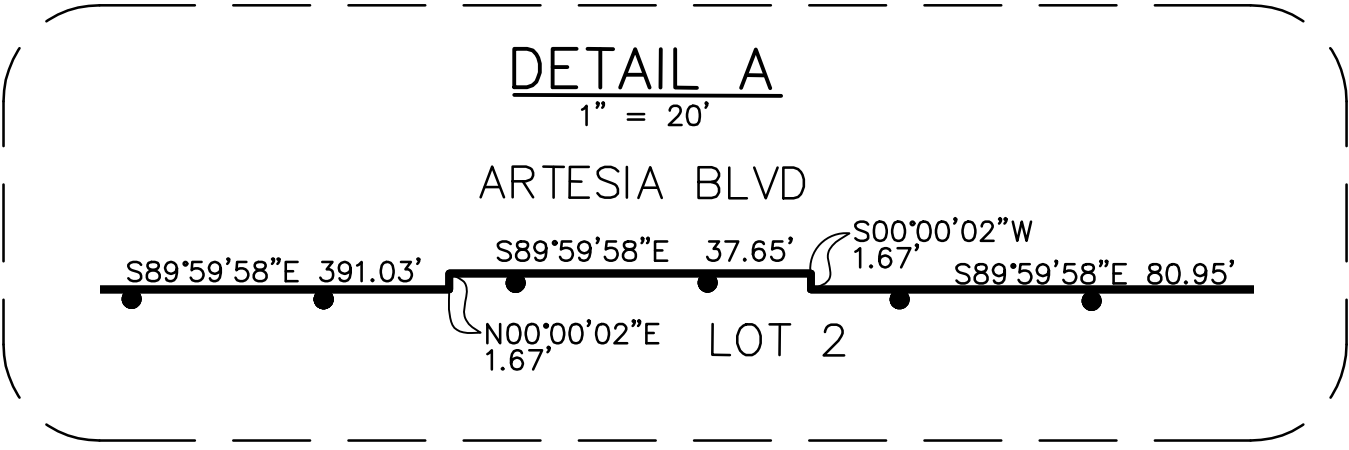
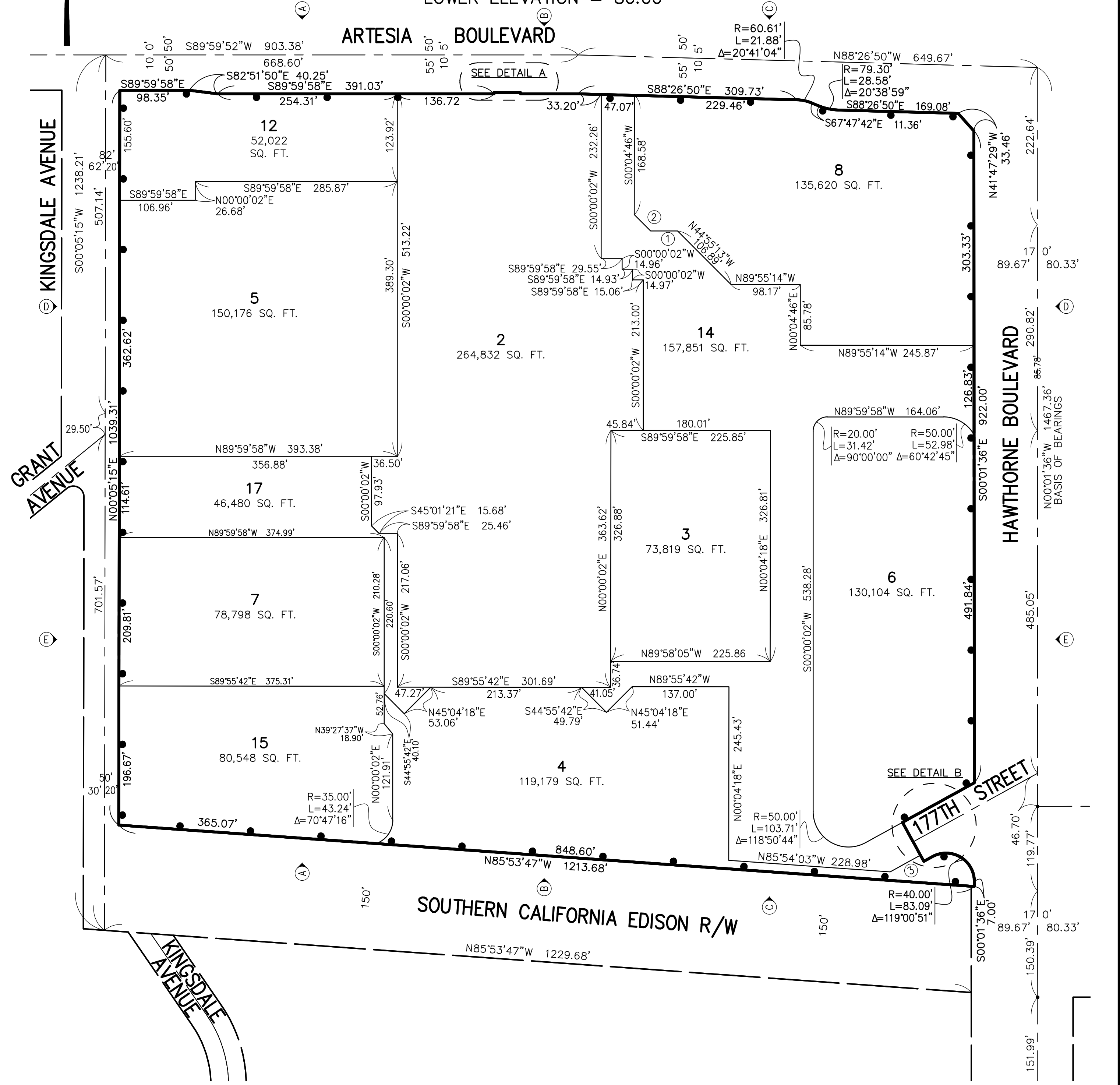
SHEET 7 OF 18 SHEETS

IN THE CITY OF REDONDO BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

SUBTERRANEAN P1

UPPER ELEVATION = 96.00'
LOWER ELEVATION = 80.00'

LINE	BEARING	DISTANCE
1	N89°55'14"W	38.14'
2	N45°02'57"W	32.72'



LEGEND:

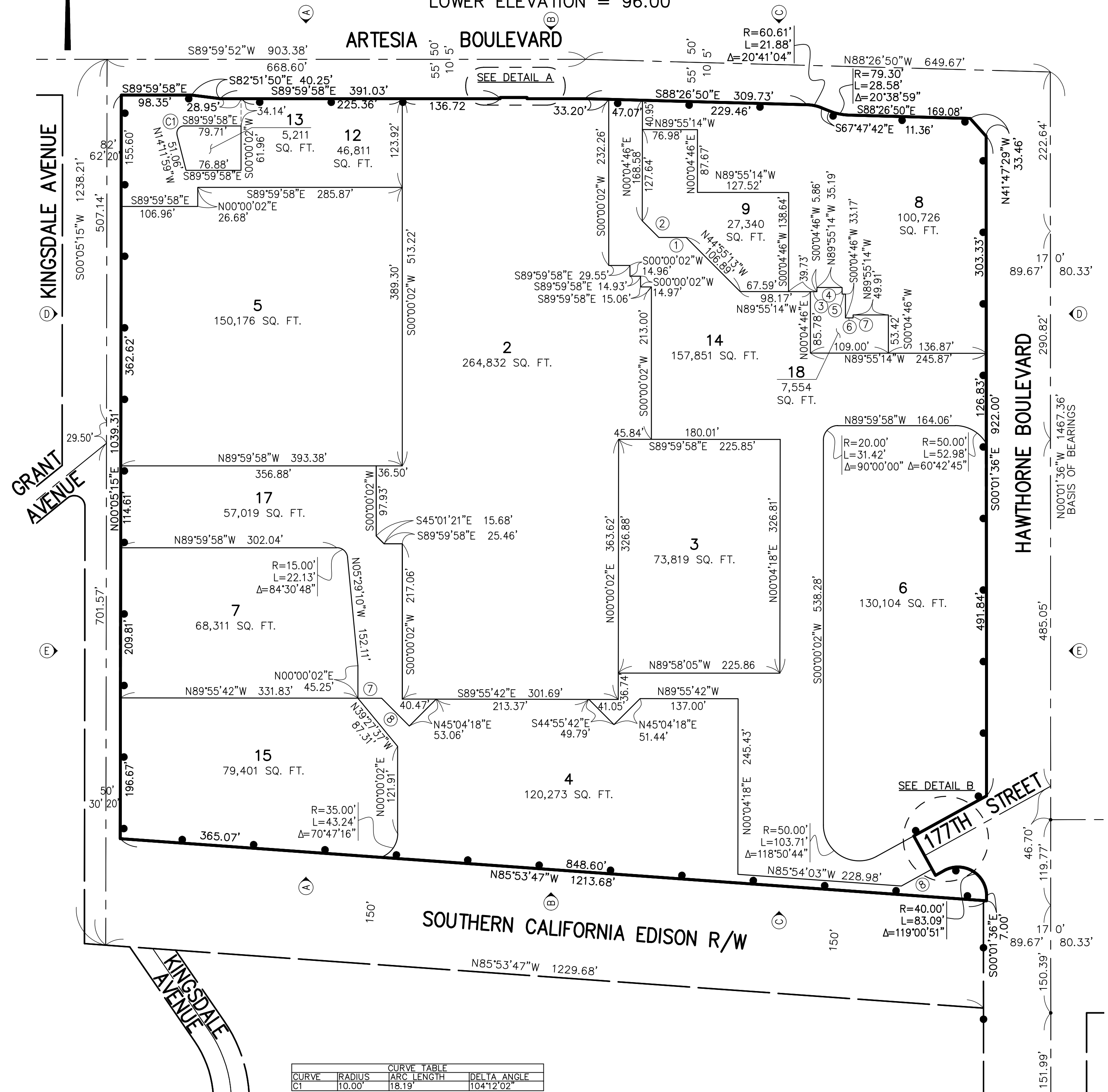
INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

TRACT NO. 74481

IN THE CITY OF REDONDO BEACH
 COUNTY OF LOS ANGELES
 STATE OF CALIFORNIA

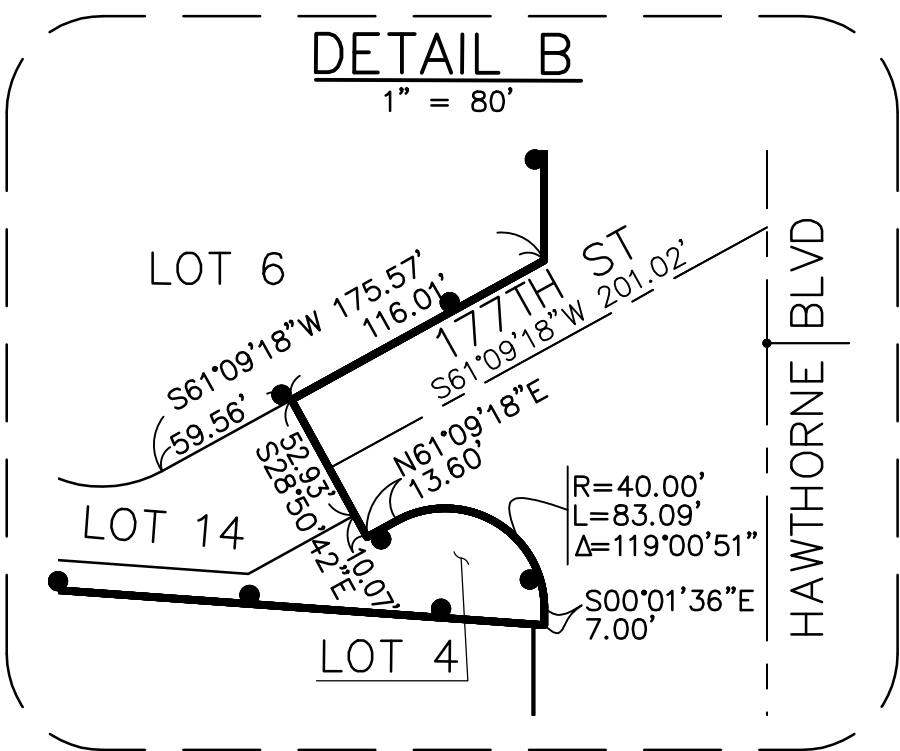
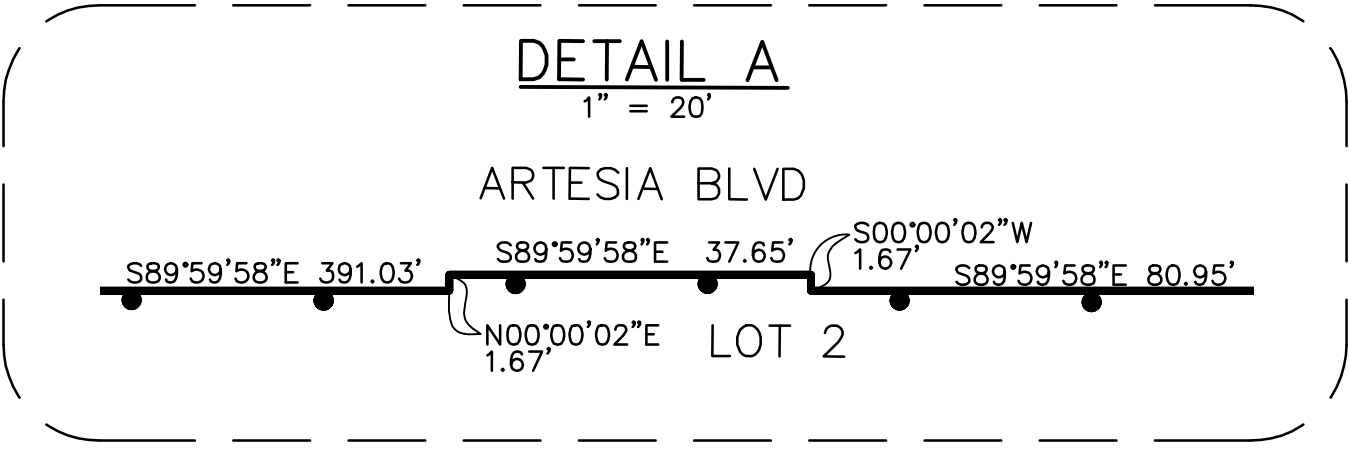
LEVEL 1

UPPER ELEVATION = 111.00'
 LOWER ELEVATION = 96.00'



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	10.00'	18.19'	104°12'02"

LINE	BEARING	DISTANCE
1	N89°55'14"W	38.14'
2	N45°02'57"W	32.72'
3	N89°55'14"W	9.15'
4	S00°04'46"W	9.23'
5	N89°55'14"W	4.65'
6	N89°55'14"W	10.67'
7	S00°04'46"W	4.17'
8	N61°08'05"E	48.97'



LEGEND:

 INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

SCALE 1" = 100'

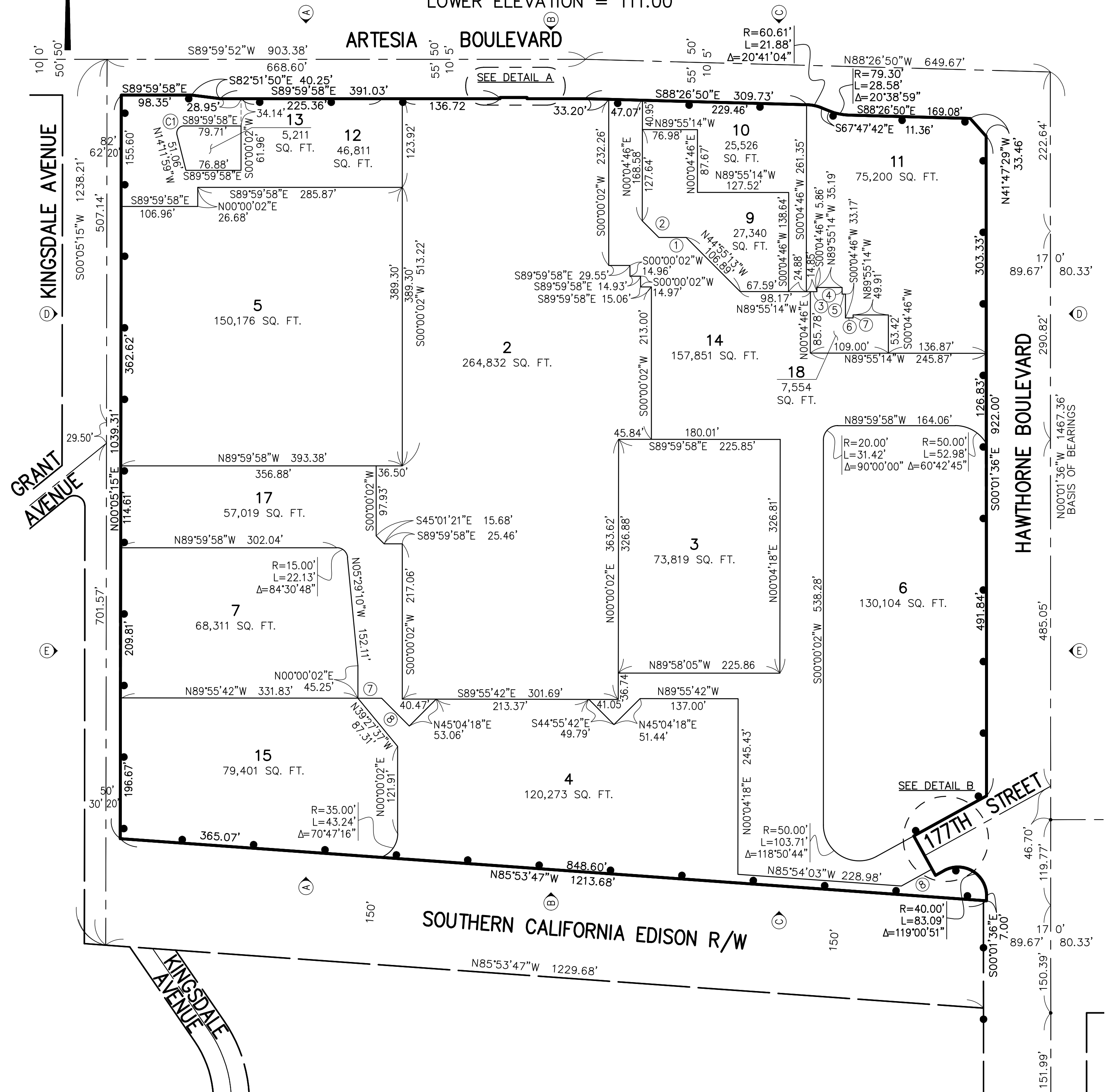
TRACT NO. 74481

SHEET 9 OF 18 SHEETS

IN THE CITY OF REDONDO BEACH
 COUNTY OF LOS ANGELES
 STATE OF CALIFORNIA

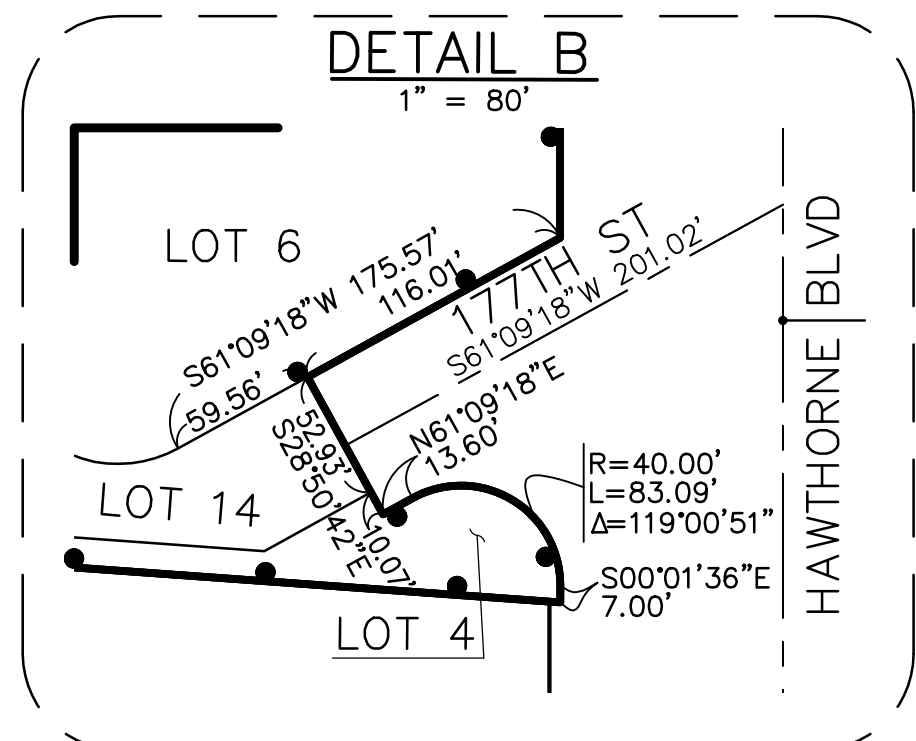
LEVEL 1-B

UPPER ELEVATION = 116.00'
 LOWER ELEVATION = 111.00'



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	10.00'	18.19'	104°12'02"

LINE	BEARING	DISTANCE
1	N89°55'14"W	38.14'
2	N45°02'57"W	32.72'
3	N89°55'14"W	9.15'
4	S00°04'46"W	9.23'
5	N89°55'14"W	4.65'
6	N89°55'14"W	10.67'
7	S00°04'46"W	4.17'
8	N61°08'05"E	48.97'



LEGEND:

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

SCALE 1" = 100'

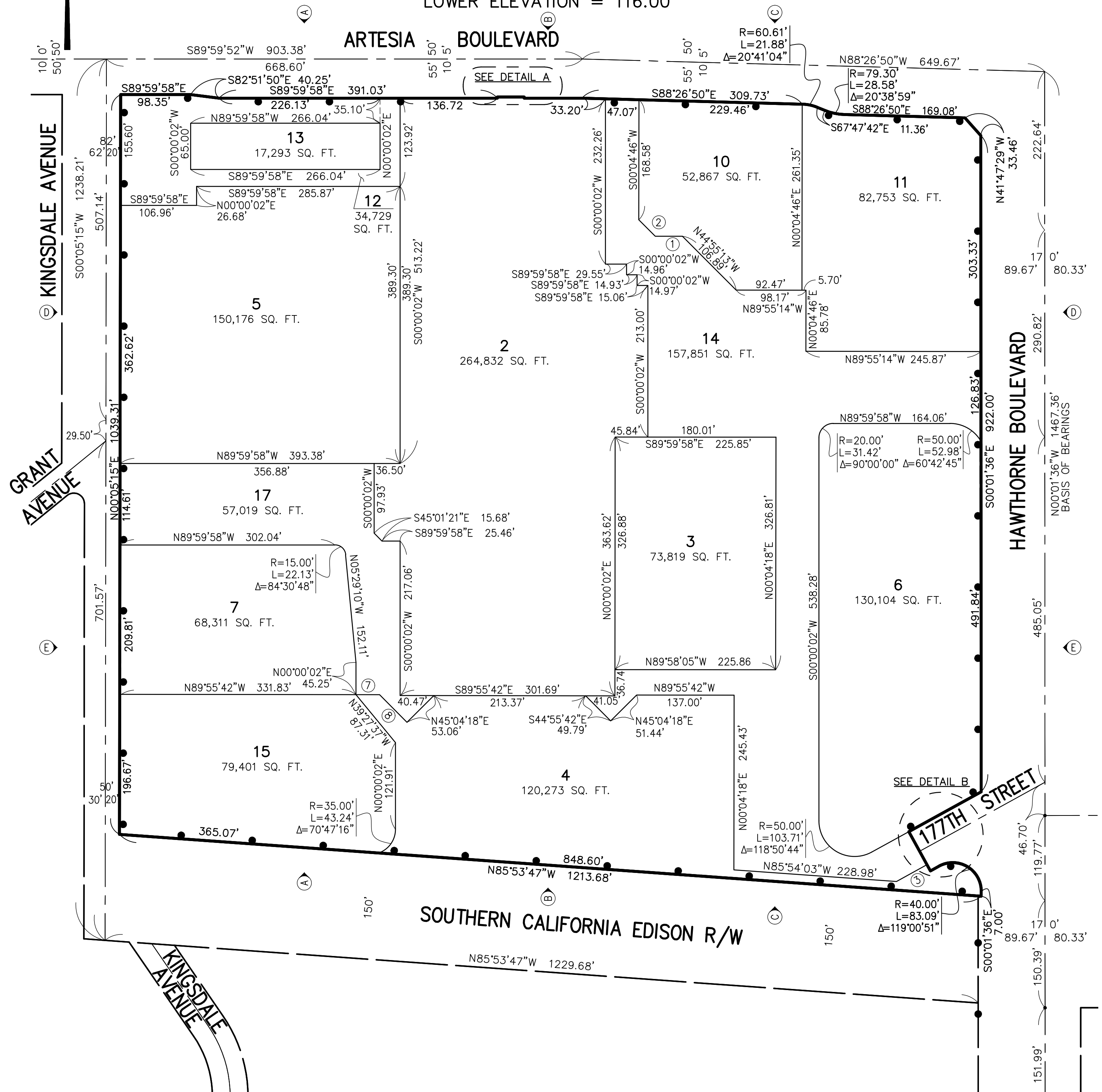
TRACT NO. 74481

SHEET 10 OF 18 SHEETS

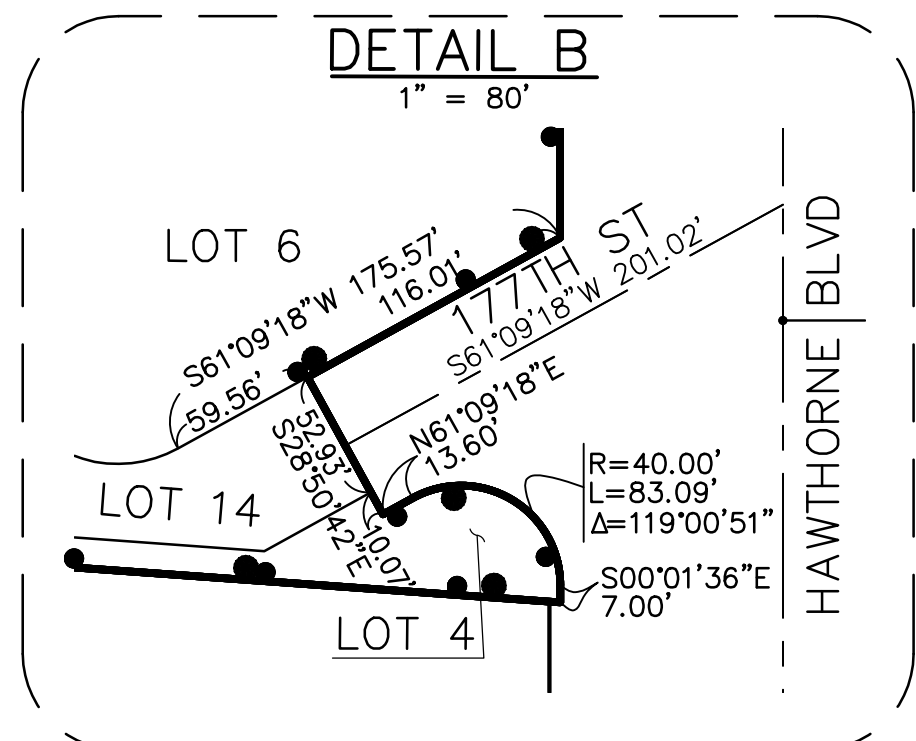
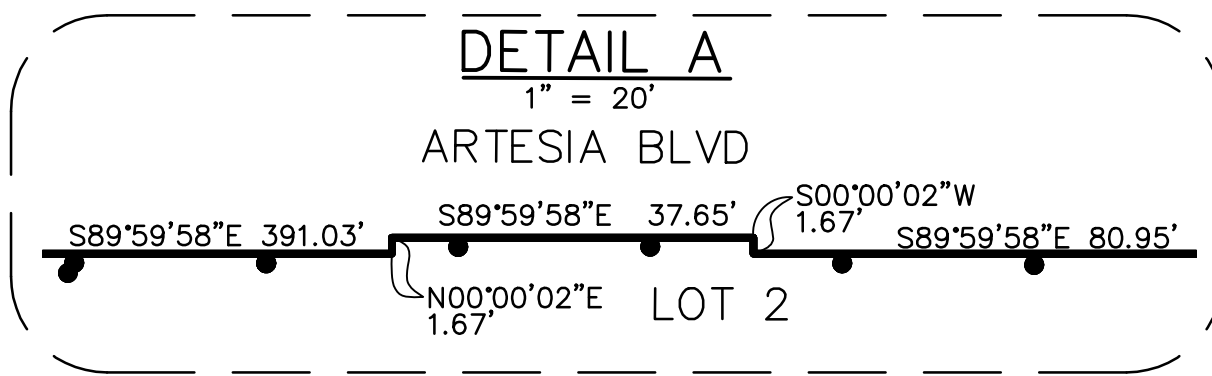
IN THE CITY OF REDONDO BEACH
 COUNTY OF LOS ANGELES
 STATE OF CALIFORNIA

LEVEL 2

UPPER ELEVATION = 126.00'
 LOWER ELEVATION = 116.00'



LINE	BEARING	DISTANCE
1	N89°55'14"W	38.14'
2	N45°02'57"W	32.72'
3	S89°55'42"E	33.17'
4	S89°55'42"E	54.70'



LEGEND:

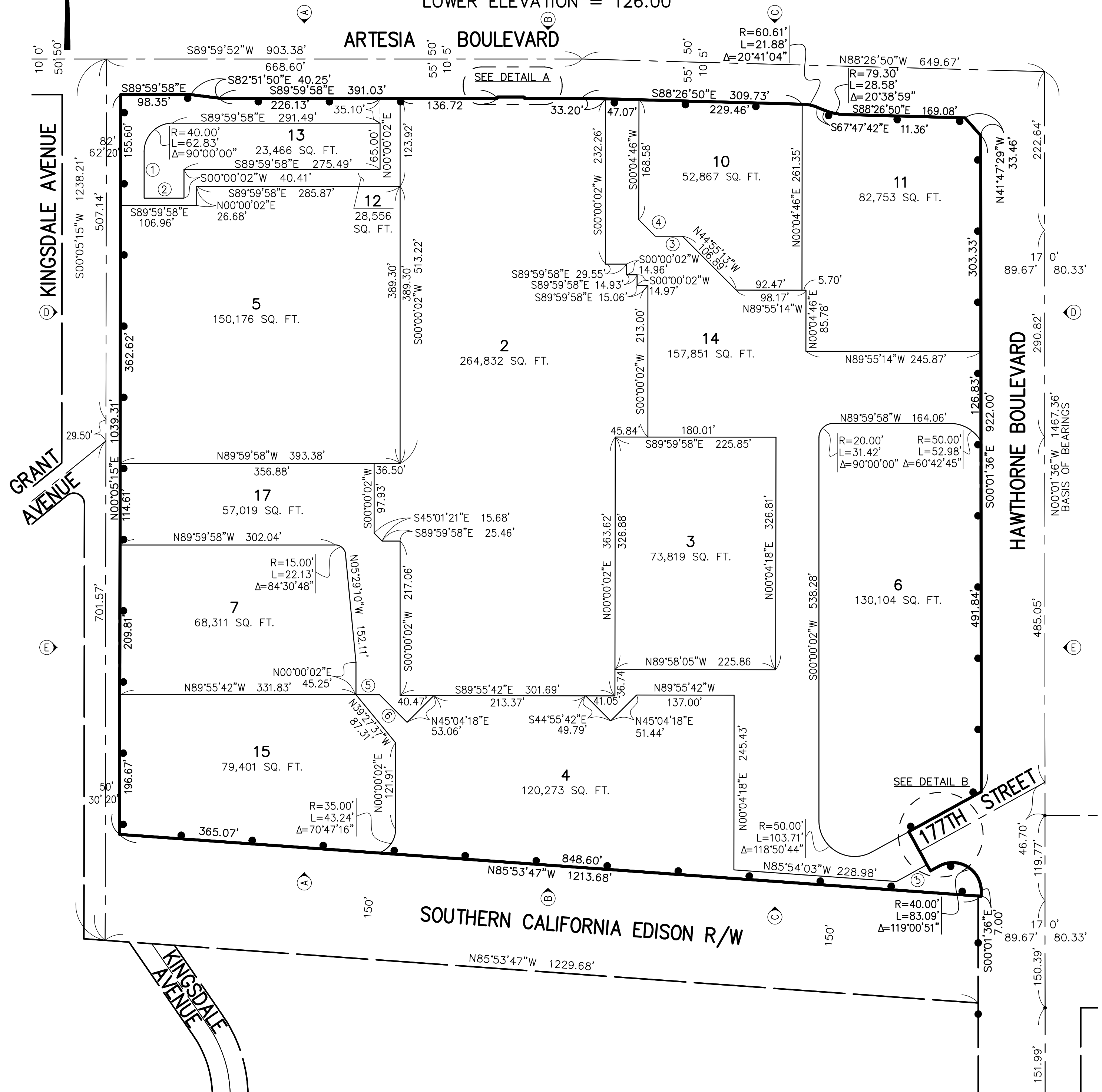
INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

TRACT NO. 74481

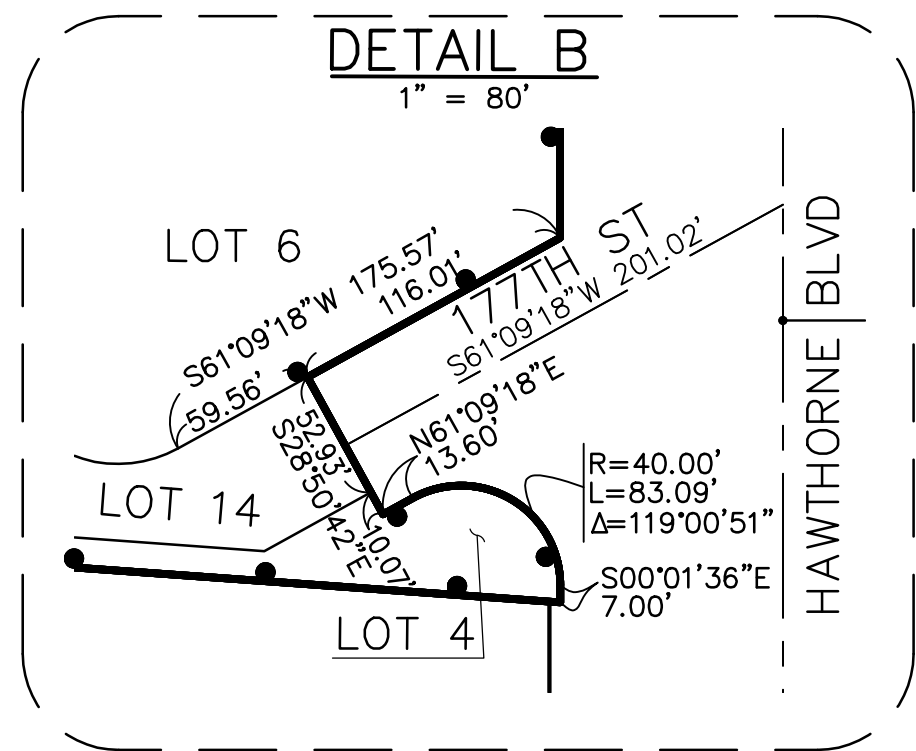
IN THE CITY OF REDONDO BEACH
 COUNTY OF LOS ANGELES
 STATE OF CALIFORNIA

LEVEL 2-B

UPPER ELEVATION = 132.00'
 LOWER ELEVATION = 126.00'



LINE	BEARING	DISTANCE
1	S00°00'02"W	65.41'
2	S89°59'58"E	56.00'
3	N89°55'14"W	38.14'
4	N45°02'57"W	32.72'
5	S89°55'42"E	33.17'
6	S89°55'42"E	54.70'



LEGEND:
 INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

SCALE 1" = 100'

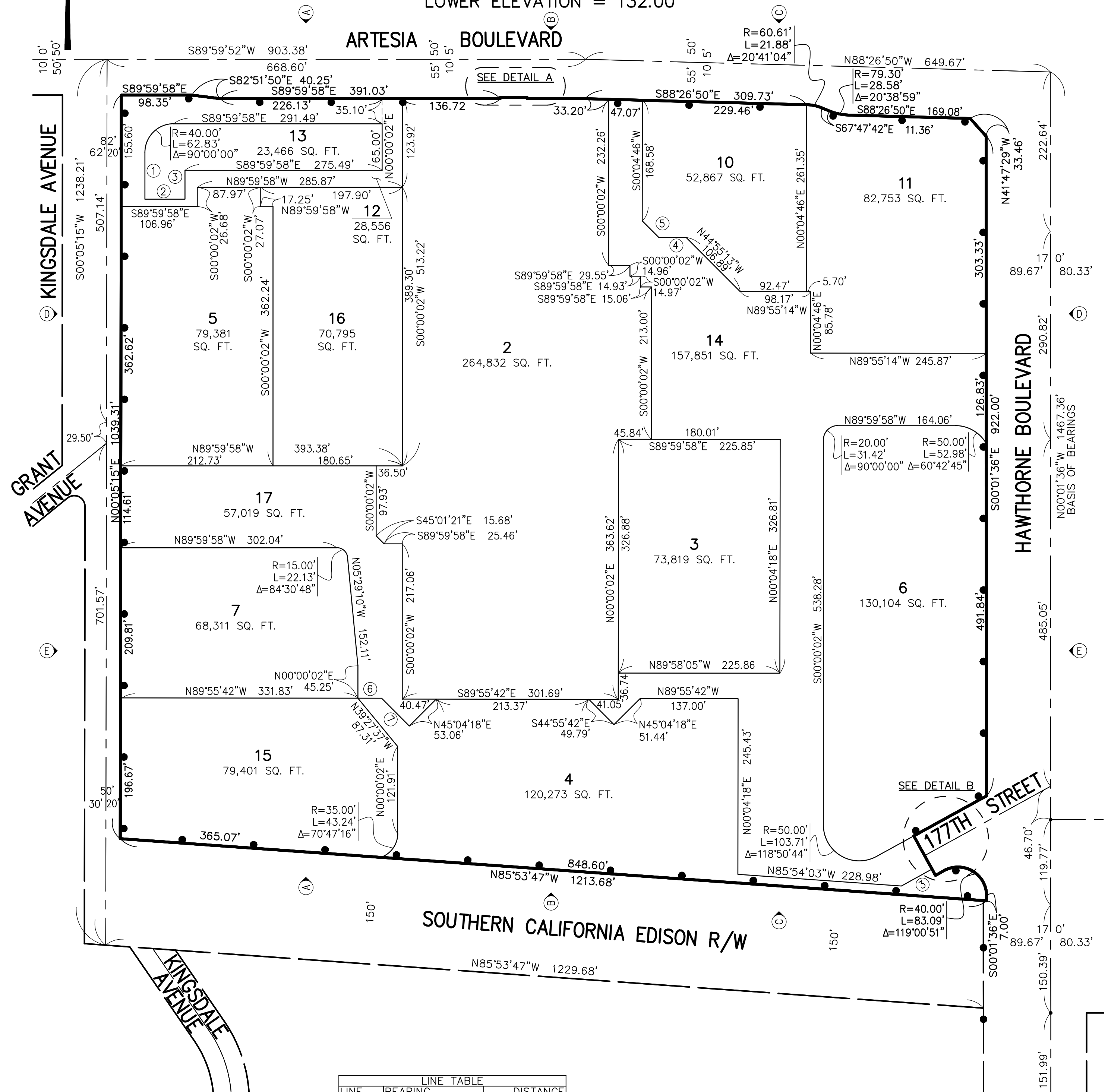
TRACT NO. 74481

SHEET 12 OF 18 SHEETS

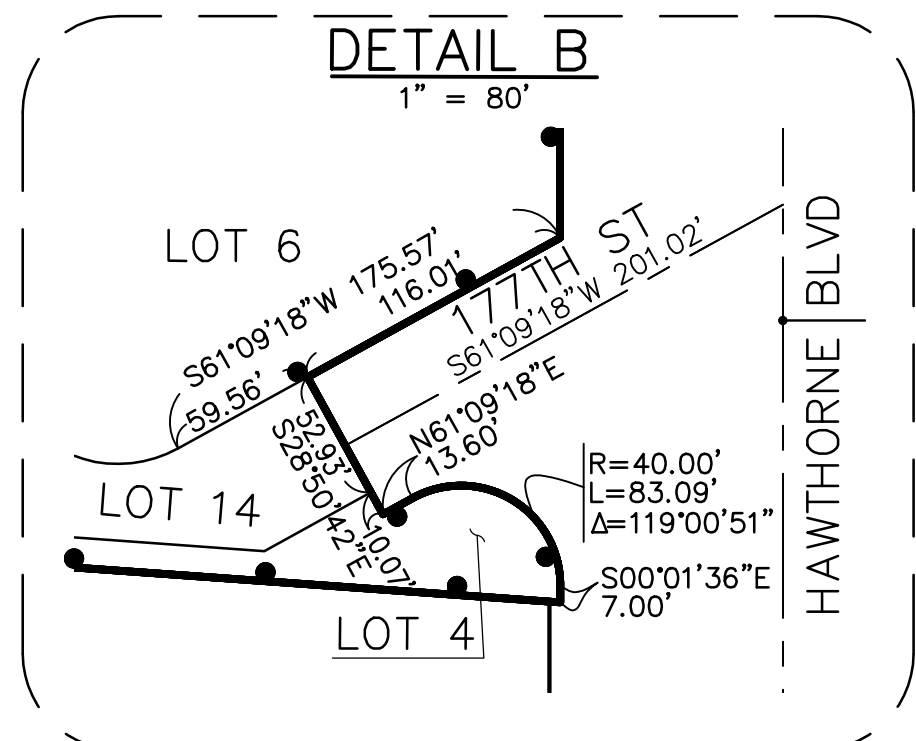
IN THE CITY OF REDONDO BEACH
 COUNTY OF LOS ANGELES
 STATE OF CALIFORNIA

LEVEL 3

UPPER ELEVATION = 200.00'
 LOWER ELEVATION = 132.00'



LINE	BEARING	DISTANCE
1	S00°00'02"W	65.41'
2	S89°59'58"E	56.00'
3	S00°00'02"W	40.41'
4	N89°55'14"W	38.14'
5	N45°02'57"W	32.72'
6	S89°55'42"E	33.17'
7	S89°55'42"E	54.70'



LEGEND:

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

TRACT NO. 74481

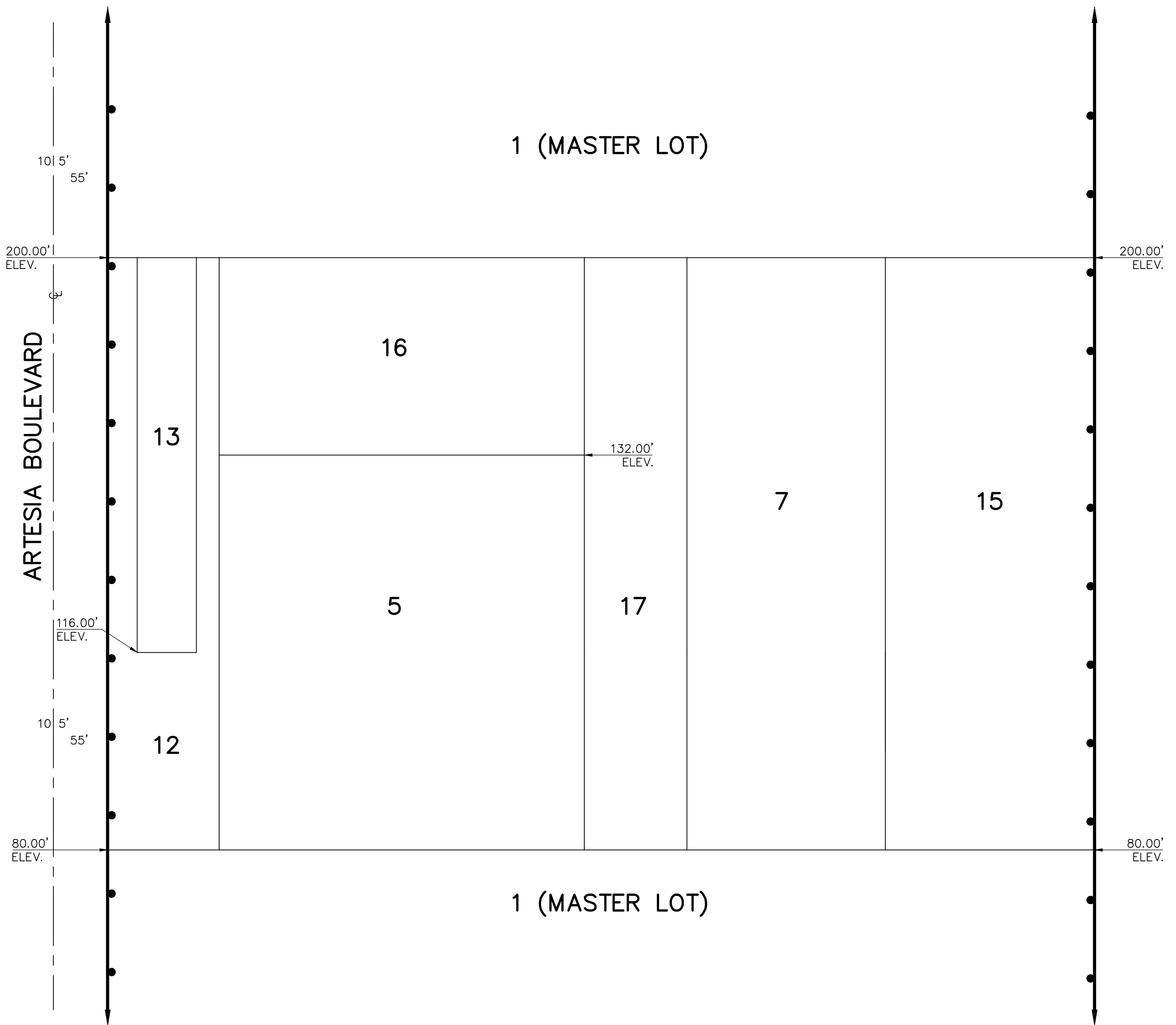
IN THE CITY OF REDONDO BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

SECTION A-A

NO UPPER LIMIT

NO UPPER LIMIT

1 (MASTER LOT)



NO LOWER LIMIT

NO LOWER LIMIT

LEGEND:

INDICATES THE BOUNDARY OF THE
LAND BEING SUBDIVIDED BY THIS MAP.

TRACT NO. 74481

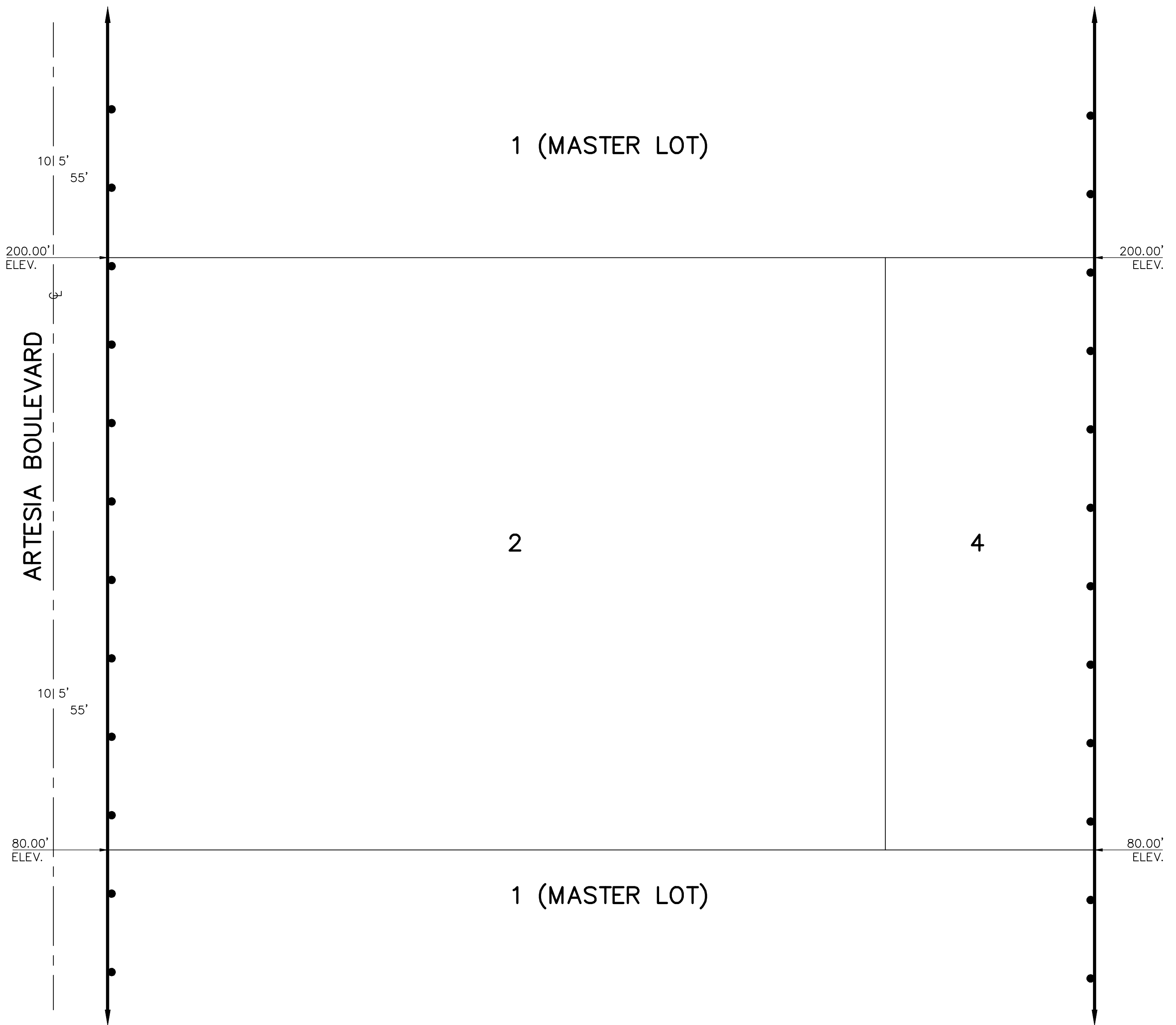
IN THE CITY OF REDONDO BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

SECTION B-B

NO UPPER LIMIT

NO UPPER LIMIT

1 (MASTER LOT)




NO LOWER LIMIT

NO LOWER LIMIT

1 (MASTER LOT)

LEGEND:



 INDICATES THE BOUNDARY OF THE
 LAND BEING SUBDIVIDED BY THIS MAP.

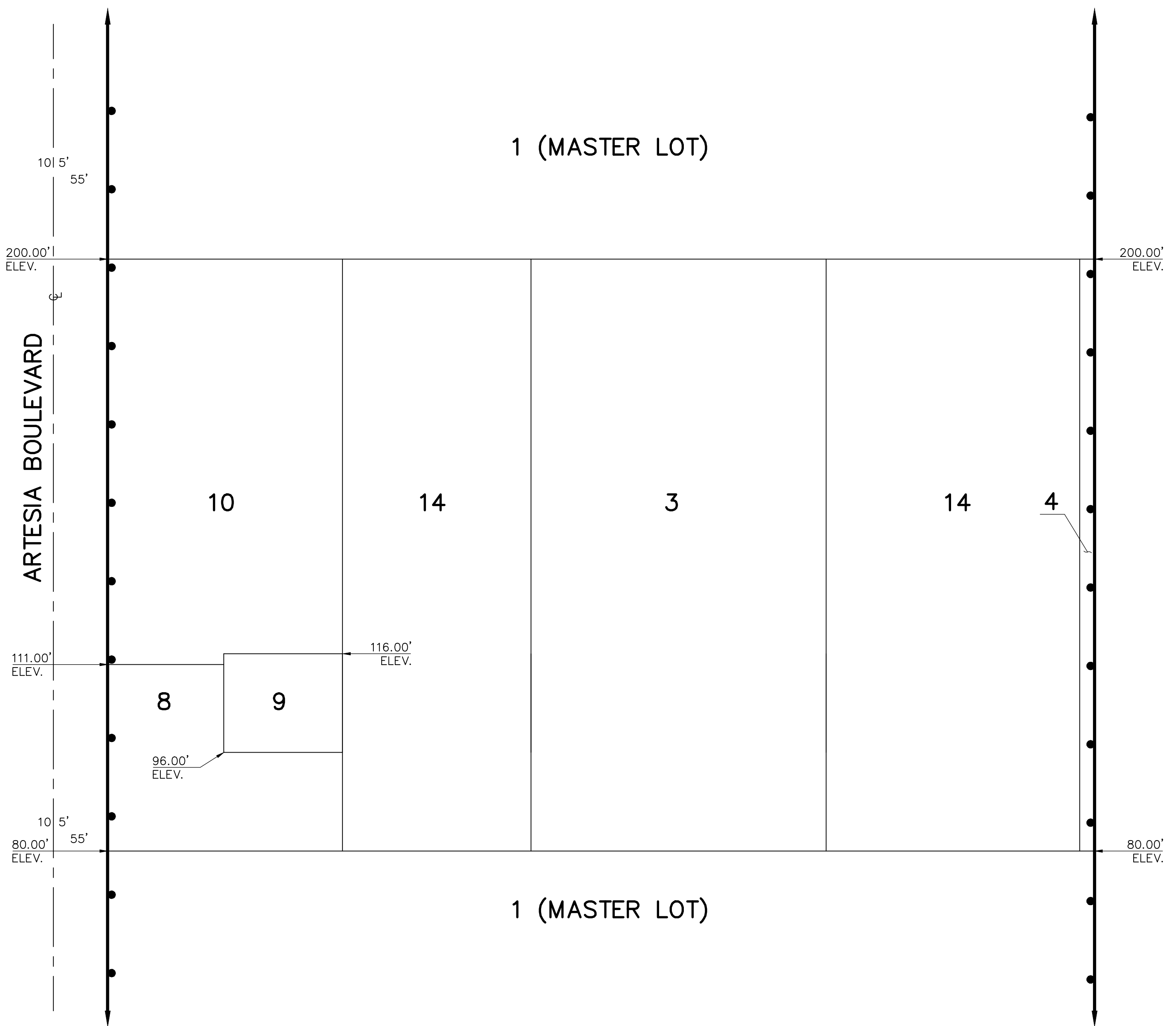
TRACT NO. 74481

IN THE CITY OF REDONDO BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

SECTION C-C

NO UPPER LIMIT

NO UPPER LIMIT



NO LOWER LIMIT

NO LOWER LIMIT

LEGEND:



 INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

TRACT NO. 74481

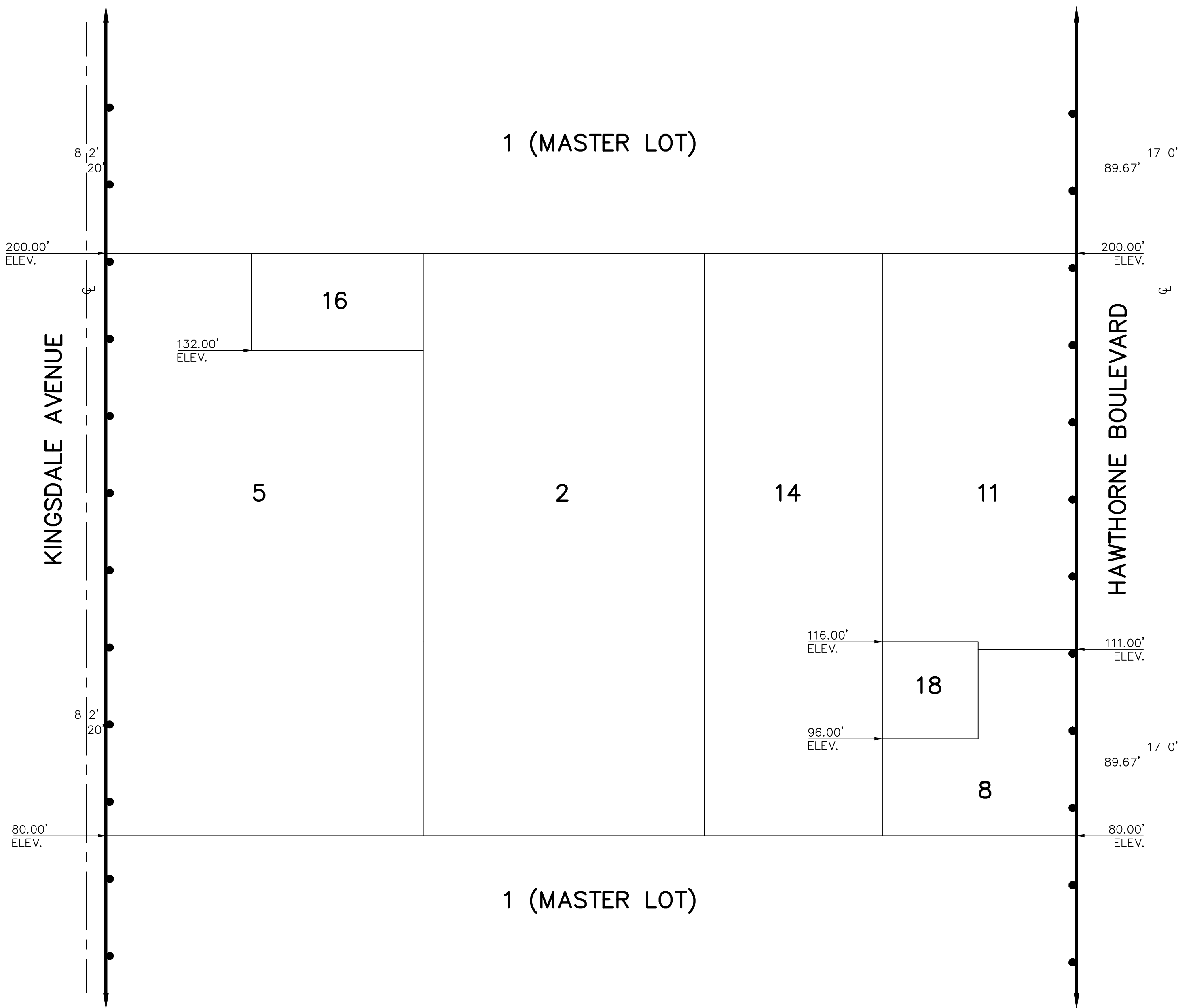
IN THE CITY OF REDONDO BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

SECTION D-D

NO UPPER LIMIT

NO UPPER LIMIT

1 (MASTER LOT)



NO LOWER LIMIT

NO LOWER LIMIT

1 (MASTER LOT)

LEGEND:

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

TRACT NO. 74481

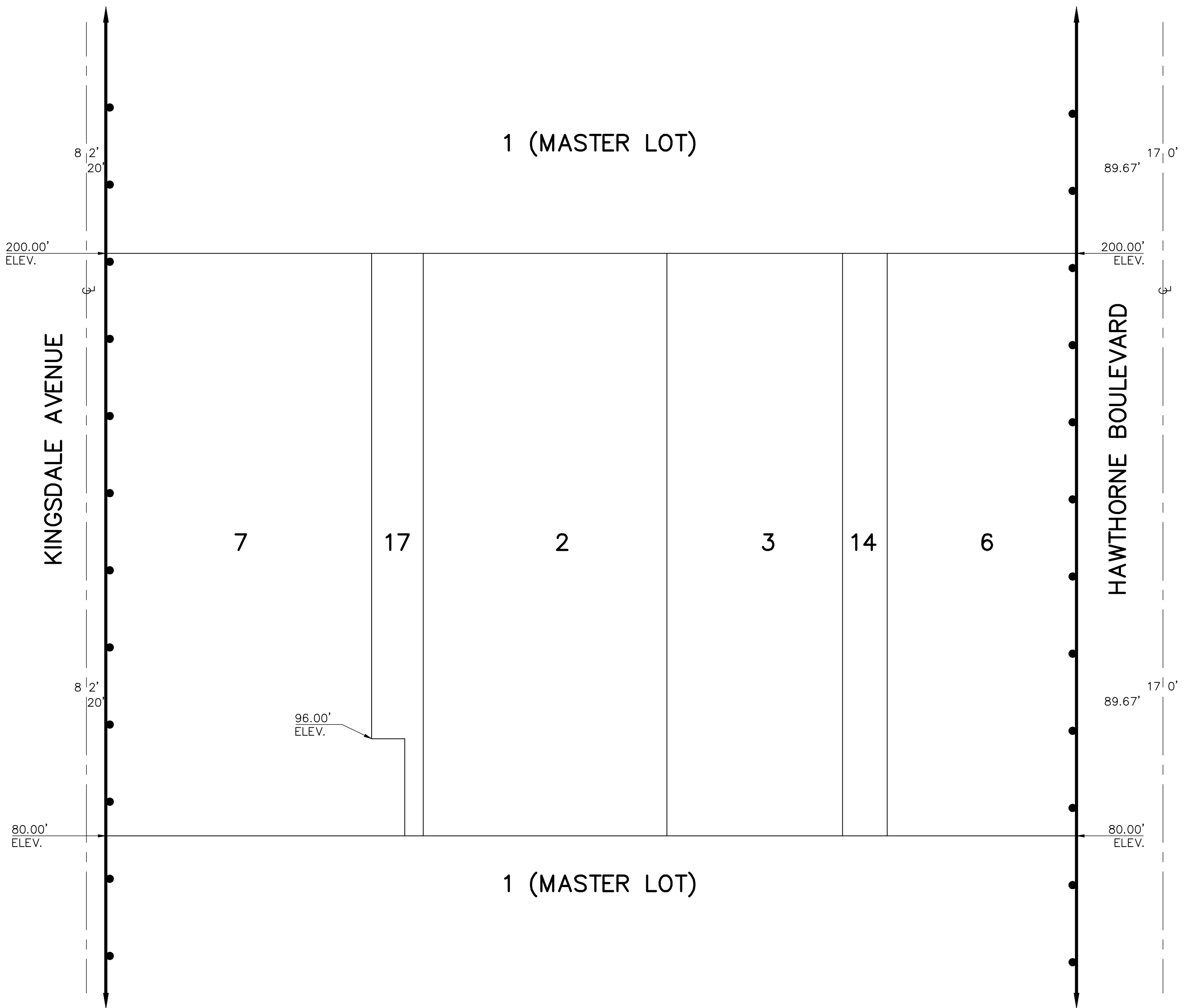
IN THE CITY OF REDONDO BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

SECTION E-E

NO UPPER LIMIT

NO UPPER LIMIT

1 (MASTER LOT)



NO LOWER LIMIT

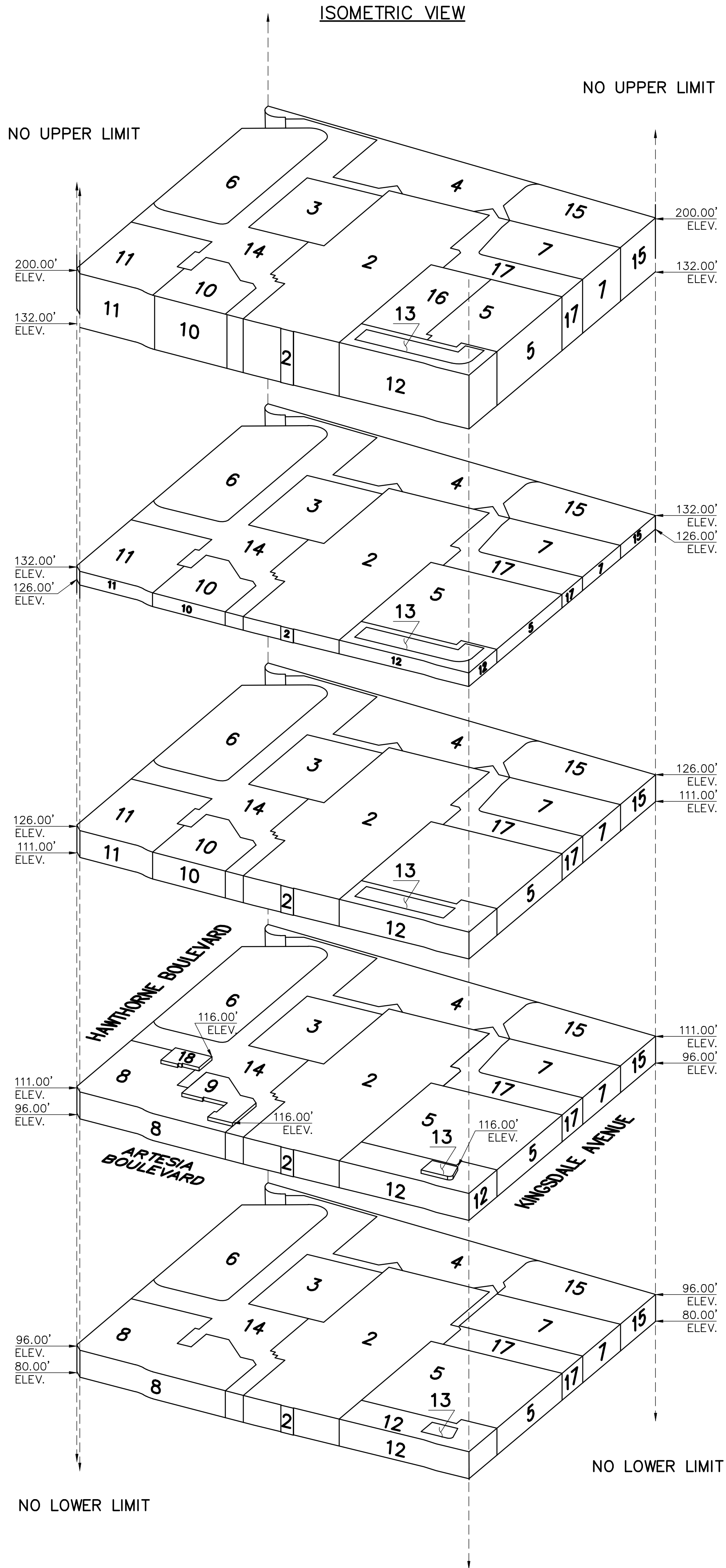
NO LOWER LIMIT

LEGEND:


 INDICATES THE BOUNDARY OF THE
 LAND BEING SUBDIVIDED BY THIS MAP.

TRACT NO. 74481

IN THE CITY OF REDONDO BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA





Administrative Report

H.5., File # 24-1701

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL
From: ANDREW WINJE, PUBLIC WORKS DIRECTOR

TITLE

REJECT ALL BIDS FOR THE NORTH PIER PARKING STRUCTURE REPAIRS PROJECT, JOB NO. 70610 AND DIRECT STAFF TO REVISE THE SCOPE OF THE PROJECT AND RE-ADVERTISE THE UPDATED CONSTRUCTION DOCUMENTS

EXECUTIVE SUMMARY

On July 30, 2024, the City Council approved plans and specifications for the North Pier Parking Structure Repairs Project, Job No. 70610 (Project). On October 30, 2024, four bids were received and publicly opened. The apparent low bid for the Project exceeds the available Project budget by roughly \$1,200,000, without accounting for contingency and construction management costs. Therefore, staff recommends the City Council reject all bids, work with the designer to value engineer certain elements of the Project where possible, reduce the scope of the base bid by reclassifying some tasks as optional, and re-advertise the Project.

BACKGROUND

The Project includes improvements to the seismic strengthening and non-seismic rehabilitation of the North Pier Parking Structure, which is a three-level concrete structure built in the early 1960's. During the design process, it was anticipated that construction costs to address all three levels of the North Pier Parking Structure would exceed budget. Although concrete structures like this are quite common, the cost for the Project has been difficult to predict using industry cost indices due to the site's physical constraints, very limited access for equipment and materials to the area, and the overall volatility of construction inflation in the current market. With this uncertainty, the Project advertisement was structured for bidding to prioritize the seismic strengthening and non-seismic structural rehabilitation of the basin level and deck of the plaza level (the former Fun Factory and restaurant space). Work items on the remainder of the plaza level and the village level, which is adjacent to Kincaid's restaurant, were included as additive bid items and, as the budget allowed, could be included in the contract depending on the bid results.

On September 19, 2024, the Project was advertised and the four bids received were publicly opened on October 30, 2024. The apparent lowest bidder's base bid was reported as \$2,826,700 at the time of the bid opening. However, after staff reviewed the bid, it was determined that the prospective vendor incorrectly tabulated the total cost of the bid, and the lowest base bid was actually \$3,253,005. The funding available for construction of the Project totals only \$2,096,000.

To address the funding shortfall, staff plan to review the overall scope of the Project and designate select work items as optional tasks in order to reduce the base scope, while still ensuring the Project advances the overall objectives of seismic and structural improvement to the Pier Parking Structure. If subsequent bids are favorable, the optional items can be added to the contract at the time of award.

Therefore, it is recommended the City Council reject all bids received and publicly opened on October 30, 2024, direct staff to value engineer and refine the Project's scope of work for the base bid, and authorize the City Clerk to re-advertise the project.

COORDINATION

The Project has been coordinated by the Public Works and Waterfront and Economic Development Departments.

FISCAL IMPACT

There is no fiscal impact associated with the recommendation to reject all bids. The amount of funding available for construction of the Project is \$2,096,000.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Bid Transmittal - October 30, 2024

**CITY OF REDONDO BEACH
PRELIMINARY BID RESULTS**

NAME OF PROJECT: NORTH PIER PARKING STRUCTURE REPAIRS PROJECT, JOB NO. 70610

DATE: 10/30/2024

TIME: 9:00 A.M.

TO : LAUREN SABLAN, ACTING CITY ENGINEER

FROM: CITY CLERK'S OFFICE

Disclaimer:

These results are posted for Information only. Bid results are subject to analysis for completeness and accuracy.

The summary below does not represent a notice of award but only of the bids presented to the city.

No	Name of Company	Addendum 1	Addendum 2	Addendum 3	Bid Bond	Total Base Bid (\$)	Total Base Bid + Additives (\$)
1.	CSI Services	√	√	√	√	\$2,826,700.00	\$3,606,800.00
2.	Williamson Construction Co Inc.	√	√	√	√	\$4,000,000.00	\$5,700,000.00
3.	NMN Construction Inc.	√	√	√	√	\$4,568,776.00	\$5,896,936.00
4.	Structural Preservations Systems LLC	√	√		√	\$4,400,171.35	\$5,428,491.40

Results or Questions: : Lauren Sablan at (310) 697-3150, or by email

Lauren.Sablan@redondo.org.

The City reserves the right to reject any or all proposals and to waive technical defects, as the interest of the City may require. Award of contract or rejection of bid proposals will be made by the City within 90 calendar days following the bid opening.



Administrative Report

H.6., File # 24-1729

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL

**From: JOE HOFFMAN, CHIEF OF POLICE
PATRICK BUTLER, FIRE CHIEF**

TITLE

APPROVE A GRANT YEAR 2023 STATE HOMELAND SECURITY PROGRAM (SHSP) SUBRECIPIENT AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR AN AMOUNT OF \$58,728 AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

EXECUTIVE SUMMARY

State Homeland Security Program (SHSP) grant funding originates from the California Governor's Office of Emergency Services (CAL OES) and is allocated to local counties. The counties then award grant funds, via subrecipient agreements, to local jurisdictions. The City is a subrecipient of Los Angeles County for the 2023 SHSP grant award cycle and has been awarded \$58,728 of grant funds.

The grant funds will be utilized by the Police and Fire Departments to procure agency-approved equipment and provide training to prevent, respond to, and recover from threats or acts of terrorism. The funds will be distributed to the City on a reimbursement basis.

BACKGROUND

The Los Angeles County Chief Executive Office is responsible for managing the SHSP grant and overseeing the grant funds distributed to specified jurisdictions within Los Angeles County, including the City of Redondo Beach.

SHSP is a multi-year program with a 3-year performance period. The 2023 SHSP extends from September 1, 2023 through February 28, 2026. Los Angeles County's Subrecipient Agreement sets forth the guidelines for grant management.

SHSP assists local agencies with the purchase of equipment to support public safety activities that have been approved by the funding authority that address issues related to terrorism. Specifically for the 2023 SHSP, the Police Department was awarded funds to purchase portable radios for emergency communications and the Fire Department was awarded funds to cover staffing costs for planned open water rescue training.

COORDINATION

The Subrecipient Agreement has been reviewed as to form by the City Attorney's Office. Following

execution by the City, the Agreement will be transmitted to Los Angeles County for consideration of approval by the Board of Supervisors. The Police and Fire Departments will coordinate reimbursement claims with the Financial Services Department.

FISCAL IMPACT

The grant is fully funded by CAL OES in the amount of \$58,728, and will be distributed to the City on a reimbursement basis. There is no requirement for local matching funds.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Agmt - Los Angeles County State Homeland Security Program Grant Year 2023 Subrecipient Agreement

***State Homeland Security Program
Subrecipient Agreement
Grant Year 2023***

Between the

County of Los Angeles

and the

City of Redondo Beach

**SUBRECIPIENT AGREEMENT
BETWEEN THE
COUNTY OF LOS ANGELES
AND
THE REDONDO BEACH**

THIS AGREEMENT ("Agreement") is made and entered into by and between the County of Los Angeles, a political subdivision of the State of California (the "County of Los Angeles"), and the City of Redondo Beach, a public agency (the "Subrecipient").

W I T N E S S E T H

WHEREAS, the U.S. Department of Homeland Security Title 2 Code of Federal Regulations (CFR) through the Office of Grants and Training (G&T), has provided financial assistance for the State Homeland Security Program (SHSP), Assistance Listings Number (formerly Catalog of Federal Domestic Assistance Number) 97.067 - Homeland Security Grant Program directly to the California Governor's Office of Emergency Services (Cal OES) for the 2023 SHSP, Federal Award Identification No. 037-00000, Federal Award dated October 18, 2023 with a performance period of September 1, 2023 to May 31, 2026. This Federal Award is not a R&D award; and

WHEREAS, the Cal OES provides said funds to the County of Los Angeles, Unique Entity ID (UEI) #MKQ9AQH7R2S5, as its Subgrantee, and the Chief Executive Office (CEO) is responsible for managing and overseeing the SHSP funds that are distributed to other specified jurisdictions within Los Angeles County; and

WHEREAS, this financial assistance is being provided to the Subrecipient in order to address the unique equipment, training, organization, exercise and planning needs of the Subrecipient, and to assist the Subrecipient in building effective prevention and protection capabilities to prevent, respond to, and recover from threats or acts of terrorism; and

WHEREAS, the County of Los Angeles as Subgrantee has obtained approval of the 2023 SHSP grant from Cal OES in the total amount of \$9,481,457; and

WHEREAS, the CEO now wishes to distribute 2023 SHSP grant funds to the Subrecipient in the amount of \$58,728, as further detailed in this Agreement; and

WHEREAS, the CEO is authorized to enter into subrecipient agreements with cities providing for re-allocation and use of these funds; and to execute all future amendments, modifications, extensions, and augmentations relative to the subrecipient agreements, as necessary; and

WHEREAS, the County of Los Angeles and Subrecipient are desirous of executing this Agreement, and the County of Los Angeles Board of Supervisors on September 10, 2024 authorized the CEO to prepare and execute this Agreement.

NOW, THEREFORE, the County of Los Angeles and Subrecipient agree as follows:

SECTION I

INTRODUCTION

§101. Parties to this Agreement

The parties to this Agreement are:

- A. County of Los Angeles, a political subdivision of the State of California, having its principal office at Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, CA 90012; and
- B. City of Redondo Beach, a public agency, having its principal office at _____
415 Diamond Street, Redondo Beach, CA 90277.

§102. Representatives of the Parties and Service of Notices

- A. The representatives of the respective parties who are authorized to administer this Agreement and to whom formal notices, demands and communications must be given are as follows:

- 1. The representative of the County of Los Angeles is, unless otherwise stated in this Agreement:

Craig Hirakawa
County of Los Angeles - Chief Executive Office
500 West Temple Street, Room 796
Los Angeles, CA 90012
Phone: (213) 974-1127
CHirakawa@ceo.lacounty.gov

Kasey Dizon
County of Los Angeles - Chief Executive Office
500 West Temple Street, Room 796
Los Angeles, CA 90012
Phone: (213) 974-1764
KDizon@ceo.lacounty.gov

2. The representative of Subrecipient is:

Name and Title:	James A. Light, Mayor
Organizational UEI #:	XFZ7GZAJZGM6
Address:	415 Diamond Street
City/State/Zip:	Redondo Beach, CA 90277
Phone:	310-697-3088
Email:	james.light@redondo.org

With a copy to:

Name and Title:	Joe Hoffman, Chief of Police
Organization:	City of Redondo Beach Police Dept
Address:	401 Diamond Street
City/State/Zip:	Redondo Beach, CA 90277
Phone:	310-697-3473
Email:	joe.hoffman@redondo.org

B. Formal notices, demands and communications to be given hereunder by either party must be made in writing and may be effected by personal delivery, regular U.S. Postal mail service and/or e-mail. In the event of personal delivery or email, the message will be deemed communicated upon receipt by the County of Los Angeles. In the event of mail service, the message will be deemed communicated as of the date of mailing.

C. If the name and/or title of the person designated to receive the notices, demands or communications or the address of such person is changed, written notice must be given, in accord with this section, within five (5) business days of said change.

§103. Independent Party

Subrecipient is acting hereunder as an independent party, and not as an agent or employee of the County of Los Angeles. An employee of Subrecipient is not, and

will not be deemed, an employee of the County of Los Angeles by virtue of this Agreement, and Subrecipient must so inform each employee organization and each employee who is hired or retained under this Agreement. Subrecipient must not represent or otherwise hold out itself or any of its directors, officers, partners, employees, or agents to be an agent or employee of the County of Los Angeles by virtue of this Agreement.

§104. Conditions Precedent to Execution of This Agreement

Subrecipient must provide the following signed documents to the County of Los Angeles, unless otherwise exempted:

- A. Certification and Disclosure Regarding Lobbying, attached hereto as Exhibit A and made a part hereof, in accordance with §411.A.14 of this Agreement. Subrecipient must also file a Disclosure Form at the end of each calendar quarter in which there occurs any event requiring disclosure or which materially affects the accuracy of the information contained in any Disclosure Form previously filed by Subrecipient.
- B. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions, attached hereto as Exhibit B and made a part hereof, as required by Executive Order 12549 in accordance with §411.A.12 of this Agreement.
- C. Certification Regarding Drug-Free Workplace, attached hereto as Exhibit C and made a part hereof, in accordance with §411.A.13 of this Agreement.
- D. Certification of Grant Assurances, attached hereto as Exhibit D and made a part hereof, in accordance with §411.C of this Agreement.

SECTION II

TERM AND SERVICES TO BE PROVIDED

§201. Performance Period

The performance period of this Agreement is from September 1, 2023 to February 28, 2026, unless the County of Los Angeles, with Cal OES approval, provides written notification to the Subrecipient that the performance period has been extended, in which case the performance period will be so extended by such written notification, as provided in §503, below.

§202. Use of Grant Funds

- A. Subrecipient and the County of Los Angeles have previously completed a mutually approved budget/expenditure plan, hereinafter "Budget," for the 2023 SHSP, which has been approved by Cal OES. This information is contained in a copy of the Final Grant Award Letter and Project Worksheet, attached hereto as Exhibit E.

Any request by Subrecipient to modify the Budget must be made in writing with the appropriate justification and submitted to CEO for approval. If during the County of Los Angeles review process, additional information or documentation is required, the Subrecipient will have ten (10) business days to comply with the request. If the Subrecipient does not comply with the request, CEO will issue written notification indicating that the requested modification will not be processed. Modifications must be approved in writing by the County of Los Angeles and Cal OES during the term of this Agreement. Upon approval, all other terms of this Agreement will remain in effect.

Subrecipient must utilize grant funds in accordance with all Federal regulations and State Guidelines.

- B. Subrecipient agrees that grant funds awarded will be used to supplement existing funds for program activities, and will not supplant (replace) non-Federal funds.
- C. Subrecipient must review the Federal Debarment Listing at <https://www.sam.gov/search/> prior to the purchase of equipment or services to ensure the intended vendor is not listed and also maintain documentation that the list was verified.
- D. Prior to the purchase of equipment or services utilizing a sole source contract or the receipt of single bid response of \$250,000.00 or more, justification must be presented to CEO, who upon review will request approval from Cal OES. Such approval in writing must be obtained prior to the commitment of funds.
- E. Subrecipient must provide any certifications or reports requested by the County of Los Angeles to the CEO indicating Subrecipient's performance under this Agreement, including progress on meeting program goals. Reports must be in the form requested by the County of Los Angeles, and must be provided by the fifteenth (15th) of the following month. Subrecipient is required to complete any survey requests requested by the County of Los Angeles. Subrecipient must also submit completed Project Claims for reimbursement immediately or a minimum on a quarterly basis, and no later than the date stated in §201, above.
- F. Subrecipient must provide an electronic copy of their Annual Single Audit Report, as required by Title 2 Code of Federal Regulations (C.F.R) Part 200, to the County of Los Angeles within 30 calendar days after receipt of the auditor's

report(s). In the event the Subrecipient does not meet the Single Audit Threshold expenditure amount in a fiscal year, the Subrecipient must provide the County of Los Angeles a copy of a letter sent to State Controller's Office noting the Single Audit Threshold was not met, and its exempt status within nine months after the end of the Subrecipient's fiscal year, unless otherwise approved by the County of Los Angeles.

- G. Subrecipient may be monitored by the County of Los Angeles on an annual basis to ensure compliance with Cal OES grant program requirements. The County of Los Angeles anticipates that said monitoring may include, at a minimum, one on-site visit during the term of this Agreement. Monitoring will utilize a Review Instrument (sample attached hereto as Exhibit H, and subject to periodic revisions) to evaluate compliance.
- H. Subrecipient must provide Corrective Action Plan(s) to CEO within thirty (30) days of any audit finding.
- I. Subrecipient use of the Los Angeles Regional Interoperable Communication System's Motorola Solutions, Incorporated Land Mobile Radio System Contract to purchase equipment is unallowable unless the Subrecipient can clearly demonstrate to CEO it meets one of the four federal exceptions to necessitate a noncompetitive procurement before issuance of any contract, amendment, or purchase order.
- J. Subrecipient shall not use grant funds to purchase, extend, or renew any Telecommunications and Video Surveillance services and equipment as substantial or essential component of any system, or as critical technology as part of any system which the Secretary of Defense, in consultation with Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an owned, controlled by, or connected to the People's Republic of China such as and not limited to Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); or Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
- K. Any equipment acquired pursuant to this Agreement must be authorized in the G&T Authorized Equipment List (AEL) available online at <https://www.fema.gov/authorized-equipment-list> and the Funding Guidelines of the 2023 SHSP Notice of Funding Opportunity, incorporated by reference, and attached hereto as Exhibit F. Subrecipient must provide the CEO a copy of its most current procurement guidelines and follow its own procurement requirements as long as they meet or exceed the minimum Federal requirements and any added Cal OES requirements. Federal procurement requirements for the 2023 SHSP can be found at Title 2 CFR Part 200.313.

Any equipment acquired or obtained with Grant Funds:

1. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant;
 2. Will be consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that plan;
 3. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
- L. Equipment acquired pursuant to this Agreement will be subject to the requirements of Title 2 CFR Part 200.313. For the purposes of this subsection, "Equipment" is defined as tangible nonexpendable property, having a useful life of more than one year which costs \$5,000.00 or more per unit. Items costing less than \$5,000.00, but acquired under the "Equipment" category of the Grant must also be listed on any required Equipment Listing.
1. Equipment must be used by Subrecipient in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the Equipment may be used in other activities currently or previously supported by a Federal agency.
 2. Subrecipient must make Equipment available for use on other like projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the awarding agency.
 3. An Equipment Listing must be maintained listing each item of Equipment acquired with SHSP funds. The Equipment Listing must be kept up to date at all times. Any changes must be recorded in the Listing within ten (10) business days and the updated Listing is to be forwarded to the County of Los Angeles Auditor-Controller (A-C) Shared Services Division. The Equipment Property Records must be maintained that include: (a) a description of the property, (b) a serial number or other identification number, (c) the source of property, (d) who holds title, (e) the acquisition date, (f) and cost of the property, (g) percentage of Federal participation in the cost of the property, (h) the location, (i) use and condition of the

property, (j) and any ultimate disposition data including the date of disposal and sale price of the property. Records must be retained by the subrecipient pursuant to Title 2, Part 200.313 (d) (1) of the CFR.

4. All Equipment obtained under this Agreement must have an appropriate identification decal affixed to it, and, when practical, must be affixed where it is readily visible.
 5. A physical inventory of the Equipment must be taken by the Subrecipient and the results reconciled with the Equipment Listing at least once every two years or prior to any site visit by State or Federal auditors or County of Los Angeles monitors. The Subrecipient is required to have on file a letter certifying as to the accuracy of the Equipment Listing in the frequency as above, and provide to the CEO when requested.
- M. Any Planning paid pursuant to this Agreement must conform to the guidelines as listed in Exhibit F or subsequent grant year programs.
- N. Any Organization activities paid pursuant to this Agreement must conform to the guidelines as listed in Exhibit F.
- O. Any Training paid pursuant to this Agreement must conform to the guidelines as listed in Exhibit F, and must be first submitted to CEO and then pre-authorized by Cal OES. A catalog of federally approved and sponsored training courses is available at <https://www.firstrespondertraining.gov/frts/>.
- P. Any Exercise paid pursuant to this Agreement must conform to the guidelines as listed in Exhibit F. Detailed Homeland Security Exercise and Evaluation Program Guidance is available at <https://www.fema.gov/hseep>.
- Q. Any Personnel activities paid pursuant to this Agreement must conform to the guidelines as listed in Exhibit F.
- R. Subrecipient must provide to CEO a spending plan detailing the required steps and timeframes required to complete the approved projects within the grant timeframe. Subrecipient must submit the spending plan to CEO prior to final execution of this Agreement.
- S. Pursuant to this Agreement, indirect costs are not reimbursable.

SECTION III

PAYMENT

§301. Payment of Grant Funds and Method of Payment

- A. The County of Los Angeles will reimburse Subrecipient up to the maximum grant amount of \$58,728 as expenditures are incurred and paid by Subrecipient and all documentation is reviewed and approved by County of Los Angeles. All expenditures must be for the purchase of equipment, exercises, training, organization, and planning as described in Section II of this Agreement. The grant amount represents the amount allocated to Subrecipient in the 2023 SHSP Grant Award Letter from Cal OES.
- B. Subrecipient must submit reimbursement requests to the County of Los Angeles A-C Shared Services Division requesting payment as soon as a Project is completed and expenses are incurred and paid with the required supporting documentation; submission can be sent immediately or at a minimum on a quarterly basis, and no later than the date stated in §201, above. Each reimbursement request must be accompanied by the Reimbursement Form (sample attached hereto as Exhibit G, and subject to periodic revisions). All appropriate back-up documentation must be attached to the reimbursement form, including the method of procurement, bid documentation, purchase orders, invoices, report of goods received, and proof of payment.

For Training reimbursements, Subrecipient must include a copy of the class roster verifying training attendees, proof that prior approval was obtained from Cal OES and that a Cal OES Feedback number has been assigned to the course, and timesheets and payroll registers for all training attendees.

For Exercise reimbursements, Subrecipient must enter the After Action Report (AAR) and Improvement Plan on the State Office of Domestic Preparedness secure portal within sixty (60) days following completion of the exercise and submit proof of prior State approval of the AAR with the reimbursement request.

For Planning reimbursements, Subrecipient must include a copy of the final tangible product.

- C. The County of Los Angeles may, at its discretion, reallocate unexpended grant funds to another subrecipient. Said reallocation may occur upon approval by the County of Los Angeles of a Subrecipient reimbursement submission, inquiry from the County of Los Angeles to the Subrecipient regarding fund utilization, or by written notification from the Subrecipient to the County of Los Angeles that a portion of the grant funds identified in

§301.A., above, will not be utilized. As provided in §503, below, any increase or decrease in the grant amount specified in §301.A., above, may be effectuated by a written notification by the County of Los Angeles to the Subrecipient.

- D. Payment of reimbursement request will be withheld by the County of Los Angeles until the County of Los Angeles has determined that Subrecipient has turned in all supporting documentation and completed the requirements of this Agreement.
- E. It is understood that the County of Los Angeles makes no commitment to fund this Agreement beyond the terms set forth herein.
- F. Funding for all periods of this Agreement is subject to continuing Federal appropriation of grant funds for this program. In the event of a loss or reduction of Federal appropriation of grant funds for this program, the Agreement may be terminated, or appropriately amended, immediately upon notice to Subrecipient of such loss or reduction of Federal grant funds.

County of Los Angeles will make a good-faith effort to notify Subrecipient, in writing, of such non-appropriation at the earliest time.

SECTION IV

STANDARD PROVISIONS

§401. Construction of Provisions and Titles Herein

All titles or subtitles appearing herein have been inserted for convenience and do not, and will not be deemed to, affect the meaning or construction of any of the terms or provisions hereof. The language of this Agreement will be construed according to its fair meaning and not strictly for or against either party.

§402. Applicable Law, Interpretation and Enforcement

Each party's performance hereunder must comply with all applicable laws of the United States of America, the State of California, and the County of Los Angeles. This Agreement will be enforced and interpreted, as applicable, under the laws of the United States of America, the State of California and the County of Los Angeles.

If any part, term or provision of this Agreement is held void, illegal, unenforceable, or in conflict with any law of a Federal, State or Local Government having jurisdiction over this Agreement, the validity of the remainder of the Agreement will not be affected thereby.

Applicable Federal or State requirements that are more restrictive will be followed.

§403. Integrated Agreement

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only as provided for herein.

§404. Breach

If any party fails to perform, in whole or in part, any promise, covenant, or agreement set forth herein, or should any representation made by it be untrue, any aggrieved party may avail itself of all rights and remedies, at law or equity, in the courts of law. Said rights and remedies are cumulative of those provided for herein except that in all events, no party may recover more than once, suffer a penalty or forfeiture, or be unjustly compensated.

§405. Prohibition Against Assignment or Delegation

Subrecipient may not do any of the following, unless it has first obtained the written permission of the County of Los Angeles:

- A. Assign or otherwise alienate any of its rights hereunder, including the right to payment; or
- B. Delegate, subcontract, or otherwise transfer any of its duties hereunder.

§406. Permits

Subrecipient and its officers, agents and employees must obtain and maintain all permits and licenses necessary for Subrecipient's performance hereunder and must pay any fees required therefor. Subrecipient further certifies that it will immediately notify the County of Los Angeles of any suspension, termination, lapse, non-renewal or restriction of licenses, certificates, or other documents.

§407. Nondiscrimination and Affirmative Action

Subrecipient must comply with the applicable nondiscrimination and affirmative action provisions of the laws of the United States of America, the State of California, and the County of Los Angeles. In performing this Agreement, Subrecipient must not discriminate in its employment practices against any employee or applicant for employment because of such person's race, religion,

national origin, ancestry, sex, sexual orientation, age, physical handicap, mental disability, marital status, domestic partner status or medical condition.

Subrecipient must comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

If required, Subrecipient must submit an Equal Employment Opportunity Plan to the Department of Justice Office of Civil Rights in accordance with guidelines listed at <https://www.justice.gov/crt>.

Any subcontract entered into by the Subrecipient relating to this Agreement, to the extent allowed hereunder, will be subject to the provisions of this §407 of this Agreement.

§408. Indemnification

Each of the parties to this Agreement is a public entity. This indemnity provision is written in contemplation of the provisions of Section 895.2 of the Government Code of the State of California, which impose certain tort liability jointly upon public entities, solely by reason of such entities being parties to an agreement, and the parties agree that this indemnity provision will apply and will be enforceable regardless of whether Section 895 et seq. is deemed to apply to this Agreement. The parties hereto, as between themselves, consistent with the authorization contained in Government Code Sections 895.4 and 895.6 agree to each assume the full liability imposed upon it or upon any of its officers, agents, or employees by law, for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement, to the same extent that such liability would be imposed in the absence of Government Code Section 895.2.

To achieve the above-stated purpose, each party agrees to indemnify and hold harmless the other party for any liability arising out of its own negligent acts or omissions in the performance of this Agreement (i.e., the Subrecipient agrees to indemnify and hold harmless the County of Los Angeles for liability arising out of the Subrecipient's negligent or wrongful acts or omissions and the County of Los Angeles agrees to indemnify and hold harmless the Subrecipient for liability arising out of the County of Los Angeles' negligent or wrongful acts or omissions). Each party further agrees to indemnify and hold harmless the other party for liability that is imposed on the other party solely by virtue of Government Code Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if fully set forth herein. Subrecipient certifies that it has adequate self-insured retention of funds to meet any obligation arising from this Agreement.

§409. Conflict of Interest

A. The Subrecipient covenants that none of its directors, officers, employees, or agents may participate in selecting, or administrating, any subcontract supported (in whole or in part) by Federal funds where such person is a director, officer, employee or agent of the subcontractor; or where the selection of subcontractors is or has the appearance of being motivated by a desire for personal gain for themselves or others such as family business, etc.; or where such person knows or should have known that:

1. A member of such person's immediate family, or domestic partner or organization has a financial interest in the subcontract;
2. The subcontractor is someone with whom such person has or is negotiating any prospective employment; or
3. The participation of such person would be prohibited by the California Political Reform Act, California Government Code §87100 et seq. if such person were a public officer, because such person would have a "financial or other interest" in the subcontract.

B. Definitions:

1. The term "immediate family" means domestic partner and/or those persons related by blood or marriage, such as husband, wife, father, mother, brother, sister, son, daughter, father in law, mother in law, brother in law, sister in law, son in law, daughter in law.
2. The term "financial or other interest" means:
 - a. Any direct or indirect financial interest in the specific contract, including but not limited to, a commission or fee, a share of the proceeds, prospect of a promotion or of future employment, a profit, or any other form of financial reward.
 - b. Any of the following interests in the subcontractor ownership: partnership interest or other beneficial interest of five percent or more; ownership of five percent or more of the stock; employment in a managerial capacity; or membership on the board of directors or governing body.

C. The Subrecipient further covenants that no officer, director, employee, or agent may solicit or accept gratuities, favors, or anything of monetary value from any actual or potential subcontractor, supplier, a party to a sub agreement, (or persons who are otherwise in a position to benefit from the actions of any officer, employee, or agent).

- D. The Subrecipient may not subcontract with a former director, officer, or employee within a one-year period following the termination of the relationship between said person and the Subrecipient.
- E. Prior to obtaining the County of Los Angeles' approval of any subcontract, the Subrecipient must disclose to the County of Los Angeles any relationship, financial or otherwise, direct or indirect, of the Subrecipient or any of its officers, directors or employees or their immediate family with the proposed subcontractor and its officers, directors or employees.
- F. For further clarification of the meaning of any of the terms used herein, the parties agree that references are made to the guidelines, rules, and laws of the County of Los Angeles, State of California, and Federal regulations regarding conflict of interest.
- G. The Subrecipient warrants that it has not paid or given and will not pay or give to any third person any money or other consideration for obtaining this Agreement.
- H. The Subrecipient covenants that no member, officer or employee of Subrecipient may have interest, direct or indirect, in any contract or subcontract or the proceeds thereof for work to be performed in connection with this project during his/her tenure as such employee, member or officer or for one year thereafter.
- I. The Subrecipient must incorporate the foregoing subsections of this Section into every agreement that it enters into in connection with this grant and must substitute the term "subcontractor" for the term "Subrecipient" and "sub subcontractor" for "Subcontractor".

§410. Restriction on Disclosures

Any reports, analyses, studies, drawings, information, or data generated as a result of this Agreement are to be governed by the California Public Records Act (California Government Code Sec. 6250 et seq.).

§411. Statutes and Regulations Applicable To All Grant Contracts

- A. Subrecipient must comply with all applicable requirements of State, Federal, and County of Los Angeles laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this Agreement. Subrecipient must comply with applicable State and Federal laws and regulations pertaining to labor, wages, hours, and other conditions of employment. Subrecipient must comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement.

These requirements include, but are not limited to:

1. CFR

Subrecipient must comply with Title 2 CFR Part 200.

2. Single Audit Act

Since Federal funds are used in the performance of this Agreement, Subrecipient must, as applicable, adhere to the rules and regulations of the Single Audit Act (31 USC Sec. 7501 et seq.), 2 CFR Part 200 and any administrative regulation or field memos implementing the Act.

3. Americans with Disabilities Act

Subrecipient hereby certifies that, as applicable, it will comply with the Americans with Disabilities Act 42, USC §§12101 et seq., and its implementing regulations. Subrecipient will provide reasonable accommodations to allow qualified individuals with disabilities to have access to and to participate in its programs, services and activities in accordance with the provisions of the Americans with Disabilities Act. Subrecipient will not discriminate against persons with disabilities nor against persons due to their relationship to or association with a person with a disability. Any subcontract entered into by Subrecipient, relating to this Agreement, to the extent allowed hereunder, will be subject to the provisions of this paragraph.

4. Political and Sectarian Activity Prohibited

None of the funds, materials, property or services provided directly or indirectly under this Agreement may be used for any partisan political activity, or to further the election or defeat of any candidate for public office. Neither may any funds provided under this Agreement be used for any purpose designed to support or defeat any pending legislation or administrative regulation. None of the funds provided pursuant to this Agreement may be used for any sectarian purpose or to support or benefit any sectarian activity.

Subrecipient must file a Disclosure Form at the end of each calendar quarter in which there occurs any event requiring disclosure or which materially affects the accuracy of any of the information contained in any Disclosure Form previously filed by Subrecipient. Subrecipient must require that the language of this Certification be included in the award documents for all sub-awards at all tiers and that all subcontractors certify and disclose accordingly.

5. Records Inspection

At any time during normal business hours and as often as either the County of Los Angeles, the U.S. Comptroller General or the Auditor General of the State of California may deem necessary, Subrecipient must make available for examination all of its records with respect to all matters covered by this Agreement. The County of Los Angeles, the U.S. Comptroller General and the Auditor General of the State of California have the authority to audit, examine and make excerpts or transcripts from records, including all Subrecipient's method of procurement, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement.

Subrecipient agrees to provide any reports requested by the County of Los Angeles regarding performance of this Agreement.

6. Records Maintenance

Records, in their original form, must be maintained in accordance with requirements prescribed by the County of Los Angeles with respect to all matters specified in this Agreement. Original forms are to be maintained on file for all documents specified in this Agreement. Such records must be retained for a period five (5) years after termination of this Agreement and after final disposition of all pending matters. "Pending matters" include, but are not limited to, an audit, litigation or other actions involving records. The County of Los Angeles may, at its discretion, take possession of, retain and audit said records. Records, in their original form pertaining to matters covered by this Agreement, must at all times be retained within the County of Los Angeles unless authorization to remove them is granted in writing by the County of Los Angeles.

7. Subcontracts and Procurement

Subrecipient must, as applicable, comply with the Federal, State and County of Los Angeles standards in the award of any subcontracts. For purposes of this Agreement, subcontracts include but are not limited to purchase agreements, rental or lease agreements, third party agreements, consultant service contracts and construction subcontracts.

Subrecipient must, as applicable, ensure that the terms of this Agreement with the County of Los Angeles are incorporated into all Subcontractor agreements. The Subrecipient must submit all Subcontractor agreements to the County of Los Angeles for review prior to the release of any funds to the Subcontractor. The Subrecipient must withhold funds to any Subcontractor agency that fails to comply with the terms and conditions of this Agreement and their respective Subcontractor agreement.

8. Labor

Subrecipient must, as applicable, comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed requirements for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System Personnel Administration (5 CFR 900, Subpart F).

Subrecipient must, as applicable, comply with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7); the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874); the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements; and the Hatch Act (5 USC §§1501-1508 and 7324-7328).

Subrecipient must, as applicable, comply with the Federal Fair Labor Standards Act (29 U.S.C. §201) regarding wages and hours of employment.

None of the funds may be used to promote or deter union/labor organizing activities. CA Gov't Code Sec. 16645 et seq.

9. Civil Rights

Subrecipient must, as applicable, comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681- 1683, and 1685- 1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of disabilities; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; (j) the requirements of any other nondiscrimination statute(s) that may apply to the application; and (k) P.L. 93-348 regarding the protection of human

subjects involved in research, development, and related activities supported by this award of assistance.

10. Environmental

Subrecipient must, as applicable, comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

Subrecipient must, as applicable, comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93- 523); (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93205); and (i) Flood Disaster Protection Act of 1973 §102(a) (P.L. 93-234).

Subrecipient must, as applicable, comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

Subrecipient must, as applicable, comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

Subrecipient must, as applicable, comply with the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.), which restores and maintains the chemical, physical and biological integrity of the Nation's waters.

Subrecipient must, as applicable, ensure that the facilities under its ownership, lease or supervision that are utilized in the accomplishment of this project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal Granter agency of the receipt of any communication from the Director of the EPA Office of Federal

Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

By signing this Agreement, Subrecipient warrants and represents that it will, as applicable, comply with the California Environmental Quality Act (CEQA), Public Resources Code §21000 et seq.

Subrecipient must, as applicable, comply with the Energy Policy and Conservation Act (P.L. 94-163, 89 Stat. 871).

Subrecipient must, as applicable, comply with the provision of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 U.S.C. 3501 et. seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

11. Preservation

Subrecipient must, as applicable, comply with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

12. Suspension, Debarment, Ineligibility and Voluntary Exclusion

Subrecipient must, as applicable, comply with Title 2 CFR Part §3000, regarding Suspension and Debarment, and Subrecipient must submit a Certification Regarding Debarment, attached hereto as Exhibit B, required by Executive Order 12549 and any amendment thereto. Said Certification must be submitted to the County of Los Angeles concurrent with the execution of this Agreement and must certify that neither Subrecipient nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department head or agency. Subrecipient must require that the language of this Certification be included in the award documents for all sub-award at all tiers and that all subcontractors certify accordingly.

13. Drug-Free Workplace

Subrecipient must, as applicable, comply with the federal Drug-Free Workplace Act of 1988, 41 USC §701, Title 44 Code of Federal Regulations (CFR) Part §17; the California Drug-Free Workplace Act of 1990, CA Gov't Code §§8350-8357, and Subrecipient must complete the Certification Regarding Drug-Free Workplace Requirements, attached hereto as Exhibit C, and incorporated herein by reference. Subrecipient must require that the language of this Certification be included in the award documents for all sub-award at all tiers and that all subcontractors certify accordingly.

14. Lobbying Activities

Subrecipient must, as applicable, comply with 31 U.S.C.1352 and complete the Disclosure of Lobbying Activities, (OMB 0038-0046), attached hereto as Exhibit A, and incorporated herein by reference.

15. Miscellaneous

Subrecipient must, as applicable, comply with the Laboratory Animal Welfare Act of 1966, as amended (P.L. 89-544, 7 USC §§2131 et seq.).

B. Statutes and Regulations Applicable To This Particular Grant Agreement

Subrecipient must comply with all applicable requirements of State and Federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this particular grant program.

Subrecipient must, as applicable, comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement. These requirements include, but are not limited to:

Title 2 CFR Part 200; EO 12372; U.S. Department of Homeland Security, Office of State and Local Government Coordination and Preparedness, Office for Domestic Preparedness, ODP WMD Training Course Catalogue; and DOJ Office for Civil Rights.

Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code Chapter 7 of Division 1 of Title 2, §8607.1(e) and CCR Title 19, §§2445-2448.

Provisions of Title 2, 6, 28, 44 CFR applicable to grants and cooperative agreements, including Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; Part 38, Equal Treatment of Faith-based Organizations; Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; Part 64, Floodplain Management and Wetland Protection Procedures; Federal laws or regulations applicable to Federal Assistance Programs; Part 69, New Restrictions on Lobbying; Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit

Organizations; and Part 83, Government-Wide Requirements for a Drug Free Workplace (grants).

Nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1, and all other applicable Federal laws, orders, circulars, or regulations.

1. Travel Expenses

Subrecipient, as provided herein, will be compensated for Subrecipient's reasonable travel expenses incurred in the performance of this Agreement, to include travel and per diem, unless otherwise expressed. Subrecipient's total travel for in-State and/or out-of-State and per diem costs must be included in the contract budget(s). All travel, including out-of-State travel, that is not included in the budget(s) will not be reimbursed without prior written authorization from the County of Los Angeles.

Subrecipient's administrative-related travel and per diem reimbursement costs will not be reimbursed. For programmatic-related travel costs, Subrecipient's reimbursement rates may not exceed the amounts established under the grant.

C. Compliance With Grant Requirements

To obtain the grant funds, the State required an authorized representative of the County of Los Angeles to sign certain promises regarding the way the grant funds would be spent. These requirements are included in Exhibit F and in the State's "Grant Assurances". By signing these Grant Assurances and accepting Exhibit F, the County of Los Angeles became liable to the State for any funds that are used in violation of the grant requirements. The State's Grant Assurances are incorporated into this Agreement through Exhibit D. Subrecipient will be liable to the Granter for any funds the State determines the Subrecipient used in violation of these Grant Assurances.

Pursuant to this Agreement, Subrecipient shall execute the 2023 Certification of Grant Assurances in Exhibit D, accepting and agreeing to abide by all provisions, assurances, and requirements therein. Subrecipient agrees to indemnify and hold harmless the County of Los Angeles for any sums the State or Federal government determines Subrecipient used in violation of the Grant Assurances.

To the extent Exhibit D conflicts with language or provisions contained in this Agreement, or contains more restrictive requirements under Federal and State law, Exhibit D shall control.

D. Noncompliance With Grant Requirements

Subrecipient understands that failure to comply with any of the above assurances and requirements, including Exhibit D, may result in suspension, termination or reduction of grant funds, and repayment by the Subrecipient to the County of Los Angeles of any unauthorized expenditures.

§412. Federal, State and Local Taxes

Federal, State and local taxes are the responsibility of the Subrecipient as an independent party and not of the County of Los Angeles and must be paid prior to requesting reimbursement. However, these taxes are an allowable expense under the grant program.

§413. Inventions, Patents and Copyrights

A. Reporting Procedure for Inventions

If any project produces any invention or discovery ("Invention") patentable or otherwise under Title 35 of the U.S. Code, including, without limitation, processes and business methods made in the course of work under this Agreement, the Subrecipient must report the fact and disclose the Invention promptly and fully to the County of Los Angeles. The County of Los Angeles will report the fact and disclose the Invention to the State. Unless there is a prior agreement between the County of Los Angeles and the State, the State will determine whether to seek protection on the Invention. The State will determine how the rights in the Invention, including rights under any patent issued thereon, will be allocated and administered in order to protect the public interest consistent with the policy ("Policy") embodied in the Federal Acquisition Regulations System, which is based on Ch. 18 of Title 35 U.S.C. Sections 200 et seq. (Pub. L. 95-517, Pub. L. 98-620, Title 37 CFR Part 401); Presidential Memorandum on Government Patent Policy to the Heads of the Executive Departments and Agencies, dated 2/18/1983); and Executive Order 12591, 4/10/87, 52 FR 13414, Title 3 CFR, 1987 Comp., p. 220 (as amended by Executive Order 12618, 12/22/87, 52 FR 48661, Title 3 CFR, 1987 Comp., p. 262). Subrecipient hereby agrees to be bound by the Policy, and will contractually require its personnel to be bound by the Policy.

B. Rights to Use Inventions

As applicable, County of Los Angeles will have an unencumbered right, and a non-exclusive, irrevocable, royalty-free license to use, manufacture, improve upon, and allow others to do so for all government purposes, any Invention developed under this Agreement.

C. Copyright Policy

1. Unless otherwise provided by the State or the terms of this Agreement, when copyrightable material ("Material") is developed under this Agreement, the County of Los Angeles, at its discretion, may copyright the Material. If the County of Los Angeles declines to copyright the Material, the County of Los Angeles will have an unencumbered right, and a non-exclusive, irrevocable, royalty-free license, to use, manufacture, improve upon, and allow others to do so for all government purposes, any Material developed under this Agreement.
2. The State will have an unencumbered right, and a non-exclusive, irrevocable, royalty-free license, to use, manufacture, improve upon, and allow others to do so for all government purposes, any Material developed under this Agreement or any Copyright purchased under this Agreement.
3. Subrecipient must comply with Title 24 CFR 85.34.

D. Rights to Data

The State and the County of Los Angeles will have unlimited rights or copyright license to any data first produced or delivered under this Agreement. "Unlimited rights" means the right to use, disclose, reproduce, prepare derivative works, distribute copies to the public, and perform and display publicly, or permit others to do so; as required by Title 48 CFR 27.401. Where the data are not first produced under this Agreement or are published copyrighted data with the notice of 17 U.S.C. Section 401 or 402, the State acquires the data under a copyright license as set forth in Title 48 CFR 27.404(f)(2) instead of unlimited rights. (Title 48 CFR 27.404(a)).

E. Obligations Binding on Subcontractors

Subrecipient must require all subcontractors to comply with the obligations of this section by incorporating the terms of this section into all subcontracts.

§414. Child Support Assignment Orders

Under the terms of this Agreement, Subrecipient must, as applicable, comply with California Family Code Section 5230 et seq.

§415. Minority, Women, And Other Business Enterprise Outreach Program

It is the policy of the County of Los Angeles to provide Minority Business Enterprises, Women Business Enterprises and all other business enterprises an equal opportunity to participate in the performance of all Subrecipient's contracts,

including procurement, construction and personal services. This policy applies to all of the Subrecipient's contractors and sub-contractors.

§416. Compliance with Fair Chance Employment Practices

Subrecipient shall comply with fair chance employment hiring practices set forth in California Government Code Section 12952, Employment Discrimination: Conviction History. Subrecipient's violation of this paragraph of the Agreement may constitute a material breach of the Agreement. In the event of such material breach, County of Los Angeles may, in its sole discretion, terminate the Agreement.

§417. Method of Payment and Required Information

The County of Los Angeles may, at its sole discretion, determine the most appropriate, efficient, secure, and timely form of payment provided under this Agreement. Subrecipient further agrees that the default form of payment shall be Electronic Funds Transfer (EFT) or Direct Deposit, unless an alternative method of payment is deemed appropriate by the A-C.

Subrecipient shall provide the A-C with electronic banking and related information for the Subrecipient and/or any other payee that the Subrecipient designates to receive payment pursuant to this Agreement at <https://directdeposit.lacounty.gov/>. Such electronic banking and related information includes, but is not limited to: bank account number and routing number, legal business name, valid taxpayer identification number or TIN, a working e-mail address capable of receiving remittance advices and other payment related correspondence, and any other information that the A-C determines is reasonably necessary to process the payment and comply with all accounting, record keeping, and tax reporting requirements.

Any provision of law, grant, or funding agreement requiring a specific form or method of payment other than EFT or Direct Deposit shall supersede this requirement with respect to those payments. At any time during the duration of this Agreement, the Subrecipient may submit a written request for an exemption to this requirement and must be based on specific legal, business or operational needs and explain why the payment method designated by the A-C is not feasible and an alternative is necessary. The A-C, in consultation with CEO, shall decide whether to approve exemption requests.

SECTION V

DEFAULTS, SUSPENSION, TERMINATION, AND AMENDMENTS

§501. Defaults

Should either party fail for any reason to comply with the contractual obligations of this Agreement within the time specified by this Agreement, the non-breaching party reserves the right to terminate the Agreement, reserving all rights under State and Federal law.

§502. Termination

This Agreement may be terminated, in whole or in part, from time to time, when such action is deemed by the County of Los Angeles, in its sole discretion, to be in its best interest. Termination of work hereunder shall be effected by notice of termination to the Subrecipient specifying the extent to which performance of work is terminated and the date upon which such termination becomes effective. The date upon which such termination becomes effective shall be no less than ten (10) days after the notice is sent.

§503. Amendments

Except as otherwise provided in this paragraph, any change in the terms of this Agreement, including changes in the services to be performed by Subrecipient, that are agreed to by the Subrecipient and the County of Los Angeles must be incorporated into this Agreement by a written amendment properly signed by persons who are authorized to bind the parties. Notwithstanding the foregoing, any increase or decrease of the grant amount specified in §301.A., above, or any extension of the performance period specified in §201, above, does not require a written amendment, but may be effectuated by a written notification by the County of Los Angeles to the Subrecipient.

SECTION VI

ENTIRE AGREEMENT

§601. Complete Agreement

This Agreement contains the full and complete Agreement between the two parties. Neither verbal agreement nor conversation or other communication with any officer or employee of either party will affect or modify any of the terms and conditions of this Agreement.

§602. Number of Pages and Attachments

This Agreement may be executed utilizing wet, scanned digital, and electronic signatures, each of which is deemed to be an original. This Agreement includes (27) pages and (8) Exhibits which constitute the entire understanding and agreement of the parties.

[Remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the Subrecipient and the County of Los Angeles have caused this Agreement to be executed by their duly authorized representatives.

COUNTY OF LOS ANGELES

BY _____
FESIA A. DAVENPORT
Chief Executive Officer
Date _____

BY _____
EDWARD YEN
Executive Officer, Board of Supervisors

BY _____
OSCAR VALDEZ
Auditor-Controller

APPROVED AS TO FORM

DAWYN R. HARRISON
County Counsel

BY _____
Deputy County Counsel

CITY OF REDONDO BEACH

BY _____
James A. Light, Mayor
James A. Light
(Print Name) Date _____

APPROVED AS TO FORM

BY _____
Michael W. Webb, City Attorney
Michael W. Webb
(Print Name) Date _____

ATTEST

BY _____
Eleanor Manzano, CMC, City Clerk
Eleanor Manzano, CMC
(Print Name) Date _____

EXHIBITS

Exhibit A	Certification and Disclosure Regarding Lobbying
Exhibit B	Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions
Exhibit C	Certification Regarding Drug Free Workplace
Exhibit D	Certification of Grant Assurances
Exhibit E	Final Grant Award Letter and Project Worksheet
Exhibit F	2023 Notice of Funding Opportunity & 2023 Cal OES Supplemental to Federal Notice of Funding Opportunity
Exhibit G	Reimbursement Form and Instructions
Exhibit H	Monitoring Instrument



Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, 'Disclosure of Lobbying Activities,' in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Certification Regarding Lobbying

The Subrecipient, as identified below, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Subrecipient understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

Subrecipient: City of Redondo Beach

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: James A. Light

Title: Mayor Date: _____

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this document, the prospective recipient of Federal assistance is providing the certification as set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this agreement is entered, if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous, when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation on this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Procurement or Non Procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

STATE OF CALIFORNIA

DRUG-FREE WORKPLACE CERTIFICATION

STD. 21

COMPANY/ORGANIZATION NAME:

The contractor or grant recipient named above hereby certifies compliance with *Government Code Section 8355* in matters relating to providing a drug-free workplace. The above-named contractor or recipient will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by *Government Code Section 8355(a)*.
2. Establish a Drug-Free Awareness Program as required by *Government Code Section 8355(b)*, to inform employees about all of the following:
 - (a) The dangers of drug abuse in the workplace,
 - (b) The person's or organization's policy of maintaining a drug-free workplace,
 - (c) Any available counseling, rehabilitation and employee assistance programs, and
 - (d) Penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by *Government Code Section 8355(c)*, that every employee who works on the proposed contract or subgrant:
 - (a) Will receive a copy of the company's drug-free policy statement, and
 - (b) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or subgrant.

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized legally to bind the contractor or Recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

James A. Light

OFFICIAL'S NAME

DATE EXECUTED

Los Angeles

EXECUTED IN THE COUNTY OF

CONTRACTOR or RECEIPEINT SIGNATURE

Mayor

TITLE

95-6000813

FEDERAL I.D. NUMBER

STATEMENT ON THE DRUG-FREE WORKPLACE

To comply with the enactment of Senate Bill 1120, (*Chapter 1170, Statutes of 1990*), which established the Drug-Free Workplace Act of 1990, the City of Redondo Beach
(*your agency*)
accordingly provides this statement of compliance.

In order to maintain funding eligibility, state agencies, along with those in receipt of grant and contractual awards, must certify that they provide drug-free workplaces and have issued drug-free workplace statements to their employees [*Section 8355(a) of the Government Code*]. Consequently, in accordance with this directive, this statement is issued to meet this requirement.

The City of Redondo Beach (*your agency*), an agency within the State of California has adopted this statement in compliance with legislation which addresses issues to avoid the dangers arising from drug and alcohol abuse in the workplace. These dangers include death and injury to the employee, co-workers, or the public resulting from accidents, dereliction of duty, poor judgment and carelessness. Substance abuse also results in lost productivity, reduced efficiency, and increased absenteeism by the substance abuser and interferes with the job performance of employees who do not use illegal or unauthorized substances. [*Section 8355(b)(1)*]

California law prohibits the unlawful manufacture, dispensation, possession, or illegal use of a controlled substance. That prohibition extends to all places and includes the worksite of California state employees. [*Section 8355(a)*]

Employees convicted of a violation of criminal drug statute, when the violation occurred at an employee's worksite, shall report the conviction to the granting and monitoring State agency upon conviction. [*Section 8356(a)(1)(2)*]

In the event of the unlawful manufacture, distribution, dispensation, possession or illegal use of a controlled substance at a State worksite, the State may take disciplinary action pursuant to the law and/or require the satisfactory completion of a drug abuse assistance or rehabilitation program. [*Section 8355(b)(4)*]

The Employee Assistance Program (EAP) provides drug problem assessment and referral to appropriate counseling and rehabilitation services. The EAP is available to all agency employees. Procedures exist to ensure the confidentiality of EAP records. Contact your personnel office for further information.

It is the intent of the City of Redondo Beach (*your agency*) to ensure by execution of this statement of compliance that each employee shall abide by the terms of this drug-free workplace statement. [*Section 8355(c)*]

EXHIBIT D

COUNTY OF LOS ANGELES

2023 CERTIFICATION OF GRANT ASSURANCES

As the duly authorized representative of the Subrecipient, I hereby certify Subrecipient's complete acceptance of Exhibit D, and agreement to abide by all provisions, assurances, conditions and requirements of the Grant Assurances therein.

BY _____ James A. Light, Mayor _____
City Representative/Title (Signature) (Print Name) Date

APPROVED AS TO FORM

BY _____ Michael W. Webb _____
City Attorney (Signature) (Print Name) Date

ATTEST

BY _____ Eleanor Manzano, CMC _____
City Clerk (Signature) (Print Name) Date



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

The requirements outlined in these assurances apply to Applicant and any of its subrecipients.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) Federal Preparedness Grants Manual;
- (d) California Supplement to the NOFO; and
- (e) Federal and State Grant Program Guidelines.

Federal Regulations

Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the [Office of Management and Budget \(OMB\)](http://www.whitehouse.gov/omb/) and can be found at <http://www.whitehouse.gov/omb/>.

In the event Cal OES determines that changes are necessary to the subaward after a subaward has been made, including changes to period of performance or terms and conditions, Applicants will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Applicant acceptance of the changes to the subaward.

State and federal grant award requirements are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority

The Applicant will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body;
- (d) The Applicant is authorized by the city council, governing board, or authorized body to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost, if any) to ensure proper planning, management and completion of the project described in this application; and
- (e) The official executing this agreement is authorized by the Applicant.

This Proof of Authority must be maintained on file and readily available upon request.

2. Period of Performance

The period of performance is specified in the Award. The Applicant is only authorized to perform allowable activities approved under the award, within the period of performance.

3. Lobbying and Political Activities

As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The Applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501- 1508 and §§ 7324-7328) which limit the political activities of employees whose principle employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.214 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its subrecipients:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (4)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity

The Applicant will comply with all state and federal statutes relating to non-discrimination, including:

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;
- (d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101 et seq.), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;
 - (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
 - (j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;
 - (k) Department of Homeland Security (DHS) policy to ensure the equal treatment of faith-based organizations, under which the Applicant must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
 - (l) The Applicant will comply with California's Fair Employment and Housing Act (FEHA) (California Government Code §§ 12940-12957), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;
 - (m) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
 - (n) The requirements of any other nondiscrimination statute(s) that may apply to this application.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, including:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387);
- (c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
- (e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
- (f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (g) Executive Order 11514 which sets forth national environmental standards;
- (h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
- (i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (j) The Endangered Species Act of 1973, (P.L. 93-205);
- (k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
- (l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); and



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

(m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: (1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease-and-desist order pursuant to section 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

8. Audits

For subrecipients expending \$750,000 or more in federal grant funds annually, the Applicant will perform the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R., Part 200, Subpart F Audit Requirements.

9. Cooperation and Access to Records

The Applicant must cooperate with any compliance reviews or investigations conducted by DHS. In accordance with 2 C.F.R. § 200.337, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest

The Applicant will establish safeguards to prohibit the Applicant's employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management

False Claims for Payment - The Applicant will comply with 31 U.S.C §§ 3729-3733 which provides that Applicant shall not submit a false claim for payment, reimbursement, or advance.

12. Reporting - Accountability

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), including but not limited to (a) the reporting of subawards obligating \$30,000 or more in federal funds,



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

and (b) executive compensation data for first-tier subawards as set forth in 2 C.F.R. Part 170, Appendix A. The Applicant also agrees to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A.

13. Whistleblower Protections

The Applicant must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.

14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits the Applicant or its subrecipients from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; or (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

- (a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and
- (b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646)



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;

- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires federal award subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;
- (c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.); and
- (d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

19. Use of Cellular Device While Driving is Prohibited

The Applicant is required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

20. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code §7920.000 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

HOMELAND SECURITY GRANT PROGRAM (HSGP) – PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Acknowledgment of Federal Funding from DHS

The Applicant must acknowledge its use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

22. Activities Conducted Abroad

The Applicant must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

23. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. If the Applicant collects PII, the Applicant is required to have a publicly-available privacy policy that describes standards on the usage and maintenance of PII they collect. The Applicant may refer to the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as a useful resource.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

24. Copyright

The Applicant must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of United States Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

25. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude the Applicant from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

26. Energy Policy and Conservation Act

The Applicant must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

27. Federal Debt Status

The Applicant is required to be non-delinquent in its repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

28. Fly America Act of 1974

The Applicant must comply with Preference for United States Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

29. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, the Applicant must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

30. Non-supplanting Requirement

If the Applicant receives federal financial assistance awards made under programs that prohibit supplanting by law, the Applicant must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

31. Patents and Intellectual Property Rights

Unless otherwise provided by law, the Applicant is subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. The Applicant is subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

32. SAFECOM

If the Applicant receives federal financial assistance awards made under programs that provide emergency communication equipment and its related activities, the Applicant must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

33. Terrorist Financing

The Applicant must comply with Executive Order 13224 and United States law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. The Applicant is legally responsible for ensuring compliance with the Order and laws.

34. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the Applicant's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the Applicant must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

35. USA Patriot Act of 2001

The Applicant must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

36. Use of DHS Seal, Logo, and Flags

The Applicant must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

37. Performance Goals

In addition to the Biannual Strategy Implementation Report submission requirements outlined in the Preparedness Grants Manual, the Applicant must demonstrate how the grant-funded project addresses the core capability gap associated with each project and identified in the Threat and Hazard Identification and Risk Analysis or Stakeholder Preparedness Review or sustains existing capabilities, as applicable. The capability gap reduction or capability sustainment must be addressed in the Project Description of the BSIR for each project.

38. Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon the Applicant and flow down to any of its subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

39. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

The Applicant must comply with the "Build America, Buy America" Act (BABAA), enacted as part of the Infrastructure Investment and Jobs Act and Executive Order 14005. Applicants receiving a federal award subject to BABAA requirements may not use federal financial assistance funds for infrastructure projects unless:

- (a) All iron and steel used in the project are produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (b) All manufactured products used in the project are produced in the United States – this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- (c) All construction materials are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States.

The "Buy America" preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. It does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a "Buy America" preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Per section 70914(c) of BABAA, FEMA may waive the application of a "Buy America" preference under an infrastructure program in certain cases.

On July 1, 2022, OMB approved FEMA's General Applicability Public Interest Waiver of the BABAA requirements to be effective for a period of six months, through January 1, 2023. Applicants will not be required to follow the BABAA requirements for FEMA awards made, and any other funding FEMA obligates, during this waiver period. For any new awards FEMA makes after January 1, 2023, as well as new funding FEMA obligates to existing awards or through renewal awards where the new funding is obligated after January 1, 2023, Applicants will be required to follow the BABAA requirements unless another waiver is requested and approved.

40. Advancing Effective, Accountable Policing and Criminal Justice Practice to Enhance Public Trust and Public Safety

The Applicant must comply with the requirements of section 12(c) of Executive Order 14074. The Applicant is also encouraged to adopt and enforce policies consistent with Executive Order 14074 to support safe and effective policing.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

IMPORTANT

The purpose of these assurances is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in these assurances. These assurances are binding on Applicant, its successors, transferees, assignees, etc. as well as any of its subrecipients. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Applicant may be ineligible for award of any future grants if Cal OES determines that the Applicant: (1) has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. Applicants are bound by DHS Standard Terms and Conditions 2023, Version 2, hereby incorporated by reference, which can be found at: <https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Applicant: City of Redondo Beach

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: James A. Light

Title: Mayor Date: _____



October 18, 2023

Fesia A. Davenport
Chief Executive Officer
Los Angeles County
500 West Temple Street, Room 713
Los Angeles, CA 90012

DELIVERED VIA E-MAIL: FDavenport@ceo.lacounty.gov

SUBJECT: NOTIFICATION OF SUBRECIPIENT SUBAWARD APPROVAL
Fiscal Year (FY) 2023 Homeland Security Grant Program (HSGP)
Subaward #2023-0042, Cal OES ID#037-00000
Subaward Period of Performance: 09/01/2023-05/31/2026

Dear Ms. Davenport:

We are pleased to announce the approval of your FY 2023 HSGP subaward in the amount of \$9,481,457.

Once the completed application is received and approved, reimbursement of eligible subaward expenditures may be requested using the California Governor's Office of Emergency Services (Cal OES) Financial Management Forms Workbook. Failure to provide documentation in a timely manner could result in a hold on funding, pursuant to Title 2, Code of Federal Regulations (CFR), Sections 200.338(a) and 200.207(b)(1)-(2).

This subaward is subject to requirements in 2 CFR, Part 200, including the Notice of Funding Opportunity (NOFO), the Preparedness Grants Manual, the California Supplement to the NOFO, and all applicable federal, state, and local requirements. All activities funded with this subaward must be completed within the subaward period of performance.

Subrecipients must obtain additional written approval **prior** to incurring costs for activities such as aviation, watercraft, allowability request logs, noncompetitive procurement, and projects requiring Environmental Planning and Historic Preservation review.



3650 SCHRIEVER AVENUE, MATHER, CA 95655
www.CalOES.ca.gov

Fesia A. Davenport
October 18, 2023
Page 2 of 2

Your organization will be required to prepare and submit the Biannual Strategy Implementation Report to Cal OES via the FEMA Grants Reporting Tool (GRT) semi-annually for the duration of the subaward period of performance or until all activities are completed and the subaward is formally closed. Failure to submit required reports could result in subaward reduction, suspension, or termination. Throughout the subaward cycle, milestones set in the GRT will be used as indicators of project feasibility, performance, and grant management capacity. This information may also be used in assessing proposals in future grant opportunities.

Your dated signature is required on this letter. Please sign and return the original to your Cal OES Program Representative within 20 calendar days upon receipt and keep a copy for your records. For further assistance, please contact your Cal OES Program Representative.

Sincerely,



NANCY WARD
Director

Signature: *Fesia Davenport*
Fesia Davenport (Nov 21, 2023 15:35 PST)

Email: FDavenport@ceo.lacounty.gov

Fesia Davenport

Fesia A. Davenport
Los Angeles County

Date

PROJECT LEDGER

City of Redondo Beach
 FY 2023 State Homeland Security Program (SHSP) Projects
 Cal OES ID: 037-00000
 Grant #: 2023-0042

Ledger Type	Initial Application
Date	12/6/2023
Request #	0
POP Start Date	9/1/2023
POP End Date	5/31/2026

IJ	Project No.	Project Title	Project Description	Funding Source	Discipline	Solution Area	Core Capability	Capability Building	Deployable / Shareable	Supports Previous Awarded Investment?	Total Approved	Total Expended	Remaining Balance	Percentage Expended
											\$ 58,728.00			
IJ.06	057	LE P25 Portable Radios 3 and Accessories	Project funds the City of Redondo Beach's purchase of (5) P25 compliant portable radios and accessories to enhance interoperable communications throughout the Los Angeles County region as well as out of area roaming and audio encryption. Radios will provide connectivity between local and interagency organizations to coordinate public safety responses in support of homeland security. This activity meets HSGP's LEPA requirement because Interoperable Communications is on the list of allowable equipment articulated in Information Bulletin 485 and the Fiscal Year 2007 Law Enforcement Terrorism Prevention Program Guidance. The portable radios being purchased here has a law enforcement terrorism prevention nexus as it will be used by law enforcement officers for anti-terrorism activities such as using interoperable communications to respond to threats to homeland security. Emergency Communications (SCIP Goal #3)	HSGP-SHSP	LE	Equipment	Operational Communications	Build	Deployable	FY20: IJ#6	\$ 50,000	\$ -	\$ 50,000	0%
IJ.10	094	FS USCG Training 2	Project funds the City of Redondo Beach's USCG 100 Ton Captains course, CA State Fire - Open Water Rescue Boat Operator Small - Four students / One instructor; Deckhand class Travel, Hotel, Boat setup	HSGP-SHSP	FS	Training	Screening, Search, and Detection	Sustain	Deployable	No	\$ 8,728	\$ -	\$ 8,728	0%
				HSGP-SHSP									\$ -	# DIV/0!
				HSGP-SHSP									\$ -	# DIV/0!
				HSGP-SHSP									\$ -	# DIV/0!
				HSGP-SHSP									\$ -	# DIV/0!
Totals:											\$	\$ -	\$ 58,728.00	

National Priority Area (NPA)

EQUIPMENT

City of Redondo Beach
 FY 2023 State Homeland Security Program (SHSP) Projects
 Cal OES ID: 037-00000
 Grant #: 2023-0042

Ledger Type	Initial Application
Date	12/6/2023
Request #	0
POP Start Date	9/1/2023
POP End Date	5/31/2026

Project No.	Equipment Description (include Quantity)	AEL #	AEL Title	Discipline	Solution Area Sub-Category	Deployable / Shareable	Invoice Number	Vendor	ID Tag Number	Condition/ Disposition	Deployed Location	Acquisition Date	Noncompetitive Procurement over \$250K	Hold Trigger	Approval Date	Total Approved	Total Expended	Remaining Balance	Percentage Expended
57	(5) P25 compliant portable radios and accessories	06CP-01-PORT	Radio, Portable	LE	06 - Interoperable Communications Equipment	Deployable							No	N/A		\$ 50,000.00	\$ -	\$ 50,000	0%
																		\$ -	#DIV/0!
																		\$ -	#DIV/0!
																		\$ -	#DIV/0!
																		\$ -	#DIV/0!
																		\$ -	#DIV/0!
Totals																\$	-	\$ 50,000.00	

National Priority Area (NPA)

TRAINING

City of Redondo Beach
 FY 2023 State Homeland Security Program (SHSP) Projects
 Cal OES ID: 037-00000
 Grant #: 2023-0042

Ledger Type	Initial Application
Date	12/6/2023
Request #	0
POP Start	9/1/2023
POP End Date	5/31/2026

Project No.	Course Name	Discipline	Solution Area Sub-Category	Expenditure Category	Feedback Number	Training Activity	Total # Trainee(s)	Identified Host	Noncompetitive Procurement over \$250K	EHP Hold	EHP Approval Date	Total Approved	Total Expended	Remaining Balance	Percentage Expended
												\$ 8,728.00			
94	USCG 100 Ton Captains course, CA State Fire - Open Water Rescue Boat Operator Small - Four students / One instructor; Deckhand class Travel, Hotel, Boat setup	FS	Staff Expenses	OT / Backfill		Field-Based Attendee		TBD	No	Yes		\$ 8,728	\$ -	\$ 8,728 0%
														\$ -	#DIV/0!
														\$ -	#DIV/0!
														\$ -	#DIV/0!
														\$ -	#DIV/0!
														\$ -	#DIV/0!

 National Priority Area (NPA)

Totals \$ - \$ 8,728.00

**The Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)
Fiscal Year 2023 Homeland Security Grant Program**

All entities wishing to do business with the federal government must have a unique entity identifier (UEI). The UEI number is issued by the SAM system. Requesting a UEI using SAM.gov can be found at <https://sam.gov/content/entity-registration>.

Grants.gov registration information can be found at <https://www.grants.gov/web/grants/register.html>.

Planned UEI Updates in Grant Application Forms:

On April 4, 2022, the Data Universal Numbering System (DUNS) Number was replaced by a new, non-proprietary identifier requested in, and assigned by, the System for Award Management (SAM.gov). This new identifier is the Unique Entity Identifier (UEI).

Additional Information can be found on Grants.gov:

<https://www.grants.gov/web/grants/forms/planned-uei-updates.html>

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A. Program Description**1. Issued By**

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD)

2. Assistance Listings Number

97.067

3. Assistance Listings Title

Homeland Security Grant Program

4. Funding Opportunity Title

Fiscal Year 2023 Homeland Security Grant Program (HSGP)

- State Homeland Security Program (SHSP)
- Urban Area Security Initiative (UASI)
- Operation Stonegarden (OPSG)

5. Funding Opportunity Number

DHS-23-GPD-067-00-01

6. Authorizing Authority for Program

Section 2002 of the Homeland Security Act of 2002 (Pub. L. No. 107-296, as amended) (6 U.S.C. § 603)

7. Appropriation Authority for Program

Consolidated Appropriations Act, 2023 (Pub. L. No. 117-328)

8. Announcement Type

Initial

9. Program Category

Preparedness: Community Security

10. Program Overview, Objectives, and Priorities**a. Overview**

The Fiscal Year (FY) 2023 Homeland Security Grant Program (HSGP) is one of three grant programs that constitute the DHS/FEMA focus on enhancing the ability of state, local, tribal, and territorial governments, as well as nonprofits, to prevent, protect against, and respond to terrorist attacks. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by DHS to help strengthen the Nation's communities against potential terrorist attacks. Among the five basic homeland security missions noted in the [DHS Strategic Plan for Fiscal Years 2020-2024](#), the HSGP supports the goal to Strengthen National Preparedness and Resilience.

In FY 2023, there are three components of the HSGP:

- 1) ***State Homeland Security Program (SHSP)***: SHSP assists state, local, tribal, and territorial (SLTT) efforts to build, sustain, and deliver the capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism.
- 2) ***Urban Area Security Initiative (UASI)***: UASI assists high-threat, high-density Urban Area efforts to build, sustain, and deliver the capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism.
- 3) ***Operation Stonegarden (OPSG)***: OPSG supports enhanced cooperation and coordination among Customs and Border Protection (CBP), United States Border Patrol (USBP), and federal, state, local, tribal, and territorial law enforcement agencies to improve overall border security. OPSG provides funding to support joint efforts to secure the United States' borders along routes of ingress/egress to and from international borders, to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders. SLTT law enforcement agencies utilize their inherent law enforcement authorities to support the border security mission and do not receive any additional authority by participating in OPSG.

The [2022-2026 FEMA Strategic Plan](#) outlines three goals designed to position FEMA to address the increasing range and complexity of disasters, support the diversity of communities we serve, and complement the nation's growing expectations of the emergency management community. The HSGP supports FEMA's efforts to achieve equitable outcomes for those we serve (Goal 1) and to promote and sustain a prepared nation (Goal 3). We invite our stakeholders and partners to also adopt these priorities and join us in building a more prepared and resilient nation.

Finally, for FY 2023, DHS is focused on the criticality of information sharing and collaboration to building a national culture of preparedness and protecting against terrorism and other threats to our national security. The threats to our nation have evolved during the past two decades. We now face continuous cyber threats by sophisticated actors, threats to soft targets and crowded places, and threats from domestic violent extremists who currently pose the greatest terrorism threat to the nation¹. Therefore, for FY 2023, DHS has identified six priority areas (see Section A.10.c) related to the most serious threats to the nation, as well as required minimum funding allocations.

b. Objective

The objective of the FY 2023 HSGP is to fund SLTT efforts to prevent terrorism and prepare the Nation for threats and hazards that pose the greatest risk to the security of the United States.

¹Strategic Intelligence Assessment and Data on Domestic Terrorism, Federal Bureau of Investigation and Department of Homeland Security, May 2021.

c. *Priorities*

SHSP and UASI Funding Priorities

Given the evolving national security threat landscape, DHS/FEMA has evaluated the national risk profile and set priorities that help inform appropriate allocation of scarce security dollars. In assessing the national risk profile for FY 2023, six National Priority Areas pose the most concern. Due to the unique threats that the nation faces in 2023, DHS/FEMA has determined that recipients should allocate a total of 30% of their SHSP and UASI award funds across these six priority areas. As indicated below, five of the priorities have minimum spend requirements totaling 15% of SHSP and UASI awards. Recipients will have the flexibility to allocate the remaining 15% across the priorities. The following are the six priority areas for FY 2023, along with the minimum corresponding percentage of SHSP and UASI funds that each recipient will be required to allocate:

- 1) Enhancing the protection of soft targets/crowded places – 3%
- 2) Enhancing information and intelligence sharing and analysis – 3%
- 3) Combating domestic violent extremism – 3%
- 4) Enhancing cybersecurity – no minimum percent
- 5) Enhancing community preparedness and resilience – 3%
- 6) Enhancing election security – 3%

Additional information about these priority areas and how they relate to achieving anti-terrorism capabilities is included in Section D.11.b.III of this NOFO. Failure by a recipient to propose investments and projects that align with the priority areas and spending requirements will result in a recipient having a portion of their SHSP and UASI funds (up to 30%) placed on hold until they provide projects that sufficiently align to the National Priority Areas, and total at least the minimum percentages per National Priority Area (as applicable) and overall 30% of total SHSP and UASI funds.

A state or high-risk urban area must allocate the remaining 70% of their funding to addressing capability gaps (e.g., building/sustaining capability and/or closing capability gaps) identified through their Threat and Hazard Identification and Risk Assessment (THIRA) and Stakeholder Preparedness Review (SPR) process.

Likewise, there are several enduring security needs that crosscut the homeland security enterprise to which recipients should consider allocating funding across core capability gaps and national priorities. The following are enduring needs that help recipients implement a comprehensive approach to securing communities:

- 1) Effective planning²;
- 2) Training and awareness campaigns;
- 3) Equipment and capital projects; and
- 4) Exercises.

²Including assessment of critical infrastructure system vulnerabilities and plans to reduce consequences of disruptions, using the Infrastructure Resilience Planning Framework and Regional Resiliency Assessment Methodology produced by the Cybersecurity and Infrastructure Security Agency.

The table below provides a breakdown of the FY 2023 SHSP and UASI priorities (the focus of OPSG remains unique to border security), showing the core capabilities enhanced and lifelines supported, as well as examples of eligible project types for each area. A detailed description of allowable investments for each project type is included in the [Preparedness Grants Manual](#). DHS/FEMA anticipates that in future years, national priorities will continue to be included and will be updated as the threats evolve and as capability gaps are closed. Applicants are strongly encouraged to begin planning to sustain existing capabilities through funding mechanisms other than DHS preparedness grants. The example project types in the table below are allowable to prepare for disasters unrelated to acts of terrorism as long as they also help achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

FY 2023 SHSP and UASI Funding Priorities

All priorities in this table concern Safety and Security Lifelines.

Priority Areas	Core Capabilities	Example Project Types
National Priorities		
Enhancing Cybersecurity	<ul style="list-style-type: none"> • Cybersecurity • Intelligence and information sharing • Planning • Public information and warning • Operational coordination • Screening, search, and detection • Access control and identity verification • Supply chain integrity and security • Risk management for protection programs and activities • Long-term vulnerability reduction • Situational assessment • Infrastructure systems • Operational communications 	<ul style="list-style-type: none"> • Cybersecurity risk assessments • Migrating online services to the “.gov” internet domain • Projects that address vulnerabilities identified in cybersecurity risk assessments <ul style="list-style-type: none"> ○ Improving cybersecurity of critical infrastructure to meet minimum levels identified by the Cybersecurity and Infrastructure Security Agency (CISA), and the National Institute of Standards and Technology Cybersecurity Framework ○ Adoption of cybersecurity performance goals (Cross-Sector Cybersecurity Performance Goals CISA) ○ Cybersecurity training and planning
Enhancing the Protection of Soft Targets/ Crowded Places	<ul style="list-style-type: none"> • Operational coordination • Public information and warning • Intelligence and information sharing • Interdiction and disruption • Screening, search, and detection • Access control and identity verification • Physical protective measures • Risk management for protection programs and activities 	<ul style="list-style-type: none"> • Operational overtime. For more information on operational overtime, see Section D.14.f of this NOFO. • Physical security enhancements <ul style="list-style-type: none"> ○ Security cameras (closed-circuit television [CCTV]) ○ Security screening equipment for people and baggage ○ Lighting ○ Access controls ○ Fencing, gates, barriers, etc. • Unmanned aircraft system detection technologies
Enhancing information and intelligence	<ul style="list-style-type: none"> • Intelligence and information sharing • Interdiction and disruption • Planning • Public information and warning 	<ul style="list-style-type: none"> • Fusion center operations (Fusion Center project will be required under this investment, no longer as a stand-alone investment) • Information sharing with all DHS components; fusion centers; other operational, investigative, and analytic

Priority Areas	Core Capabilities	Example Project Types
sharing and analysis	<ul style="list-style-type: none"> Operational coordination Risk management for protection programs and activities 	<ul style="list-style-type: none"> entities; and other federal law enforcement and intelligence entities Cooperation with DHS officials and other entities designated by DHS in intelligence, threat recognition, assessment, analysis, and mitigation Identification, assessment, and reporting of threats of violence Joint intelligence analysis training and planning with DHS officials and other entities designated by DHS
Combating Domestic Violent Extremism	<ul style="list-style-type: none"> Interdiction and disruption Intelligence and information sharing Planning Public information and warning Operational coordination Risk management for protection programs and activities 	<ul style="list-style-type: none"> Open-source analysis of disinformation and misinformation campaigns, targeted violence and threats to life, including tips/leads, and online/social media-based threats Sharing and leveraging intelligence and information, including open-source analysis Execution and management of threat assessment programs to identify, evaluate, and analyze indicators and behaviors indicative of domestic violent extremists Training and awareness programs (e.g., through social media, suspicious activity reporting [SAR] indicators and behaviors) to help prevent radicalization Training and awareness programs (e.g., through social media, SAR indicators and behaviors) to educate the public on misinformation and disinformation campaigns and resources to help them identify and report potential instances of domestic violent extremism
Enhancing Community Preparedness and Resilience	<ul style="list-style-type: none"> Planning Public Information and Warning Community Resilience Risk Management for Protection Programs and Activities Mass Care Services Intelligence and Information Sharing Risk and Disaster Resilience Assessment Long Term Vulnerability Reduction 	<ul style="list-style-type: none"> Establish, train, and maintain Community Emergency Response Teams (CERT) and Teen CERT, with a focus on historically underserved communities, including procurement of appropriate tools, equipment and training aides <ul style="list-style-type: none"> Local delivery of CERT Train-the-Trainer and CERT Program Manager to build local program training and maintenance capacity Provide continuity training, such as FEMA's Organizations Preparing for Emergency Needs training, to faith-based organizations, local businesses, and community-based organizations such as homeless shelters, food pantries, nonprofit medical providers and senior care facilities to bolster their resilience to all hazards Partner with local school districts to deliver the Student Tools for Emergency Planning curriculum or other educational programming to guide students on how to create emergency kits and family communications plans Partner with key stakeholders to assist with completing the Emergency Financial First Aid Kit or a similar tool to bolster the disaster centric financial resilience of individuals and households Execute <i>You are the Help Until the Help Arrives</i> workshops in concert with community-based organizations to bolster individual preparedness Target youth preparedness using FEMA programming such as Prepare with Pedro resources and Ready2Help

Priority Areas	Core Capabilities	Example Project Types
		<ul style="list-style-type: none"> • Promote community planning, coordination, and integration of children’s needs during emergencies through workshops like FEMA’s Integrating the Needs of Children • Community Mapping: identify community resources and characteristics in order to identify gaps in resources, identify hazards and vulnerabilities, and inform action to promote resilience • Provide training and awareness programs with key stakeholders (e.g., through social media, community and civic organizations) to educate the public on misinformation and disinformation campaigns to increase individual and community resilience. • Support integrated and cross-jurisdictional preparedness planning that considers how the community develops networks of information-sharing and collaboration among community-based organizations and government institutions to enable a quicker recovery from multiple threats, including terrorist actions.
Enhancing Election Security	<ul style="list-style-type: none"> • Cybersecurity • Intelligence and information sharing • Planning • Long-term vulnerability reduction • Situational assessment • Infrastructure systems • Operational coordination • Community resilience 	<ul style="list-style-type: none"> • Physical security planning support • Physical/site security measures – e.g., locks, shatter proof glass, alarms, access controls, etc. • General election security navigator support • Cyber navigator support • Cybersecurity risk assessments, training, and planning • Projects that address vulnerabilities identified in cybersecurity risk assessments • Iterative backups, encrypted backups, network segmentation, software to monitor/scan, and endpoint protection • Distributed Denial of Service protection • Migrating online services to the “.gov” internet domain • Online harassment and targeting prevention services • Public awareness/preparedness campaigns discussing election security and integrity measures.
Enduring Needs		
Planning	<ul style="list-style-type: none"> • Planning • Risk management for protection programs and activities • Risk and disaster resilience assessment • Threats and hazards identification • Operational coordination • Community resilience 	<ul style="list-style-type: none"> • Development of: <ul style="list-style-type: none"> ○ Security Risk Management Plans ○ Threat Mitigation Plans ○ Continuity of Operations Plans ○ Response Plans • Efforts to strengthen governance integration between/among regional partners • Joint training and planning with DHS officials and other entities designated by DHS • Cybersecurity training and planning • Revision of existing plans to strengthen community resilience in underserved communities
Training and Awareness	<ul style="list-style-type: none"> • Long-term vulnerability reduction • Public information and warning • Operational coordination • Situational assessment 	<ul style="list-style-type: none"> • Active shooter training • Intelligence analyst training • SAR and terrorism indicators/behaviors training • Security training for employees • Public awareness/preparedness campaigns

Priority Areas	Core Capabilities	Example Project Types
	<ul style="list-style-type: none"> Community resilience 	<ul style="list-style-type: none"> Joint training and planning with DHS officials and other entities designated by DHS Cybersecurity training and planning Sharing and leveraging intelligence and information Targeted outreach and preparedness training for underserved communities in conjunction with community-based organizations
Equipment and Capital Projects	<ul style="list-style-type: none"> Long-term vulnerability reduction Infrastructure systems Operational communications Interdiction and disruption Screening, search and detection Access control and identity verification Physical protective measures 	<ul style="list-style-type: none"> Protection of high-risk, high-consequence areas or systems that have been identified through risk assessments Physical security enhancements <ul style="list-style-type: none"> Security cameras (CCTV) Security screening equipment for people and baggage Lighting Access Controls <ul style="list-style-type: none"> Fencing, gates, barriers, etc. Enhancing Weapons of Mass Destruction and/or improvised explosive device prevention, detection, and response capabilities <ul style="list-style-type: none"> Chemical/Biological/Radiological/Nuclear/Explosive detection, prevention, and response equipment
Exercises	<ul style="list-style-type: none"> Long-term vulnerability reduction Operational coordination Operational communications Community resilience 	<ul style="list-style-type: none"> Response exercises, including exercise planning with community-based organizations

For FY 2023, each SHSP and UASI recipient is required to submit an Investment Justification (IJ) for the five National Priority Areas with associated minimum spend requirements. Each of these five investments must also account for at least the relevant minimum percentage (totaling 15%) of the applicant's SHSP and UASI allocation. State Administrative Agencies (SAAs) may submit complete project-level information at the time of application, including the National Priority Area IJs, but are not required to do so. **As a reminder, all SHSP- and UASI-funded projects must have a demonstrated nexus to achieving target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism.** However, such projects may simultaneously support enhanced preparedness for disasters unrelated to acts of terrorism.

DHS/FEMA also requires SHSP and UASI recipients (states, territories, and high-risk urban areas) to complete a THIRA/SPR and prioritize grant funding to support building capability and/or closing capability gaps or sustaining capabilities that address national priorities and/or support enduring needs. Additional information on the THIRA/SPR process, including other National Preparedness System tools and resources, can be found at [National Preparedness System | FEMA.gov](#). Detailed information on THIRA/SPR timelines and deadlines can be found in the [Preparedness Grants Manual](#).

OPSG Funding Priorities

The table below provides a breakdown of the FY 2023 OPSG funding priority, which remains focused on and unique to border security.

FY 2023 OPSG Funding Priority

Priority Areas	Core Capabilities	Lifelines	Example Project Types
National Priorities			
Enhancing information and intelligence sharing and analysis, and cooperation with federal agencies, including DHS	<ul style="list-style-type: none"> Intelligence and information sharing 	<ul style="list-style-type: none"> Safety and Security 	<ul style="list-style-type: none"> Participation in the DHS/ICE 287(g) training program Information sharing with all DHS components; fusion centers; other operational, investigative, and analytic entities; and other federal law enforcement and intelligence entities Cooperation with DHS officials and other entities designated by DHS in intelligence, threat recognition, assessment, analysis, and mitigation Identification, assessment, and reporting of threats of violence Joint intelligence analysis training and planning with DHS officials and other entities designated by DHS

For FY 2023, each OPSG applicant is required to clearly articulate and identify how the Concept of Operations addresses the national priority identified above.

11. Performance Measures

Performance metrics for this program:

SHSP and UASI:

- Percentage of funding allocated by the recipient to core capabilities to build or sustain national priorities identified in the section above
- Percentage of funding and projects allocated by the recipient that align to capability gaps identified through the THIRA/SPR process
- Percentage of projects identified by the recipient that address a capability gap in a core capability that has a target(s) rated as high

FEMA will calculate and analyze the above metrics through a review of state/territory and urban area SPR submissions and required programmatic reports.

OPSG:

- Number of contacts that occurred as a result of OPSG deployments
 - Number of arrests that resulted from OPSG contacts
 - Value of drug seizures that resulted from OPSG contacts

B. Federal Award Information

1. Available Funding for the NOFO: **\$1,120,000,000**

HSGP Programs	FY 2023 Allocation
SHSP	\$415,000,000
UASI	\$615,000,000
OPSG	\$90,000,000
Total	\$1,120,000,000

SHSP Allocations

For FY 2023, DHS/FEMA will award SHSP funds based on DHS/FEMA's relative risk methodology and statutory minimums pursuant to the *Homeland Security Act of 2002*, as amended. **THIRA/SPR results do not impact grant allocations or awards.**

Each state and territory will receive a minimum allocation under the SHSP using thresholds established in the *Homeland Security Act of 2002*, as amended. All 50 States, the District of Columbia, and the Commonwealth of Puerto Rico will receive 0.35% of the total funds allocated for grants under Section 2003 and Section 2004 of the *Homeland Security Act of 2002*, as amended. Each of the four territories (American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands) will receive a minimum allocation of 0.08% of the total funds allocated for grants under Section 2003 and 2004 of the *Homeland Security Act of 2002*, as amended.

Each state must include a separate IJ for each of the five National Priority Areas with a minimum spend requirement. **All projects related to the minimum spend for the National Priority Area must be included in the IJ.** For the National Priority Areas that have a minimum spend percentage requirement, the funding level in each of those National Priority Area investments **must equal or exceed** the percentage for that respective National Priority Area, calculated as a percentage of the state's SHSP allocation in the table below. The funding levels across all six National Priority Areas **must equal or exceed 30%** of the total SHSP allocation.

FY 2023 SHSP ALLOCATIONS

State/Territory	FY 2023 Allocation	State/Territory	FY 2023 Allocation
Alabama	\$4,847,500	Montana	\$4,847,500
Alaska	\$4,847,500	Nebraska	\$4,847,500
American Samoa	\$1,108,000	Nevada	\$4,847,500
Arizona	\$4,847,500	New Hampshire	\$4,847,500
Arkansas	\$4,847,500	New Jersey	\$7,074,841
California	\$57,035,623	New Mexico	\$4,847,500
Colorado	\$4,847,500	New York	\$68,033,267
Connecticut	\$4,847,500	North Carolina	\$5,085,387

State/Territory	FY 2023 Allocation	State/Territory	FY 2023 Allocation
Delaware	\$4,847,500	North Dakota	\$4,847,500
District of Columbia	\$5,085,387	Northern Mariana Islands	\$1,108,000
Florida	\$9,343,905	Ohio	\$6,190,947
Georgia	\$5,288,656	Oklahoma	\$4,847,500
Guam	\$1,108,000	Oregon	\$4,847,500
Hawaii	\$4,847,500	Pennsylvania	\$8,136,252
Idaho	\$4,847,500	Puerto Rico	\$4,847,500
Illinois	\$13,894,910	Rhode Island	\$4,847,500
Indiana	\$4,847,500	South Carolina	\$4,847,500
Iowa	\$4,847,500	South Dakota	\$4,847,500
Kansas	\$4,847,500	Tennessee	\$4,847,500
Kentucky	\$4,847,500	Texas	\$18,210,451
Louisiana	\$4,847,500	U.S. Virgin Islands	\$1,108,000
Maine	\$4,847,500	Utah	\$4,847,500
Maryland	\$7,074,841	Vermont	\$4,847,500
Massachusetts	\$6,190,947	Virginia	\$8,136,252
Michigan	\$5,085,387	Washington	\$6,190,947
Minnesota	\$4,847,500	West Virginia	\$4,847,500
Mississippi	\$4,847,500	Wisconsin	\$4,847,500
Missouri	\$4,847,500	Wyoming	\$4,847,500
Total			\$415,000,000

UASI Allocations

Eligible candidates for the FY 2023 UASI program are identified in the table below. Eligibility has been determined through an analysis of relative risk of terrorism faced by the 100 most populous Metropolitan Statistical Areas (MSA) in the United States, in accordance with the *Homeland Security Act of 2002*, as amended. Detailed information on MSAs is publicly available from the United States Census Bureau at [Metropolitan and Micropolitan \(census.gov\)](https://www.census.gov). **THIRA/SPR results do not impact grant allocations or awards.**

The Metropolitan Areas Standardization and Protection (MAPS) Act of 2021 (P.L. 117-219) prohibits automatically updating core-based statistical areas, which are used to delineate MSAs, for grantmaking. The MAPS Act requires that FEMA issue notice-and-comment rulemaking to make any changes. Should changes be necessary in FY 2024, FEMA will issue notice-and-comment rulemaking within the statutorily defined guidelines.

The following table identifies the UASI allocations for each high-risk urban area based on DHS/FEMA's relative risk methodology pursuant to the *Homeland Security Act of 2002*, as amended.

In its application, each high-risk urban area, through the state, must include a separate IJ for each of the five National Priority Areas with minimum spend requirements. **All projects related to the minimum spend for the National Priority Area *must* be included in the IJ.** For the National Priority Areas that have a minimum spend percentage requirement, the funding level in each of those National Priority Area investments **must equal or exceed** the percentage for that respective National Priority Area, calculated as a percentage of the urban area's UASI allocation in the table below. The funding levels across all six National Priority Areas **must equal or exceed 30%** of the total UASI allocation.

FY 2023 UASI ALLOCATIONS

State/Territory	Urban Area	FY 2023 UASI Allocation
Arizona	Phoenix Area	\$5,250,000
California	Anaheim/Santa Ana Area	\$5,250,000
	Bay Area	\$36,493,265
	Los Angeles/Long Beach Area	\$66,174,270
	Riverside Area	\$3,900,000
	Sacramento Area	\$3,800,000
	San Diego Area	\$16,445,560
Colorado	Denver Area	\$3,900,000
District of Columbia	National Capital Region	\$50,360,095
Florida	Jacksonville Area	\$1,500,000
	Miami/Fort Lauderdale Area	\$14,528,750
	Orlando Area	\$3,800,000
	Tampa Area	\$3,800,000
Georgia	Atlanta Area	\$7,700,000
Hawaii	Honolulu Area	\$1,500,000
Illinois	Chicago Area	\$66,174,270
Indiana	Indianapolis Area	\$1,645,333
Louisiana	New Orleans Area	\$1,645,333
Maryland	Baltimore Area	\$3,800,000
Massachusetts	Boston Area	\$16,646,500
Michigan	Detroit Area	\$5,250,000
Minnesota	Twin Cities Area	\$5,250,000
Missouri	Kansas City Area	\$1,645,333
	St. Louis Area	\$3,800,000
Nevada	Las Vegas Area	\$5,250,000
New Jersey	Jersey City/Newark Area	\$18,631,275
New York	New York City Area	\$173,950,017
North Carolina	Charlotte Area	\$3,800,000
Ohio	Cincinnati Area	\$1,645,333

State/Territory	Urban Area	FY 2023 UASI Allocation
	Cleveland Area	\$1,645,333
Oregon	Portland Area	\$3,800,000
Pennsylvania	Philadelphia Area	\$16,646,500
	Pittsburgh Area	\$1,645,333
Tennessee	Nashville Area	\$1,500,000
Texas	Austin Area	\$1,500,000
	Dallas/Fort Worth/Arlington Area	\$16,646,500
	Houston Area	\$24,231,000
	San Antonio Area	\$3,800,000
Virginia	Hampton Roads Area	\$3,800,000
Washington	Seattle Area	\$6,250,000
Total		\$615,000,000

OPSG Allocations

For FY 2023, DHS/FEMA will award OPSG funds based on risk and the anticipated effectiveness of the proposed use of grant funds upon completion of the application review process. The FY 2023 OPSG risk assessment is designed to identify the risk to border security and to assist with the distribution of funds for the grant program. Funding under OPSG is distributed based on the risk to the security of the border and the effectiveness of the proposed projects. Entities eligible for funding are the state, local, and tribal law enforcement agencies that are located along the border of the United States. DHS/FEMA will make final award determinations based upon a review of the anticipated effectiveness of the state's application as described in Section D, below. **The THIRA/SPR process is not required for OPSG.**

For the purposes of OPSG, the risk is defined as the potential for an adverse outcome assessed as a function of threats, vulnerabilities, and consequences associated with an incident, event, or occurrence.

Based upon ongoing intelligence analysis and extensive security reviews, DHS/CBP continues to focus the bulk of OPSG funds based upon risk analyses. The risk model used to allocate OPSG funds considers the potential risk that certain threats pose to border security and estimates the relative risk faced by a given area. In evaluating risk, DHS/CBP considers intelligence, situational awareness, criminal trends, and statistical data specific to each of the border sectors, and the potential impacts that these threats pose to the security of the border area. For vulnerability and consequence, DHS/CBP considers the expected impact and consequences of successful border events occurring in specific areas.

Threat and vulnerability are evaluated based on specific operational data from DHS/CBP. Threat components present in each of the sectors are used to determine the overall threat score. These components are terrorism, criminal aliens, drug trafficking organizations, and alien smuggling organizations.

Effectiveness of the proposed investments will be evaluated based on the recipient’s investment strategy, budget, collaboration, and past performance.

- 2. Projected Number of Awards:** **56**
- 3. Period of Performance:** **36 months**

Extensions to the period of performance are allowed. For additional information on period of performance extensions, please refer to Section H of this NOFO and the [Preparedness Grants Manual](#).

FEMA awards under most programs, including this program, only include one budget period, so it will be same as the period of performance. *See* 2 C.F.R. § 200.1 for definitions of “budget period” and “period of performance.”

- 4. Projected Period of Performance Start Date(s):** **09/1/2023**
- 5. Projected Period of Performance End Date(s):** **8/31/2026**
- 6. Funding Instrument Type:** **Grant**

C. Eligibility Information

1. Eligible Applicants

The SAA is the only entity eligible to submit HSGP applications to DHS/FEMA, including those applications submitted on behalf of UASI and OPSG applicants. All 56 states and territories, including any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, are eligible to apply for SHSP funds. Tribal governments may not apply directly for HSGP funding; however, funding may be available to tribes through the SAA.

2. Applicant Eligibility Criteria

Eligible high-risk urban areas for the FY 2023 UASI program have been determined through an analysis of relative risk of terrorism faced by the 100 most populous MSAs in the United States. Subawards will be made by the SAAs to the designated high-risk urban areas.

For 2023, each SAA is **strongly encouraged** to re-evaluate its process for collecting and evaluating subaward applications. FEMA encourages each SAA to minimize the type and quantity of information that it collects as part of the subaward application process, in order to decrease the overall financial and time burden associated with applying for subawards under this grant program. Each SAA should review its subaward application, and reduce or eliminate the request for any information that is not needed for legal, financial, or oversight purposes.

In FY 2023, OPSG eligible subrecipients are local units of government at the county level or equivalent level of government and federally recognized tribal governments in states

bordering Canada or Mexico and states and territories with international water borders. All applicants must have active ongoing USBP operations coordinated through a CBP sector office to be eligible for OPSG funding.

In FY 2023, OPSG subrecipients eligible to apply for and receive a subaward directly from the SAAs are divided into three Tiers. Tier 1 entities are local units of government at the county level or equivalent and federally recognized tribal governments that are on a physical border in states bordering Canada, states bordering Mexico, and states and territories with international water borders. Tier 2 eligible subrecipients are those not located on the physical border or international water but are contiguous to a Tier 1 county. Tier 3 eligible subrecipients are those not located on the physical border or international water but are contiguous to a Tier 2 eligible subrecipient. The tier structure is only applicable with regard to eligibility. OPSG funding allocations are based on the assessed border security risks as determined by the USBP.

An application submitted by an otherwise eligible non-federal entity (i.e., the applicant) may be deemed ineligible when the person that submitted the application is not: 1) a ***current employee, personnel, official, staff, or leadership*** of the non-federal entity; and 2) ***duly authorized to apply*** for an award on behalf of the non-federal entity at the time of application.

Further, the Authorized Organization Representative (AOR) must be a duly authorized current employee, personnel, official, staff, or leadership of the recipient and ***provide an email address unique to the recipient at the time of application and upon any change in assignment during the period of performance. Consultants or contractors of the recipient are not permitted to be the AOR of the recipient.***

3. Other Eligibility Criteria/Restrictions

a. ***National Incident Management System (NIMS) Implementation***

Prior to allocation of any federal preparedness awards, recipients must ensure and maintain adoption and implementation of NIMS. The list of objectives used for progress and achievement reporting is on FEMA's website at [NIMS Implementation and Training | FEMA.gov](https://www.fema.gov/nims-implementation-and-training).

Please see the [Preparedness Grants Manual](#) for more information on NIMS.

b. ***Emergency Management Assistance Compact (EMAC) Membership***

In support of the National Preparedness Goal (the Goal), SHSP recipients must belong to, be in, or act as a temporary member of EMAC, except for American Samoa and the Commonwealth of the Northern Mariana Islands, which are not required to belong to EMAC at this time. All assets supported in part or entirely with FY 2023 HSGP funding must be readily deployable and NIMS-typed, when possible, to support emergency or disaster operations per existing EMAC agreements. In addition, funding may be used for the sustainment of core capabilities that, while they may not be physically deployable, support national response capabilities, such as Geographic/Geospatial Information Systems,

interoperable communications systems, capabilities as defined under the Mitigation Mission Area of the Goal, and fusion centers.

c. *Law Enforcement Terrorism Prevention Activities (LETPA)*

Per section 2006 of the Homeland Security Act of 2002, as amended (6 U.S.C. § 607), DHS/FEMA is required to ensure that at least 25% of grant funding appropriated for grants awarded under HSGP’s authorizing statute are used for LETPAs. **For FY 2023, DHS/FEMA is requiring that at least 35% of grant funding appropriated under HSGP is used for LETPA.** DHS/FEMA meets this requirement, in part, by requiring all recipients allocate at least 35% of the combined HSGP funds allocated under SHSP and UASI towards LETPAs, as defined in 6 U.S.C. § 607. The LETPA allocation can be from SHSP, UASI, or both. The 35% LETPA allocation may be met by funding projects in any combination of the six National Priority Areas identified above and any other investments. The 35% LETPA allocation requirement is in addition to the 80% pass-through requirement to local units of government and tribes, referenced below. The [Preparedness Grants Manual](#) and [Information Bulletin \(IB\) 473](#) include additional information on project selection considerations and allowable activities for LETPA investments. Also see Section D.14.f “Allowable Costs Matrix.”

The [National Prevention Framework](#) describes those activities that should be executed upon the discovery of intelligence or information regarding an imminent threat to the homeland, to thwart an initial or follow-on terrorist attack and provides guidance to ensure the Nation is prepared to identify, prevent, avoid, or stop a threatened or actual act of terrorism. Activities outlined in the National Prevention Framework are eligible for use as LETPA-focused funds. Also, where capabilities are shared with the protection mission area, the National Protection Framework activities are also eligible. All other terrorism prevention activities proposed for funding under LETPA must be approved by the FEMA Administrator.

To ensure that DHS/FEMA’s policy guidance on the use of LETPA funds reflects the evolving threat environment, is responsive to stakeholder feedback, is clear and easy to understand, and is applied consistently across grant recipients, DHS/FEMA will issue additional guidance through an Information Bulletin for the FY 2023 HSGP. This guidance will provide applicants and recipients further clarification on how to account for LETPA activities. It will also provide clarification on what should be included in the investment justifications, best practices for submitting investment justifications for LETPA claimed activities, as well as information on how to distinguish LETPA activities from others. The Information Bulletin will be issued concurrently or soon after the release of this NOFO.

In support of efforts to enhance capabilities for detecting, deterring, disrupting, and preventing acts of terrorism and other catastrophic events, **operational overtime costs are allowable** for increased protective security measures at critical infrastructure sites or other high-risk locations and to enhance public safety during mass gatherings and high-profile events. For more information about operational overtime costs, see Section D.14.f of this NOFO and the [Preparedness Grants Manual](#).

4. Cost Share or Match

There is no cost share or match requirement for the FY 2023 HSGP.

D. Application and Submission Information

1. Key Dates and Times

- a. *Application Start Date:* **02/27/2023**
- b. *Application Submission Deadline:* **05/18/2023 at 5 p.m. ET**

All applications **must** be received by the established deadline.

The Non-Disaster (ND) Grants System has a date stamp that indicates when an application is submitted. Applicants will receive an electronic message confirming receipt of their submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled “Timely Receipt Requirements and Proof of Timely Submission” in Section D of this NOFO.

FEMA will not review applications that are received after the deadline or consider these late applications for funding. FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant’s control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline. Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. “Timely notification” means prior to the application deadline and within 48 hours after the applicant became aware of the issue.

A list of FEMA contacts can be found in Section G of this NOFO, “DHS Awarding Agency Contact Information.” For additional assistance using the ND Grants System, please contact the ND Grants Service Desk at (800) 865-4076 or NDGrants@fema.dhs.gov. The ND Grants Service Desk is available Monday through Friday, 9:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Preparedness Officer or Grants Management Specialist. If applicants do not know who to contact, please contact the Centralized Scheduling and Information Desk (CSID) by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9:00 AM – 5:00 PM ET.

- c. *Anticipated Funding Selection Date:* **No later than 07/21/2023**
- d. *Anticipated Award Date:* **No later than 09/30/2023**
- e. *Other Key Dates*

Event	Suggested Deadline for Completion
Initial registration in SAM.gov includes UEI issuance	Four weeks before actual submission deadline

Event	Suggested Deadline for Completion
Obtaining a valid Employer Identification Number (EIN)	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or updating SAM registration	Four weeks before actual submission deadline
Registering in Grants.gov	Four weeks before actual submission deadline
Registering in ND Grants	Four weeks before actual submission deadline
Starting application in Grants.gov	One week before actual submission deadline
Submitting application in Grants.gov	Three days before actual submission deadline
Submitting the final application in ND Grants	By the submission deadline

2. Agreeing to Terms and Conditions of the Award

By submitting an application, applicants agree to comply with the requirements of this NOFO and the terms and conditions of the award, should they receive an award.

3. Address to Request Application Package

See the [Preparedness Grants Manual](#) for requesting and submitting an application.

Initial applications are processed through the [Grants.gov](#) portal. Final applications are completed and submitted through FEMA's Non-Disaster Grants (ND Grants) System. Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>.

4. Requirements: Obtain a Unique Entity Identifier (UEI) and Register in the System for Award Management (SAM)

Each applicant, unless they have a valid exception under 2 CFR 25.110, must:

- 1) Be registered in SAM.gov before application submission;
- 2) Provide a valid Unique Entity Identifier (UEI) in its application; and
- 3) Continue to always maintain an active System for Award Management (SAM) registration with current information during the Federal Award process if selected for award.

5. Steps Required to Obtain a Unique Entity Identifier, Register in the System for Award Management (SAM), and Submit an Application

Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

Please review the table above for estimated deadlines to complete each of the steps listed. Failure of an applicant to comply with any of the required steps before the deadline for submitting an application may disqualify that application from funding.

To apply for an award under this program, all applicants must:

- a. Apply for, update, or verify their Unique Entity Identifier (UEI) number from SAM.gov and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide an UEI number;
- c. Have an account with [login.gov](https://www.login.gov);
- d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
- e. Create a Grants.gov account;
- f. Add a profile to a Grants.gov account;
- g. Establish an Authorized Organizational Representative (AOR) in Grants.gov;
- h. Register in ND Grants
- i. Submit an initial application in Grants.gov;
- j. **Submit the final application in ND Grants, including electronically signing applicable forms;** and
- k. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

Specific instructions on how to apply for, update, or verify an UEI number or SAM registration or establish an AOR are included below in the steps for applying through Grants.gov.

Applicants are advised that FEMA may not make a federal award until the applicant has complied with all applicable SAM requirements. Therefore, an applicant's SAM registration must be active not only at the time of application, but also during the application review period and when FEMA is ready to make a federal award. Further, as noted above, an applicant's or recipient's SAM registration must remain active for the duration of an active federal award. If an applicant's SAM registration is expired at the time of application, expires during application review, or expires any other time before award, FEMA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

Per 2 C.F.R. § 25.110(c)(2)(iii), if an applicant is experiencing exigent circumstances that prevents it from obtaining an UEI number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible by contacting askcsid@fema.dhs.gov and providing the details of the circumstances that prevent completion of these requirements. If FEMA determines that there are exigent circumstances and FEMA has decided to make an award, the applicant will be required to obtain an UEI number, if applicable, and complete SAM registration within 30 days of the federal award date.

6. Electronic Delivery

DHS is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. DHS encourages or requires applicants to submit their applications online through Grants.gov, depending on the funding opportunity.

For this funding opportunity, FEMA requires applicants to submit initial applications through Grants.gov and a final application through ND Grants.

7. How to Register to Apply through Grants.gov

For information on how to register to apply through Grants.gov, please see the [Preparedness Grants Manual](#).

8. How to Submit an Initial Application to FEMA via Grants.gov

Standard Form 424 (SF-424) is the initial application for this NOFO.

Grants.gov applicants can apply online using a workspace. A workspace is a shared, online environment where members of a grant team may simultaneously access and edit different web forms within an application. For each Notice of Funding Opportunity, you can create individual instances of a workspace. Applicants are encouraged to submit their initial applications in Grants.gov at least seven days before the application deadline.

In Grants.gov, applicants must submit the following forms:

- SF-424, Application for Federal Assistance; and
- Grants.gov Lobbying Form, Certification Regarding Lobbying.

For further information on how to submit an initial application via Grants.gov, please see the [Preparedness Grants Manual](#).

9. Submitting the Final Application in ND Grants

After submitting the initial application in Grants.gov, eligible applicants will be notified by FEMA and asked to proceed with submitting their complete application package in ND Grants. Applicants can register early with ND Grants and are encouraged to begin their ND Grants registration at the time of this announcement or, at the latest, seven days before the application deadline. Early registration will allow applicants to have adequate time to start and complete their applications.

Applicants needing assistance registering for the ND Grants system should contact ndgrants@fema.dhs.gov or (800) 865-4076. For step-by-step directions on using the ND Grants system and other guides, please see [Non-Disaster Grants Management System | FEMA.gov](#).

In ND Grants, applicants will be prompted to submit the standard application information and any program-specific information required as described in Section D.10 of this NOFO, “Content and Form of Application Submission.” The Standard Forms (SF) are auto generated in ND Grants, but applicants may access these forms in advance through the Forms tab under

the [SF-424 family on Grants.gov](#). Applicants should review these forms before applying to ensure they have all the information required.

For additional application submission requirements, including program-specific requirements, please refer to the subsection titled “Content and Form of Application Submission” under Section D of this NOFO.

10. Timely Receipt Requirements and Proof of Timely Submission

As application submission is a two-step process, the applicant with the AOR role who submitted the application in Grants.gov will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of its initial application. **This notification does not serve as proof of timely submission, as the application is not complete until it is submitted in ND Grants.** Applicants can also view the ND Grants Agency Tracking Number by accessing the Details tab in the submitted workspace section in Grants.gov, under the Agency Tracking Number column. Should the Agency Tracking Number not appear, the application has not yet migrated from Grants.gov into the ND Grants System. Please allow 24 hours for your ND Grants application tracking number to migrate.

All applications must be received in ND Grants by **5:00 PM ET** on the application deadline. Proof of timely submission is automatically recorded by ND Grants. An electronic date/time stamp is generated within the system when the application is successfully received by ND Grants. Additionally, the applicant(s) listed as contacts on the application will receive a system-generated email to confirm receipt.

11. Content and Form of Application Submission

a. *Standard Required Application Forms and Information*

The following forms or information are required to be submitted in either Grants.gov or ND Grants. The Standard Forms (SF) are submitted either through Grants.gov, through forms generated in ND Grants, or as an attachment in ND Grants. Applicants may also access the SFs at [SF-424 Family | Grants.gov](#).

I. GRANTS.GOV

- **SF-424, Application for Federal Assistance**, initial application submitted through Grants.gov
- **Grants.gov Lobbying Form, Certification Regarding Lobbying**, submitted through Grants.gov

II. ND GRANTS

- **SF-424A, Budget Information (Non-Construction)**, submitted via the forms generated by ND Grants
 - **For construction under an award, submit SF-424C, Budget Information (Construction)**, submitted via the forms generated by ND Grants, in addition to or instead of SF-424A
- **SF-424B, Standard Assurances (Non-Construction)**, submitted via the forms generated by ND Grants

- **For construction under an award, submit SF-424D, Standard Assurances (Construction)**, submitted via the forms generated by ND Grants, in addition to or instead of SF-424B
- **SF-LLL, Disclosure of Lobbying Activities**, submitted via the forms generated by ND Grants
- **Indirect Cost Agreement or Proposal**, submitted as an attachment in ND Grants if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see Section D.13 of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

Generally, applicants have to submit either the non-construction forms (i.e., SF-424A and SF-424B) or construction forms (i.e., SF-424C and SF-424D), meaning that applicants that only have construction work and do not have any non-construction work need only submit the construction forms (i.e., SF-424C and SF-424D) and not the non-construction forms (i.e., SF-424A and SF-424B), and vice versa. However, applicants who have both construction and non-construction work under this program need to submit both the construction and non-construction forms.

b. *Program-Specific Required Forms and Information*

I. **IJ DEVELOPMENT: SHSP AND UASI**

As part of the FY 2023 HSGP application process for SHSP and UASI funds, applicants must develop formal IJs that address the proposed investments. Failure to fulfill all of the terms contained in this section will be considered by DHS/FEMA in its evaluation of the effectiveness of the IJs submitted to meet the minimum percent spend requirement for the National Priority Areas. Failure to sufficiently align projects to the National Priority Areas and meet the minimum percent spend requirement will result in funds being placed on hold until those issues are addressed.

FY 2023 SHSP and UASI applications must include one (1) IJ and at least one (1) respective project for each of the five National Priority Areas with a minimum spend requirement (Soft Targets/Crowded Places, Intelligence and Information Sharing, Countering Domestic Violent Extremism, Election Security, and Community Preparedness and Resilience) identified in this NOFO. Each of these IJs must also meet or exceed the minimum percent spend requirement based on the applicant’s SHSP and UASI allocation stated in this NOFO. **All projects associated with the minimum spend of a National Priority Area must be submitted in the same IJ.** SAAs may submit complete project-level information at the time of application but are not required to do so at the time of application. However, any SHSP or UASI application that does not include an IJ for each National Priority Area that meets the minimum spend requirement will have that funding placed on hold (up to the National Priority Area minimum percent and up to 30% of the total SHSP or UASI allocations) until those IJs and project-level details that sufficiently address the National Priority Areas are received and approved by DHS/FEMA.

Each IJ must *demonstrate* how proposed investments:

- Support terrorism preparedness; and
- Support building capability and/or closing capability gaps or sustaining capabilities identified in the community's THIRA/SPR process.

Each IJ must *explain* how the proposed investments will support the applicant's efforts to:

- Prevent a threatened or an actual act of terrorism;
- Prepare for all hazards and threats, while explaining the nexus to terrorism preparedness;
- Protect citizens, residents, visitors, and assets against the greatest threats and hazards, relating to acts of terrorism; and/or
- Respond quickly and equitably to save lives, protect property and the environment, and meet basic human needs in the aftermath of an act of terrorism or other catastrophic incidents.

If not included in the application, SHSP and UASI recipients must submit complete project-level information for each SHSP and UASI IJ as part of the Biannual Strategy Implementation Report (BSIR) due by January 30, 2024. This includes IJs for the National Priority Areas.

DHS/FEMA will evaluate the effectiveness of the projects submitted in support of the National Priority Areas, either at the time of application or as part of the December 2023 BSIR due January 30, 2024. DHS/FEMA will not reduce FY 2023 HSGP awards based on the effectiveness review but will work with recipients to ensure compliance with the National Priority Area requirements based on the results of the effectiveness review. Recipients and subrecipients will not be permitted to expend funding under the National Priority Areas until the effectiveness of the proposed projects has been reviewed and confirmed by FEMA.

II. DEVELOPMENT OF INVESTMENTS AND PROJECTS: SHSP AND UASI

- Applicants must propose at least 5 and may include up to 12 investments.
- Within each investment, applicants must propose at least one project to describe the activities they plan to implement with SHSP and UASI funds. There is no limit to the number of projects that may be submitted.
- Required National Priority Area IJs must include the name of the priority in the investment name for easy identification.
- All requested funding must be associated with specific projects. For each project, several pieces of information must be provided to submit the project for consideration in the application, including:
 - Project name;
 - Project description;
 - Subrecipient name, if applicable;
 - Recipient type (e.g., state or local);
 - Project location (zip code of the primary location of the project);

- Primary core capability the project supports;
- Whether the project activities are shareable and deployable; and
- Which National Priority Area (if any) the project supports.
- Projects should describe how the proposed investment supports building capability and/or closing capability gaps or sustaining capabilities identified in the THIRA/SPR process.
- FEMA encourages states to use any DHS provided assessments, such as those performed by DHS's Protective Security Advisors and Cybersecurity Advisors, when developing their IJs.

III. NATIONAL PRIORITY AREA INVESTMENTS: SHSP AND UASI

States are encouraged to review the [Strategic Framework for Countering Terrorism and Targeted Violence](#) when developing investments.

- **Soft Targets/Crowded Places (3%)**

Soft targets and crowded places are increasingly appealing to terrorists and other violent extremist actors because of their relative accessibility and the large number of potential targets. This challenge is complicated by the prevalent use of simple tactics and less sophisticated attacks. Segments of our society are inherently open to the general public, and by nature of their purpose do not incorporate strict security measures. Given the increased emphasis by terrorists and other violent extremist actors to leverage less sophisticated methods to inflict harm in public areas, it is vital that the public and private sectors collaborate to enhance security of locations such as transportation centers, parks, restaurants, shopping centers, special event venues, polling places, and similar facilities.

The malicious use of unmanned aircraft systems poses a threat to the safety and security of the American people, communities, and institutions. Technologies to detect or mitigate unmanned aircraft systems are an allowable use under the HSGP in accordance with the Domestic Counter-Unmanned Aircraft Systems (UAS) National Action Plan. Recipients should ensure that, prior to the testing, acquisition, installation, or use of UAS detection and/or mitigation systems, they seek the advice of counsel experienced with both federal and state criminal, surveillance, and communications laws which may apply to the use of such technologies.

Given the increased risk to soft targets and crowded places, at least one investment must be in support of the state's and high-risk urban area's efforts to protect soft targets/crowded places. Additionally, the proposed investment must meet or exceed the FY 2023 national priority percentage for soft targets/crowded places and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments. States are also encouraged to engage DHS' Protective Security Advisors' security assessments of soft targets to ensure that recommendations from those assessments are taken into consideration when allocating grant funding.

Additional resources and information regarding securing soft targets and crowded places are available through the [Cybersecurity and Infrastructure Security Agency](#) and the [National Institute of Standards and Technology](#).

- **Information and Intelligence Sharing (3%)**

Effective homeland security operations rely on access to, analysis of, and the timely sharing of open source, unclassified, and classified information, suspicious activity reports, tips/leads, and actionable intelligence on indicators and behaviors to accurately identify, assess, and mitigate a wide array of threats against the United States, including terrorism, threats to life, targeted violence, and other threats within the DHS mission space. Accordingly, DHS works diligently to enhance intelligence collection, integration, analysis, and information sharing capabilities to ensure partners, stakeholders, and senior leaders receive actionable intelligence and information necessary to inform their decisions and operations. A critical and statutorily charged mission of DHS is to deliver intelligence and information to federal, state, local, tribal, and territorial governments and private sector partners. Cooperation and information sharing among state, local, tribal, territorial, and federal partners across all areas of the homeland security enterprise, including counterterrorism, while upholding privacy, civil rights, and civil liberties protections, is critical to homeland security operations and the prevention of, preparation for, protection against, and response to acts of terrorism, and other threats to life and criminal acts of targeted violence. Counterterrorism includes both international and domestic terrorism, cybersecurity, border security, transnational organized crime, immigration enforcement, economic security, and other areas.

Given the importance of information sharing and collaboration to effective homeland security solutions, at least one investment must be in support of the state's and high-risk urban area's efforts to enhance information sharing and cooperation with DHS and other federal agencies. As noted above, this requirement must include at least one dedicated fusion center project. Additional instructions on development of the fusion center project can be found below. Applicants must justify persuasively how they will contribute to the information sharing and collaboration purposes of the investment and a culture of national preparedness. Additionally, the proposed investment must meet or exceed the FY 2023 national priority percentage for information sharing and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments.

Additional resources and information regarding collaboration and information sharing are available through the Department's [Office of Intelligence and Analysis](#).

- **Domestic Violent Extremism (3%)**

As stated in the [Homeland Threat Assessment October 2020](#), domestic violent extremists, including ideologically motivated lone offenders and small groups, present the most persistent and lethal terrorist threat to the Homeland. These violent extremists capitalize on social and political tensions, which have resulted in an elevated threat environment. They utilize social media platforms and other technologies to spread violent extremist ideologies that encourage violence and influence action within the United States. The COVID-19 pandemic has further created an environment that may lead to accelerated mobilization to targeted violence and/or radicalization to domestic terrorism, including leveraging lawful protests to incite violence, intimidate targets, and promote their violent extremist ideologies.

Given the rise of domestic violent extremism in recent years, at least one investment must be in support of the state's and high-risk urban area's efforts to combat the rise, influence, and spread of domestic violent extremism. Additionally, the proposed investment must meet or exceed the FY 2023 national priority percentage for domestic violent extremism and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments.

Additional resources and information regarding domestic violent extremism are available through [Center for Prevention Programs and Partnerships | Homeland Security \(dhs.gov\)](#).

- **Cybersecurity (no minimum percent)**

Today's world is more interconnected than ever before, but with increased connectivity comes increased risk of our adversaries, including terrorists, exploiting cyber vulnerabilities and weaknesses to disrupt our way of life. While not required, applicants are encouraged to submit an investment related to their ongoing or near-term high priority cybersecurity projects. The investment will be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments. Cybersecurity investments must support the security and functioning of critical infrastructure and core capabilities as they relate to preventing, preparing for, protecting against, or responding to acts of terrorism. Recipients and subrecipients of FY 2023 HSGP grant awards will be required to complete the 2023 [Nationwide Cybersecurity Review \(NCSR\)](#), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-3 hours to complete. The 2023 NCSR is estimated to be open from October 2023 through February 2024.

The NCSR is an annual requirement for recipients and subrecipients of HSGP funds and is taken once for each fiscal year award. Additionally, FEMA recognizes that some subawards will not be issued until after the NCSR has closed. In such cases, such subrecipients will be required to complete the first available NCSR offered after the subaward has been issued by the pass-through entity. Although not required by SLTTs that did not receive HSGP funds, all SLTT agencies with preparedness responsibilities are highly encouraged to participate and complete the NCSR to evaluate their cybersecurity posture. For detailed information and background on the NCSR, please see [IB 439](#).

Additional resources and information regarding cybersecurity and cybersecurity performance goals are available through the [Cybersecurity and Infrastructure Security Agency, Cross-Sector Cybersecurity Performance Goals | CISA](#), and the [National Institute of Standards and Technology](#).

- **Community Preparedness and Resilience (3%)**

Community organizations are the backbones of American civic life, both during "blue skies" and in the aftermath of terrorist attacks. Community organizations, such as

homeless shelters, food banks, public libraries, faith-based institutions, and nonprofit medical providers must have the capabilities to withstand acts of terrorism and provide essential services, especially to members of underserved communities, in the aftermath of an attack. In addition, individual citizens and volunteer responders, such as Community Emergency Response Teams, are often the first on the scene after a terrorist attack. The ability of these volunteers to provide assistance to their fellow citizens prior to the arrival of professional first responders is paramount to a community's resilience. FEMA's [2022 National Household Survey](#) recorded a 4% decline in the number of Americans that have taken at least three preparedness actions to bolster individual and household resilience. In addition, the COVID-19 pandemic has placed a significant burden on community-based organizations such as homeless shelters, food banks, public libraries, faith-based institutions, and nonprofit medical providers to continue to provide key services during and after disasters, including acts of terrorism. This National Priority Area will bolster community preparedness and resilience by investing in local, community-driven capabilities.

Additionally, equity in emergency management requires proactively prioritizing actions that reinforce cultural competency, accessibility, and inclusion, as well as reflect the historical context of specific groups of people. To that end, states, territories, and high-risk urban areas are strongly encouraged to explore how SHSP- and UASI-funded activities can address the needs of underserved, at-risk communities to help ensure consistent and systematic, fair, just, and impartial treatment of all individuals before, during, and after a disaster.

The focus on equity and investing in strategies that meet the needs of underserved communities will strengthen the whole of community system of emergency management. Substantial and ongoing prioritization of, and investment in, underserved communities is essential for the entire system to be effective and efficient. Engaging the whole community requires all members of the community to be part of the emergency management team, including representatives of underserved communities, diverse community members, social and community service groups and institutions, faith-based and disability advocacy groups, academia, professional associations, the private and nonprofit sectors, and government agencies that may not traditionally have been directly involved in emergency management. The whole community includes children; older adults; individuals with disabilities and others with access and functional needs; those from religious, racial, and ethnically diverse backgrounds; people with limited English proficiency; and owners of animals including household pets and service animals.

These factors underpin the requirement that at least one investment must be in support of the state's and urban area's efforts to address community preparedness and resilience. Additionally, the proposed investment must meet or exceed the FY 2023 national priority percentage for community preparedness and resilience and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments.

Additional resources and information regarding community preparedness and resilience are available through [Individuals and Communities | FEMA.gov](#).

- **Election Security (3%)**

In January 2017, DHS designated the infrastructure used to administer the Nation’s elections as critical infrastructure. This designation recognizes that the United States’ election infrastructure is of such vital importance to the American way of life that its incapacitation or destruction would have a devastating effect on the country. Securing election infrastructure, ensuring its continued operation in the face of threats and harassment, advancing the safety of election officials, and ensuring an election free from foreign interference are national security priorities. Threats to election systems are constantly evolving, so defending these systems requires constant vigilance, innovation, and adaptation. As such, at least one investment must be in support of the state’s and high-risk urban area’s efforts to enhance physical election security and/or cyber election security. Additionally, the proposed investment must meet or exceed the FY 2023 national priority percentage for election security and will also be subject to DHS/FEMA’s evaluation of the effectiveness of the proposed investments.

The SAA *must* include the State’s Chief Election Official for all projects and matters related to the election security National Priority Area. **Any activities proposed that could be used to suppress voter registration or turnout will not be approved.**

Additional resources and information regarding election security are available through the [Cybersecurity and Infrastructure Security Agency](#).

IV. DEVELOPMENT OF FUSION CENTER PROJECTS: SHSP AND UASI

Each applicant must identify a fusion center project that will:

- Indicate alignment to a designated Fusion Center; and
- Provide both a brief narrative description and funding itemization for the proposed project activities that directly support the designated fusion center.

The descriptive narrative and the financial itemization should align improvement or sustainment requests with fusion center activities as they relate to the Fusion Center Performance Measures found in the [Preparedness Grants Manual](#).

Sample Fusion Center Funding Itemization

A sample project description and funding itemization are below. For the itemized projects, clearly identify the anticipated fusion center performance improvement or sustainment as a result of the proposed funding.

The X Fusion enhancement project will fund:

- *Salaries, benefits, and training for X number of Fusion Center intelligence analysts*
- *Travel costs associated with fusion center analyst training*
- *This project will directly sustain the Center’s current capabilities and performance and directly aligns with performance measures 2023.XXX*
- *We anticipate seeing an improvement in the quality and quantity of analytic production and responses to requests for information as a direct result of the funding of this project*

The funding itemization for a fusion center project should include the amount and percent of each relevant solution area. As an example:

<i>Solution Area and Amount of Proposed Funding</i>	<i>Percent of Proposed Funding</i>
<i>Planning:</i> \$10,000	2%
<i>Organization:</i> \$200,000	48%
<i>Equipment:</i> \$200,000	48%
<i>Training:</i> \$10,000	2%
<i>Exercises:</i> \$0	0%
<i>Total:</i> \$420,000	100%

V. COMPLETING IJS IN THE GRANT REPORTING TOOL (GRT): SHSP AND UASI

In the Related Documents section of the [Grants.gov](https://www.grants.gov) posting, applicants can find the IJ template and instructions for collecting the required information for investments and projects. Additionally, applicants should utilize the Project Worksheet located in [Grants.gov](https://www.grants.gov) posting to assemble the information required for each project, which will facilitate the input of that information into the GRT.

Applicants must ensure the appropriate National Priority Area “Investment Type” (*Overview Tab – Investment Information Section*) is selected for the corresponding National Priority Area.

VI. DEVELOPMENT OF CONCEPT OF OPERATIONS FOR OPSG

As part of the FY 2023 OPSG application process, each eligible local unit of government at the county or federally recognized tribal government level must develop a strategic plan called a Concept of Operations (CONOP)/Application, which is a formal proposal of action to address a specific situation and forms the basis for Operations Orders, in coordination with state and federal law enforcement agencies, to include, but not limited to CBP/USBP. CONOPs that are developed at the county level should be inclusive of city, county, tribal, and other local law enforcement agencies that are eligible to participate in OPSG operational activities, and the CONOP/Application should describe participating agencies in the Executive Summary.

CONOP/Application details should include the names of the agencies, points of contact, and individual funding requests. All CONOPs/Applications must be developed in collaboration with the local USBP sector office, the SAA, and the local unit of government. Requests for funding in CONOPs/Applications must be based on risks and the operational enforcement support requirements of its corresponding USBP Sector, as well as the national priorities identified below. USBP Sector offices will forward the CONOPs to USBP Headquarters for vetting and coordination. Applicants will forward corresponding OPSG Applications to the SAA for submission to FEMA. USBP Headquarters will reconcile all submitted CONOPs with the OPSG Applications. FEMA will review and evaluate all CONOPs and OPSG Applications and funding will be allocated based on the review and selection criteria identified in this NOFO.

OPSG Applicants will be required to clearly articulate and identify how the CONOPs will address the national priority identified below:

- **Information and Intelligence Sharing and Cooperation**

Effective border security operations rely on access to, analysis of, and the timely sharing of open source, unclassified, and classified information, suspicious activity reports, tips/leads, and actionable intelligence on indicators and behaviors to accurately identify, assess, and mitigate a wide array of threats against the United States, including terrorism, threats to life, targeted violence, and other threats within the DHS mission space. Accordingly, DHS works diligently to enhance intelligence collection, integration, analysis, and information sharing capabilities to ensure partners, stakeholders, and senior leaders receive actionable intelligence and information necessary to inform their decisions and operations. One critical, statutorily required mission of DHS is to deliver intelligence and information to federal, state, local, and tribal governments and private sector partners. Cooperation and information sharing among state, federal, and local partners across all areas of the homeland security enterprise, including both international and domestic terrorism, cybersecurity, transnational organized crime, economic security, border security, immigration enforcement, and other areas, while upholding privacy, civil rights and civil liberties protections, is critical to homeland security operations and the prevention of, preparation for, protection against, and responding to acts of terrorism, and other threats to life and criminal acts of targeted violence.

Given the importance of information sharing and collaboration to effective homeland security solutions, the CONOP must support the recipient's efforts to enhance information sharing and cooperation with DHS and other federal agencies. Applicants must justify persuasively how they will contribute to the information sharing and collaboration purposes of the OPSG program and a culture of national preparedness.

Additional resources and information regarding collaboration and information sharing are available through the Department's [Office of Intelligence and Analysis](#).

VII. DETAILED Budget

Applicants must provide budget summary worksheets for all funds requested at the time of application. The budget summary worksheets must be complete, reasonable, and cost-effective in relation to the proposed project and should provide the basis of computation of all project-related costs (including management and administrative costs) and any appropriate narrative. FEMA must be able to thoroughly evaluate the projects being submitted based on the information provided. FEMA must be able to determine how much funding is being passed through to subrecipients for each sub-program (UASI, SHSP, OPSG). Consequently, applicants must provide an appropriate level of detail within the budget summary worksheets to clarify what will be purchased and spent. Sample budget summary worksheets are available on the [grants.gov](#) posting for the HSGP in the Related Documents tab and may be used as a guide to assist applicants in the preparation of budgets and budget narratives.

12. Other Submission Requirements

Fusion Center Investments

Of the proposed SHSP- and UASI-funded investments, one single project must be in support of a designated fusion center. Recipients must coordinate with the fusion center when developing a fusion center project prior to submission. See additional information on how to develop the fusion center projects below and in the [Preparedness Grants Manual](#).

Emergency Communications Investments

All emergency communications investments must describe how such activities align with needs identified in their Statewide Communication Interoperability Plan (SCIP). Recipients must coordinate with their Statewide Interoperability Coordinator (SWIC) and/or Statewide Interoperability Governing Body (SIGB) when developing an emergency communications investment prior to submission to ensure the project supports the statewide strategy to improve emergency communications and is compatible and interoperable with surrounding systems. Effective project alignment will require advance coordination with the SWIC and consultation with governing bodies such as the SIGB or Statewide Interoperability Executive Committee, as they serve as the primary steering group for the statewide interoperability strategy. Additionally, recipients should consult subject matter experts serving on governance bodies, such as broadband experts, chief information officers, representatives from utilities, or legal and financial experts, when developing proposals. The investment name must include the words “emergency communications” to easily identify any emergency communications investments.

13. Intergovernmental Review

An intergovernmental review may be required. Applicants must contact their state’s Single Point of Contact (SPOC) to comply with the state’s process under Executive Order 12372 (See [Executive Orders | National Archives](#) and [Intergovernmental Review \(SPOC List\) \(whitehouse.gov\)](#)).

14. Funding Restrictions and Allowable Costs

All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200, unless otherwise indicated in the NOFO, the terms and conditions of the award, or the [Preparedness Grants Manual](#). This includes, among other requirements, that costs must be incurred, and products and services must be delivered, within the period of performance of the award. See 2 C.F.R. § 200.403(h) (referring to budget periods, which for FEMA awards under this program is the same as the period of performance).

Federal funds made available through this award may be used for the purpose set forth in this NOFO, the [Preparedness Grants Manual](#), and the terms and conditions of the award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other federal awards, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the Federal Government or any other government entity. See the [Preparedness Grants Manual](#) for more information on funding restrictions and allowable costs.

a. *Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services*

Recipients and subrecipients of FEMA federal financial assistance are subject to the prohibitions described in section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Guidance is available at [Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services, FEMA Policy #405-143-1](#), or superseding document.

Additional guidance is available at [Contract Provisions Guide: Navigating Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards \(fema.gov\)](#).

Effective August 13, 2020, FEMA recipients and subrecipients **may not** use any FEMA funds under open or new awards to:

- Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or
- Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

I. REPLACEMENT EQUIPMENT AND SERVICES

FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of the NOFO and the [Preparedness Grants Manual](#).

II. DEFINITIONS

Per section 889(f)(2)-(3) of the FY 2019 NDAA and 2 C.F.R. § 200.216, covered telecommunications equipment or services means:

- i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
- ii. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);

- iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or
- iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by the entities listed in the definition of “covered telecommunications equipment or services.” See 2 C.F.R. § 200.471.

b. *Pre-Award Costs*

Pre-award costs are allowable only with the prior written approval of DHS/FEMA and as included in the award agreement. To request pre-award costs, a written request must be included with the application, signed by the AOR of the entity. The letter must outline what the pre-award costs are for, including a detailed budget break-out of pre-award costs from the post-award costs, and a justification for approval.

c. *Management and Administration (M&A) Costs*

M&A costs are allowed. Recipients may use a maximum of up to 5% of HSGP funds awarded for their M&A, and any funds retained are to be used solely for M&A purposes associated with the HSGP award. Subrecipients may also use a maximum of up to 5% of the funding passed through by the state solely for M&A purposes associated with the HSGP award. M&A activities are those directly relating to the management and administration of HSGP funds, such as financial management and monitoring. M&A expenses must be based on actual expenses or known contractual costs. M&A requests that are simple percentages of the award, without supporting justification, will not be allowed or considered for reimbursement.

M&A costs are not operational costs. They are the necessary costs incurred in direct support of the grant or as a result of the grant and should be allocated across the entire lifecycle of the grant. Examples include preparing and submitting required programmatic and financial reports, establishing and/or maintaining equipment inventory, documenting operational and equipment expenditures for financial accounting purposes, responding to official informational requests from state and federal oversight authorities, including completing the Civil Rights Evaluation Tool as required by DHS, and grant performance measurement or evaluation activities. Please see the [Preparedness Grants Manual](#) for additional information on direct costs.

Recipients or subrecipients may apply or credit M&A funding toward the recipient's requirement to allocate funding toward the National Priority Areas. For example, if a recipient spends \$5,000 to manage or administer its funding dedicated toward its soft targets/crowded places investment, the recipient may credit that funding toward its requirement to allocate at least 3% of its award to the enhancing the protection of soft targets and crowded places National Priority Area.

A state's HSGP funds for M&A calculation purposes includes the total of its SHSP, UASI, and OPSG awards. While the SAA may retain up to 5% of this total for M&A, the state must still ensure that all subrecipient award amounts meet the mandatory minimum pass-through requirements that are applicable to each HSGP program. To meet this requirement, the percentage of SHSP and UASI funds passed through to local or tribal jurisdictions must be based on the state's total HSGP award prior to withholding any M&A.

In retaining these funds, states may retain a maximum of 2.5% of the OPSG allocation, which must be withheld from the pass-through to each subrecipient county or tribe in an equal percentage. The SAA may also retain additional funding from its SHSP award to manage and administer the OPSG award, but that additional amount is also capped at an amount equal to 2.5% of the OPSG award. Examples applying this principle:

SAA 1:

Total award: \$6,000,000

SHSP: \$1,000,000 OPSG: \$2,500,000 UASI: \$2,500,000

M&A Maximum: \$300,000 (5% of \$6,000,000)

Maximum M&A for SHSP = \$50,000

Maximum M&A for OPSG = \$125,000. Of that amount, \$62,500 (2.5%) may be retained from the OPSG allocation, and the other \$62,500 would come from the SHSP allocation. Any amount used to manage and administer OPSG that is charged to SHSP may be above and beyond the \$50,000 available to manage the SHSP allocation.

Maximum M&A for UASI = \$125,000

SAA 2:

Total award: \$4,500,000

SHSP: \$3,500,000 OPSG: \$1,000,000

M&A Maximum: \$225,000 (5% of \$4,500,000)

Maximum M&A for SHSP = \$175,000

Maximum M&A for OPSG = \$50,000. Of that amount, \$25,000 (2.5%) may be retained from the OPSG allocation, and the other \$25,000 would come from the SHSP allocation. Any amount used to manage and administer OPSG that is charged to SHSP may be above and beyond the \$175,000 available to manage the SHSP allocation.

HSGP recipients are also reminded that any M&A charged to a recipient's or subrecipient's UASI funding must be directly allocable to administration of the UASI grant program and cannot be used to cover M&A costs that are directly allocable to SHSP or OPSG funding. Similarly, any M&A charged to a recipient's or subrecipient's SHSP or OPSG funding cannot be used to cover M&A costs directly allocable to UASI funding.

Please note, [IB 365: Management and Administration Costs in the Homeland Security Grant Program](#) and DHS/FEMA [Policy 207-087-1](#) **do not apply to awards made in FY 2023 under this NOFO**. Please also reference [IB 416](#) for additional clarification on OPSG M&A, but to the extent that there is any conflict between IB 416 and this NOFO, the requirements of this NOFO will apply to FY 2023 awards made under this NOFO.

d. *Indirect Facilities & Administrative (F&A) Costs*

Indirect costs are allowable under this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to the FEMA Grants Management Specialist for further instructions. Applicants who wish to use a cost allocation plan in lieu of an indirect cost rate must also reach out to the FEMA Grants Management Specialist for further instructions. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above or based upon on the de minimis rate or cost allocation plan, as applicable.

e. *Funds Transfer Restrictions*

The recipient is prohibited from transferring funds between programs (includes SHSP, UASI, and OPSG). Recipients can submit an investment/project where funds come from multiple funding sources (e.g., SHSP and UASI), however, recipients are not allowed to divert funding from one program to another due to the risk-based funding allocations, which were made at the discretion of DHS/FEMA.

f. *Other Direct Costs*

I. PLANNING

Planning costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

II. ORGANIZATION

Organization costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

III. EQUIPMENT

Equipment costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

• **General Purpose Equipment**

HSGP allows expenditures on general purpose equipment if it aligns to and supports one or more core capabilities identified in the Goal and has a nexus to terrorism preparedness. General purpose equipment, like all equipment funded under the HSGP, must be sharable through the EMAC³ and allowable under 6 U.S.C. § 609, and any other applicable provision of the *Homeland Security Act of 2002*, as amended. Examples of such general-purpose

³Except for American Samoa and the Commonwealth of the Northern Mariana Islands, which are not required to belong to EMAC at this time.

equipment may include:

- Law enforcement/general use vehicles (OPSG only);
- Emergency medical services equipment and vehicles;
- Fire service equipment and vehicles, to include hose, pump accessories, and foam concentrate for specialized chemical/biological/radiological/nuclear/explosive (CBRNE) response;
- Interoperability of data systems, such as computer aided dispatch (CAD) and record management systems (RMS); and
- Office equipment for staff⁴ engaged in homeland security program activity.

- **Controlled Equipment**

For decades, the federal government has provided equipment to state, local, and tribal law enforcement agencies (LEAs) through federal grants. Some federal grant programs have assisted LEAs as they carry out their critical missions to keep the American people safe. The equipment acquired by LEAs through these programs includes administrative equipment, such as office furniture and computers. Some federal grant programs also may include military and military-styled equipment, firearms, and tactical vehicles provided by the federal government, including property covered under 22 C.F.R. Part 121 and 15 C.F.R. Part 774 (collectively, "controlled equipment").

However, not all equipment that is considered controlled equipment is allowable under the HSGP. As noted in Section B of [FEMA Policy 207-22-0002, Prohibited or Controlled Equipment Under FEMA Awards](#), certain equipment is prohibited and is not allowable under HSGP. Grant funds under this program may not be used for the purchase of equipment not approved by DHS/FEMA. For example, the purchase of tracked armored vehicles, camouflage uniforms, weapons, and weapons accessories, including ammunition, is generally not allowed with HSGP funds.⁵

For some controlled equipment that is allowable under the HSGP, additional documentation, justifications, reviews, and approvals are required, including but not limited to proof of policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties. Contact your Preparedness Officer if you have questions concerning HSGP requirements for controlled equipment requests.

Grant funds under this program must comply with the aforementioned [FEMA Policy 207-22-0002, Prohibited or Controlled Equipment Under FEMA Awards](#). As per this FEMA Policy, excepted or controlled equipment must remain in the possession of the original FEMA grant recipient and may not be transferred. The use of controlled equipment under a

⁴This applies to all homeland security personnel and is not limited to M&A staff, and costs are to be captured outside the cap on M&A costs.

⁵ FEMA issued Policy 207-22-0002 in response to [Executive Order \(EO\) 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety](#), which President Joseph R. Biden issued on May 25, 2022. EO 14074 directs the DHS to prohibit the use of grant funding to purchase certain types of military equipment by state, local, tribal, and territorial law enforcement agencies and to comply with and implement the recommendations stemming from [EO 13688](#), which established prohibited equipment and controlled equipment lists.

Memorandum of Understanding or other regional sharing agreement (see Section D.6 of this FEMA Policy) does *not* constitute a transfer of controlled equipment.

DHS/FEMA will continue to collaborate with federal agency partners to ensure that there is a consistent and reasonable approach to the restrictions placed on controlled equipment expenditures while continuing to support these investments when there is a justifiable need. Further, DHS/FEMA will continue to maintain an awareness of the evolving policy developments related to controlled equipment expenditures and keep grant recipients up to date on future developments.

IV. TRAINING

Training costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information. Recipients are encouraged to consider tuition-free courses offered by FEMA first, before investing in training. For more information and a catalog of courses please refer to the [National Preparedness Course Catalog at NTED](#).

V. EXERCISES

Exercise costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

VI. PERSONNEL

Personnel hiring, overtime, and backfill expenses are permitted under this grant to perform allowable HSGP planning, organization, training, exercise, and equipment activities. Under OPSG, overtime costs are allowable only in so far as they meet the intent of the program. All recipients and subrecipients of HSGP funds, including SHSP, UASI, and OPSG allocations, may not use more than 50% of their awards to pay for personnel activities unless a waiver is approved by FEMA. For more information on the 50% personnel cap, please see FEMA [IB 421b](#), Clarification on the *Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008* (Public Law 110-412) – the PRICE Act. Please see the [Preparedness Grants Manual](#) for more information.

VII. OPERATIONAL OVERTIME

Operational overtime costs are allowed under this program. Prior to use of funds for operational overtime, recipients must receive approval from DHS/FEMA. Operational overtime costs are also subject to the 50% personnel cap. For more information on the 50% personnel cap, please see FEMA [IB 421b](#). For more information about operational overtime costs for SHSP, UASI, and OPSG, please see the [Preparedness Grants Manual](#).

Operational Overtime Costs for SHSP and UASI

As stated in the [Preparedness Grants Manual](#), in support of efforts to enhance capabilities for detecting, deterring, disrupting, and preventing acts of terrorism and other catastrophic events, operational overtime costs are allowable for increased protective security measures at critical infrastructure sites or other high-risk locations and to enhance public safety during mass gatherings and high-profile events. SHSP or UASI funds may be used to support select operational expenses associated with increased security measures in the authorized categories in the authorized categories outlined in the [Preparedness Grants Manual](#). FEMA retains the

discretion to approve other types of requests that do not fit within one of these categories.

Except for an elevated National Terrorism Advisory (NTAS) alert, SHSP or UASI funds may only be spent for operational overtime costs upon prior written approval by FEMA. *Post-event operational overtime requests will only be considered on a case-by-case basis*, where it is demonstrated that exigent circumstances prevented submission of a request in advance of the event or activity.

Operational Overtime Costs for OPSG

As stated in the [Preparedness Grants Manual](#), OPSG funds should be used for operational overtime costs associated with law enforcement activities in support of border law enforcement agencies for enhanced border security. Overtime shall be reimbursed consistent with the non-federal entity's overtime policy and the requirements as stated in the [Preparedness Grants Manual](#).

VIII. TRAVEL

Domestic travel costs are allowed under this program, as provided for in this NOFO and in the [Preparedness Grants Manual](#). International travel is not an allowable cost under this program unless approved in advance by DHS/FEMA.

IX. CONSTRUCTION AND RENOVATION

Construction and renovation costs to achieve capability targets related to preventing, preparing for, protecting against, or responding to acts of terrorism are allowed under this program. For construction and renovation costs to be allowed, they must be specifically approved by DHS/FEMA in writing prior to the use of any program funds. Limits on the total amount of grant funding that may be used for construction or renovation may apply. Additionally, recipients are required to submit [SF-424C and SF-424D](#).

All proposed construction and renovation activities must undergo an Environmental Planning and Historic Preservation (EHP) review, including approval of the review from FEMA, prior to undertaking any action related to the project. Failure of a grant recipient to meet these requirements may jeopardize Federal funding. Please see the [Preparedness Grants Manual](#) for more information.

X. MAINTENANCE AND SUSTAINMENT

Maintenance- and sustainment-related costs, such as maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees, are allowable. Please see the [Preparedness Grants Manual](#) for more information.

XI. CRITICAL EMERGENCY SUPPLIES

Critical emergency supplies are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

XII. SECURE IDENTIFICATION

Secure Identification costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

Allowable Cost Matrix

The following matrix provides allowable cost activities that fall under each of the cost categories noted above. Recipients and subrecipients must follow all applicable requirements in 2 C.F.R. Part 200 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. HSGP funds may be used to cover the costs for evaluating the impact of these grants on the state or urban area's core capabilities and capability gaps. This list is not exhaustive, therefore, if there are any questions regarding allowable costs, please contact the appropriate HQ FEMA Preparedness Officer. For additional information on allowable costs, see the [Preparedness Grants Manual](#).

Allowable Program Activities	SHSP	UASI	OPSG
Allowable Planning Costs			
Developing hazard/threat-specific annexes	Y	Y	N
Developing and implementing homeland security support programs and adopting ongoing DHS/FEMA national initiatives	Y	Y	N
Developing related terrorism and other catastrophic event prevention activities	Y	Y	N
Developing and enhancing plans and protocols	Y	Y	N
Developing or conducting assessments	Y	Y	N
Hiring of full- or part-time staff or contract/consultants to assist with planning, engagement, and volunteer management activities	Y	Y	N
Materials required to conduct planning, engagement, and volunteer management activities	Y	Y	N
Travel/per diem related to planning, engagement, and volunteer management activities	Y	Y	Y
Overtime and backfill costs (in accordance with operational Cost Guidance)	Y	Y	Y
Issuance of Western Hemisphere Travel Initiative-compliant Tribal identification cards	Y	N	N
Activities to achieve planning inclusive of people with disabilities and others with access and functional needs and limited English proficiency.	Y	Y	N
Coordination with Citizen Corps Councils for public information/education and development of volunteer programs	Y	Y	N
Coordination and material support to Citizen Corps Councils and local firehouses for the establishment, training and maintenance of CERTs	Y	Y	N
Update governance structures and processes and plans for emergency communications	Y	Y	N
Development, and review and revision of continuity of operations plans	Y	Y	N
Development, and review and revision of the THIRA/SPR and continuity of operations plans	Y	Y	N
Developing or conducting equity assessments to address planning and preparedness disparities for historically underserved communities	Y	Y	N
Allowable Organizational Activities			
Note: Personnel hiring, overtime, and backfill expenses are permitted under this grant only to the extent that such expenses are for the allowable activities within the scope of the grant.			
Program management	Y	Y	N
Development of whole community partnerships	Y	Y	N
Structures and mechanisms for information sharing between the public and private sector	Y	Y	N
Implementing models, programs, and workforce enhancement initiatives	Y	Y	N

Allowable Program Activities	SHSP	UASI	OPSG
Tools, resources, and activities that facilitate shared situational awareness between the public and private sectors	Y	Y	N
Operational support	Y	Y	N
Utilization of standardized resource management concepts	Y	Y	N
Responding to an increase in the threat level under the National Terrorism Advisory System (NTAS), or needs in resulting from a National Special Security Event	Y	Y	N
Reimbursement for select operational expenses associated with increased security measures at critical infrastructure sites incurred (up to 50% of the allocation)	Y	Y	Y
Overtime for information, investigative, and intelligence sharing activities (up to 50% of the allocation)	Y	Y	Y
Hiring of new staff positions/contractors/consultants for participation in information/intelligence analysis and sharing groups or fusion center activities (up to 50% of the allocation).	Y	Y	Y
Hiring or maintaining staff positions/contractors/consultants at SLTT levels to deliver community preparedness training, resources and material to schools, community-based organizations, faith-based institutions and local businesses.	Y	Y	N
Hiring or maintaining staff positions/contractors/consultants to create, support and maintain CERT or Teen CERT	Y	Y	N
Cost of migrating online services to the “.gov” domain	Y	Y	N
Allowable Equipment Categories			
Personal Protective Equipment	Y	Y	Y
Allowable Equipment Categories			
Explosive Device Mitigation and Remediation Equipment	Y	Y	N
CBRNE Operational Search and Rescue Equipment	Y	Y	N
Information Technology	Y	Y	Y
Cybersecurity Enhancement Equipment	Y	Y	N
Interoperable Communications Equipment	Y	Y	Y
Detection	Y	Y	Y
Decontamination	Y	Y	N
Medical countermeasures	Y	Y	Y
Power (e.g., generators, batteries, power cells)	Y	Y	Y
CBRNE Reference Materials	Y	Y	N
CBRNE Incident Response Vehicles	Y	Y	N
Terrorism Incident Prevention Equipment	Y	Y	Y
Physical Security Enhancement Equipment	Y	Y	Y
Inspection and Screening Systems	Y	Y	Y
Animal Care and Foreign Animal Disease	Y	Y	N
CBRNE Prevention and Response Watercraft	Y	Y	N
CBRNE Prevention and Response Unmanned Aircraft	Y	Y	N
CBRNE Aviation Equipment	Y	Y	N
CBRNE Logistical Support Equipment	Y	Y	N
Intervention Equipment (e.g., tactical entry, crime scene processing)	Y	Y	Y
Critical emergency supplies	Y	Y	N
General use vehicle acquisition, lease, and rental	N	N	Y
Specialized vehicle acquisition, lease, and rental	Y	Y	Y
Other Authorized Equipment	Y	Y	Y
Allowable Training Costs			
Overtime and backfill for emergency preparedness and response personnel attending DHS/FEMA-sponsored and approved training classes	Y	Y	N

Allowable Program Activities	SHSP	UASI	OPSG
Overtime and backfill expenses for part-time and volunteer emergency response personnel participating in DHS/FEMA training	Y	Y	N
Training workshops and conferences	Y	Y	Y
Activities to achieve training inclusive of people with disabilities and others with access and functional needs and limited English proficiency	Y	Y	N
Full- or part-time staff or contractors/consultants	Y	Y	Y
Travel	Y	Y	Y
Supplies	Y	Y	N
Instructor certification/re-certification	Y	Y	N
Coordination with Citizen Corps Councils and CERT in conducting training exercises	Y	Y	N
Preparedness training for community preparedness initiatives and programs	Y	Y	N
Interoperable communications training	Y	Y	N
Activities to achieve planning inclusive of people with limited English proficiency	Y	Y	N
Immigration enforcement training	Y	Y	Y
Allowable Exercise Related Costs			
Design, Develop, Conduct, and Evaluate an Exercise	Y	Y	N
Full- or part-time staff or contractors/consultants	Y	Y	N
Overtime and backfill costs, including expenses for part-time and volunteer emergency response personnel participating in DHS/FEMA exercises	Y	Y	N
Implementation of HSEEP	Y	Y	N
Activities to achieve exercises inclusive of people with disabilities and others with access and functional needs	Y	Y	N
Travel	Y	Y	N
Supplies	Y	Y	N
Interoperable communications exercises	Y	Y	N
Allowable Exercise Related Costs			
Activities to achieve planning inclusive of people with limited English proficiency	Y	Y	N
Allowable M&A Costs			
Hiring of full- or part-time staff or contractors/consultants to assist with the management of the respective grant program, application requirements, and compliance with reporting and data collection requirements	Y	Y	Y
Development of operating plans for information collection and processing necessary to respond to DHS/FEMA data calls	Y	Y	Y
Overtime and backfill costs	Y	Y	Y
Travel	Y	Y	Y
Meeting related expenses	Y	Y	Y
Authorized office equipment	Y	Y	Y
Recurring expenses such as those associated with cell phones and faxes during the period of performance of the grant program	Y	Y	N
Leasing or renting of space for newly hired personnel during the period of performance of the grant program	Y	Y	N
Completing the Civil Rights Evaluation Tool	Y	Y	Y
Conducting activities related to evaluating project effectiveness for HSGP-funded projects	Y	Y	Y
LETPA Costs			
Integration and interoperability of systems and data, such as CAD and RMS, to facilitate the collection,	Y	Y	N
Maturation, enhancement, and sustainment of designated state and major Urban Area fusion centers, including information sharing and analysis, threat recognition, terrorist interdiction, and intelligence analyst training and salaries (subject to certain conditions)	Y	Y	N

Allowable Program Activities	SHSP	UASI	OPSG
Regional counterterrorism training programs for small, medium, and large jurisdictions to exchange information and discuss the current threat environment, lessons learned, and best practices to help prevent, protect against, and mitigate acts of terrorism	Y	Y	N
Coordination of regional full-scale training exercises (federal, state, and local law enforcement participation) focused on terrorism-related events	Y	Y	N
Law enforcement Chemical, Biological, Radiological, Nuclear, and high yield Explosives detection and response capabilities, such as bomb detection/disposal capability development, sustainment, or enhancement, including canine teams, robotics platforms, and x-ray technology	Y	Y	N
Coordination between fusion centers and other operational analytic, and investigative efforts	Y	Y	N
Implementation, maintenance, and sustainment of the Nationwide Suspicious Activity Reporting Initiative	Y	Y	N
Implementation of the "If You See Something, Say Something®" campaign	Y	Y	N
Increase physical security, through law enforcement personnel and other protective measures, by implementing preventive and protective measures at critical infrastructure locations	Y	Y	N

E. Application Review Information

1. Application Evaluation Criteria

a. *Programmatic Criteria*

I. RISK METHODOLOGY

The risk methodology determines the relative risk of terrorism faced by a given area considering the potential risk of terrorism to people, critical infrastructure, and economic security. The analysis includes, but is not limited to, threats from violent domestic extremists, international terrorist groups, and individuals inspired by terrorists abroad. See the [Preparedness Grants Manual](#) for additional information on the risk methodology.

NOTE: The THIRA/SPR process is separate from the risk methodology and its results do not affect grant allocations.

The Risk Methodology is used to inform allocations under HSGP. For more information on the SHSP, UASI, and OPSG allocation processes, please see Section B.1 of this NOFO, "Available Funding for the NOFO."

II. APPLICATION EVALUATION CRITERIA

FEMA will evaluate the FY 2023 HSGP applications for completeness, adherence to programmatic guidelines, and anticipated effectiveness of the proposed investments. FEMA's review will include verification that each IJ and project:

- Aligns with at least one core capability identified in the Goal;
- Demonstrates how investments support building capability and/or closing capability gaps or sustaining capabilities identified in the THIRA/SPR process; and
- Supports a NIMS-typed resource and whether those assets are deployable/shareable to support emergency or disaster operations per existing EMAC agreements.

In addition to the above, FEMA will evaluate whether proposed projects are: 1) both feasible and effective at reducing the risks for which the project was designed; and 2) able to be fully completed within the three-year period of performance. FEMA will use the information provided in the application and after the submission of the first BSIR to determine the feasibility and effectiveness of a grant project. To that end, IJs should include:

- An explanation of how the proposed project(s) will achieve objectives as identified in the SPR, including expected long-term impact where applicable, and which core capability gap(s) it helps to close and how;
- A summary of the status of planning and design efforts accomplished to date (e.g., included in a capital improvement plan); and
- A project schedule with clear milestones.

Recipients are expected to conform, as applicable, with accepted engineering practices, established codes, standards, modeling techniques, and best practices, and participate in the development of case studies demonstrating the effective use of grant funds, as requested.

FEMA will also review any submitted National Priority Area-aligned IJs and projects to ensure they meet the minimum spend requirements. Additional information on how the National Priority Area IJs and projects will be reviewed for effectiveness is included in the Review and Selection Process section below.

b. *Financial Integrity Criteria*

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as enacted by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 (2020); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any Office of Management and Budget (OMB)-designated repositories of governmentwide eligibility qualification or financial integrity information, including whether the applicant is suspended or debarred. FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

- i. Financial stability;
- ii. Quality of management systems and ability to meet management standards;
- iii. History of performance in managing federal award;
- iv. Reports and findings from audits; and/or
- v. Ability to effectively implement statutory, regulatory, or other requirements.

c. *Supplemental Financial Integrity Criteria and Review*

Prior to making a federal award where the anticipated total federal share will be greater than the simplified acquisition threshold, currently \$250,000:

- i. FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity

and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance and Integrity Information System](#) (FAPIIS).

- ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

2. Review and Selection Process

a. *SHSP and UASI*

All proposed investments will undergo a federal review by DHS/FEMA to verify compliance with all administrative and eligibility criteria identified in the NOFO. The federal review will be conducted by FEMA HQ Preparedness Officers. FEMA HQ Preparedness Officers will use a checklist to verify compliance with all administrative and eligibility criteria identified in the NOFO. Recipients must be able to demonstrate how investments support building capability and/or closing capability gaps or sustaining capabilities identified in the THIRA/SPR process. IJs will be reviewed at both the investment and project level.

Emergency communications investments will be jointly reviewed by FEMA and CISA's Emergency Communications Division (ECD) to verify compliance with SAFECOM Guidance on Emergency Communications Grants (SAFECOM Guidance). FEMA and ECD will coordinate directly with the recipient on any compliance concerns and will provide technical assistance as necessary to help ensure full compliance.

Additional Effectiveness Evaluation Criteria for the National Priority Areas

FEMA will evaluate the FY 2023 HSGP IJs and projects submitted in support of the National Priority Areas for anticipated effectiveness. FEMA's review will include verification that each IJ or project meets the National Priority Area required spend percentages.

Cybersecurity investments will be reviewed by DHS/FEMA, CISA, and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the criteria set forth in this NOFO.

Soft Targets/Crowded Places investments will be reviewed by DHS/FEMA, CISA, and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the criteria set forth in this NOFO.

Information Sharing and Cooperation Investments will be reviewed by DHS/FEMA, DHS Office of Intelligence and Analysis, and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the criteria set forth in this NOFO.

For additional information on Fusion Center requirements, please see the [Preparedness Grants Manual](#).

Domestic violent extremism investments will be reviewed by DHS/FEMA, DHS Office of Intelligence and Analysis, DHS Center for Prevention Programs and Partnerships, and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the scoring criteria set forth in this NOFO.

Community preparedness and resilience investments will be reviewed by DHS/FEMA and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the scoring criteria set forth in this NOFO.

Election security investments will be reviewed by DHS/FEMA, CISA, and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the scoring criteria set forth in this NOFO.

FEMA will determine whether the proposed approach is clear, logical, and reasonable to address the priority areas of interest and contribute to a culture of national preparedness. This includes factors such as the objectives and strategies proposed to address the priority area, how the objectives and strategies overcome legal, political, or practical obstacles to reduce overall risk, the process, and criteria to select additional relevant projects, and the approach to monitor awards to satisfy the funding percentage allocations.

For applicants that elect to submit IJs and project-level details for the National Priority Areas at the time of application, effectiveness will be evaluated prior to award. If the projects are found to not sufficiently align with the National Priority Area(s), applicants may have funds placed on hold (up to 30%) until the projects are revised to satisfactorily address the National Priority Areas.

For applicants that elect to submit IJs and project-level details for the National Priority Areas as part of the December 2023 BSIR, they will have funds placed on hold in the amount of 30%. The hold will be released only after their December 2023 BSIR submission has been reviewed, and projects related to the National Priority Areas deemed in alignment by DHS/FEMA.

SAAs are still required to meet pass-through requirements even if funds are on hold related to the National Priority Areas.

To that end, IJs should include:

- How the proposed investment addresses the National Priority Area;
- An explanation of how the proposed projects were selected and will achieve objectives and strategies to build or sustain the core capability gaps identified in the SPR, including expected long-term impact where applicable; and
- A summary of the collaboration efforts to prevent, prepare for, protect against, and respond to acts of terrorism as well as anticipated outcomes of the project.

For FY 2023 SHSP and UASI investments and projects related to the National Priority Areas, effectiveness will be evaluated based on the following four factors:

- Investment Strategy (40%): Proposals will be evaluated based on the quality and extent to which applicants describe an effective strategy that demonstrates that proposed projects support the program objective of preventing, preparing for, protecting against, and responding to acts of terrorism, to meet its target capabilities, and otherwise reduce the overall risk to the high-risk urban area, the state, or the Nation.
- Budget (20%): Proposals will be evaluated based on the extent to which applicants describe a budget plan for each investment demonstrating how the applicant will maximize cost effectiveness of grant expenditures.
- Impact/Outcomes (40%): Proposals will be evaluated on how the investment helps the jurisdiction close capability gaps identified in its SPR and addresses the relevant National Priority Area outlined in this NOFO. Further, proposals will be evaluated on their identification and estimated improvement of core capability(ies), the associated standardized target(s) that align with their proposed investment, and the ways in which the applicant will measure and/or evaluate improvement.
- Past Performance (additional consideration): Proposals will be evaluated based on the applicants demonstrated capability to execute the proposed investments. In evaluating applicants under this factor FEMA will consider the information provided by the applicant and may also consider relevant information from other sources.

b. *OPSG*

Applications will be reviewed by the SAA and USBP Sector Headquarters for completeness and adherence to programmatic guidelines and evaluated for anticipated feasibility, need, and impact of the Operations Orders. For more information on Operations Orders and other requirements of OPSG, see the [Preparedness Grants Manual](#).

DHS/FEMA will verify compliance with all administrative and eligibility criteria identified in the NOFO and required submission of Operations Orders and Inventory of Operations Orders by the established due dates. DHS/FEMA and USBP will use the results of both the risk analysis and the federal review by DHS/FEMA to make recommendations for funding to the Secretary of Homeland Security.

FY 2023 OPSG funds will be allocated among the eligible jurisdictions based on risk-based prioritization using the OPSG Risk Assessment described above. Final funding allocations are determined by the Secretary of Homeland Security, who may consider information and input from various law enforcement offices or subject-matter experts within the Department. Factors considered include, but are not limited to threat, vulnerability, miles of the border, and other border-specific law enforcement intelligence, as well as the feasibility of FY 2023 Operations Orders to designated localities within border states and territories.

F. Federal Award Administration Information

1. Notice of Award

Before accepting the award, the AOR and recipient should carefully read the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. **Recipients must accept all conditions in this NOFO and the [Preparedness Grants Manual](#) as well as any specific terms and conditions in the Notice of Award to receive an award under this program.**

Recipients must accept their awards no later than 60 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award or provide a notice of intent to decline through the ND Grants system. For instructions on how to accept or decline an award in the ND Grants system, please see the ND Grants Grant Recipient User Guide, which is available at [Non-Disaster Grants Management System | FEMA.gov](#) along with other ND Grants materials.

Funds will remain on hold until the recipient accepts the award through the ND Grants system and all other conditions of the award have been satisfied or until the award is otherwise rescinded. Failure to accept a grant award within the 60-day timeframe may result in a loss of funds.

See the [Preparedness Grants Manual](#) for information on Notice of Award.

2. Pass-Through Requirements

Awards made to the SAA for HSGP carry additional **statutorily mandated** pass-through requirements. Pass-through is defined as an obligation on the part of the SAA to make funds available to local units of government, combinations of local units, tribal governments, or other specific groups or organizations. These entities are defined at 6 U.S.C. § 101(13) as:

- A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government.
- An Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation.
- A rural community, unincorporated town or village, or other public entity.

Four criteria must be met to pass-through grant funds:

- The SAA must make a firm written commitment to passing through grant funds to subrecipients;
- The SAA’s commitment must be unconditional (i.e., no contingencies for the availability of SAA funds);
- There must be documentary evidence (i.e., award document, terms, and conditions) of the commitment; and
- The award terms must be communicated to the subrecipient.

Timing and Amount

The SAA must pass-through at least 80% of the funds awarded under SHSP and UASI to the above-defined local or tribal units of government within 45 calendar days of receipt of the funds. “Receipt of the funds” occurs either when the SAA accepts the award or 15 calendar days after the SAA receives notice of the award, whichever is earlier.

SAAs are sent notification of HSGP awards via the GPD’s ND Grants system. If an SAA accepts its award within 15 calendar days of receiving notice of the award in the ND Grants system, the 45 calendar days pass-through period will start on the date the SAA accepted the award. Should an SAA not accept the HSGP award within 15 calendar days of receiving notice of the award in the ND Grants system, the 45 calendar days pass-through period will begin 15 calendar days after the award notification is sent to the SAA via the ND Grants system.

It is important to note that the period of performance start date does not directly affect the start of the 45 calendar days pass-through period. For example, an SAA may receive notice of the HSGP award on August 25, 2023, while the period of performance dates for that award September 1, 2023, through August 31, 2026. In this example, the 45-day pass-through period will begin on the date the SAA accepts the HSGP award or September 9, 2023 (15 calendar days after the SAA was notified of the award), whichever date occurs first. The period of performance start date of September 1, 2023 would not affect the timing of meeting the 45-calendar day pass-through requirement.

Other SHSP and UASI Pass-Through Requirements

The signatory authority of the SAA must certify in writing to DHS/FEMA that pass-through requirements have been met. **A letter of intent (or equivalent) to distribute funds is not considered sufficient.** A letter of intent is not a firm commitment and if issued before FEMA makes the award, then a letter of intent is also not unconditional since it is inherently conditioned on receipt of funds.

The pass-through requirement does not apply to SHSP awards made to the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, or the Commonwealth of the Northern Mariana Islands. **The Commonwealth of Puerto Rico is required to comply with the pass-through requirement,** and its SAA must also obligate at least 80% of the funds to local units of government within 45 calendar days of receipt of the funds.

Under SHSP, the SAA may retain more than 20% of funding for expenditures made by the

state on behalf of the local unit(s) of government, such as expenditures by the state in order to pass through goods or services to local unit(s) of government in lieu of cash. This may occur only with the written consent, such as a Memorandum of Understanding, between the SAA and the local unit(s) of government. Separate written consent is necessary for each local unit of government in which more than 20% of funding is retained on their behalf by the state. The written consent must specify the amount of funds to be retained and the intended use of funds, including whether any goods or services will be passed through in lieu of cash. It must also be signed by authorized representatives of both the state and the local unit of government.

States shall review their written consent agreements yearly and ensure that they are still valid. If a written consent agreement is already in place from previous fiscal years, DHS/FEMA will continue to recognize it for FY 2023, unless the written consent review indicates the local government is no longer in agreement. If modifications to the existing agreement are necessary, the SAA should contact their assigned FEMA HQ Preparedness Officer.

However, even if a written consent agreement is in place from previous fiscal years, **the SAA must still initially carry out the pass-through documentation for its FY 2023 award and comply with the four pass-through criteria described above before the written consent agreement can take effect for purposes of the FY 2023 funding.**

Additional OPSG Requirements

The recipient is prohibited from obligating or expending funds provided through this award until each unique and specific county-level or equivalent Operational Order/Fragmentary Operations Order budget has been reviewed and approved through an official electronic mail notice issued by DHS/FEMA removing this special programmatic condition.

3. Administrative and National Policy Requirements

In addition to the requirements of in this section and in this NOFO, FEMA may place specific terms and conditions on individual awards in accordance with 2 C.F.R. Part 200.

In addition to the information regarding DHS Standard Terms and Conditions and Ensuring the Protection of Civil Rights, see the [Preparedness Grants Manual](#) for additional information on administrative and national policy requirements, including:

- [EHP Compliance](#);
- [FirstNet](#);
- [NIMS Implementation](#); and
- [SAFECOM Guidance](#).

a. DHS Standard Terms and Conditions

All successful applicants for DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at: [DHS Standard Terms and Conditions](#).

The applicable DHS Standard Terms and Conditions will be those in effect at the time the award was made. What terms and conditions will apply for the award will be clearly stated in the award package at the time of award.

b. *Ensuring the Protection of Civil Rights*

As the Nation works towards achieving the [National Preparedness Goal](#), it is important to continue to protect the civil rights of individuals. Recipients and subrecipients must carry out their programs and activities, including those related to the building, sustainment, and delivery of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations.

Federal civil rights statutes, such as Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, along with DHS and FEMA regulations, prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, limited English proficiency, or economic status in connection with programs and activities receiving [federal financial assistance](#) from FEMA.

The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. These terms and conditions can be found in the [DHS Standard Terms and Conditions](#). Additional information on civil rights provisions is available at [External Civil Rights Division | FEMA.gov](#).

Monitoring and oversight requirements in connection with recipient compliance with federal civil rights laws are also authorized pursuant to 44 C.F.R. Part 7.

In accordance with civil rights laws and regulations, recipients and subrecipients must ensure the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

c. *Environmental Planning and Historic Preservation (EHP) Compliance*

As a federal agency, FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by FEMA, including grant-funded projects, comply with federal EHP laws, Executive Orders, regulations, and policies, as applicable.

All non-critical new construction or substantial improvement of structures in a Special Flood Hazard Area must, at a minimum, apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements. All other types of projects may choose to apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach. See [Executive Order \(EO\) 14030, Climate-Related Financial Risk](#) and [FEMA Policy #-206-21-0003, Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs \(Interim\)](#) ([fema.gov](#)).

All GPD actions, including grant-funded actions, must comply with National Flood Insurance Program criteria or any more restrictive federal, state, or local floodplain

management standards or building code (44 CFR § 9.11(d)(6)). All GPD-funded non-critical actions in 1% annual chance floodplains (also known as 100-year floodplains) that involve new construction or substantial improvement of structures must be elevated, at a minimum, to the lower of:

- Two feet above the 1% annual chance flood elevation (also known as the base flood elevation), in accordance with the Federal Flood Risk Management Standard (FFRMS) “Freeboard Value Approach” (FVA); or
- The 0.2% annual chance flood elevation. Where 0.2% annual chance flood elevations are not available, such actions must be elevated to at least two feet above the 1% annual chance flood elevation.

All GPD-funded critical actions in 0.2% annual chance floodplains (also known as 500-year floodplains) that involve new construction or substantial improvement of structures must be elevated, at a minimum, to the higher of:

- Three feet above the 1% annual chance flood elevation; or
- The 0.2% annual chance flood elevation. Where 0.2% annual chance flood elevations are not available, such actions must be elevated to at least three feet above the 1% annual chance flood elevation.

See [EO 11988, Floodplain Management](#), as amended by [EO 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input](#).

Recipients and subrecipients proposing projects that have the potential to impact the environment, including, but not limited to, the construction of communication towers, modification or renovation of existing buildings, structures, and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies.

DHS and FEMA EHP policy is found in directives and instructions available on the [FEMA.gov EHP page](#), the FEMA website page that includes documents regarding EHP responsibilities and program requirements, including implementation of the National Environmental Policy Act and other EHP regulations and Executive Orders.

The GPD EHP screening form is located at [FEMA Form](#). Additionally, all recipients under this funding opportunity are required to comply with the [FEMA GPD EHP Policy Guidance, FEMA Policy #108-023-1](#).

d. *National Incident Management System (NIMS) Implementation*

In expending funds under this program, recipients that are state, local, tribal, or territorial governments must ensure and maintain adoption and implementation of NIMS. The state, local, tribal, or territorial government must show adoption of NIMS during any point of the period of performance. The list of objectives used for progress and achievement reporting is at <https://www.fema.gov/emergency-managers/nims/implementation-training>.

Emergency management and incident response activities require carefully managed resources (personnel, teams, facilities, equipment, and/or supplies) to meet incident needs. Using standardized resource management concepts such as typing, credentialing, and inventorying, promote a strong national mutual aid capability needed to support delivery of core capabilities. Additional information on resource management, NIMS resource typing definitions, job titles, and position qualifications is on FEMA's website at [NIMS Components - Guidance and Tools | FEMA.gov](#).

FEMA developed the [National Incident Management System Guideline for the National Qualification System](#) to describe national credentialing standards and to provide written guidance regarding the use of those standards. This guideline describes credentialing and typing processes and identifies tools which Federal Emergency Response Officials and emergency managers at all levels of government may use both routinely and to facilitate multijurisdictional coordinated responses.

Although state, local, tribal, and private sector partners (including nongovernmental organizations) are not required to credential their personnel in accordance with these guidelines, FEMA strongly encourages them to do so to leverage the federal investment in the Federal Information Processing Standards 201 infrastructure and to facilitate interoperability for personnel deployed outside their home jurisdiction.

Additional information about NIMS in general is available at [National Incident Management System | FEMA.gov](#).

e. *Emergency Communications Investments*

If an entity uses HSGP funding to support emergency communications investments, the following requirements shall apply to all such grant-funded communications investments in support of the emergency communications priorities and recognized best practices:

- The signatory authority for the SAA must certify in writing to DHS/FEMA their compliance with the [SAFECOM Guidance](#). The certification letter should be coordinated with the SWIC for each state and must be uploaded to ND Grants at the time of the first Program Performance Report submission.
- All states and territories must designate a full-time SWIC who has the authority and resources to actively improve interoperability with emergency management and response agencies across all levels of government, to include establishing statewide plans, policies, and procedures, and coordinating decisions on communications investments funded through federal grants. Note that the designated full-time SWIC may also be the state's or territory's cybersecurity point of contact. SWIC status

- information will be maintained by CISA and will be verified by FEMA GPD through programmatic monitoring activities.
- By the period of performance end date, all states and territories must update the SCIP, with a focus on communications resilience/continuity, to include assessment and mitigation of all potential risks identified in the SCIP: natural disasters, accidental damage (human failures), intentional damage (sabotage, terrorism), cybersecurity, etc. Following the initial update, the SCIP should be updated on an annual basis. SCIP status information will be maintained by CISA and will be verified by FEMA GPD through programmatic monitoring activities.

All states and territories must test their emergency communications capabilities and procedures (as outlined in their operational communications plans) in conjunction with regularly planned exercises (separate/addition emergency communications exercises are not required). Exercises should be used to both demonstrate and validate skills learned in training and to identify gaps in capabilities. Resilience and continuity of communications should be tested during training and exercises to the greatest extent possible. Further, exercises should include participants from multiple jurisdictions, disciplines, and levels of government and include emergency management, emergency medical services, law enforcement, interoperability coordinators, public health officials, hospital officials, officials from colleges and universities, and other disciplines and private sector entities, as appropriate. Findings from exercises should be used to update programs to address gaps in emergency communications as well as emerging technologies, policies, and partners. Recipients are encouraged to increase awareness and availability of emergency communications exercise opportunities across all levels of government.

States, territories, and other eligible grant recipients are advised that HSGP funding may be used to support communications planning (including the cost of hiring a SWIC, participation in governance bodies and requirements delineated above), training, exercises, and equipment costs. Costs for transitioning to the FirstNet network may also be eligible. More information regarding FirstNet can be found in the [Preparedness Grants Manual](#).

4. Reporting

Recipients are required to submit various financial and programmatic reports as a condition of award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent.

See the [Preparedness Grants Manual](#) for information on reporting requirements.

5. Monitoring and Oversight

Per 2 C.F.R. § 200.337, FEMA, through its authorized representatives, has the right, at all reasonable times, to make site visits or conduct desk reviews to review project accomplishments and management control systems to review award progress and to provide any required technical assistance. During site visits or desk reviews, FEMA will review recipients' files related to the award. As part of any monitoring and program evaluation activities, recipients must permit FEMA, upon reasonable notice, to review grant-related records and to interview the organization's staff and contractors regarding the program.

Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award. Failure to respond in this manner may result in funding holds on current and future awards until the requested information is provided.

See the [Preparedness Grants Manual](#) for information on monitoring and oversight.

G. DHS Awarding Agency Contact Information

1. Contact and Resource Information

a. *Program Office Contact*

FEMA has assigned state-specific Preparedness Officers for the HSGP. If you do not know your Preparedness Officer, please contact the Centralized Scheduling and Information Desk (CSID) by phone at (800) 368-6498 or by email at askcsid@fema.dhs.gov, Monday through Friday, 9:00 AM – 5:00 PM ET.

b. *Centralized Scheduling and Information Desk (CSID)*

CSID is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns. CSID can be reached by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9:00 AM – 5:00 PM ET.

c. *Grant Programs Directorate (GPD) Award Administration Division*

GPD's Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. Additional guidance and information can be obtained by contacting the AAD's Help Desk via e-mail at ASK-GMD@fema.dhs.gov.

d. *Equal Rights*

The FEMA Office of Equal Rights (OER) is responsible for compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA and recipients of FEMA financial assistance. All inquiries and communications about federal civil rights compliance for FEMA grants under this NOFO should be sent to FEMA-CivilRightsOffice@fema.dhs.gov.

e. *Environmental Planning and Historic Preservation*

GPD's EHP Team provides guidance and information about the EHP review process to recipients and subrecipients. All inquiries and communications about GPD projects under this NOFO or the EHP review process, including the submittal of EHP review materials, should be sent to gpdehpinfo@fema.dhs.gov.

2. Systems Information

a. *Grants.gov*

For technical assistance with [Grants.gov](https://www.grants.gov), call the customer support hotline 24 hours per day, 7 days per week (except federal holidays) at (800) 518-4726 or e-mail at support@grants.gov.

b. *Non-Disaster (ND) Grants*

For technical assistance with the ND Grants system, please contact the ND Grants Helpdesk at ndgrants@fema.dhs.gov or (800) 865-4076, Monday through Friday, 9:00 AM – 6:00 PM ET. User resources are available at [Non-Disaster Grants Management System | FEMA.gov](#).

c. *Payment and Reporting System (PARS)*

FEMA uses the [Payment and Reporting System \(PARS\)](#) for financial reporting, invoicing, and tracking payments. FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. To enroll in the DD/EFT, recipients must complete a Standard Form 1199A, Direct Deposit Form. If you have questions about the online system, please call the Customer Service Center at (866) 927-5646 or email ask-GMD@fema.dhs.gov.

H. Additional Information

GPD has developed the [Preparedness Grants Manual](#) to guide applicants and recipients of grant funding on how to manage their grants and other resources. Recipients seeking guidance on policies and procedures for managing preparedness grants should reference the Preparedness Grants Manual for further information. Examples of information contained in the [Preparedness Grants Manual](#) include:

- Actions to Address Noncompliance
- Audits
- Case Studies and Use of Grant-Funded Resources During Real-World Incident Operations
- Community Lifelines
- Conflicts of Interest in the Administration of Federal Awards and Subawards
- Disability Integration
- National Incident Management System
- Payment Information
- Period of Performance Extensions
- Procurement Integrity
- Record Retention
- Whole Community Preparedness
- Other Post-Award Requirements

1. Termination Provisions

FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2 C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards.

a. *Noncompliance*

If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. If the noncompliance can be corrected, FEMA may first attempt to direct the recipient to correct the noncompliance. This may take the form of a

Compliance Notification. If the noncompliance cannot be corrected or the recipient is non-responsive, FEMA may proceed with a Remedy Notification, which could impose a remedy for noncompliance per 2 C.F.R. § 200.339, including termination. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342 as well as the requirement of 2 C.F.R. § 200.340(c) to report in FAPIIS the recipient's material failure to comply with the award terms and conditions. See also the section on Actions to Address Noncompliance in this NOFO or in the [Preparedness Grants Manual](#).

b. *With the Consent of the Recipient*

FEMA may also terminate an award in whole or in part with the consent of the recipient, in which case the parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

c. *Notification by the Recipient*

The recipient may terminate the award, in whole or in part, by sending written notification to FEMA setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. In the case of partial termination, FEMA may determine that a partially terminated award will not accomplish the purpose of the federal award, so FEMA may terminate the award in its entirety. If that occurs, FEMA will follow the requirements of 2 C.F.R. §§ 200.341-200.342 in deciding to fully terminate the award.

2. Program Evaluation

Recipients and subrecipients are encouraged to incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 ([Evidence Act](#)), [Pub. L. No. 115-435 \(2019\)](#) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act § 101 (codified at 5 U.S.C. § 311). Evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation.

In addition, recipients are required to participate in a DHS-led evaluation if selected, which may be carried out by a third-party on behalf of the Program Office or DHS. By accepting grant funds, recipients agree to participate in the evaluation, which may include analysis of individuals who benefit from the grant, and provide access to program operating personnel and participants, as specified by the evaluator(s) during the award.

3. Period of Performance Extensions

Extensions to the period of performance for this program are allowed. Extensions to the POP identified in the award will only be considered through formal, written requests to the recipient's FEMA Preparedness Officer and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with

the FEMA Preparedness Officer as needed when preparing an extension request. Please see the [Preparedness Grants Manual](#) for more information.

4. Financial Assistance Programs for Infrastructure

a. *Build America, Buy America Act*

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America’s Workers. See also [OMB Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#).

None of the funds provided under this program may be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

To see whether a particular FEMA federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please see [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#) and [Build America, Buy America Act Frequently Asked Questions \(FAQs\) | FEMA.gov](#). Additional information is found in [Buy America Preference in FEMA Financial Assistance Programs for Infrastructure, FEMA Interim Policy #207-22-0001](#).

b. *Waivers*

When necessary, recipients (and subrecipients through their pass-through entity) may apply for, and FEMA may grant, a waiver from these requirements.

A waiver of the domestic content procurement preference may be granted by the agency awarding official if FEMA determines that:

- Applying the domestic content procurement preference would be inconsistent with the public interest.
- The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.
- The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%.

For FEMA awards, the process for requesting a waiver from the Buy America preference requirements can be found on FEMA's website at: ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#).

c. *Definitions*

Construction materials: an article, material, or supply — other than an item primarily of iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives — that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, paint, and drywall.

Domestic content procurement preference: Means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

Federal financial assistance: Generally defined in 2 C.F.R. § 200.1 and includes all expenditures by a federal agency to a non-federal entity for an infrastructure project, except that it does not include expenditures for assistance authorities relating to major disasters or emergencies under sections 402, 403, 404, 406, 408, or 502 of [the Robert T. Stafford Disaster Relief and Emergency Assistance Act](#) relating to a major disaster or emergency declared under section 401 or 501, respectively, or pre and post disaster or emergency response expenditures.

Infrastructure: Infrastructure projects which serve a public function, including at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy.

Produced in the United States means the following for:

- **Iron and steel:** All manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- **Manufactured products:** The product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55% of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- **Construction Materials:** All manufacturing processes for the construction material occurred in the United States.

Project: is any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States.



***Cal* OES**

**GOVERNOR'S OFFICE
OF EMERGENCY SERVICES**

**Fiscal Year 2023
Homeland Security Grant Program**

***California Supplement to the
Federal Notice of Funding Opportunity***

October 2023

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A – FY 2023 HSGP Allocations
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Federal Program Announcement

In February 2023, the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) issued the Fiscal Year (FY) 2023 Homeland Security Grant Program (HSGP), [Notice of Funding Opportunity](#) (NOFO) and the FEMA [Preparedness Grants Manual](#).

Subrecipients must follow the programmatic requirements in the NOFO, FEMA Preparedness Grants Manual, and the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located in [Title 2, Code of Federal Regulations \(C.F.R.\), Part 200](#).

Information Bulletins

DHS issues [Information Bulletins](#) (IBs) to provide updates, clarification, and new requirements throughout the life of the grant.

Grant Management Memoranda

Cal OES issues [Grant Management Memoranda](#) (GMMs) which provide additional information and requirements regarding HSGP funds.

Purpose of the California Supplement

The FY 2023 HSGP California Supplement to the NOFO (State Supplement) is intended to complement, rather than replace, the NOFO and the FEMA [Preparedness Grants Manual](#). Applicants are highly encouraged to thoroughly read the NOFO and the Preparedness Grants Manual before referring to the State Supplement. The State Supplement will emphasize differences between the FY 2022 and FY 2023 HSGP and highlight additional California policies and requirements applicable to FY 2023 HSGP.

Eligible Subrecipients

Eligible Applicants, referred to as Subrecipients, include Counties/Operational Areas (OAs), Urban Areas (UAs), State Agencies (SAs), Departments, Commissions, and Boards who have or can obtain appropriate state Department of Finance budget authority for awarded funds, and federally recognized tribes located in California.

Tribal Allocations

The NOFO strongly encourages Cal OES to provide HSGP funds directly to tribes in California. To implement this requirement, a special Request for Proposal will be issued to California's federally recognized tribes. All Subrecipients are encouraged to coordinate with tribal governments to ensure that tribal needs are considered in their grant applications.

Subrecipient Allocations	FY 2023 HSGP Subrecipient final allocations are provided in Attachment A and reflect reductions to Subrecipients who did not submit minimum thresholds for National Priority Areas, including Subrecipients opting out of the award altogether, and increases to Subrecipients that are helping meet statewide minimum level National Priority Area requirements.
Supplanting	Grant funds must be used to supplement existing funds, not replace (supplant) funds that have been appropriated for the same purpose. Subrecipients may be required to provide supporting documentation that certifies a reduction in non-federal resources that occurred for reasons other than the receipt or expected receipt of federal funds. Supplanting will result in the disallowance of the activity associated with this improper use of federal grant funds.
Public/Private Organizations	Subrecipients may contract with other public or private organizations to perform eligible activities on approved HSGP projects.
Debarred/ Suspended Parties	<p>Subrecipients must not make or permit any award (subaward or contract) at any tier, to any party, that is debarred, suspended, or otherwise excluded from, or ineligible for, participation in federal assistance programs.</p> <p>Subrecipients must obtain documentation of eligibility before making any subaward or contract using HSGP funds and must be prepared to present supporting documentation to monitors/auditors.</p> <p>Before entering into a Grant Subaward, the Subrecipient must notify Cal OES if it knows if any of the principals under the subaward fall under one or more of the four criteria listed at 2 C.F.R. § 180.335. The rule also applies to Subrecipients who pass through funding to other local entities.</p>

**Debarred/
Suspended
Parties
Cont.**

If at any time after accepting a subaward, Subrecipients learn that any of its principals fall under one or more of the criteria listed at [2 C.F.R. § 180.335](#), immediate written notice must be provided to Cal OES and all grant activities halted until further instructions are received from Cal OES. The rule also applies to subawards passed through by Subrecipients to local entities.

**Key Changes to
the FY 2023
HSGP**

National Priority Areas: There are six National Priority Areas (NPAs) for FY 2023. SHSP and UASI applicants must include one Investment Justification (IJ) for each NPA that has a minimum spend requirement, where applicable. For the NPAs with no minimum spend requirement, the Department of Homeland Security strongly encourages recipients to make investments in those areas as they are of critical national concern. For those NPAs that have an associated minimum spend, **all projects related to meeting the minimum spend for those NPAs must be included in the same IJ.**

The six NPAs, along with the relevant minimum spend requirement, are:

- Enhancing information and intelligence sharing and cooperation with federal agencies, including the Department of Homeland Security – 3% minimum;
- Enhancing the protection of soft targets/crowded places – 3% minimum;
- Enhancing cybersecurity – no minimum requirement;
- Enhancing community preparedness and resilience – 3% minimum;
- Combating domestic violent extremism – 3% minimum;
- Enhancing election security – **NEW:** 3% minimum.

**Key Changes to
the FY 2023
HSGP
Cont.**

Law Enforcement Terrorism Prevention Activities: Increased from 30% to 35% of the subaward.

Build America, Buy America Act (BABAA):

FY 2023 HSGP is subject to BABAA requirements. The BABAA requires all federal agencies, including FEMA, to ensure that no federal financial assistance for “infrastructure” projects is provided unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States. The BABAA requirements only apply to awards or funds obligated on or after January 2, 2023, and do not apply to awards or funds obligated during the waiver period from July 1, 2022, through January 1, 2023.

Section 2 – Federal Changes and Initiatives | 2023

**FY 2023 National
Priorities**

DHS/FEMA annually publishes the [National Preparedness Report](#) (NPR) to report national progress in building, sustaining, and delivering the core capabilities outlined in the goal of a secure and resilient nation. This analysis provides a national perspective on critical preparedness trends for whole community partners to use to inform program priorities, allocate resources, and communicate with stakeholders about issues of concern.

HSGP Subrecipients are required to prioritize grant funding to demonstrate how investments support closing capability gaps or sustaining capabilities identified in the Threat Hazard Identification and Risk Assessment (THIRA)/Stakeholder Preparedness Review (SPR) process.

DHS/FEMA continually assesses changes to the threat landscape to further the National Preparedness Goal (NPG) of a secure and resilient nation. The following are national priority areas for FY 2023, including the corresponding percentage of funds required in each area:

- Enhancing information and intelligence sharing and cooperation with federal agencies, including DHS – 3%;
- Enhancing the protection of soft targets/crowded places - 3%;
- Enhancing cybersecurity – no minimum;
- Enhancing community preparedness and resilience – 3%
- Combating domestic violent extremism through enhanced intelligence collection & analysis, training, and community resilience – 3%; and
- Enhancing election security – 3% minimum.

The NPA specifically addressing emerging threats has been removed, but activities in this category remain allowable expenses under other investment areas. Further, **applicants must spend a minimum of 30% of their SHSP and UASI awards across the six NPAs but have new flexibility on how that funding is allocated.** Although 15% is required in minimum spending across **five** NPAs, as noted above, the remaining 15% can be allocated across any of the six NPAs. Enhancing Cybersecurity NP does not require a minimum allocation.

**FY 2023 National
Priorities
Cont.**

National Priority projects will be reviewed for effectiveness by DHS/FEMA and must be deemed effective prior to the obligation or expenditure of funds.

Projects requiring additional information for DHS/FEMA to determine effectiveness of the project, or projects deemed ineffective, will have a hold placed on their subaward pending submission of requested information and DHS/FEMA approval. Once a project is approved by DHS/FEMA, modifications to the project have special restrictions regarding modifications as indicated below:

Modifications which do not change the project scope and do not decrease the overall project budget can be processed via regular modification request.

Modifications which change the project scope or decrease the overall project budget will require DHS/FEMA approval and must be requested on the [National Priority Project Modification Form](#).

Effectiveness will be evaluated by DHS/FEMA, Cybersecurity and Infrastructure Security Agency, DHS Office of Intelligence and Analysis, DHS Center for Prevention Programs and Partnerships, and/or other DHS components, as appropriate. FEMA will determine whether the proposed approach is clear, logical, and reasonable to address the priority areas of interest and contribute to a culture of national preparedness, based on the following four factors:

- **Investment Strategy (40%):** Projects will be evaluated based on the quality and extent to which the strategy effectively demonstrates supporting the program objective of preventing, preparing for, protecting against, and responding to acts of terrorism, to meet its target capabilities, and otherwise reduce the overall risk to the high-risk urban area, the state, or the nation.
- **Budget (20%):** Projects will be evaluated based on the extent to which a budget plan for each investment demonstrates how grant expenditures maximize cost effectiveness.

FY 2023 National Priorities Cont.

- **Impact/Outcomes (40%):** Projects will be evaluated on how this investment helps the jurisdiction close capability gaps identified in its Stakeholder Preparedness Review and addresses NPs outlined in the FY 2023 NOFO. Further, projects will be evaluated on their identification and estimated improvement of core capability(ies), the associated standardized target(s) that align with their proposed investment, and the ways in which improvements are measured and/or evaluated.
- **Past Performance (additional consideration):** Projects will be evaluated based on the Subrecipient's demonstrated capability to execute the proposed investments. Under this factor, FEMA will consider the information provided by the Subrecipient and may also consider relevant information from other sources.

A detailed description of allowable investments for each NP is included in the [FY 2023 HSGP NOFO \(Section A\)](#).

National Campaigns and Programs

Whole Community Preparedness – Subrecipients should engage with the whole community to advance individual and community preparedness and to work as a nation to build and sustain resilience. In doing so, Subrecipients are encouraged to consider the needs of individuals with access and functional needs and limited English proficiency in the activities and projects funded by the grant.

Subrecipients should utilize [established best practices for whole community inclusion](#) and engage with stakeholders to advance individual and jurisdictional preparedness and resilience. Subrecipients are encouraged to consider the necessities of all Californians in the activities and projects funded by the grant, including children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity, and other underserved populations.

National Campaigns and Programs Cont.

Active Shooter Preparedness – DHS developed a comprehensive [Active Shooter Preparedness website](#), which strives to enhance national preparedness through a whole-community approach by providing the necessary products, tools, and resources to help all stakeholders prepare for and respond to an active shooter incident. Subrecipients are encouraged to review the referenced active shooter resources and evaluate their preparedness needs.

Soft Targets and Crowded Places – States, territories, UAs, and public and private sector partners are encouraged to identify security gaps and build capabilities that address security needs and challenges related to protecting locations or environments that are easily accessible to large numbers of people on a predictable or semi-predictable basis that have limited security or protective measures in place, including town centers, shopping malls, open-air venues, outside hard targets/venue perimeters, and other places of meeting and gathering. For more information, please see DHS's [Hometown Security Program](#).

Community Lifelines – FEMA created Community Lifelines to reframe incident information and impacts using plain language and unity of effort to enable the integration of preparedness efforts, existing plans, and identifies unmet needs to better anticipate response requirements. Additional information may be found at the [Community Lifelines Implementation Toolkit website](#).

Strategic Framework for Countering Terrorism and Targeted Violence – DHS adopted the [DHS Strategic Framework for Countering Terrorism and Targeted Violence](#) which explains how the department will use the tools and expertise that have protected and strengthened the country from foreign terrorist organizations to address the evolving challenges of today.

National Campaigns and Programs Cont.

Countering Violent Extremism (CVE) Training - Foreign terrorist groups and individual terrorist thought leaders recruit or inspire Westerners to carry out attacks against western and U.S. targets, including individuals living in communities with the U.S. via, but not limited to, print, video, and social media, as well as through personal interaction. But we also know that violent extremism is not a phenomenon restricted solely to one community and that any effort to counter violent extremism must be applicable to all ideologically motivated violence. Efforts to provide information and training regarding CVE should emphasize the strength of local communities' approach.

National Cybersecurity Review

The [National Cybersecurity Review \(NCSR\)](#) is a required assessment for all Subrecipients of State Homeland Security Program (SHSP) and Urban Areas Security Initiative (UASI) funding to be completed between October and February 2024.

The NCSR is a no-cost, anonymous, and annual self-assessment designed to measure gaps and capabilities of state, local, tribal, territorial, nonprofit, and private sector agencies' cybersecurity programs.

Additionally, FEMA recognizes that some subawards will not be issued until after the NCSR has closed. In these cases, Subrecipients will be required to complete the first available NCSR offered after the subaward has been issued by Cal OES.

The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. Additional information may be found in [IB 439](#) and [429a](#).

NIMS Implementation

Prior to the allocation of any federal preparedness awards, Subrecipients must ensure and maintain the adoption and implementation of the [National Incident Management System](#) (NIMS).

**Law Enforcement
Terrorism
Prevention
Activities**

At least 35% of the grant funding under SHSP and UASI must be dedicated to Law Enforcement Terrorism Prevention Activities (LETPA). This required LETPA allocation can be from SHSP, UASI, or both and may be met by funding projects in any combination of the six NPAs and any other investments.

Allowable expenditures can be found in the authorizing legislation, [Preparedness Grants Manual](#), [Information Bulletin \(IB\) No. 473 Supplemental Guidance for LETPA Expenditures](#), the [National Prevention Framework](#), and [National Protection Framework](#).

For an activity to be counted towards the LETPA requirement, it must have a law enforcement terrorism prevention nexus. If an activity is listed in the authorizing legislation or can be directly tied to a capability in the National Prevention Framework or shared capability in the National Protection Framework, then it is presumed to have law enforcement nexus and be a LETPA. For all other claimed activities, nexus to law enforcement and terrorism prevention must be clearly explained.

Refer to [IB 485 - FY23 LETPA Supplemental Guidance](#) to the NOFO for further direction on how to account for LETPA activities, best practices for submitting LETPA investments, and information on how to distinguish LETPA from other activities .

**Management
and
Administration**

The Management and Administration (M&A) allowance for Subrecipients is set at a maximum of 5% for FY 2023 HSGP.

Indirect Costs

Indirect costs are allowable under the FY 2023 HSGP Grant Award.

Subrecipients with an indirect cost rate approved by their cognizant federal agency may claim indirect costs based on the established rate. Indirect costs claimed must be calculated using the base approved in the indirect cost negotiation agreement. A copy of the approved negotiation agreement is required at the time of application.

Indirect Costs Cont.

Indirect costs are *in addition to* the M&A allowance and must be included in the Grant Award application as a "Project" and reflected in the FMFW on the Indirect Cost Tab if being claimed under the award.

Indirect costs must be claimed no more than once annually, and only at the end of the Subrecipient's fiscal year. An exception to this rule applies if there is a mid-year change to the approved indirect cost rate; in this case, costs incurred to date must be claimed. At that time, a Grant Subaward Modification reflecting the rate change must also be submitted to Cal OES, along with a copy of the new Indirect Cost Rate Agreement.

Organization Costs – Overtime

Operational overtime costs are allowable *for increased security measures at critical infrastructure sites* if associated with detecting, deterring, disrupting, and preventing acts of terrorism and other catastrophic events.

Pursuant to page A-4 of the [Preparedness Grants Manual](#), all operational overtime requests must clearly explain how the request meets the criteria of one or more of the categories listed in *Table 2: Authorized Operational Overtime Categories*.

Requests must address the threat environment as it relates to the event or activity requiring operational overtime support and explains how the overtime activity is responsive to the threat.

Post-event operational overtime requests will only be considered on a case-by-case basis, where it is demonstrated exigent circumstances prevented submission of a request in advance of the event or activity. Requests for overtime costs must be submitted to Cal OES via [Allowability Request Log \(ARL\) Form](#) at the time of application, if the activity will occur within one year of the final application submission. All subsequent requests must be submitted at least 60 days in advance of the activity.

All operational overtime costs must be formally pre-approved in writing by DHS/FEMA.

Personnel Cap

Pursuant to [6 U.S.C. § 609\(b\)](#), SHSP and UASI funds may be used for personnel costs, totaling up to 50 percent of each fund source. A Subrecipient may request this requirement be waived by DHS/FEMA, via Cal OES. Requests for personnel cap waivers must be submitted separately for each fund source in writing to the Program Representative on official letterhead, with the following information:

- Documentation explaining why the cap should be waived;
- Conditions under which the request is being submitted; and
- A budget and method of calculation of personnel costs both in percentages of the Grant Award **and** in total dollar amount (waivers must be calculated separately for SHSP and UASI, outlining salary, fringe benefits, and any M&A costs).

Subrecipient requests to exceed the personnel cap must be received by Cal OES at the time of application. Subaward modifications impacting the personnel cap will be reviewed on a case-by-case basis and may require the submittal of the above-mentioned information.

Please see [IB 421b](#) for more information on the waiver process.

Equipment Typing/ Identification and Use

Allowable HSGP equipment is listed on the [FEMA Authorized Equipment List](#) (AEL) website.

Subrecipients that allocate HSGP funds towards equipment are required to type and identify the capability associated with that equipment. The [FEMA Resource Typing Library Tool \(RTLTL\)](#) can be used to help determine the type and capability.

Per FEMA policy, the purchase of weapons and weapon accessories are not allowed with HSGP funds. Special rules apply to pharmaceutical purchases, medical countermeasures, and critical emergency supplies; refer to page A-10 of the [FEMA Preparedness Grants Manual](#) for additional information.

**Equipment Typing/
Identification and
Use Cont.**

Expenditures for general purpose equipment are allowable if they align to and support one or more core capabilities identified in the NPG, and in addition, are deployable/sharable through the Emergency Management Assistance Compact and allowable under 6 U.S.C. § 609. Refer to the NOFO and Preparedness Grants Manual for examples of allowable general-purpose equipment.

**Equipment
Maintenance/
Sustainment**

Use of HSGP funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable as described in FEMA [IBs 336](#) and [379](#), as well as Grant Programs Directorate (GPD) Policy [FP-205-402-125-1](#).

**Emergency
Communications
Projects**

All Subrecipient emergency communications projects must comply with the SAFECOM Guidance on Emergency Communications Grants and describe in their FMFW how such activities align with the goals of the Statewide Communications Interoperability Plan.

**Telecom
Equipment and
Services
Prohibitions**

Effective August 13, 2020, section 889(f)(2)-(3) of the [John S. McCain National Defense Authorization Act for FY 2019 \(NDAA\)](#) and [2 C.F.R. § 200.216, 200.471](#), and Appendix II to 2 C.F.R. Part 200 prohibit DHS/FEMA Recipients and Subrecipients (including their contractors and subcontractors) from using any FEMA funds under open or new awards for the following telecommunications equipment or services:

- 1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
- 2) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
- 3) Telecommunications or video surveillance services provided by such entities or using such equipment; or

**Telecom Equipment
and Services
Prohibitions Cont.**

- 4) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Additional guidance is available in [FEMA Policy #405-143-1, Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services](#)

**Prohibited and
Controlled
Equipment**

Effective May 25, 2022, [Executive Order \(EO\) 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety](#), Section 12(a) of EO 14074 directs the Department of Homeland Security (DHS) to review its grant programs and, consistent with applicable law, prohibits the use of grant funding to purchase certain types of military equipment by state, local, tribal, and territorial law enforcement agencies (LEAs).

For all awards issued on or after January 1, 2023, The policy directly prohibits certain types of equipment outright (prohibited equipment), whereas other types of equipment may be controlled, or LEAs are required to submit certifications prior to purchase.

Even if equipment is listed as controlled equipment and is not outright prohibited, that does not automatically make it allowable under a particular FEMA program. Recipients and Subrecipients should refer to applicable program guidance or contact your Program Representative to determine if a particular type of equipment is allowable under that program.

Additional information regarding Prohibited and Controlled Equipment is available on [FEMA Policy 207-22-0002](#).

Small Unmanned Aircraft Systems

All requests to purchase Small Unmanned Aircraft Systems (SUAS) with FEMA grant funding must comply with [FEMA Policy 207-22-0002](#) and include copies of the policies and procedures in place to safeguard individuals' privacy, civil rights, and civil liberties of the jurisdiction that will purchase, take title to, or otherwise use the SUAS equipment. The Authorized Equipment Listing for [03OE-07-SUAS](#) details questions that must be included in the Aviation Request justification. Reference the [Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems](#) for additional information.

FEMA approval is required before a SUAS can be purchased with HSGP grants funds.

Emergency Operations Plans

Subrecipients should update their Emergency Operations Plan (EOP) at least once every two years to remain compliant with the [Comprehensive Preparedness Guide 101 version 2.0](#).

Conflict of Interest

To eliminate and reduce the impact of conflicts of interest in the subaward process, Subrecipients and pass-through entities must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Subrecipients and pass-through entities are also required to follow any applicable federal, state, local, and tribal statutes or regulations governing conflicts of interest in the making of subawards.

Subrecipients must disclose to their Program Representative, in writing, any real or potential conflict of interest as defined by the federal, state, local, or tribal statutes or regulations, which may arise during the administration of the HSGP subaward within five days of learning of the conflict of interest.

**Build America,
Buy America Act
(BABAA)**

Under FEMA financial assistance programs, the BABAA requirements apply to:

- New awards made on or after January 2, 2023,
- New funding that FEMA obligates to existing awards or through renewal awards on or after January 2, 2023; and
- Infrastructure projects.

Funds provided under this program may not be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Additionally, the Buy America preference does not apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

When necessary, Subrecipients may apply for a waiver from these requirements. Additional information regarding the BABAA can be found on FEMA's website under [Buy America Preference Buy America Preference](#).

**FY 2023
Investments**

The State prioritized the following investment strategies for the FY 2023 subawards:

1. Enhance Information and Intelligence Sharing and Cooperation with Federal Agencies, including DHS **(National Priority)**;
2. Enhance the Protection of Soft Targets/Crowded Places **(National Priority)**;
3. Enhance Cybersecurity **(National Priority)**;
4. Enhancing Community Preparedness and Resilience **(National Priority)**;
5. Combating Domestic Violent Extremism **(National Priority)**;
6. Strengthen Emergency Communications Capabilities Through Planning, Governance, Technology, and Equipment;
7. Enhance Medical and Public Health Preparedness;
8. Strengthen Information Sharing and Collaboration (non-Fusion Center);
9. Enhance Multi-Jurisdictional/Inter-Jurisdictional All-Hazards/Whole Community Incident Planning, Response & Recovery Capabilities;
10. Protect Critical Infrastructure and Key Resources (includes Food and Agriculture); and
11. Enhance Election Security **(National Priority)**.

Section 3 – State Changes and Initiatives | 2023

**California
Homeland
Security Strategy
Goals**

The State prioritized the following California Homeland Security Strategy Goals for the FY 2023 subawards:

1. Enhance Information Collection, Analysis, and Sharing, in Support of Public Safety Operations Across California;
2. Protect Critical Infrastructure and Key Resources from All Threats and Hazards;
3. Strengthen Security and Preparedness Across Cyberspace;
4. Strengthen Communications Capabilities through Planning, Governance, Technology, and Equipment;
5. Enhance Community Preparedness;
6. Enhance Multi-Jurisdictional/Inter-Jurisdictional All-Hazards Incident Catastrophic Planning, Response, and Recovery Capabilities;
7. Improve Medical and Health Capabilities;
8. Enhance Incident Recovery Capabilities;
9. Strengthen Food and Agriculture Preparedness; and
10. Enhance Homeland Security Exercise, Evaluation, and Training Programs.

**State Initiative
Funding**

For FY 2023, Cal OES shall retain 20% of the SHSP and 18.5% of the UASI funding for state initiatives.

“On Behalf Of”

Cal OES may, in conjunction with local approval authorities, designate funds “on behalf of” local entities who choose to decline or fail to utilize their subaward in a timely manner.

**Public Alert and
Warning**

Cal OES encourages Subrecipients to consider the use of this funding to assist their jurisdiction's alignment with the [State of California Alert and Warning Guidelines](#), developed pursuant to Senate Bill 833 of the 2018 Legislative Session.

Section 4 – Required State Application Components | 2023

**Financial
Management
Forms
Workbook**

The FY 2023 Cal OES FMFW includes:

Grant Subaward Face Sheet – Use the Grant Subaward Face Sheet to apply for grant programs. The Grant Subaward Face Sheet must be signed and submitted in portrait format. An active UEI# (Formerly DUNS#) is required. UEI registration information is available sam.gov.

Authorized Body of 5 – Provide the contact information of Authorized Agents (AA), delegated via the Governing Body Resolution (GBR) or Signature Authorization Form, including staff related to grant activities. More than one person is recommended for designation as the AA; in the absence of an AA, an alternate AA can sign requests.

Project Ledger – The project ledger is used in the application process to submit funding information and is used for submitting cash requests, Grant Subaward Modifications, and assists with the completion of the Biannual Strategy Implementation Report (BSIR).

Planning Tab – Provides detailed information on grant-funded planning activities with a final product identified.

Organization Tab – Provides detailed information on grant-funded organizational activities.

Equipment Tab – Detailed information must be provided under the equipment description for all grant-funded equipment. AEL numbers must be included for all items of equipment. Always refer to the AEL for a list of allowable equipment and conditions, if any.

Training Tab – Provides detailed information on grant-funded training activities. All training activities must receive Cal OES approval prior to starting the event, including a Training Feedback number. The [Training Request Form](#) must be submitted and approved to obtain a Training Feedback number and should be submitted at **least** 30 days in advance.

Exercise TAB – Provides detailed information on grant-funded exercises.

M&A Tab – Provides information on grant-funded M&A activities.

Indirect Costs Tab – Provides information on indirect costs.

Financial Management Forms Workbook Cont.

Consultant-Contractor Tab – Provides detailed information on grant-funded consultants and contractors.

Authorized Agent Page – The AA Page must be submitted with the application, all cash requests, and Grant Subaward Modifications. The AA Page must include a valid signature on file with Cal OES and the date.

Subrecipient Grants Management Assessment

Per [2 C.F.R. § 200.332](#), Cal OES is required to evaluate the risk of non-compliance with federal statutes, regulations, and grant terms and conditions posed by each Subrecipient of pass-through funding. The [Subrecipient Grants Management Assessment Form](#) contains questions related to an organization's experience in the management of federal grant awards. It is used to determine and provide an appropriate level of technical assistance, training, and grant oversight to Subrecipients during the subaward. The questionnaire must be completed and returned with the grant application.

Application Attachments

Federal Funding Accountability and Transparency Act (FFATA) Financial Disclosure – Use the [FFATA Financial Disclosure Form](#) to provide the information required by the Federal Funding Accountability and Transparency Act of 2006.

Certification Regarding Lobbying – Use the [Certification Regarding Lobbying Form](#) to certify lobbying activities, as stipulated by the Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352.

Intelligence Analysts Certificates – Pursuant to the Preparedness Grants Manual, Cal OES must have certificates for completion of training for fusion center analytical personnel. Please provide copies of certificates for each intelligence analyst, if applicable.

UASI Footprint (UASIs Only) – The Urban Area Working Group (UAWG) establishes the 'footprint' of the UA. A map or list defining the footprint must be included with the application.

UAWG Member Roster (UASIs Only) – A list of all current UAWG members with positions or titles.

Indirect Cost Rate Agreement – If claiming indirect costs at a federally-approved rate, please provide a copy of the approved indirect cost rate agreement.

Standard Assurances

The Standard Assurances list the requirements to which the Subrecipients will be held accountable. All Applicants will be required to submit a signed, **original** of the FY 2023 Standard Assurances as part of their FY 2023 HSGP application. The required Standard Assurances can be found only in PDF format on the Cal OES website.

NOTE: Self-created Standard Assurances will not be accepted.

Operational Areas and Urban Areas

Governing Body Resolution – The GBR appoints AAs (identified by the individual’s name or by a position title) to act on behalf of the governing body and the Applicant by executing any actions necessary for each application and subaward. All Applicants are required to submit a copy of an approved GBR with their grant application. Resolutions may be valid for up to three grant years given the following:

- The resolution identifies the applicable grant program (e.g., EMPG and/or HSGP);
- The resolution identifies the applicable grant years, (e.g., FY 2023, FY 2024, FY 2025; and
- Adheres to any necessary elements required by local protocols, rules, etc., if applicable.

Resolutions that only identify a single grant program will only be valid for that single program. Resolutions that do not identify applicable grant years will only be valid for the grant year in which the resolution was submitted.

Authorized Agent Information – For each person or position appointed by the governing body, identify the individual in the Authorized Body of 5 ledger of the FMFW.

All changes in AA and contact information must be provided to Cal OES in writing. If the GBR identifies the AA by name, a new Resolution is needed when changes are made. If the GBR identifies the AA by position and/or title, changes may be made by submitting a request on the entity’s letterhead, signed by an existing AA. Cal OES will not accept signatures of an AA’s designee, unless authorized by the GBR. A change to an AA’s designee must be submitted on agency letterhead and signed by the AA, announcing the change to their designee.

Operational Areas Only

Approval Authority Body – OAs must appoint an Anti-Terrorism Approval Body (Approval Authority) to have final approval of the OA's application for HSGP funds. Each member of the Approval Authority must provide written agreement with the OA's application for HSGP funds. The Approval Authority shall consist of the following representatives, and additional voting members may be added by a simple majority vote of the following standing members:

- County Public Health Officer or designee responsible for Emergency Medical Services
- County Fire Chief or Chief of Fire Authority
- Municipal Fire Chief (selected by the OA Fire Chiefs)
- County Sheriff
- Chief of Police (selected by the OA Police Chiefs)

Urban Areas Only

Urban Area Working Groups – Membership in the UAWG must provide either direct or indirect representation for all relevant jurisdictions and response disciplines (including law enforcement, fire service, EMS, hospitals, public health, and emergency management) that comprise the defined UA. It also must be inclusive of local Citizen Corps Council and tribal representatives. The UAWG should also ensure the integration of local emergency management, public health, and health care systems into a coordinated sustained local capability to respond effectively to a mass casualty incident. Additional group composition criteria are found in the FEMA [Preparedness Grants Manual](#).

Threat Hazard Identification and Risk Assessment – Subrecipients are required to submit a THIRA for all 32 core capabilities. Beginning in 2019, UAs are required to submit a THIRA every three years. An annual capability assessment will still be required.

Stakeholder Preparedness Review – The SPR is an annual grant requirement for all states, territories, and UAs. It is an annual capability assessment, which helps jurisdictions identify capability gaps and prioritize investment requirements to reach the targets set in their THIRA.

All fusion center investments must align to, and reference, specific performance areas of the assessment that the funding is intended to support.

**Fusion
Centers Only**

Fusion Centers are also required to follow all Reporting and Administrative Metrics for California Fusion Centers, as set forth in the Governor's Homeland Security Advisor/Cal OES Director's letter dated March 16, 2016. These operational and administrative metrics set forth an integrated and coordinated approach for regular and proactive information and intelligence sharing between all fusion centers in the California State Threat Assessment System (STAS).

**State
Agencies and
Tribes Only**

State Agencies, and federally recognized tribes may submit the Signature Authorization Form in lieu of a GBR, signed by the most senior ranking official, such as the Secretary, Director, President, Chancellor, or Chairperson.

Section 5 – State Application Process | 2023

Application Submission

Subrecipients must submit an electronic copy of their completed FMFW to their Program Representative for review. After the application is approved, a completed copy of the FMFW, along with all other application components must be submitted, with official signatures, by the application due date. During the application process, if it is determined not all allocated funds can be expended by the end of the period of performance, please inform a Program Representative as soon as possible. The completed application should be received by Cal OES no later than the date provided in the FY 2023 HSGP Timeline, referenced as Attachment B.

Late or Incomplete Application

Late or incomplete applications may be denied. If an application is incomplete, the Program Representative may request additional information. Requests for late submission of applications must be made in writing to the Program Representative prior to the application due date. Cal OES has sole discretion to accept or reject a late or incomplete grant application.

HSGP Contact Information

All Subrecipient application materials, questions, comments, and correspondence should be directed to:

California Governor's Office of Emergency Services
 ATTN: Grants Management (Building F)
 Homeland Security Grants Unit
 3650 Schriever Avenue
 Mather, CA 95655

Darlene Arambula	(916) 845-8427
Christopher Camacho	(916) 845-8789
Laura Halverstadt	(916) 845-8899
Antoinette Johnson	(916) 845-8260
Jim Lane	(916) 845-8428
Tyrone Freeman	(916) 328-7750
Abigayle Tirapelle	(916) 845-8400

The [Program Representative Regional Assignments Map](#) is available at the Cal OES website under "Regional Assignments".

**Subaward
Approval**

Subrecipients will receive a formal notification of award no later than 45 days after Cal OES accepts the federal grant award. The award letter must be signed, dated, and returned to Cal OES within 20 calendar days. Once the completed application, along with the signed award letter, is received and approved, reimbursement of eligible subaward expenditures may be requested using the Cal OES FMFW.

Payment Request Process

To request an advance or cash reimbursement of HSGP funds, Subrecipients must first complete a payment request using the Cal OES HSGP FMFW, returning it to the appropriate Program Representative. Subrecipients who fail to follow the workbook instructions may experience delays in processing the payment request.

Payments can only be made if the Subrecipient has an approved application.

Advances and Interest Earned on Advances

An Advance payment is a payment that is requested before Subrecipients have disbursed the funds for program purposes. Subrecipients may be paid an advance, provided they maintain a willingness and ability to maintain procedures to minimize the time elapsing between the receipt of funds and their disbursement. The timing and amount of advance payments must be as close as administratively feasible to the actual disbursements by the Subrecipient for project costs.

Federal rules require advances to be deposited in interest-bearing accounts. Interest earned amounts up to \$500 per year may be retained by Subrecipients for administrative expenses; any additional interest earned on federal advance payments must be returned annually to Cal OES.

Semi-Annual Drawdown Requirements

All Subrecipients must report expenditures and request funds at least semi-annually throughout the period of performance. Semi-annual drawdowns should occur by March and October of each calendar year following final approval of the subaward application, except for the final cash request, which must be submitted within 20 calendar days after the end of the period of performance.

Modifications

Post-award budget and scope modifications must be requested using the [Cal OES HSGP FMFW v1.23](#), signed by the Subrecipient's AA, and submitted to the Program Representative.

The Subrecipient may implement grant modification activities, and incur associated expenses, only after receiving written final approval of the modification from Cal OES.

Modifications Cont.

Subrecipients must provide a written justification with all modification requests. The justification may be included in the body of the e-mail transmitting the request, or in a document attached to the transmittal e-mail. Please reference [GMM 2018-17](#) for additional information regarding modification requests.

Modifications to NP Projects have additional restrictions as indicated below:

Modifications which do not change the project scope and do not decrease the overall project budget can be processed via regular modification request.

Modifications which change the project scope or decrease the overall project budget will require DHS/FEMA approval and must be requested on the [National Priority Project Modification Form](#).

Training Requirements

All grant-funded training activities must receive Cal OES approval prior to starting the training event. Cal OES shall allow Subrecipients to develop a “placeholder” for future training conferences when an agenda has not been established at the time Subrecipient applications are due. Please work with a Program Representative and the Training Branch to identify a possible “placeholder” for these types of training activities.

When seeking approval of non-DHS/FEMA developed courses, course materials must be submitted with the approval requests. Conditional approvals are not offered.

Subrecipients must complete a [Training Request Form](#) and submit it electronically to the Cal OES Training Branch to be approved with a Training Feedback Number before beginning any training activities. This includes project components like travel to, materials for, or attendance in training courses. Training Feedback Numbers should be obtained no later than 30 days before the first day of the training or related activities. Requests that are submitted with less than 30 days prior to the start of the training or activity are not guaranteed to be approved in time and run the risk of training being unallowable. Training Feedback numbers must

Training Requirements Cont.

be included on the FMFW Training Ledger to be considered for reimbursement.

For more information on this or other training-related inquiries, contact the [Cal OES Training Branch](mailto:Training@CalOES.ca.gov) at (916) 845-8745 or Training@CalOES.ca.gov.

Exercises, Improvement Plans, and After-Action Reporting

Subrecipients should engage stakeholders to identify long-term training and exercise priorities. These priorities should address capability targets and gaps identified through the THIRA and SPR process, real-world events, previous exercises, and national areas for improvement identified in the NPR.

Subrecipients must report on all exercises conducted with HSGP grant funds. An After-Action Report (AAR)/Improvement Plan (IP) or Summary Report (for Seminars and Workshops) must be completed and submitted to Cal OES within 90 days after exercise/seminars/workshops are conducted. It is acceptable to submit an *Exercise Summary Report for Seminars and Workshops* in lieu of a full AAR/IP.

Please e-mail AAR/IPs and Summary Reports to:

- hseep@fema.dhs.gov
- exercise@caloes.ca.gov
- christopher.camacho@caloes.ca.gov

For exercise-related issues and/or questions, please email the Cal OES Exercise Team at exercise@caloes.ca.gov.

Exercise costs will not be considered for reimbursement until an AAR/IP is received by Cal OES.

Procurement Standards and Written Procedures

Subrecipients must conduct procurement using documented local government procurement procedures, or the federal procurement standards found in [2 C.F.R. Part 200](#), whichever are more strict. Subrecipients must also have written conflict of interest policies governing the actions of its employees engaged in the selection, award and administration of contracts, including disciplinary actions for violations of such standards.

**Procurement
Thresholds**

Effective June 20, 2018, the micro-purchase threshold was increased from \$3,500 to \$10,000 and the simplified acquisition threshold was increased from \$150,000 to \$250,000. These increases apply to all Subrecipient procurements executed on or after June 20, 2018.

Refer to [IB 434](#) for additional information.

**Procurement
Documentation**

Non-federal entities, other than states and territories, are required to maintain and retain records sufficient to detail the history of procurements, covering at least the rationale for the procurement method, contract type, contractor selection or rejection, and the basis for the contract price. For any cost to be allowable, it must be adequately documented. Examples of the types of documents that would meet this requirement include, but are not limited to:

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
- Contract documents and amendments;
- Documents demonstrating inclusion of required contract provisions; and
- Other documents required by federal regulations applicable at the time the grant was awarded to the Subrecipient.

**Noncompetitive
Procurement**

All noncompetitive procurements exceeding the simplified acquisition threshold requires Cal OES **prior** written approval to be eligible for reimbursement. This method of procurement must be approved by the local Purchasing Agent prior to submitting a request for Cal OES approval. A copy of the Purchasing Agent's approval must be included with the Cal OES [Request for Noncompetitive Procurement Authorization](#) form. Cal OES may request additional documentation that supports the procurement effort.

**Noncompetitive
Procurement
Cont.**

Cal OES will not reimburse for any noncompetitive procurement contracts for any HSGP terrorism-related training, regardless of the cost of the training. Exceptions to this policy may be approved in limited circumstances, e.g., related to a procurement effort that has resulted in inadequate competition. Please refer to [GMM2017-01A](#) and [GMM2021-05](#) for additional guidance.

**Performance
Bond**

Due to the risks associated with delays in vendor delivery of large equipment procurements, DHS/FEMA allows Subrecipients to obtain a “performance bond” for items that are paid for up front to ensure delivery of the equipment within the grant period of performance.

Cal OES *requires* Subrecipients to obtain a performance bond when procuring any equipment item over \$250,000, or for any vehicle, aircraft, or watercraft that requires full or partial payment **prior** to receiving the final product(s).

Performance Bond Waivers may be granted on a case-by-case basis and must be submitted to Cal OES prior to procurement.

**Environmental
Planning and
Historic
Preservation (EHP)**

DHS/FEMA is required to ensure all activities and programs that are funded by the agency comply with federal Environmental Planning and Historic Preservation (EHP) regulations. Subrecipients proposing projects or activities (including, but not limited to, training, exercises, the installation of equipment, and construction or renovation projects) that have the potential to impact the environment, or a historic structure must participate in the EHP screening process. EHP Screening Memos must include detailed project information, explain the goals and objectives of the proposed project, and include supporting documentation.

DHS/FEMA may also require the Subrecipient to provide a confidential California Historical Resources Information System (CHRIS) report in addition to the EHP Screening Form. Determination on the necessity of a CHRIS report is based upon information disclosed on the form. Program Representatives will provide additional instructions should this report be required.

**Environmental
Planning and
Historic
Preservation (EHP)
Cont.**

[EHP Screening Requests](#) should be submitted to Cal OES as early as possible. All projects/activities triggering EHP must receive DHS/FEMA written approval prior to commencement of the funded activity.

Updated information may be referenced in the [FEMA GPD EHP Policy Guidance](#).

**Construction and
Renovation**

When applying for construction activity at the time of application, including communication towers, Subrecipients must submit evidence of approved zoning ordinances, architectural plans, any other locally required planning permits, and a notice of federal interest. Additionally, Subrecipients are required to submit an SF-424C Budget and Budget Detail that cites project costs. Communication tower construction requests also require evidence that the Federal Communications Commission's Section 106 review process was completed.

Subrecipients using funds for construction projects must comply with the Davis-Bacon Act. Subrecipients must ensure that their contractors or subcontractors for construction projects pay workers no less than the prevailing wages for laborers and mechanics employed on projects of a character like the contract work in the civil subdivision of the state in which the work is to be performed.

Project construction using SHSP and UASI funds may not exceed \$1,000,000 or 15% of the grant subaward (for the purposes of limitations on funding levels, communications towers are not considered construction).

Written approval for construction must be provided by DHS/FEMA prior to the use of any HSGP funds for construction or renovation. No construction activities (including site preparation, utility installations, and any groundbreaking activities) or equipment installations on existing structures, may begin until the EHP review process is complete.

Inventory Control and Property Management

Subrecipients must use standardized resource management concepts for resource typing and credentialing, in addition to maintaining an inventory by which to facilitate the effective identification, dispatch, deployment, tracking, and recovery of resources.

Subrecipients must have an effective inventory management system, to include:

- Property records that document description, serial/ID number, fund source, title information, acquisition date, cost, federal cost share, location, use, condition, and ultimate disposition;
- A physical inventory conducted at least every two years;
- A control system to prevent loss, damage, and theft of grant purchased equipment and supplies; and
- Adequate maintenance procedures to keep the property in good condition.

Equipment Disposition

When original or replacement equipment acquired under the HSGP is no longer needed for program activities, the Subrecipient must contact the Program Representative to request disposition instructions. See [2 C.F.R. § 200.313\(e\)](#).

Performance Reporting

Subrecipients must complete a BSIR each Winter and Summer using the DHS/FEMA [Grants Reporting Tool](#) (GRT) for the duration of the subaward period of performance or until all grant activities are completed and the subaward is formally closed by Cal OES. Failure to submit a BSIR could result in subaward reduction, suspension, or termination.

Access to the BSIR may be obtained through the GRT. To create a new account, please click the link that reads, "Register for an account" and follow the instructions provided. The Subrecipient will be required to ensure up-to-date project information is entered. The Project Ledger in the FMFW may assist with the BSIR data entry process. For additional assistance with the GRT, please contact your Program Representative.

Extension Requests

Extensions to the initial period of performance identified in the subaward will only be considered through formal, written requests to your Program Representative. Upon receipt of the extension request, Cal OES will:

1. Verify compliance with performance reporting requirements by confirming the Subrecipient has submitted all necessary performance reports;
2. Confirm the Subrecipient has provided sufficient justification for the request; and
3. If applicable, confirm the Subrecipient has demonstrated sufficient progress in past situations where an extension was authorized by Cal OES.

Extension requests will be granted only due to compelling legal, policy, or operational challenges, must be project-specific and will only be considered for the following reasons:

1. Contractual commitments with vendors that prevent completion of the project within the period of performance;
2. The project must undergo a complex environmental review which cannot be completed within this timeframe;
3. Projects are long-term by design and therefore, acceleration would compromise core programmatic goals; and
4. Where other special circumstances exist.

To be considered, extension requests must be received no later than 60 days prior to the end of the Subrecipient's period of performance and must contain specific and compelling justifications as to why an extension is required. All extension requests must address the following:

1. Grant program, fiscal year, and award number;
2. Reason for delay;
3. Current status of the activity/activities;
4. Approved period of performance termination date and new project completion date;
5. Amount of funds drawn down to date;
6. Remaining available funds, both federal and non-federal;

Extension Requests Cont.

7. Budget outlining how remaining federal and non-federal funds will be expended;
8. Plan for completion, including milestones and timeframes for each milestone and the position/person responsible for implementing the plan for completion; and
9. Certification the activity/activities will be completed within the extended period of performance without any modification to the original Project Scope.

General questions regarding extension requirements and the extension request form, should be directed to your Program Representative. For additional information, please see IB 379. Extension requests for personnel and salaries do not meet the requirements of IB 379 and will not be granted. Subrecipients are expected to complete all grant-funded personnel activities by the end of the subaward period of performance.

Progress Reports on Grant Extensions

All Subrecipients that receive Cal OES approval to extend their FY 2023 Grant Subaward period of performance may be required to submit progress reports indicating completed and future project milestones on all extended projects. Progress reports must be submitted electronically to the Subrecipient's Program Representative. Deadlines for the submission of progress reports will be established at the time of extension approval.

Monitoring

Cal OES Grants Monitoring actively monitors Subrecipients, through day-to-day communications, programmatic site visits, desk, and on-site compliance assessments. The purpose of the compliance assessment is to ensure Subrecipients are in compliance with applicable state and federal regulations, grant guidelines, and programmatic requirements.

Monitoring activities may include, but are not limited to:

- Verifying entries recorded on the FMFW categories are properly supported with source documentation;
- Eligibility of and support for expenditures, typically covering two to three years of data;
- Comparing actual Subrecipient activities to those approved in the grant application and subsequent

**Monitoring
Cont.**

modifications, including the review of timesheets and invoices as applicable;

- Procurements and contracts;
- Ensuring equipment lists are properly maintained and physical inventories are conducted;
- Ensuring advances have been disbursed in accordance with applicable guidelines; and
- Confirming compliance with Standard Assurances; and
- Information provided on performance reports and payment requests

NOTE: It is the responsibility of all Subrecipients that pass down grant funds to other entities, to maintain and utilize a formal process to monitor the grant activities of their subawards. This requirement includes, but is not limited to, on-site verification of grant activities, as required. It is common for Subrecipients to receive findings in a programmatic site visit or compliance assessment, which require a Corrective Action Plan (CAP) to be submitted by Subrecipients. Those Subrecipients who fail to submit a CAP, as required, shall have a “hold” placed on any future reimbursements until the “finding” is resolved.

**Failure to Submit
Required Reports**

Periodic reporting is required by the grant. Subrecipients who miss a single reporting deadline may receive a letter addressed to their Board of Supervisors informing them of the failure to report. County OAs and tribes who fail to report twice consecutively may have subsequent awards reduced by 10% until timely reporting is reestablished; UASIs may have a “hold” placed on any future reimbursements.

**Suspension/
Termination**

Cal OES may suspend or terminate grant funding, in whole or in part, or other measures may be imposed for any of the following reasons:

- Failure to submit required reports.
- Failure to expend funds in a timely manner consistent with the grant milestones, guidance, and assurances.
- Failure to comply with the requirements or statutory progress toward the goals or objectives of federal or state law.
- Failure to make satisfactory progress toward the goals or objectives set forth in the Subrecipient application.
- Failure to follow Grant Subaward requirements or Special Conditions.

Suspension/

Termination Cont.

- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
- False certification in the application or document.
- Failure to adequately manage, monitor, or direct the grant funding activities of their Subrecipients.

Closeout

Before taking action, Cal OES will provide the Subrecipient reasonable notice of intent to impose corrective measures and will make every effort to informally resolve the problem. Cal OES will close-out Subrecipient awards when it determines all applicable administrative actions and all required work of the federal award have been completed. Subawards will be closed after:

- All funds have been requested and reimbursed, or disencumbered;
- Receiving all applicable Subrecipient reports indicating all approved work has been completed, and all funds have been distributed;
- Completing a review to confirm the accuracy of reported information;
- Reconciling actual costs to subawards, modifications, and payments; and
- Verifying the Subrecipient has submitted a final BSIR showing all grant funds have been expended.

Records Retention

The records retention period is three years from the date of the Cal OES Grant Closeout letter, or until any pending litigation, claim, or audit started before the expiration of the three-year retention period has been resolved and final action is taken.

For indirect cost rate proposals, cost allocation plans, or other rate computation records, the start of the record retention period is dependent on whether the proposal, plan, or other

computation is required to be submitted to the federal government (or to the pass-through entity) for negotiation purposes. See [2 C.F.R. § 200.334\(f\)](#).

In order for any cost to be allowable, it must be adequately documented per [2 C.F.R. § 200.403\(g\)](#).

**Records Retention
Cont.**

The Cal OES Grant Closeout Letter will notify the Subrecipient of the start of the records retention period for all programmatic and financial grant-related records.

If the State Administrative Agency's award remains open after the Subrecipient's submission of the final BSIR, Cal OES will complete any additional BSIR reporting required under the award on behalf of the Subrecipient.

Closed grants may still be monitored and audited. Failure to maintain all grant records for the required retention period could result in a reduction of grant funds, and an invoice to return costs associated with the unsupported activities.

If documents are retained longer than the required retention period, FEMA, the DHS Office of Inspector General, Government Accountability Office, and pass-through entity have the right to access these records as well. See [2 C.F.R. §§ 200.334, 200.336](#).

Attachment A – FY 2023 HSGP Allocations | 2023

*SHSP allocations reflect National Priority Area project adjustments

State Homeland Security Program (SHSP)					
Operational Area	Total Award		Operational Area	Total Award	
ALAMEDA	1,650,795		ORANGE	3,091,413	
ALPINE	76,145		PLACER	465,161	
AMADOR	113,439		PLUMAS	93,069	
BUTTE	267,310		RIVERSIDE	2,398,207	
CALAVERAS	117,971		SACRAMENTO	1,578,910	
COLUSA	94,168		SAN BENITO	137,459	
CONTRA COSTA	1,178,218		SAN BERNARDINO	2,161,778	
DEL NORTE	100,963		SAN DIEGO	3,210,706	
EL DORADO	256,682		SAN FRANCISCO	878,889	
FRESNO	1,039,636		SAN JOAQUIN	823,130	
GLENN	102,425		SAN LUIS OBISPO	342,774	
HUMBOLDT	203,934		SAN MATEO	785,321	
IMPERIAL	246,059		SANTA BARBARA	499,634	
INYO	93,103		SANTA CLARA	1,882,403	
KERN	942,855		SANTA CRUZ	329,271	
KINGS	220,012		SHASTA	247,205	
LAKE	126,762		SIERRA	78,080	
LASSEN	103,878		SISKIYOU	116,809	
LOS ANGELES	9,481,457		SOLANO	501,615	
MADERA	225,138		SONOMA	535,157	
MARIN	320,277		STANISLAUS	599,128	
MARIPOSA	102,042		SUTTER	169,572	
MENDOCINO	168,349		TEHAMA	132,940	
MERCED	346,225		TRINITY	90,284	
MODOC	83,289		TULARE	528,108	
MONO	87,762		TUOLUMNE	127,741	
MONTEREY	488,715		VENTURA	870,207	
NAPA	204,898		YOLO	285,965	
NEVADA	171,574		YUBA	153,481	
				*Total	41,728,498

Fusion Centers	
Region	Total Award
SAN FRANCISCO BAY AREA	1,792,050
SACRAMENTO/CENTRAL VALLEY AREA	2,565,000
GREATER LOS ANGELES AREA	2,887,500
SAN DIEGO AREA	2,047,500
ORANGE AREA	835,000
*Total	10,127,050

* SHSP allocations reflect National Priority Area project adjustments

Urban Areas Security Initiative (UASI)			
*A minimum of 35% of UASI funding must be for Law Enforcement Terrorism Prevention			
Urban Area	Federal Allocation to State	Allocation to UASI	State Initiatives
ANAHEIM/SANTA ANA AREA	5,250,000	4,278,750	971,250
BAY AREA	36,493,265	29,742,011	6,751,254
LOS ANGELES/LONG BEACH AREA	66,174,270	53,932,030	12,242,240
RIVERSIDE AREA	3,900,000	3,178,500	721,500
SACRAMENTO AREA	3,800,000	3,097,000	703,000
SAN DIEGO AREA	16,445,560	13,403,131	3,042,429
Total	132,063,095	107,631,422	24,431,673

Attachment B – FY 2023 HSGP Timeline | 2023

DHS/FEMA Announcement of 2023 HSGP NOFO	February 13, 2023
Cal OES Application Due to DHS	May 18, 2023
DHS Award to California	September 25, 2023
Subrecipient period of performance begins	September 1, 2023
2023 HSGP California Supplement release	October 2023
Subrecipient Workshops	October 2023
Subrecipient Awards (45 days from DHS award)	October 2023
Subrecipient Final Applications for FY23 Due to Cal OES	December 29, 2023
Subrecipient period of performance ends	May 31, 2026
Final Cash Requests due to Cal OES	Within twenty (20) calendar days after end of grant
Cal OES's period of performance ends	August 31, 2026

Subrecipient: _____ FIPS#: _____

Program Representative: _____

Financial Management Forms Workbook:

- Grant Award Face Sheet
- Authorized Body of 5
- Project Ledger
- Planning Tab
- Organization Tab
- Equipment Tab
- Training Tab
- Exercise Tab
- Consultant/Contractor Tab
- Management & Administration Tab
- Indirect Cost Tab
- Authorized Agent Sheet

Attachments:

- Original Counter-Signed Award Letter
- Governing Body Resolution (Certified)
- Standard Assurances (Signed Originals)
- FFATA Certification
- Lobbying Certification
- Subrecipient Grant Management Assessment Form
- Indirect Cost Rate Negotiation Agreement
- Personnel Cap Waiver (If Applicable)
- Intelligence Analyst(s) Certificates (If Applicable)

UASI Only:

- UASI Footprint
- UAWG Roster

State Agencies and Tribes Only:

- Signature Authority Form (in lieu of Governing Body Resolution)

For Cal OES Use Only

Reviewed by: _____ Date: _____

Management Approval: _____ Date: _____



**SHARED SERVICES DIVISION
GRANT PAYMENT REQUEST**

SECTION A: SUBMITTING YOUR REQUEST	
<p style="text-align: center;">Please submit Grant Payment Request Form along with legible supporting documents to: Grants@auditor.lacounty.gov</p> <p style="text-align: center;">In the event e-mail is not available, you can mail your Grant payment request to (please do not fax or send duplicates): Department of Auditor-Controller Shared Services Division / Attn: Grants Unit 320 W. Temple Street, Room 380 Los Angeles, CA 90012</p>	<p>1. Grant Name & Year:</p> <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>

SECTION B: SUB-RECIPIENT'S INFORMATION			
1. Sub-recipient's Name: (reimbursement check will be made payable to a payee entered below)	3. Taxpayer ID #:	4. Contact's Name:	
2. Mailing Address (please let us know where you want your check delivered, including attention line if necessary):	4. Contact's phone:		
		4. Contact's e-mail:	

SECTION C: DETAIL PAYMENT REQUEST INFORMATION								
1. SOLUTION AREA (e.g. equipment, training, planning, exercise, organization)	2. PROJECT # (e.g. 011.22)	4. EHP required? (Environmental & Historic Preservation)		5. VENDOR'S INVOICE # (Maximum of 5 invoices)	6. PURCHASE METHOD (including Training)			7. CLAIM AMOUNT (indicate the amount per each line)
		No	Yes (attach State Approval)		If Competitive, indicate the # of bids.	Non-Competitive Bid	Sole Source	
8. TOTAL								\$ 0.00

SECTION D: SUB-RECIPIENT'S CERTIFICATION	SECTION E: FOR SSD USE ONLY
<p>I certify that (please use the checkbox):</p> <p><input type="checkbox"/> 1. I am the duly authorized officer of the claimant herein and this claim is in all respect true and correct. All expenditures were made in accordance with applicable laws, rules, regulations and grant conditions and assurances.</p> <p><input type="checkbox"/> 2. All instructions for this form were followed and all the supporting documentation (per instructions) is included with this claim.</p> <p>3. _____ DATE</p> <p style="text-align: center; font-size: small;">AUTHORIZED SIGNATURE</p> <p>4. _____ AUTHORIZED TITLE</p> <p style="text-align: center; font-size: small;">AUTHORIZED PRINTED NAME</p> <p>5. AUTHORIZED CONTACT INFORMATION (If different from Section B):</p> <p>PHONE # _____</p> <p>E-MAIL: _____</p>	<p style="text-align: center; font-size: large;">STAMP WITH RECEIVED DATE HERE:</p> <p style="text-align: center;">ASSIGNED INVOICE NO.:</p> <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>

NOTE: This Form is intended for Internal SSD review purpose only.
 Revised on April 2021

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER / SHARED SERVICES DIVISION
INSTRUCTIONS TO COMPLETE THE GRANT PAYMENT REQUEST**

Purpose of these instructions:

To assist sub-recipients in completing the Grant Payment Request. We appreciate your participation in this program, for questions or suggestions please use our e-mail below to contact us. **Please do not send these instructions to us, they are to be used for your guidance only.**

SECTION A: GENERAL INSTRUCTIONS FOR SUBMISSION OF GRANT PAYMENT REQUEST

In numeral **1** of this section, please enter the name and year of the grant program that you are submitting for payment. In addition, please help us expedite the process of your Homeland Security claims by:

- Completing the Grant payment request correctly and according to these instructions.
- Submitting your Grant payment request using our e-mail --> **Grants@auditor.lacounty.gov** (please do **not** fax documents).
- Sending your Grant payment request only once (we do not require original documents and duplicates will slow down our process).
- Using the checkboxes to ensure all the required supporting documents and files accompany your Grant payment request. Supporting documents are flagged for your convenience with a checkbox within the corresponding areas.
- Ensuring that all documents attached to your Grant payment requests are legible.
- Submitting Grant payment request timely. We do **not** guarantee the process of Grant payment requests that are submitted late or too close to the final due date. Reimbursable expenditures need to be charged within the performance period of the grant and submitted to us as soon as they are incurred.

SECTION B: SUB-RECIPIENT'S INFORMATION

The following numerals provide the instructions to fill in the corresponding numeral in the form:

1. Please enter the name of the agency requesting for payment. The name of the agency should be typed according to its signed agreement and as you need it to appear in the payee line of the reimbursement check.
2. Please enter the complete address (street number and name, city, zip code) and attention line where you will need to receive the reimbursement check. Please note that this is not necessary for L.A. County departments.
3. Please enter the tax ID of the governmental entity requesting payment. Please leave blank for L.A. County departments.
4. Please enter the information of the person that can assist us with detail claim questions.

SECTION C: DETAIL PAYMENT REQUEST INFORMATION:

In order to expedite your Grant payment request, in this area's grid, include a **maximum of five (5) invoices or reimbursements charges (one charge or one invoice per line)**. The invoices or charges need to share the same solution area, project #.

The following numerals provide the instructions to fill in the corresponding numeral in the form:

1. Enter the solution area corresponding to the claim. This information is found in the latest budget of the grant. Examples of solution areas are: equipment, training, planning or exercise.
2. Enter the project # corresponding to the claim. This information is found in the latest budget of the grant. An example of Item # is 17.020.
4. Check with an X under either yes or no according to the claim's Environmental & Historical Preservation (EHP) requirements from the State. EHP approval needs to be obtained from the State **prior** to the start of the project on certain equipment items (see AEL description) or training/exercise projects. Please attach the following:
 - a) **State EHP Approval:** if required by the state for your claim.

SECTION C: (Continued)

5. If the expenditures that you are claiming were purchased thru a vendor or contractor, please enter the invoice # in the grid area. Please note that you are responsible for following acceptable purchasing policies and for documenting your procurement process. Additionally please include the following documentation with your claim:
- Copy of the invoice:** Please attach an invoice that provides sufficient information to be used as a cross reference with the items described in your grant line item and AEL #. When the invoice includes items that are not being claimed or that belong to different claims or grants, please circle and designate on the invoice the items that you are requesting for reimbursement. Each item circled must have a project #, a funding source, and a total. Purchase orders and price quotes will not be accepted in the place of the invoice.
 - Copy of the purchase order**
 - Print out of the corresponding AEL # (Authorized Equipment List number).** The AEL listing can be found at: <https://www.fema.gov/grants/guidance-tools/authorized-equipment-list>
 - Proof of payment of the invoice:** The proof of payment for L.A. County Departments is the printout from e-CAPS showing that the check cleared the bank. The proof of payment for **other** than L.A. County Department is the corresponding copy of the bank's cleared check .
 - Calculations for use tax paid:** When use tax is paid, clearly show the calculations of the use tax in the invoice included in your claim.
 - Proof of payment of the use tax:** Please provide official documents which authenticate the remittance of the use tax to the state, the amount and the reference to the invoice being claimed.
 - Federal Debarment Listing:** Please provide a screen print out of the queried Federal Debarment Listing at sam.gov/SAM/. The listing needs to be queried **prior** to the selection of the vendor.
6. If you are claiming services, supplies, training related costs, or any other type of items purchased thru a vendor or contractor or government agency, please indicate with an X the method that you used to acquire the items (do **not** leave blank or mark more than one). Please note that competitive bid, non-competitive bid or sole source are the only valid purchasing methods.
- Competitive Bid:** for projects that received more than one bid. Please indicate number of bids received (must be more than one).
 - Non-Competitive Bid:** for single bid purchases of \$250,000 or more (effective June 21, 2018) to a single vendor or a single project, please attach the approval from the State. The approval needs to be requested from the State **prior** to the start of the project.
 - Sole Source:** for non-bid purchases of \$250,000 or more effective (June 21, 2018) to a single vendor or a single project, please attach the approval from the State. The approval needs to be requested from the State **prior** to the start of the project.
7. Enter the amount of your claim after you verify that your budget is sufficient to cover your request. When the amount of the budget is not sufficient, please let your Program Coordinator know of the possible need for budget modification.
8. Enter the "Total Amount" by adding the subtotal claims included in each line.

SECTION D: SUB-RECIPIENT'S CERTIFICATION

The following numerals provide the instructions to fill in the corresponding numeral in the form:

- Please read and check the box provided if you are an authorized signor.
- Please read and check the box provided if you are an authorized signor.
- Please sign the Grant payment request if you are an authorized signor of your agency.
- 4 &** When the authorized person is the same as the contact person in Section B you do not need to enter the authorized contact information. If the
- authorized person and the contact person in Section B are different, please enter all the fields in this area as requested.

ADDITIONAL ITEMS THAT YOU NEED TO ATTACH TO YOUR GRANT PAYMENT REQUEST:**For Equipment Claims:**

- a) **Equipment Inventory Listing (Print out & Excel File):** Please include both the printout of the listing and the corresponding excel file with your claim. The excel file is used to submit your claim with the state and the printout as backup document for audits. If there is no serial # for your equipment please assign a valid ID tag, or write "Consumable" (if it applies) or write N/A. please do NOT leave the corresponding space blank. ^{*1}**Please refer to the Instructions to Equip Inty Tab for completion procedures of Equipment Inventory.**

Additionally, please enter the appropriate CBRNE Mission (Chemical, Biological, Radiological, Nuclear, or Explosive) in the column titled "Equipment Description & Quantity". This only applies to vehicles with AEL # 12VE-00-MISS (Vehicle Specialized Mission: CBRNE).

You need to inform us of any changes on the items above ^{*1}. This applies to each piece of equipment added in the Inventory Listing, including when the items are disposed and/or no longer useful. We will update the master inventory listing (per grant requirement) according to the information you give us. Please make sure that you include all the attachments that are necessary to provide us with the requested information.

For Training Claims:

- a) **State Sole Source Approval:** If you are claiming training related costs thru a Non-Competitive Bid or Sole Source training provider, regardless the purchased amount, please attach the State's approval (effective December 03, 2018). The approval needs to be requested from the State prior to the start of the project.
- b) **State-Sponsored Training Reporting Form (with the tracking request #):** Please add this form along with the Training Request Form Training Officer (POC), which you completed at the website, to the claim's backup documentation. All the backup documentation submitted for the training claim needs to agree with the training period and the detail description on the Training Reporting Form and the line item of the Grant. Training request #'s must be obtained from the State prior to the start of the project.
- c) **Receipts and paid invoices:** please include the complete copy of the receipts and paid invoices with your claim for itemized costs such as air plane tickets, hotel stays, instructor's fees, workshop cost, facilities fees, consulting services, etc. Additionally, you will need to include the documents requested in numeral 5 under Section C.

If you are including **personnel cost** with your training claim, please add the following:

- d) **Personnel List (Print out & Excel File):** Please include both the printout of the listing and the corresponding excel file with your claim. The excel file is used to submit your claim with the state and the printout as backup document for audits.
- e) **Documents that certify completion of the training:** please attach supporting documents that show the class name, dates of training, # of hours of the training class, printed name and signature of individual taking the class and approval signature from supervisor or trainer (attach the information for backfilled positions also). Examples of documents that certify completion of training are:
- Attendance sheets (signed by employee and instructor)
 - Sign in sheets (same as above)
 - Signed training certificates
- f) **Summary Listing of Charges:** Please use the **Training Summary Sheet** form provided in this claim packet that **clearly** shows the breakdown of the training charges per employee and that match the total claimed. This form includes the following: employee name, assignment, job title, date, salary, hours claimed, regular rate, overtime rate, employee benefits rate, claim amount per employee, clear calculations of amount claimed per employee and total (equal to the amount claimed).

Please ensure that the Training Summary Sheet is verified/approved by an authorized signatory, with printed name and title, and dated.

- g) **Backup for the Benefits Rate:** If you are adding benefits to your claim, please make sure that you include the official calculation for the rate used.
- h) **Timecards:** Include a printout of the corresponding timecards. Manual timecards need to indicate the # of hours charged per day to the grant, supervisor's signature, employee name and signature. Automatic system generated timecards need to be approved and include the name of the employee and hours charged per day to the grant.
- i) **Explanation of timekeeping codes:** When the supporting documentation (timesheet, payroll register, etc.) includes timekeeping codes please provide a printout with the explanation of the usage as detailed as possible.

- j) **Payroll register:** The payroll register needs to clearly support and explain the amount claimed per employee. It also needs to show the salary, hourly rate, employee benefits and overtime rate.
- k) **Roster of backfilled positions:** When you are claiming overtime for a backfilled position, please attach the backfilled roster to your claim. The roster needs to include the name of the backfilling employees, a short description of duties performed, the corresponding employee whose duties were covered and the dates accordingly. Please make sure that the roster is signed and that you include documentation corresponding to the employee covered by the backfilling position.

For Planning Claims:

- a) **Deliverable (or final product):** Please include with your claim the final product of the planning activity (deliverable) that was identified in the grant award.
- b) **Signed Certificate of Completion:** The certificate of completion can be an e-mail confirming that the planning activity was completed.
- c) **Invoices:** If your planning claim includes charges invoiced by vendors, please see requirements and documents you need to attach to your claim form under Section C (numeral 5 and numeral 6).
- d) **Supporting Documentation for Personnel Cost:** When your planning claim includes personnel cost, please see d) to i) under Training Claim (supporting documents needed) and add to the documentation.

For Exercise Claims:

- a) **Proof of State Approval of After Action Report (AAR):** In order for your AAR to be approved you have to submit it to the State using the ODP Portal (see link below), within 90 days after completion of the exercise. You need to notify the State when the AAR is uploaded so they can proceed with the approval process.

https://hseep.dhs.gov/DHS_SSO/

- b) **Invoices:** If your exercise claim includes charges invoiced by vendors please see requirements and documents you need to attach to your claim form under Section C (numeral 5 and numeral 6).
- c) **Supporting Documentation for Personnel Cost:** When your exercise claim includes personnel cost, please see d) to i) under Training Claim (supporting documents needed) and add to the documentation.

For Organization Claims: Please see above b) and c) under Exercise Claims

Equipment Inventory Listing Procedures for Completion

OBJECTIVE: To provide an equipment inventory listing that links the State Homeland Security Workbook, to the Equipment Ledger and to the Equipment Listing to simplify the tracking and accountability; and to eliminate duplication and confusion.

<u>Field</u>	<u>Date Element</u>	<u>Procedure</u>
(1)	Grant Name	SHSP or EMPG
(2)	Sub-Recipient	Name of your agency
(3)	Date of Report	Date report completed {1}
(4)	Grant Year	Grant Year of funds used to purchase equipment
(5)	Project #	Project Number (from Grant Workbook Project Sheets)
(7)	AEL No.	Authorized Equip Listing No (from Grant Workbook)
(8)	Description	Description of the equipment
(9)	Serial # or Other ID #	Serial # or Other identification # used
(10)	Safecom consult	Fill out either by Yes, No, or N/A
(11)	Source of Property	Funding source, i.e, SHSP, EMPG, etc.
(12)	Title Holder	Name of agency (City/Department)
(13)	Vendor Name	Name of the vendor
(14)	Invoice Number	Invoice number
(15)	Acquisition Date	Date equipment acquired
(16)	Acquisition Cost	Cost of the individual equipment item
(17)	% of Fed Part	Fed participation in the cost of equipment
(18)	Location	Location of equipment
(19)	Use & Condition	Use & condition {2}
(20)	Disposition data	Date of disposition
(21)	Sale Price	Sale price, If applicable, or N/A for not applicable

The Equipment Inventory Listing must be completed in its entirety to meet the objective of the form.

Note {1}: This date should be the date the physical inventory of equipment was taken and the results reconciled with the equipment records (at least once every two years).

{2} Indicate: N = New, D = Deployed, O = Out of Service, L = Lost & S = Stolen

Distribution

Copy maintained in sub-recipient file

Copy forwarded to Shared Services Division

Training Summary Sheet

Grant Name _____
 Jurisdiction Name: _____
 Training Provider: _____
 OHS Approved Course Title: _____
 Non-SLGCP Course Title & OHS Tracking No. _____
 (requires pre-approval thru OEM)
 Date of Course: _____
 Class/ Exercise Duration/Hours: _____

	<u>EMP NO.</u>	<u>EMPLOYEE NAME</u>	<u>ASSIGNMENT</u>	<u>TITLE</u>	<u>TRAINING REQUEST #</u> <small>(for Training only)</small>	<u>TRAINING START DATE</u>	<u>TRAINING END DATE</u>	<u>SALARY</u>	<u>OT HOURS</u>	<u>REG RATE</u>	<u>OT RATE</u>	<u>OT PAY</u>	<u>Are you claiming for Employee Benefits?</u>	<u>Employee Benefits Rate</u>	<u>CLAIM TOTAL</u>	
1											\$ -	\$ -			\$ -	
2																
3																
4																
5																
6																
7																
8																
9																
10																
	GRAND TOTAL															\$ -

Approved by: _____
 Authorized Signature

 Print Name and Title

_____ Date

PLANNING ROSTER										
Project	Planning Activity	Solution Area Sub-Category	Discipline	Funding Source	Total Cost	Total Claimed	Cash Request Number	Final Product		
					-	-				
GRAND TOTAL							\$			

Approved by:

Authorized Signature

Print Name and Title

Date

8. Notes on Personnel Cost:

In general, costs associated with:

- Work performed under contract for a specific deliverable DOES NOT count against the personnel cap, however,
- Work performed under contract for an undefined period, such as for personnel costs supporting operational activities, including general planning, training or exercise activities DO count against the personnel cap; and
- Work performed by all non-contractor personnel, including for full- or part-time staff and operational overtime DO count against the personnel cap.

The following examples would not count towards the personnel cap:

- Vendor installation of a radio tower;
- Vendor training on new equipment purchased;
- Contractor hired to create an Emergency Operations Plan;
- Contractor hired to provide deliveries of ICS 400; and
- Contractor hired to assist with planning, training, evaluating, and reporting the effectiveness of a specific exercise.

The following examples would count towards the personnel cap:

- Contractor hired to be the State's WMD training instructor with no specific deliverables under contract;
- Contractor hired to facilitate unidentified number of exercises throughout the performance period;
- Contractor hired to be the part-time auditor of Homeland Security Grants throughout the year; and
- Contractor hired to be an intelligence analyst.

Subrecipient Monitoring Instrument

Subrecipient Monitoring Instrument

PROJECT TITLE

Los Angeles County State Homeland Security Program
Monitoring Reports

A. FINANCIAL REPORTING REQUIREMENTS

Objective

To determine that the Subrecipient implemented corrective action to address findings noted in its Single Audit that is related to the Homeland Security Grant.

	<u>Yes</u>	<u>No</u>	<u>Comment</u>
<p style="text-align: center;"><u>Verification</u></p> <p>1. Was a Single Audit completed for Grant Year 2014-15 and 2015-16?</p> <p>2. If yes, did the Subrecipient forward a copy to the Homeland Security Grant Administrator (HSGA) by March 30th of the year following the audit?</p> <p>3. Did the Single Audit(s) identify findings related to the Homeland Security Grant? If yes, please continue. If no, please mark N/A and continue to Section B.</p> <p>4. Did the Subrecipient develop a corrective action plan that addresses the finding(s)?</p> <p>5. Did the Subrecipient send a copy of a corrective action plan to the HSGA?</p> <p>6. Did the Subrecipient implement the corrective action plan?</p>			

B. TRAINING

Objective

To determine that the Training expenditures were appropriately documented and that the activities aligned with the project’s goals and objectives. If the Training activities involved employees, determine if the Subrecipient appropriately documented the Training expenditures using employee timecards, sign-in sheets, and certificates of training. If the Training activities involved using consultants or contractors, determine if the Subrecipient followed the appropriate procurement procedures to hire the consultants or contractors. Use Worksheets 1 and 3 (See Attachment E – Subrecipient Monitoring Worksheets).

	<u>Yes</u>	<u>No</u>	<u>Comments</u>
1. Did the Subrecipient receive funding for Training expenditures? If yes, then continue. If no, continue to next section.			
2. Did the Subrecipient receive prior approval from the State either via email or other documentation and did it include the training course name and number?			
3. If the Training expenditures relate to the use of employees, did the Subrecipient appropriately document the Training expenditures using employee timecards, sign-in sheets and certificates of training?			
4. If Training expenditures relate to the use of consultants/contractors, did the Subrecipient follow proper procurement procedures to hire the consultants or contractors?			
5. Did the Subrecipient accurately report the Training expenditures in their accounting records?			
6. For Projects with overtime expenditures for Training:			
a. Did the Subrecipient maintain employee timecards to appropriately document the overtime expenditures?			
b. Did the Subrecipient accurately report the overtime expenditures in their accounting records?			

B. TRAINING (Continued)

	<u>Yes</u>	<u>No</u>	<u>Comments</u>
<p>7. For Projects with backfill expenditures for Training:</p> <p style="margin-left: 20px;">a. Does the Subrecipient have documentation that the backfill expenditures were approved by the State?</p> <p style="margin-left: 20px;">b. Did the Subrecipient appropriately document the backfill expenditures using employee timecards and sign-in sheets?</p> <p style="margin-left: 20px;">c. Did the Subrecipient accurately report the expenditures in their accounting records?</p>			
<p>8. Were employee timecards utilized in Training activities signed and dated by the employee and direct supervisor?</p>			
<p>9. Were the Training expenditures consistent with the State approved grant award and/or post award modification(s)?</p>			
<p>10. Ensure the Subrecipient corrected areas of noncompliance that remain outstanding and were reported as findings in prior Grant Year monitoring reports submitted by HSGA:</p> <p style="margin-left: 20px;">a. If the Project prior Grant Year monitoring report finding was resolved, explain resolution, and indicate such in the current report as resolved.</p> <p style="margin-left: 20px;">b. If the Project prior Grant Year report finding is not resolved, indicate why it has not been resolved and what the Subrecipient is doing to resolve the prior year finding and indicate such in the current report.</p>			

C. PLANNING

Objective

To determine that the Planning expenditures were appropriately documented and that the activities aligned with the project’s goals and objectives. If the Planning activities involved employees, determine if the Subrecipient appropriately documented the Planning expenditures using employee timecards and sign-in sheets. If the Planning activities involved using consultants or contractors, determine if the Subrecipient followed the appropriate procurement policies. Use Worksheets 1 and 3 (See Attachment E – Subrecipient Monitoring Worksheets).

<u>Verification</u>	<u>Yes</u>	<u>No</u>	<u>Comments</u>
1. Did the Subrecipient receive funding for Planning expenditures? If yes, continue. If no, continue to next section.			
2. Did the Subrecipient appropriately document the Planning expenditures providing copies of the support documentation that indicated the efforts made to produce the final product and a copy of the product produced?			
3. If Planning expenditures relate to the use of employees, did the Subrecipient use employee timecards and sign-in sheets?			
4. If Planning expenditures relate to the use of consultants/contractors, did the Subrecipient follow proper procurement procedures to hire the consultants or contractors?			
5. Did the Subrecipient accurately report the Planning expenditures in their accounting records?			
6. For Projects with overtime expenditures for Planning:			
a. Did the Subrecipient maintain employee timecards to appropriately document the overtime expenditures?			

C. PLANNING (Continued)

<u>Verification</u>	<u>Yes</u>	<u>No</u>	<u>Comments</u>
b. Did the Subrecipient accurately report the overtime expenditures in their accounting records?			
7. For Projects with backfill expenditures for Planning:			
a. Does the Subrecipient have documentation that the backfill expenditures were approved by the State?			
b. Did the Subrecipient appropriately document the backfill expenditures using employee timecards and sign-in sheets?			
c. Did the Subrecipient accurately report the backfill expenditures in their accounting records?			
8. Were the employee timecards utilized in Planning activities signed and dated by the employee and direct supervisor?			
9. Were the Planning expenditures consistent with the State approved grant award and/or post award modification(s)?			
10. Ensure the Subrecipient corrected area of noncompliance that remain outstanding and were reported as findings in prior Grant Year monitoring reports submitted to HSGA:			
a. If the project prior Grant Year monitoring report finding was resolved, explain resolution, and indicate such in the current report as resolved.			
b. If the project prior Grant Year monitoring report finding is not resolved, indicate why it has not been resolved and what the Subrecipient is doing to resolve the prior year finding and indicate such in the current report.			

D. EQUIPMENT

Objective

To determine that the project Equipment expenditures are supported by invoices and that a listing of the Equipment/property is maintained by the Subrecipient. To determine that the purchases are aligned with the project’s goals and objectives. Use Worksheets 2 and 3 (See Attachment E – Subrecipient Monitoring Worksheets).

	<u>Verification</u>	<u>Yes</u>	<u>No</u>	<u>Comments</u>
1. Did the Subrecipient receive funding for Equipment expenditures? If yes, continue. If no, continue to next section.				
2. Did the Subrecipient maintain invoices to support the Equipment expenditures?				
3. Did the Subrecipient follow proper procurement procedures to purchase the Equipment and were the items listed in the federal “Authorized Equipment List” and/or “Standardized Equipment List”?				
4. Did the Subrecipient accurately report the Equipment expenditures in their accounting records?				
5. Did the Subrecipient maintain an Equipment inventory that listed the following:				
a) Description of Equipment,				
b) Serial number or other identification number,				
c) AEL number,				
d) Fund/source/grant year,				
e) Title holder,				
f) 100 percent of federal participation. If no, then identify percentage,				
g) Acquisition date,				
h) Acquisition cost,				
i) Quantity,				
j) Equipment location,				
k) Use and condition of Equipment,				
l) Disposal date and sale price of the Equipment				
6. Did the Subrecipient conduct an inventory of Equipment purchased with Cal/OES grant funds at least once every two years?				

D. EQUIPMENT (Continued)

<u>Verification</u>	<u>Yes</u>	<u>No</u>	<u>Comments</u>
7. Was the Equipment physically inspected to ensure:			
a. The Equipment existed and agreed to inventory listing?			
b. The Equipment worked and adequately trained staff are available to operate the Equipment?			
8. Did the Subrecipient maintain Equipment in a secure location?			
9. For property other than Equipment, i.e. supplies, did the Subrecipient have controls and accountability to safeguard and ensure that the items are used and solely for authorized purposes?			
10. For Equipment disposal, if any:			
a. Was the disposition consistent with federal regulations?			
b. What is the status of the proceeds received from the disposal?			
11. Did the Subrecipient have a policy for damaged, destroyed, lost or stolen Equipment including but not limited to informing the Cal/OES, steps to replace the Equipment and an investigative process?			
12. Were the Equipment expenditures consistent with State approval grant award and/or post award modification(s)?			
13. Ensure the Subrecipient corrected areas of noncompliance that remain outstanding and were reported as findings in prior Grant Year monitoring reports maintained by HSGA:			
a. If the project prior Grant Year monitoring report finding was resolved, explain resolution, and indicate such in the current report as resolved.			
b. If the project prior Grant Year monitoring report finding is not resolved, indicate why it has not been resolved and what the Subrecipient is doing to resolve the prior year finding and indicate such in the current report.			

E. EXERCISE

Objective

To determine that the Exercise expenditures were appropriately documented and the activities align with project’s goals and objectives. If the Exercise activities involved employees, determine if the Subrecipient appropriately documented the Exercise expenditures using timecards and sign-in sheets. If the Exercise activities involved using consultants or contractors, determine if the Subrecipient followed the appropriate procurement procedure. Use Worksheets 1 and 3 (See Attachment E – Subrecipient Monitoring Worksheets).

<u>Verification</u>	Yes	No	<u>Comments</u>
1. Did the Subrecipient receive funding for Exercise expenditures? If yes, continue. If no, continue to next section.			
2. Did the Subrecipient receive prior approval from the State either via email or other documentation and did it include the Exercise course name and number?			
3. If the Exercise expenditures relate to the use of employees, did the Subrecipient appropriately document the Exercise expenditures using employee timecards, sign-in sheets, and certificates for Exercise?			
4. If the Exercise expenditures relate to the use of consultants/contractors, did the Subrecipient follow proper procurement procedures to hire the consultants or contractors?			
5. Did the Subrecipient accurately report the Exercise expenditures in their accounting records?			
6. For Projects with overtime expenditures for Exercise:			
a. Did the Subrecipient maintain employee timecards to appropriately document the overtime expenditures?			
b. Did the Subrecipient accurately report the overtime expenditures in their accounting records?			
c. Did the Subrecipient accurately report the backfill expenditures in their accounting records?			
7. For Projects with backfill expenditures for Exercise:			
a. Does the Subrecipient have documentation that the backfill expenditures were approved by the State?			
b. Did the Subrecipient appropriately document the backfill expenditures using employee timecards and sign-in sheets?			

E. EXERCISE (Continued)

<u>Verification</u>	<u>Yes</u>	<u>No</u>	<u>Comments</u>
8. Were the employee timecards utilized in the Exercise activities signed and dated by the employee and direct supervisor?			
9. Were the Exercise expenditures consistent with the State approved grant award and/or post award modifications?			
10. Ensure the Subrecipient corrected areas of noncompliance that remain outstanding and were reported as findings in prior Grant Year monitoring reports:			
a. If the Project prior Grant Year monitoring report finding was resolved, explain resolution and indicate such in the current report as resolved.			
b. If the Project prior Grant Year monitoring report finding is not resolved, indicate why it has not been resolved and what the Subrecipient is doing to resolve the prior year finding and indicate such in the current report.			

F. ORGANIZATION

Objective

To determine that the Organization expenditures were appropriately documented and that the activities align with the project’s goals and objectives. If the Organization activities involved employees, determine if the Subrecipient appropriately documented the Organization expenditures using employee timecards and sign-in sheets. If the Organization activities involved using consultants or contractors, determine if the Subrecipient followed the appropriate procurement policies. Use Worksheets 1 and 3 (See Attachment E – Subrecipient Monitoring Worksheets).

<u>Verification</u>	<u>Yes</u>	<u>No</u>	<u>Comments</u>
1. Did the Subrecipient receive funding for Organization expenditures? If so, continue. If no, continue to next section.			
2. If the Organization expenditures relate to the use of employees, did the Subrecipient document the expenditures using employee timecards, sign-in sheets, or with other support documentation that substantiated the expense?			
3. If the Organization expenditures relate to the use of consultants or contractors, did the Subrecipient follow proper procurement procedures to hire the consultants or contractors?			
4. Did the Subrecipient accurately report the Organization expenditures in their accounting records?			
5. For Projects with overtime expenditures for Organization:			
a. Did the Subrecipient maintain employee timecards to appropriately document the overtime expenditures?			
b. Did the Subrecipient accurately report the overtime expenditures in their accounting records.?			

F. ORGANIZATION (Continued)

	<u>Yes</u>	<u>No</u>	<u>Comments</u>
<u>Verification</u>			
6. For Projects with backfill expenditures for Organization:			
b. Does the Subrecipient have documentation that the backfill expenditures were approved by the State?			
c. Did the Subrecipient appropriately document the backfill expenditures using employee timecards and other payroll documentation?			
7. Were employee timecards utilized in Organization activities signed and dated by the employee and direct supervisor?			
8. Were the Organization expenditures consistent with the State approved grant award and/or post award modification(s)?			
9. Ensure that the Subrecipient corrected areas of noncompliance that remain outstanding and were reported as findings in prior Grant Year monitoring reports maintained by HSGA:			
a. If the Project prior Grant Year monitoring report finding was resolved, explain resolution and indicate such in the current report as resolved.			
b. If the Project prior Grant Year monitoring report finding is not resolved, indicate why it has not been resolved and what the Subrecipient is doing to resolve the prior year finding and indicate such in the current report.			



Administrative Report

H.7., File # 24-1922

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL
From: ANDREW WINJE, PUBLIC WORKS DIRECTOR

TITLE

APPROVE AN AGREEMENT FOR CONSULTING SERVICES WITH GEOSYNTEC CONSULTANTS, INC. FOR AN AMOUNT NOT TO EXCEED \$216,100 TO PERFORM ENVIRONMENTAL ENGINEERING SERVICES TO SUPPORT A FEDERAL GRANT APPLICATION FOR THE REDONDO BEACH POLICE DEPARTMENT SHOOTING RANGE PROJECT, JOB NO 20810 AND TO ASSIST WITH INQUIRIES FROM THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH REGARDING THE DOMINGUEZ PARK LANDSCAPING AND PLAYGROUND IMPROVEMENT PROJECT, JOB NO 30730

EXECUTIVE SUMMARY

Approval of this Agreement would permit Geosyntec Consultants Inc. (Geosyntec) to provide urgently needed services to support two important capital projects located at the Parks Maintenance Yard and Dominguez Park playground area, adjacent sites that were once part of the Redondo Beach Municipal Dump.

Pursuant to the City Council's direction, staff is pursuing a federal Defense Community Infrastructure Pilot Program grant to fund a rebuild and enhancement of the Redondo Beach Police Department (RBPD) Shooting Range. The deadline for the submittal of the application for the 2025 Fiscal Year federal grant cycle is June 2025, with expected award in September 2025. The grant requires that awarded projects start construction within a reasonable period of time. The project is subject to environmental review under the National Environmental Protection Act (NEPA) and potentially the California Environmental Quality Act (CEQA).

The site of the proposed shooting range lies within the boundaries of the former Redondo Beach Municipal Dump site, located at 1400 Beryl Street (Landfill), which closed in 1967. Geosyntec will perform the necessary environmental review to assess any potential environmental impacts from constructing a new shooting range, as required by NEPA and CEQA. Initiating the assessment now will help the City's application score more favorably under the established evaluation criteria for the grant program.

Geosyntec will also be utilized to provide environmental documentation related to the Dominguez Park Landscaping and Playground Improvement Project. Like the shooting range, the park is located on the former Redondo Beach Municipal Dump site and it is periodically helpful to perform environmental review of construction activities on the premises to determine their potential affects.

Staff has used Geosyntec, Inc. (Geosyntec) for the City's Enhanced Watershed Management Plan, Fulton Playfield Multi-Benefit Infiltration Project, and other environmental engineering services. Based on their previous experience and knowledge of the City's facilities, staff is recommending approval of this contract to perform professional services for the RBPD Shooting Range Project and Dominguez Park Playground Project.

BACKGROUND

On July 2, 2024, the City Council discussed and reviewed possible options for the RBPD Shooting Range Capital Improvement Project. Staff was directed to explore the option of constructing an entirely new facility, with an estimated cost of approximately \$17.2M. A federal grant could offset a majority (and possibly all) of the cost of the project, but a number of requirements are needed to apply for the grant. The proposed shooting range would need to meet the requirements of a Federal Facility Small Arms Range, which includes, but are not limited to, a 50-meter range, steel floors, five-foot wide lanes with ballistic side and downrange walls, specific communication and dust/exhaust collection systems, and a minimum of seven shooting lanes.

The proposed plan would include the demolition of the existing site and construction of a new facility, which would include a rebuild of the Parks Division yard facilities, which currently share the site. Much of the cost would be eligible for funding under the Defense Community Infrastructure Pilot Program, in partnership with the Los Angeles Air Force Base. If selected, the project must also be ready for construction within a reasonable period of time following grant award. In order to get the RBPD Shooting Range project to that stage, the project first needs to be reviewed for environmental compliance and potential mitigation. This process often requires an extended period of time for analysis, including public review and comment, multiple draft documents, and eventual adoption. As such, staff recommends initiating the work now with Geosyntec to best position the project for the construction readiness evaluation criteria in the grant application.

Geosyntec will determine the potential environmental impacts of the project, per NEPA and CEQA requirements. The scope of work includes NEPA and CEQA compliance analysis, Building Materials Survey, Decomposed Granite and Shallow Soil Excavation, Vapor Intrusion Field Investigation, Health Risk Assessment, and a Remediation Memorandum. If it is determined that the project is not NEPA or CEQA-exempt, Geosyntec will prepare the appropriate environmental documentation to determine next steps.

In addition, the City needs assistance responding to requests for information associated with the Dominguez Park Playground Equipment Improvement Project. The County of Los Angeles Department of Public Health issued a letter to the City claiming authority under California Regulation Code - Title 27 (27 CCR), Section 21190 to review the environmental impacts of the project. Engineering staff have proposed a plan to address the County's requests for information. The plan includes an environmental assessment of the formal landfill site underlying the park and the affect, if any, of the installation of the replacement playground equipment. Geosyntec will gather historic documentation of the site and review and summarize all collected environmental data. It should be noted that past data shows there have been no negative environmental impacts as a result of previous park improvement projects. The analysis and report will be submitted to the LEA.

Approval of the proposed Agreement will allow Geosyntec to conduct all sampling, analysis, and reporting for the Shooting Range Project as required by NEPA and CEQA and also assist the City in

responding to the LEA regarding the Dominguez Park Landscaping and Playground Improvement Project. Geosyntec is properly staffed to perform these critical services according to the expedited timeline required by the City.

COORDINATION

Work to advance the RBPB Shooting Range project is being coordinated between the Public Works and Police Departments. Response to the LEA has been coordinated between the Public Works Department and the City Attorney's Office.

FISCAL IMPACT

Tasks associated with the RBPB Shooting Range and the Dominguez Park Landscaping and Playground Improvement Project will be funded through their respective project budgets. Currently, there is \$1,331,786 available in the City's CIP for the RBPB Shooting Range project. This portion of consulting work is estimated to cost no more than \$204,300. The Dominguez Park Landscaping and Playground Improvement Project review will not exceed \$11,800. Funding is available in the project account to cover the expense.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Agmt - Geosyntec Consultants, Inc.
- Insurance - Geosyntec Consultants, Inc.

**AGREEMENT FOR CONSULTING SERVICES
BETWEEN THE CITY OF REDONDO BEACH
AND GEOSYNTEC CONSULTANTS, INC.**

THIS AGREEMENT FOR CONSULTING SERVICES (this "Agreement") is made between the City of Redondo Beach, a chartered municipal corporation ("City") and Geosyntec Consultants, Inc., a Florida corporation ("Consultant" or "Contractor").

The parties hereby agree as follows:

1. Description of Project or Scope of Services. The project description or scope of services to be provided by Consultant, and any corresponding responsibilities of City, or services required to be performed by City are set forth in Exhibit "A."
2. Term and Time of Completion. Consultant shall commence and complete the project or services described in Exhibit "A" in accordance with the schedule set forth in Exhibit "B".
3. Compensation. City agrees to pay Consultant for work performed in accordance with Exhibit "C".
4. Insurance. Consultant shall adhere to the insurance requirements outlined in Exhibit "D", unless otherwise waived by the City's Risk Manager.
5. California Labor Law Requirements. Consultant agrees to comply with all applicable California Labor Law Requirements as forth in Exhibit "E".

* * * * *

GENERAL PROVISIONS

1. Independent Contractor. Consultant acknowledges, represents and warrants that Consultant is not a regular or temporary employee, officer, agent, joint venturer or partner of the City, but rather an independent contractor. This Agreement shall not be construed as a contract of employment. Consultant shall have no rights to any benefits which accrue to City employees unless otherwise expressly provided in this Agreement. Due to the independent contractor relationship created by this Agreement, the City shall not withhold state or federal income taxes, the reporting of which shall be Consultant's sole responsibility.
2. Brokers. Consultant acknowledges, represents and warrants that Consultant has not hired, retained or agreed to pay any entity or person any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this Agreement.

3. City Property. All plans, drawings, reports, calculations, data, specifications, videos, graphics or other materials prepared for or obtained pursuant to this Agreement shall upon request be delivered to the City within a reasonable time, and the rights thereto shall be deemed assigned to the City. If applicable, Consultant shall prepare check prints upon request. Said plans, drawings, reports, calculations, data, specifications, videos, graphics or other materials, shall be specific for the project herein and shall not be used by the City for any other project without Consultant's consent. Notwithstanding the foregoing, Consultant shall not be obligated to assign any proprietary software or data developed by or at the direction of Consultant for Consultant's own use; provided, however, that Consultant shall, pursuant to Paragraph 14 below, indemnify, defend and hold the City harmless from and against any discovery or Public Records Act request seeking the disclosure of any such proprietary software or data.
4. Inspection. If the services set forth in Exhibit "A" shall be performed on City or other public property, the City shall have the right to inspect such work without notice. If such services shall not be performed on City or other public property, the City shall have the right to inspect such work upon reasonable notice. Inspections by the City shall not relieve or minimize the responsibility of Consultant to conduct any inspections Consultant has agreed to perform pursuant to the terms of this Agreement. Consultant shall be solely liable for said inspections performed by Consultant. Consultant shall certify in writing to the City as to the completeness and accuracy of each inspection required to be conducted by Consultant hereunder.
5. Services. The project or services set forth in Exhibit "A" shall be performed to the full satisfaction and approval of the City. In the event that the project or services set forth in Exhibit "A" are itemized by price in Exhibit "C", the City in its sole discretion may, upon notice to Consultant, delete certain items or services set forth in Exhibit "A", in which case there shall be a corresponding reduction in the amount of compensation paid to Consultant. City shall furnish Consultant to the extent available, with any City standards, details, specifications and regulations applicable to the Project and necessary for the performance of Consultant's services hereunder. Notwithstanding the foregoing, any and all additional data necessary for design shall be the responsibility of Consultant.
6. Records. Consultant, including any of its subcontractors shall maintain full and complete documents and records, including accounting records, employee time sheets, work papers, and correspondence pertaining to the project or services set forth in Exhibit "A". Consultant, including any of its subcontractors shall make such documents and records available for City review or audit upon request and reasonable notice, and shall keep such documents and records, for at least four (4) years after Consultant's completion of performance of this Agreement. Copies of all pertinent reports and correspondence shall be furnished to the City for its files.

7. Changes and Extra Work. All changes and/or extra work under this Agreement shall be performed and paid for in accordance with the following:

Only the City Council, City Manager, or the Department Head responsible for the administration of, or supervision of the scope of work under, this Agreement may authorize extra and/or changed work. Consultant expressly recognizes that other City personnel are without authorization to either order extra and/or changed work or waive contract requirements. Failure of Consultant to secure the written authorization for such extra and/or changed work shall constitute a waiver of any and all right to adjustment in contract price due to such unauthorized work and Consultant thereafter shall be entitled to no compensation whatsoever for performance of such work.

If Consultant is of the opinion that any work which Consultant has been directed to perform is beyond the scope of this Agreement and constitutes extra work, Consultant shall promptly notify the City of the fact. The City shall make a determination as to whether or not such work is, in fact, beyond the scope of this Agreement and constitutes extra work. In the event that the City determines that such work does constitute extra work, City shall provide extra compensation to Consultant on a fair and equitable basis. A written amendment providing for such compensation for extra work shall be executed by Consultant and the City.

8. Additional Assistance. If this Agreement requires Consultant to prepare plans and specifications, Consultant shall provide assistance as necessary to resolve any questions regarding such plans and specifications that may arise during the period of advertising for bids, and Consultant shall issue any necessary addenda to the plans and specifications as requested. In the event Consultant is of the opinion that City's requests for addenda and assistance is outside the scope of normal services, the parties shall proceed in accordance with the changes and extra work provisions of this Agreement.
9. Professional Ability. Consultant acknowledges, represents and warrants that Consultant is skilled and able to competently provide the services hereunder, and possesses all professional licenses, certifications, and approvals necessary to engage in its occupation. City has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant shall perform in accordance with generally accepted professional practices and standards of Consultant's profession.
10. Business License. Consultant shall obtain a Redondo Beach Business License before performing any services required under this Agreement. The failure to so obtain such license shall be a material breach of this Agreement and grounds for immediate termination by City; provided, however, that City may waive the business license requirement in writing under unusual circumstances without necessitating any modification of this Agreement to reflect such waiver.

11. Termination Without Default. Notwithstanding any provision herein to the contrary, the City may, in its sole and absolute discretion and without cause, terminate this Agreement at any time prior to completion by Consultant of the project or services hereunder, immediately upon written notice to Consultant. In the event of any such termination, Consultant shall be compensated for: (1) all authorized work satisfactorily performed prior to the effective date of termination; and (2) necessary materials or services of others ordered by Consultant for this Agreement, prior to Consultant's receipt of notice of termination, irrespective of whether such materials or services of others have actually been delivered, and further provided that Consultant is not able to cancel such orders. Compensation for Consultant in such event shall be determined by the City in accordance with the percentage of the project or services completed by Consultant; and all of Consultant's finished or unfinished work product through the time of the City's last payment shall be transferred and assigned to the City. In conjunction with any termination of this Agreement, the City may, at its own expense, make copies or extract information from any notes, sketches, computations, drawings, and specifications or other data, whether complete or not.
12. Termination in the Event of Default. Should Consultant fail to perform any of its obligations hereunder, within the time and in the manner provided or otherwise violate any of the terms of this Agreement, the City may immediately terminate this Agreement by giving written notice of such termination, stating the reasons for such termination. Consultant shall be compensated as provided immediately above, provided, however, there shall be deducted from such amount the amount of damages if any, sustained by the City by virtue of Consultant's breach of this Agreement.
13. Conflict of Interest. Consultant acknowledges, represents and warrants that Consultant shall avoid all conflicts of interest (as defined under any federal, state or local statute, rule or regulation, or at common law) with respect to this Agreement. Consultant further acknowledges, represents and warrants that Consultant has no business relationship or arrangement of any kind with any City official or employee with respect to this Agreement. Consultant acknowledges that in the event that Consultant shall be found by any judicial or administrative body to have any conflict of interest (as defined above) with respect to this Agreement, all consideration received under this Agreement shall be forfeited and returned to City forthwith. This provision shall survive the termination of this Agreement for one (1) year.
14. Indemnity. To the maximum extent permitted by law, Consultant hereby agrees, at its sole cost and expense, to defend protect, indemnify, and hold harmless the City, its elected and appointed officials, officers, employees, volunteers, attorneys, and agents (collectively "Indemnitees") from and against any and all claims, including, without limitation, claims for bodily injury, death or damage to property, demands, charges, obligations, damages, causes of action,

proceedings, suits, losses, stop payment notices, judgments, fines, liens, penalties, liabilities, costs and expenses of every kind and nature whatsoever, in any manner arising out of, incident to, related to, in connection with or arising from any act, failure to act, error or omission of Consultant's performance or work hereunder (including any of its officers, agents, employees, Subcontractors) or its failure to comply with any of its obligations contained in the Agreement, or its failure to comply with any current or prospective law, except for such loss or damage which was caused by the sole negligence or willful misconduct of the City. Notwithstanding the foregoing, nothing in this Section 14 shall be construed to encompass Indemnitees' active negligence to the limited extent that this Agreement is subject to Civil Code Section 2782(b). Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant or Indemnitees. This indemnification obligation shall survive this Agreement and shall not be limited by any term of any insurance policy required under this Agreement.

- a. Nonwaiver of Rights. Indemnitees do not and shall not waive any rights that they may possess against Consultant because the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement.
 - b. Waiver of Right of Subrogation. Consultant, on behalf of itself and all parties claiming under or through it, hereby waives all rights of subrogation and contribution against the Indemnitees.
15. Insurance. Consultant shall comply with the requirements set forth in Exhibit "D." Insurance requirements that are waived by the City's Risk Manager do not require amendments or revisions to this Agreement.
16. Non-Liability of Officials and Employees of the City. No official or employee of the City shall be personally liable for any default or liability under this Agreement.
17. Compliance with Laws. Consultant shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals, with respect to this Agreement, including without limitation all environmental laws, employment laws, and non-discrimination laws.
- a. Acknowledgement. Consultant acknowledges that eight (8) hours labor constitutes a legal day's work. Consultant shall comply with and be bound by Labor Code Section 1810. Consultant shall comply with and be bound by the provisions of Labor Code Section 1813 concerning penalties for workers who work excess hours. Consultant shall, as a penalty to the City, forfeit twenty-five dollars (\$25) for each worker employed in the performance of this Agreement by the Consultant or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight (8)

hours in any one (1) calendar day and forty (40) hours in any one calendar week. Pursuant to Labor Code section 1815, work performed by employees of Consultant in excess of 8 hours per day, and 40 hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of 8 hours per day at not less than 1 1/2 times the basic rate of pay. For every subcontractor who will perform work on the project, Consultant shall be responsible for such subcontractor's compliance with Labor Code Sections 1810, 1813 and 1815, and Consultant shall include in the written contract between it and each subcontractor copies of Labor Code Sections 1810, 1813 and 1815 and a requirement that each subcontractor shall comply with these aforementioned sections. Consultant shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractor's compliance, including without limitation, conducting a periodic review of the certified payroll records of the subcontractor and upon becoming aware of the failure of the subcontractor comply with Labor Code Sections 1810, 1813 and 1815, Consultant shall diligently take corrective action to halt or rectify the failure.

- b. Prevailing Wages. In the event that any part of this project, or the project as a whole, is a public works project to which prevailing wages apply, Consultant shall comply with the Agreement to Comply with California Labor Law Requirements set forth in Exhibit "E", which is attached hereto and incorporated by reference.
18. Non-Discrimination. Consultant shall comply with all applicable federal, state, and local laws, ordinances, regulations, and codes prohibiting discrimination, including but not limited to the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and the California Fair Employment and Housing Act. Consultant shall not discriminate against any employee or applicant for employment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, military and veteran status, or any other legally protected characteristic. Consultant shall ensure that the evaluation and treatment of its employees and applicants for employment are free from such discrimination and harassment. Consultant shall include a similar non-discrimination provision in all subcontracts related to the performance of this Agreement.
19. Limitations upon Subcontracting and Assignment. Consultant acknowledges that the services which Consultant shall provide under this Agreement are unique, personal services which, except as otherwise provided herein, Consultant shall not assign or sublet to any other party without the prior written approval of City, which approval may be withheld in the City's sole and absolute discretion. In the event that the City, in writing, approves any assignment or subletting of this Agreement or the retention of subcontractors by Consultant, Consultant shall provide to the City upon request copies of each and every subcontract prior to the execution thereof by Consultant and subcontractor. Any attempt by Consultant to assign any

or all of its rights under this Agreement without first obtaining the City's prior written consent shall constitute a material default under this Agreement.

The sale, assignment, transfer or other disposition, on a cumulative basis, of twenty-five percent (25%) or more of the ownership interest in Consultant or twenty-five percent (25%) or more the voting control of Consultant (whether Consultant is a corporation, limited liability company, partnership, joint venture or otherwise) shall constitute an assignment for purposes of this Agreement. Further, the involvement of Consultant or its assets in any transaction or series of transactions (by way of merger, sale, acquisition, financing, transfer, leveraged buyout or otherwise), whether or not a formal assignment or hypothecation of this Agreement or Consultant's assets occurs, which reduces Consultant's assets or net worth by twenty-five percent (25%) or more shall also constitute an assignment for purposes of this Agreement.

20. Subcontractors. Consultant shall provide properly skilled professional and technical personnel to perform any approved subcontracting duties. Consultant shall not engage the services of any person or persons now employed by the City without the prior written approval of City, which approval may be withheld in the City's sole and absolute discretion.
21. Integration. This Agreement constitutes the entire agreement between the parties concerning the subject matter hereof and supersedes any previous oral or written agreement; provided, however, that correspondence or documents exchanged between Consultant and City may be used to assist in the interpretation of the exhibits to this Agreement.
22. Amendment. This Agreement may be amended or modified only by a subsequent written amendment executed by both parties.
23. Conflicting Provisions. In the event of a conflict between the terms and conditions of this Agreement and those of any exhibit or attachment hereto, this Agreement proper shall prevail. In the event of a conflict between the terms and conditions of any two or more exhibits or attachments hereto, those prepared by the City shall prevail over those prepared by Consultant.
24. Non-Exclusivity. Notwithstanding any provision herein to the contrary, the services provided by Consultant hereunder shall be non-exclusive, and City reserves the right to employ other contractors in connection with the project.
25. Exhibits. All exhibits hereto are made a part hereof and incorporated herein by reference; provided, however, that any language in Exhibit "A" which does not pertain to the project description, proposal, or scope of services (as applicable) to be provided by Consultant, or any corresponding responsibilities of City, shall be deemed extraneous to, and not a part of, this Agreement.
26. Time of Essence. Time is of the essence of this Agreement.

27. Confidentiality. To the extent permissible under law, Consultant shall keep confidential its obligations hereunder and the information acquired during the performance of the project or services hereunder.
28. Third Parties. Nothing herein shall be interpreted as creating any rights or benefits in any third parties. For purposes hereof, transferees or assignees as permitted under this Agreement shall not be considered "third parties."
29. Governing Law and Venue. This Agreement shall be construed in accordance with the laws of the State of California without regard to principles of conflicts of law. Venue for any litigation or other action arising hereunder shall reside exclusively in the Superior Court of the County of Los Angeles, Southwest Judicial District.
30. Attorneys' Fees. In the event either party to this Agreement brings any action to enforce or interpret this Agreement, the prevailing party in such action shall be entitled to reasonable attorneys' fees (including expert witness fees) and costs. This provision shall survive the termination of this Agreement.
31. Claims. Any claim by Consultant against City hereunder shall be subject to Government Code §§ 800 *et seq.* The claims presentation provisions of said Act are hereby modified such that the presentation of all claims hereunder to the City shall be waived if not made within six (6) months after accrual of the cause of action.
32. Interpretation. Consultant acknowledges that it has had ample opportunity to seek legal advice with respect to the negotiation of this Agreement. This Agreement shall be interpreted as if drafted by both parties.
33. Warranty. In the event that any product shall be provided to the City as part of this Agreement, Consultant warrants as follows: Consultant possesses good title to the product and the right to transfer the product to City; the product shall be delivered to the City free from any security interest or other lien; the product meets all specifications contained herein; the product shall be free from material defects in materials and workmanship under normal use for a period of one (1) year from the date of delivery; and the product shall be fit for its intended purpose(s). Notwithstanding the foregoing, consumable and maintenance items (such as light bulbs and batteries) shall be warranted for a period of thirty (30) days from the date of delivery. All repairs during the warranty period shall be promptly performed by Consultant, at Consultant's expense, including shipping. Consultant shall not be liable under this warranty for an amount greater than the amount set forth in Exhibit "C" hereto.

34. Severance. Any provision of this Agreement that is found invalid or unenforceable shall be deemed severed, and all remaining provisions of this Agreement shall remain enforceable to the fullest extent permitted by law.
35. Authority. City warrants and represents that upon City Council approval, the Mayor of the City of Redondo Beach is duly authorized to enter into and execute this Agreement on behalf of City. The party signing on behalf of Consultant warrants and represents that he or she is duly authorized to enter into and execute this Agreement on behalf of Consultant, and shall be personally liable to City if he or she is not duly authorized to enter into and execute this Agreement on behalf of Consultant.
36. Waiver. The waiver by the City of any breach of any term or provision of this Agreement shall not be construed as a waiver of any subsequent breach.

SIGNATURES FOLLOW ON NEXT PAGE

IN WITNESS WHEREOF, the parties have executed this Agreement in Redondo Beach, California, as of this 10th day of December, 2024.

CITY OF REDONDO BEACH,
a chartered municipal corporation

GEOSYNTEC CONSULTANTS, INC.,
a Florida corporation

James A. Light, Mayor

By: _____
Name: _____
Title: _____

ATTEST:

APPROVED:

Eleanor Manzano, City Clerk

Diane Strickfaden, Risk Manager

APPROVED AS TO FORM:

Michael W. Webb, City Attorney

EXHIBIT "A"

SCOPE OF SERVICES

CONSULTANT'S DUTIES

Consultant shall perform the following duties to provide environmental support services for the proposed Firing Range at 1513 Beryl Street, Redondo Beach, CA 90094 ("Project 1"), and the ongoing construction project at the Dominguez Park Playground at 1400 Beryl Street, Redondo Beach, CA 90094 ("Project 2").

I. PROJECT 1

A. Task A: Document Review and Memorandum (Firing Range)

Consultant shall:

1. Review current documents provided by the City and prepare a high-level Memorandum summarizing:
 - a. Previous environmental and regulatory activities.
 - b. Limited desktop environmental reviews of surrounding properties.
 - c. Landfill compliance issues related to new footings, excavations, and/or environmental issues.
 - d. Environmental data gaps.
2. Meet once with the City to review the contents of the Memorandum.

B. Task B: Environmental Compliance

Consultant shall:

1. Task B-1: National Environmental Policy Act ("NEPA"). Prepare a Categorical Exclusion in accordance with applicable NEPA Guidelines.
 - a. Determine whether the Project 1 site qualifies for Categorical Exclusion under NEPA provisions.
 - b. Draft negative declaration documents, ensuring compliance with NEPA, and include all findings that establish Project 1 site's qualification for a Categorical Exclusion.
 - c. Address one round of comments provided by the City.
 - d. Submit the finalized NEPA documentation.
 - e. Upon the City's request, meet with the City to review and confirm compliance with NEPA requirements.
- a. Task B-2: California Environmental Quality Act ("CEQA"). Prepare a Categorical Exemption in accordance with applicable CEQA Guidelines.

1. Determine whether the Project 1 site qualifies as exempt from CEQA provisions under Section 15302 (Replacement or Reconstruction) and Section 15332 (In-Fill Development Projects).
 2. Draft the Categorical Exemption, ensuring compliance with CEQA, and include all findings that establish Project 1 site's qualification for a Categorical Exemption.
 3. Address one round of comments provided by the City.
 4. Submit the finalized CEQA documentation.
 5. Upon the City's request, meet with the City to review and confirm compliance with CEQA requirements.
- C. Task C: Investigation Report. Prepare an Investigation Report consolidating all findings, analyses, and reports described in this section (collectively, the "Investigation Report").
1. Task C-1: Building Materials Survey. Perform a building materials survey of the structures and concrete to be demolished as follows:
 - a. Collect representative building material samples from buildings and concrete to be demolished.
 - b. Submit collected samples to an environmental laboratory for analysis to determine if hazardous materials are present.
 - c. Identify any hazardous materials detected during analysis.
 - d. Recommend methods for handling and disposing of hazardous materials in compliance with regulatory requirements.
 - e. Prepare a report summarizing all findings, analyses, and recommendations outlined in this Task C. Incorporate this report, including all findings and recommendations, into the final Investigation Report.
 - f. Upon City's request, meet with the City to discuss this report to review findings and recommendations.
 2. Task C-2: Decomposed Granite ("DG") and Shallow Soil Evaluation. Perform a DG and shallow soil evaluation to assess potential environmental risks from metals and other contaminants in areas where spent shot fragments may have been deposited as follows:
 - a. Collect samples at the following depths:
 1. Surface DG (0 to 3 inches below ground surface [bgs]).
 2. Shallow soil (6 to 12 inches bgs, approximately 3 inches below the DG layer).
 3. Slightly deeper shallow soil (2 to 2.5 feet bgs).

- b. Conduct a sampling utilizing a hand auger in areas where spent shot fragments may have dropped, as indicated in the locations identified in the report.
- c. Analyze DG and shallow soil samples for metals.
- d. Retain metals and deeper shallow soil samples for potential analysis, and proceed with their analysis only if the results from the shallower samples indicate a need for further evaluation.
- e. Conduct Soluble Threshold Limit Concentration (“STLC”) testing for metal results exceeding 10 times the STLC value.
- f. Perform Toxicity Characteristic Leaching Procedure (“TCLP”) testing for metal results exceeding 20 times the TCLP value.
- g. Summarize findings in data and summary tables.
- h. Incorporate all findings, analyses, and supporting data as described in this section into the final Investigation Report.
- i. Upon the City’s request, meet with City to review and discuss findings.

D. Task E: Vapor Intrusion Field Investigation. Consultant shall collect sufficient soil vapor data to evaluate potential risks to human health and the environment within the footprint of the new buildings. For the proposed field investigation, Consultant shall:

- 1. Pre-Field: Prepare a site-specific Health and Safety Plan.
- 2. Geophysical Clearance: Subcontract a geophysical clearance company to clear subsurface utilities at the Projects 1 and 2 sites, and sampling locations using non-destructive methods.
- 3. Drilling: Subcontract a drilling company to drill and install multi-depth soil vapor probes (“SVPs”) to approximately 5 and 15 feet below ground surface (bgs) at 12 locations to evaluate soil vapor concentrations immediately below the building foundations.
 - a. Sampling: Purge and collect soil vapor samples from all 12 SVP locations, for a total of 24 soil vapor samples approximately one to two weeks after installation.
 - i. Submit soil vapor samples to a stationary laboratory for analysis of volatile organic compounds (“VOCs”) and methane.
 - ii. Collect and analyze duplicates for VOCs and methane. Collect one waste classification sample for VOCs analysis.
 - b. Solid Vapor Investigation Reporting: Prepare a Soil Vapor Investigation Report detailing:
 - i. Field sampling program.

- ii. Sample collection procedures.
 - iii. Analytical results.
 - iv. Regulatory screening levels.
 - v. Include appendices with analytical summary tables, figures, laboratory reports, and boring logs/SVP construction diagrams.
4. Report: Submit a draft report to the City within 30 days after receiving laboratory data. Prepare the report under the direction of and signed by a California Professional Geologist. Upon review by the City, Consultant shall incorporate City's comments and finalize the report. Further, upon City's request, Consultant shall meet with City to discuss the report.
5. Waste: Subcontract a licensed company to transport and dispose of investigation derived wastes to an approved location by the City.
6. Meetings: Meet twice with the City to review the results of the soil vapor investigation and discuss comments on the draft Investigation Report.

E. Task F: Health Risk Assessment. Consultant shall:

1. If the soil vapor data shows elevated VOC concentrations above regulatory screening levels, perform a comprehensive health risk assessment to identify and characterize hazards and risks to human health and the environment when contamination remains at the Projects 1 and 2 sites, which shall include:
 - a. Estimates of the cancer risk and hazard indices.
 - b. Evaluation of exposure pathway designations.
 - c. Assessment of potential impacts on human health.
2. Meet with the City to discuss the results and implications of the health risk assessment.

F. Task G: Remediation Memorandum. Consultant shall:

1. If the health risk assessment identifies elevated risk pathways at the Projects 1 and 2 sites, prepare a Memorandum outlining:
 - a. Potential passive and/or active mitigation options.
 - b. Next steps related to environmental strategy for Projects 1 and 2 as a result of elevated risks to human health and/or the environment.
 - c. Evaluation of the potential impacts to the Landfill as a result of implementation of Project 1.
2. Meet once with the City to go over the contents of the Memorandum.

II. PROJECT 2

A. Task H: Dominguez Park Landfill Evaluation. Consultant shall:

1. Review readily available landfill and Project documents provided by the City including:
 - a. Stabilization and Landscape Development Study, Dominguez Park Landfill, Redondo Beach, California, prepared for the City by Lockman and Associates in March 1987.
 - b. Solid Waste Assessment Test Report, Dominguez Park Landfill, Redondo Beach, California, prepared for the City by Lockman and Associates in June 1990.
 - c. Project construction drawings, technical specifications and construction material submittals.
2. Initiate public document requests with regulatory agencies having jurisdiction over post-closure maintenance and operation of the Project 2 site including, but not limited to:
 - a. CalRecycle;
 - b. South Coast Air Quality Management District (“SCAQMD”); and
 - c. Los Angeles Regional Water Quality Control Board (“LARWQCB”).
3. Based on the review of the documents as described above, develop an understanding of the landfill design, including:
 - a. Final soil cover thickness;
 - b. Waste vertical and horizontal limits; and
 - c. Drainage systems.
4. Evaluate potential impacts of the Project on landfill components.
5. Assess potential risks to human health and the environment.
6. Evaluate compliance with California Code of Regulations Title 27, Section 21190 (27 CCR §21190) post-closure land use requirements.
7. Present evaluation and recommendations in a detailed Memorandum (electronic PDF format).
8. Submit a draft Memorandum to the City within ten (10) days from the notice to proceed, with the final Memorandum submitted within 5 days of receiving consolidated comments from the City.

9. The scope of work does not include field explorations.

EXHIBIT "B"

TERM AND TIME OF COMPLETION

TERM. This Agreement shall commence on December 10, 2024, and shall continue until December 9, 2027, unless otherwise terminated as provided herein.

EXHIBIT "C"
COMPENSATION

Provided Consultant is not in default under this Agreement, Consultant shall be compensated as provided below.

I. AMOUNT

- A. Consultant shall be compensated pursuant to the hourly rate schedule set forth below, which includes all fully burdened rates and encompasses all associated expenses.

Staff Title	Hourly Rate
Staff Professional	\$140
Senior Staff Professional	\$164
Professional	\$185
Project Professional	\$208
Senior Professional	\$235
Principal	\$255
Senior Principal	\$275
Project Administrator	\$78
Specialized Computer Applications	\$24

- B. However, in no event shall Consultant's total compensation, including expenses, materials, labor, shipping, and taxes, exceed the following amounts.

Task	Description	Not to Exceed Amount
A	Document Review and Memorandum	\$11,000
B	Environmental Compliance (Includes B-1 and B-2)	\$61,500
	- B-1: NEPA	\$40,000
	- B-2: CEQA	\$21,500
C	Investigation Report (Includes C-1 and C-2)	\$21,300
	- C-1: Building Materials Survey	\$8,300
	- C-2: DG and Shallow Soil Evaluation	\$13,000
D	Vapor Intrusion Field Investigation	\$65,000
E	Health Risk Assessment	\$35,000
F	Remediation Memorandum	\$10,500
G	Dominguez Park Landfill Evaluation	\$11,800
Total Not to Exceed Amount		\$216,100

- II. **METHOD OF PAYMENT.** Consultant shall provide monthly invoices to City for approval and payment for those services performed in the month prior to invoice submission. Invoices must include the following information:

- A. Task number
- B. Task description
- C. Description of the work performed
- D. Date(s) of service provided
- E. Staff title
- F. Hourly rates
- G. Number of hours worked

Invoices must be adequately detailed, based on accurate records, and in a form reasonably satisfactory to City. Consultant may be required to provide back-up material upon request. If no work is performed in a given month, no invoice is required.

- III. **SCHEDULE FOR PAYMENT.** City agrees to pay Consultant within thirty (30) days of City's receipt of Consultant's monthly invoice, provided that services are completed to the City's reasonable satisfaction and there is no dispute over the amount.
- IV. **NOTICE.** Written notices to the City and Consultant shall be given by registered or certified mail, or personal delivery, addressed as follows:

Consultant: Geosyntec Consultants, Inc.
13400 Sabre Springs Pkwy., Suite 135
San Diego, CA 92128
Attention: Michael Flaughner

City: City of Redondo Beach
Public Works Department, Engineering Division
415 Diamond Street
Redondo Beach, CA 90277
Attention: Lauren Sablan, Acting City Engineer

All notices, including notices of address changes, provided under this Agreement are deemed received as follows: (1) on the third day after mailing if sent by registered or certified mail; or (2) upon personal delivery. Changes in the respective address set forth above may be made from time to time by any party upon written notice to the other party in accordance with this section.

EXHIBIT "D"

INSURANCE REQUIREMENTS FOR CONSULTANTS

Without limiting Consultant's indemnification obligations under this Agreement, Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).

Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).

Workers' Compensation insurance as required by the State of California.

Employer's Liability Insurance.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage. The general aggregate limit shall apply separately to this project.

Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.

Employer's Liability: \$1,000,000 per accident for bodily injury or disease.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers or (2) the Consultant shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Other Insurance Provisions

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Endorsement:

General Liability: The City, its officers, elected and appointed officials, employees, and volunteers shall be covered as insureds with respect to liability arising out of work performed by or on behalf of the Consultant. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance, or as a separate owner's policy.

Automobile Liability: The City, its officers, elected and appointed officials, employees, and volunteers shall be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the Consultant.

For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, elected and appointed officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

Each insurance policy shall be endorsed to state that the inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverages afforded shall apply as though separate policies had been issued to each insured.

Each insurance policy shall be in effect prior to awarding the contract and each insurance policy or a successor policy shall be in effect for the duration of the project. The maintenance of proper insurance coverage is a material element of the contract and failure to maintain or renew coverage or to provide evidence of renewal may be treated by the City as a material breach of contract on the Consultant's part.

Acceptability of Insurers

Insurance shall be placed with insurers with a current A.M. Best's rating of no less than A:VII and which are authorized to transact insurance business in the State of California by the Department of Insurance.

Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on the City authorized forms provided with the contract specifications. Standard ISO forms which shall be subject to City approval and amended to conform to the City's requirements may be acceptable in lieu of City authorized forms. All certificates and endorsements shall be received and approved by the City before the contract is awarded. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

Subcontractors

Consultant shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

Risk Management

Consultant acknowledges that insurance underwriting standards and practices are subject to change, and the City reserves the right to make changes to these provisions in the reasonable discretion of its Risk Manager.

EXHIBIT "E"

AGREEMENT TO COMPLY WITH CALIFORNIA LABOR LAW REQUIREMENTS

1. Contractor acknowledges that the project as defined in this Agreement between Contractor and the City, to which this Agreement to Comply with California Labor Law Requirements is attached and incorporated by reference, is a "public work" as defined in Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code ("Chapter 1"), and that this Agreement is subject to (a) Chapter 1, including without limitation Labor Code Section 1771 and (b) the rules and regulations established by the Director of Industrial Relations ("DIR") implementing such statutes. Contractor shall perform all work on the project as a public work. Contractor shall comply with and be bound by all the terms, rules and regulations described in 1(a) and 1(b) as though set forth in full herein.

2. California law requires the inclusion of specific Labor Code provisions in certain contracts. The inclusion of such specific provisions below, whether or not required by California law, does not alter the meaning or scope of Section 1 above.

3. Pursuant to Labor Code Section 1771.4, Contractor shall post job site notices, as prescribed by regulation.

4. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the Agreement are on file at City Hall and will be made available to any interested party on request. Contractor acknowledges receipt of a copy of the DIR determination of such prevailing rate of per diem wages, and Contractor shall post such rates at each job site covered by this Agreement.

5. Contractor shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. The Contractor shall, as a penalty to the City, forfeit the maximum amount allowable by law for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the DIR for the work or craft in which the worker is employed for any public work done pursuant to this Agreement by Contractor or by any subcontractor.

6. Contractor shall comply with and be bound by the provisions of Labor Code Section 1776, which requires Contractor and each subcontractor to (1) keep accurate payroll records and verify such records in writing under penalty of perjury, as specified in Section 1776, (2) certify and make such payroll records available for inspection as provided by Section 1776, and (3) inform the City of the location of the records.

7. Contractor shall comply with and be bound by the provisions of Labor Code Sections 1777.5, 1777.6 and 1777.7 and California Administrative Code title 8, section 200 *et seq.* concerning the employment of apprentices on public works projects. Contractor shall be responsible for compliance with these aforementioned Sections for all apprenticeable occupations. Prior to commencing work under this Agreement, Contractor shall provide City with a copy of the information submitted to any applicable apprenticeship program. Within sixty (60) days after concluding work pursuant to this Agreement, Contractor and each of its subcontractors shall submit to the City a verified statement of the journeyman and apprentice hours performed under this Agreement.

8. Contractor acknowledges that eight (8) hours labor constitutes a legal day's work. Contractor shall comply with and be bound by Labor Code Section 1810. Contractor shall comply with and be bound by the provisions of Labor Code Section 1813 concerning penalties for workers who work excess hours. The Contractor shall, as a penalty to the City, forfeit twenty-five dollars (\$25) for each worker employed in the performance of this Agreement by the Contractor or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight (8) hours in any one (1) calendar day and forty (40) hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code section 1815, work performed by employees of Contractor in excess of 8 hours per day, and 40 hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of 8 hours per day at not less than 1 and 1/2 times the basic rate of pay.

9. California Labor Code Sections 1860 and 3700 provide that every employer will be required to secure the payment of compensation to its employees. In accordance with the provisions of California Labor Code Section 1861, Contractor hereby certifies as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

10. For every subcontractor who will perform work on the project, Contractor shall be responsible for such subcontractor's compliance with Chapter 1 and Labor Code Sections 1860 and 3700, and Contractor shall include in the written contract between it and each subcontractor a copy of those statutory provisions and a requirement that each subcontractor shall comply with those statutory provisions. Contractor shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractor's compliance, including without limitation, conducting a periodic review of the certified payroll records of the subcontractor and upon becoming aware of the failure of the subcontractor to pay his or her workers the specified prevailing rate of wages. Contractor shall diligently take corrective action to halt or rectify any failure.

11. To the maximum extent permitted by law, Contractor shall indemnify, hold harmless, and defend (at Contractor's expense with counsel acceptable to the City) the City, its officials, officers, employees, agents, independent contractors, and volunteers from and against any demand or claim for damages, compensation, fines, penalties, or other amounts arising out of or incidental to any acts or omissions listed in this Exhibit "E" by any person or entity (including Contractor, its subcontractors, and each of their officials, officers, employees, and agents) in connection with any work undertaken or in connection with the Agreement, including without limitation the payment of all consequential damages, attorneys' fees, and other related costs and expenses, except for such loss or damage which was caused by the sole negligence or willful misconduct of the City. This indemnification obligation shall survive the termination of the Agreement.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/1/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Greyling Ins. Brokerage/EPIC 3780 Mansell Road, Suite 370 Alpharetta GA 30022	CONTACT NAME: Greyling COI Specialist PHONE (A/C. No. Ext): 770.756.6599 E-MAIL ADDRESS: greylingcerts@greyling.com	FAX (A/C. No.): 770.756.6599
	INSURER(S) AFFORDING COVERAGE	
INSURED Geosyntec Consultants, Inc. 900 Broken Sound Parkway NW, Suite 200 Boca Raton, FL 33487-0000	INSURER A: National Union Fire Ins Co of Pittsburg NAIC #: 19445	
	INSURER B: Everest National Insurance Company NAIC #: 10120	
	INSURER C: Allied World Assurance Co (U.S.) Inc. NAIC #: 19489	
	INSURER D: New Hampshire Insurance Company NAIC #: 23841	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 428598820

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER:			GL5268179	4/1/2024	4/1/2025	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$25,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			CA4489673 CA4489674 (MA)	4/1/2024 4/1/2024	4/1/2025 4/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			XC3EX00336241	4/1/2024	4/1/2025	EACH OCCURRENCE \$10,000,000 AGGREGATE \$10,000,000 \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WC015893709 (AOS) WC015893710 (CA)	4/1/2024 4/1/2024	4/1/2025 4/1/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$2,000,000 E.L. DISEASE - EA EMPLOYEE \$2,000,000 E.L. DISEASE - POLICY LIMIT \$2,000,000
C	Professional Liability (PL) Contractors Pollution Liab (CPL)			03122723	4/1/2024	4/1/2025	Each Act \$8,000,000 Aggregate \$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Redondo Beach, its officers, elected and appointed officials, employees & volunteers are named as Additional Insureds on the above referenced liability policies with the exception of workers compensation, pollution & professional liability where required by written contract. The above referenced liability policies with the exception of professional liability are primary & non-contributory where required by written contract. Separation of Insureds applies to the General Liability Policy. Should any of the above described policies be cancelled by the issuing insurer before the expiration date thereof, 30 days' written notice (except 10 days for nonpayment of premium) will be provided to the Certificate Holder named below.

CERTIFICATE HOLDER**CANCELLATION**

City of Redondo Beach
 415 Diamond Street
 Redondo Beach CA 90277-0000

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Administrative Report

H.8., File # 24-1947

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL
From: ELEANOR MANZANO, CITY CLERK

TITLE

DECLARING THE RESULTS OF THE NOVEMBER 5, 2024 ELECTION

EXECUTIVE SUMMARY

Adopt by title only Resolution No. CC-2412-116 - A resolution of the City Council of the City of Redondo Beach, California, reciting the fact of the Special Municipal Election consolidated with Los Angeles County held on Tuesday, November 5, 2024, declaring the result and such other matters as provided by law.

BACKGROUND

LA County certification of the canvass of the election returns (Exhibit A) reflects ballots casted of **Bond Measure FP** with **Yes votes of 25,589 (71.41%)** and No votes of 10,243 (28.59%) passed with more than 2/3 votes. Ballots casted for **Charter Amendment Article 27, Section 27.2, 27.4(b), and 27.6(h) and (i) Measure RB** with **Yes votes of 20,733 (63.40%)** and No votes of 11,968 (36.60%); and **Charter Amendment Article 16, Section 16.1 Measure SD** with **Yes votes of 18,656 (57.62%)** and No votes of 13,724 (42.38%) passed with more than 50% +1.

Under the provisions of the City Charter, and the California Elections Code the City Council adopted Resolutions No. CC-2407-062 General Obligation Bonds Measure, CC-2408-064 Charter Amendments Article 27, Sections 27.2, 27.4(b), and 27.6(h) and (i), and 2408-065 Article 16, Section 16.1 which called and gave notice of a Special Municipal Election held in the City of Redondo Beach on November 5, 2024.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ATTACHMENTS

- Resolution No. CC-2412-116
- Exhibit A Certificate of the Canvass from the LA County Registrar-Recorder/County Clerk
- Exhibit B & C - Bond Measure Ordinance and Tax Rate Statement
- Exhibit D - Charter Amendment Sections 27.2, 27.4(b), and 27.6(h) and (i)
- Exhibit E - Charter Amendment Section 16.1

RESOLUTION NO. CC-2412-116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION CONSOLIDATED WITH THE COUNTY OF LOS ANGELES HELD ON TUESDAY, NOVEMBER 5, 2024, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

WHEREAS, a Special Municipal Election consolidated with Los Angeles County was held and conducted in the City of Redondo Beach, California, on Tuesday, November 4, 2024, as required by law; and

WHEREAS, notice of the election was given in time, form, and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form, and manner as required by the provisions of the City Charter and California State law; and

WHEREAS, the Los Angeles Register Recorder/County Clerk has canvassed the returns of the election and has certified the results to this City Council, which are received, attached, and made a part hereof as Exhibit "A".

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

SECTION 1. That the whole number of ballots cast at the precincts except vote by mail ballots was 8,521; that the whole number of vote by mail ballots cast was 30,358, making a total of 38,879 ballots cast in the City.

SECTION 2. That the measures voted upon at the election are as follows:

MEASURE FP

To recruit/retain qualified firefighters/paramedics/police, improve Redondo Beach's ability to provide fire/police protection and 911 response, help keep Redondo Beach safe by repairing/replacing/upgrading deteriorated fire/police stations/facilities, including removing asbestos and mold, shall Redondo Beach's measure authorizing \$93,350,000 in bonds at legal rates, levying on average \$17.45 per \$100,000 of assessed valuation, generating approximately \$6,280,000 annually while bonds are outstanding, requiring oversight, spending disclosure, and all funds spent locally, be adopted?

MEASURE RB

PROPOSED CHARTER AMENDMENT. Shall the measure be adopted (1) amending the Redondo Beach City Charter sections relating to "Major Changes in Allowable Land Use" in conformity with a Superior Court ruling that the voter approval requirement of the City Charter shall not apply to an amendment to, or update of, the Housing Element of the City's General Plan, or the zoning changes contemplated by the Draft Housing Element; and (2) changing the requirement that sample ballot materials be "mailed" to "made available"?

MEASURE SD

PROPOSED CHARTER AMENDMENT. Shall Article XVI Redondo Beach Unified School District pertaining to Section 16.1, Board Members, remove the language “without compensation, except necessary expenses when acting as a designated representative of the Board of Education as provided in the Education Code of the State of California”?

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City for and against the measures are as listed in Exhibit “A” attached hereto and incorporated herein.

SECTION 4. That as a result of the election, a 2/3rds vote of the voters voting on the aforementioned **Measure FP**, adopted Ordinance No. 3274-24, an Ordinance of the submission of a proposition incurring bonded indebtedness to the qualified voters of the City of Redondo Beach, California at the Statewide General Municipal election held on November 5, 2024, for the purpose of financing the costs of the acquisition, construction, reconstruction, rehabilitation or replaced of certain municipal improvement projects constituting public infrastructure of the City amending the Redondo Beach Municipal Code to authorize the City of Redondo Beach, and shall be deemed adopted upon the date that the votes are declared by the legislative body; attached hereto and incorporated herein as Exhibit “B”; and

SECTION 5. Tax Rate Statement. That the estimates and projections contained in the measure and in the tax rate statement required by Section 9401 of the California Elections Code and prepared in connection with the measure, have been made based on currently available information, but depend on a number of variables which are subject to variation. Such estimates and projections have been made in good faith, and are not binding or intended to be limitations on the terms of the Bonds which will be mailed to voters, and filed the tax rate statement and any other documents required for the Bond measure with the Los Angeles County Registrar of Voters; attached hereto and incorporated herein as Exhibit “C”.

SECTION 6. That as a result of the election, a majority of the voters voting on **Measures RB** and **SB** did vote in favor of them, and that the measures were carried, shall be deemed adopted and ratified; attached hereto and incorporated herein as Exhibit “D and E, respectively”.

SECTION. 7. That the City Council does hereby direct the City Clerk to file one certified copy of said charter amendments -- Measures RB and SB, with the Secretary of State, one certified copy with the Los Angeles County Registrar-Recorder for recordation, and one certified copy of said charter amendments in the archives of the City of Redondo Beach in accordance with the provisions of the California Government Code Section 34460 as soon as practicable after the adoption of this resolution.

SECTION 8. That the City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of ballots cast in the City; (2) the measures voted upon; (4) the number of votes given at each

precinct for and against each measure; (6) the total number of votes to each for and against each measure. (Exhibit "A")

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

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

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Resolution No. CC-2412-116 was passed and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 10th day of December 2024, and thereafter signed and approved by the Mayor and attested by the City Clerk, and that said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk



Los Angeles County Registrar-Recorder/County Clerk

CERTIFICATE OF THE CANVASS
OF THE ELECTION RETURNS

I, **DEAN C. LOGAN**, Registrar-Recorder/County Clerk of the County of Los Angeles, of the State of California, DO HEREBY CERTIFY that pursuant to the provisions of Section 15300 et seq. of the California Elections Code, I canvassed the returns of the votes cast for each elective office and/or measure(s) for

Redondo Beach City

at the General Election, held on the 5th day of November, 2024.

I FURTHER CERTIFY that the Statement of Votes Cast, to which this certificate is attached, shows the total number of ballots cast in said jurisdiction, and that the whole number of votes cast for each candidate and/or measure(s) in said jurisdiction in each of the respective precincts therein, and the totals of the respective columns and the totals as shown for each candidate and/or measure(s) are full, true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 3rd day of December 2024.

Dean C. Logan

DEAN C. LOGAN
Registrar-Recorder/County Clerk
County of Los Angeles

REDONDO BEACH CITY SPECIAL MUNICIPAL ELECTION - MEASURE FP

FINAL OFFICIAL V2
STATEMENT OF VOTES CAST
BY PRECINCT

Location	Registration	Ballots Cast	YES	NO										
REDONDO BEACH - 5550014A		1,114	680	334										
VOTE BY MAIL SERIAL 0653		3,680	2,461	961										
TOTAL	5,952	4,794	3,141	1,295										
REDONDO BEACH - 5550015A		1,017	623	314										
VOTE BY MAIL SERIAL 0654		3,589	2,419	887										
TOTAL	5,770	4,606	3,042	1,201										
REDONDO BEACH - 5550021A		1,142	683	362										
VOTE BY MAIL SERIAL 0655		3,789	2,419	1,044										
TOTAL	6,064	4,931	3,102	1,406										
REDONDO BEACH - 5550032A		1,037	731	214										
VOTE BY MAIL SERIAL 0656		3,171	2,178	730										
TOTAL	5,263	4,208	2,909	944										
REDONDO BEACH - 5550042A		789	505	226										
VOTE BY MAIL SERIAL 0657		3,108	2,112	759										
TOTAL	4,852	3,897	2,617	985										
REDONDO BEACH - 5550045B		842	540	233										
VOTE BY MAIL SERIAL 0658		3,260	2,156	837										
TOTAL	5,284	4,102	2,696	1,070										
REDONDO BEACH - 5550091A		897	540	296										
VOTE BY MAIL SERIAL 0659		3,619	2,465	876										
TOTAL	5,540	4,516	3,005	1,172										
REDONDO BEACH - 5550097A		862	523	275										
VOTE BY MAIL SERIAL 0660		2,992	1,930	847										
TOTAL	4,824	3,854	2,453	1,122										
REDONDO BEACH - 5550098A		821	522	236										
VOTE BY MAIL SERIAL 0661		3,150	2,102	812										
TOTAL	5,000	3,971	2,624	1,048										

REDONDO BEACH CITY SPECIAL MUNICIPAL ELECTION - MEASURE FP

FINAL OFFICIAL V2
STATEMENT OF VOTES CAST
BY PRECINCT

Location	Registration	Ballots Cast	YES	NO										
PRECINCT TOTAL		8,521	5,347	2,490										
VBM TOTAL		30,358	20,242	7,753										
GRAND TOTAL	48,549	38,879	25,589	10,243										

REDONDO BEACH CITY SPECIAL MUNICIPAL ELECTION - MEASURE RB

FINAL OFFICIAL V2
STATEMENT OF VOTES CAST
BY PRECINCT

Location	Registration	Ballots Cast	YES	NO										
REDONDO BEACH - 5550014A		1,114	533	401										
VOTE BY MAIL SERIAL 0653		3,680	2,095	1,045										
TOTAL	5,952	4,794	2,628	1,446										
REDONDO BEACH - 5550015A		1,017	448	380										
VOTE BY MAIL SERIAL 0654		3,589	2,099	948										
TOTAL	5,770	4,606	2,547	1,328										
REDONDO BEACH - 5550021A		1,142	497	437										
VOTE BY MAIL SERIAL 0655		3,789	2,099	1,058										
TOTAL	6,064	4,931	2,596	1,495										
REDONDO BEACH - 5550032A		1,037	490	337										
VOTE BY MAIL SERIAL 0656		3,171	1,792	853										
TOTAL	5,263	4,208	2,282	1,190										
REDONDO BEACH - 5550042A		789	349	293										
VOTE BY MAIL SERIAL 0657		3,108	1,673	973										
TOTAL	4,852	3,897	2,022	1,266										
REDONDO BEACH - 5550045B		842	389	300										
VOTE BY MAIL SERIAL 0658		3,260	1,751	985										
TOTAL	5,284	4,102	2,140	1,285										
REDONDO BEACH - 5550091A		897	405	340										
VOTE BY MAIL SERIAL 0659		3,619	2,033	1,023										
TOTAL	5,540	4,516	2,438	1,363										
REDONDO BEACH - 5550097A		862	345	391										
VOTE BY MAIL SERIAL 0660		2,992	1,580	986										
TOTAL	4,824	3,854	1,925	1,377										
REDONDO BEACH - 5550098A		821	377	294										
VOTE BY MAIL SERIAL 0661		3,150	1,778	924										
TOTAL	5,000	3,971	2,155	1,218										

REDONDO BEACH CITY SPECIAL MUNICIPAL ELECTION - MEASURE SD

FINAL OFFICIAL V2
STATEMENT OF VOTES CAST
BY PRECINCT

Location	Registration	Ballots Cast	YES	NO										
REDONDO BEACH - 5550014A		1,114	437	459										
VOTE BY MAIL SERIAL 0653		3,680	1,883	1,233										
TOTAL	5,952	4,794	2,320	1,692										
REDONDO BEACH - 5550015A		1,017	404	419										
VOTE BY MAIL SERIAL 0654		3,589	1,834	1,176										
TOTAL	5,770	4,606	2,238	1,595										
REDONDO BEACH - 5550021A		1,142	448	477										
VOTE BY MAIL SERIAL 0655		3,789	1,794	1,346										
TOTAL	6,064	4,931	2,242	1,823										
REDONDO BEACH - 5550032A		1,037	469	336										
VOTE BY MAIL SERIAL 0656		3,171	1,631	978										
TOTAL	5,263	4,208	2,100	1,314										
REDONDO BEACH - 5550042A		789	329	306										
VOTE BY MAIL SERIAL 0657		3,108	1,590	1,046										
TOTAL	4,852	3,897	1,919	1,352										
REDONDO BEACH - 5550045B		842	368	311										
VOTE BY MAIL SERIAL 0658		3,260	1,613	1,104										
TOTAL	5,284	4,102	1,981	1,415										
REDONDO BEACH - 5550091A		897	358	367										
VOTE BY MAIL SERIAL 0659		3,619	1,818	1,225										
TOTAL	5,540	4,516	2,176	1,592										
REDONDO BEACH - 5550097A		862	306	423										
VOTE BY MAIL SERIAL 0660		2,992	1,461	1,102										
TOTAL	4,824	3,854	1,767	1,525										
REDONDO BEACH - 5550098A		821	326	342										
VOTE BY MAIL SERIAL 0661		3,150	1,587	1,074										
TOTAL	5,000	3,971	1,913	1,416										

**EXHIBIT “B”
MEASURE FP**

ORDINANCE NO. 3274-24

AN ORDINANCE OF THE CITY OF REDONDO BEACH ORDERING THE SUBMISSION OF A PROPOSITION INCURRING BONDED INDEBTEDNESS TO THE QUALIFIED VOTERS OF THE CITY OF REDONDO BEACH AT THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF FINANCING THE COSTS OF THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR REPLACEMENT OF CERTAIN MUNICIPAL IMPROVEMENT PROJECTS CONSTITUTING PUBLIC INFRASTRUCTURE OF THE CITY

WHEREAS, the City of Redondo Beach (the “City”) is a charter city duly organized and existing under the Constitution and laws of the State of California; and

WHEREAS, as mentioned in the City’s Capital Improvement Program (CIP), the City desires to undertake the acquisition, construction, reconstruction, rehabilitation or replacement of the City’s police and fire facilities (together, the “Improvements”); and

WHEREAS, the City has outgrown its aging police and fire facilities, which were built in the 1950s when the City’s population was approximately one-third of the current population; and

WHEREAS the current fire stations, where constructed in 1959 for a total staff of 39 firefighters serving a population of 50,000. Today the fire department responds to over 8,000 annual emergency calls with a total staff of 69 personnel serving a population of 70,000 in the same facilities. These stations lack adequate space for personnel and paramedic equipment, hindering operational efficiency; and

WHEREAS on June 28, 2024, the Los Angeles Civil Grand Jury issued a report on *Earthquake Safety Readiness* directing cities to prioritize government building resilience and to initiate retrofitting and rebuilding of these buildings to ensure earthquake resilience; and

WHEREAS, the City falls within a region that is susceptible to earthquakes due to its proximity to several active fault lines which includes the Palos Verdes Fault, Newport-Inglewood Fault and San Andreas Fault. Redondo Beach is part of the broader Los Angeles area, which is classified as Seismic Zone 4. This is the highest seismic risk zone in the United States, indicating a high potential for significant seismic activity; and

WHEREAS, the City’s 911 communication center, police station and fire stations are critical infrastructure and critical components of the emergency response system and must adhere to stringent building codes designed to enhance earthquake resilience and ensure readiness in a disaster. This includes requirements for seismic retrofitting and/or replacement of older buildings to enhance the earthquake resilience of these buildings. These centers are the first point of contact in emergencies, providing immediate response and coordination in any disaster; and

WHEREAS, the fire stations are in need of repair, replacement and upgrades, including but not limited to, addressing structural cracking, seismic retrofitting, mold, asbestos and outdated

plumbing and electrical systems, and adding or updating female sleeping quarters and restrooms in order to help recruit and retain fire fighters and paramedics; and

WHEREAS, the police station, which was constructed in 1957 for a total staff of 48, lacks adequate space for current personnel and equipment, hindering operational efficiency for the now roughly 240 Police Department employees; and

WHEREAS the current police station is in need of repair, replacement and upgrades, including but not limited to, mold, asbestos and lead, outdated plumbing and electrical systems, meeting California Structural Performance Category (SPC) requirements to survive a strong earthquake, addressing significant roof leaks during storms, updating inadequate restrooms to meet ADA requirements, and updating facilities to utilize more efficient, economical and environmentally friendly energy systems; and

WHEREAS a new police station would be able to accommodate space for new state-of-the-art technology to enhance the communications center, drone operations, jail operations, and a more contemporary Emergency Operations Center to keep the City secure during the management of emergency incidents; and

WHEREAS a new police station will incorporate modern security measures to better protect officers and arrestees, allow for community integration and meeting spaces, and foster positive relationships between law enforcement and residents to better accommodate the needs of the community; and

WHEREAS, the undertaking of the Improvements by the City constitutes the acquisition, construction, reconstruction, rehabilitation or replacement of “municipal improvements” and “public infrastructure” because the Improvements are (1) part of the structures, facilities and equipment owned and operated under the control of the City, (2) part of the basic, underlying features of the City’s physical landscape, community identity, and organization, (3) once completed, open to the public for use and/or benefiting the public, and (4) necessary or convenient to carry out the objects, purposes and powers of the City; and

WHEREAS, the City intends to issue its general obligation bonds (the “Bonds”) to finance the cost of the acquisition, construction, reconstruction, rehabilitation or replacement of the Improvements; and

WHEREAS, under existing law, approval of the Bonds requires 2/3 of the voters in the City voting on the proposition to vote in favor; and

WHEREAS, Assembly Constitutional Amendment No. 1, as amended by Assembly Constitutional Amendment No. 10, has qualified for the November 5, 2024 Statewide ballot as “Proposition 5” and would, among other things, change existing law to authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure if the proposition proposing that tax is approved by 55% of the voters of the city, county, city and county, or special district, as applicable, and the proposition includes specified accountability requirements; and

WHEREAS, the foregoing amendments effectuated by Proposition 5, if approved at the November 5, 2024 Statewide ballot, would apply to any proposition authorizing general obligation bonds of a city that is submitted at the same election as Proposition 5; and

WHEREAS, the proposition to approve the Bonds complies with all the provisions of Proposition 5, including all of its accountability requirements, so that, if Proposition 5 is approved on November 5, 2024, approval of the Bonds shall require that 55% (not 2/3) of the voters in the City voting on the proposition vote in favor; and

WHEREAS, if the ballot measure authorizing issuance of the Bonds is approved by the requisite number of affirmative votes, the City will be authorized to issue the Bonds.

NOW, THEREFORE, the City Council of the City of Redondo Beach does hereby ordain as follows:

SECTION 1. PURPOSE AND INTENT. Pursuant to the authority provided by the California Government Code and California Elections Code, the City Council proposes to order the submission of a proposition authorizing the City to issue general obligation bonds (the "Bonds") to the qualified voters of the City at the Statewide general election to be held on November 5, 2024.

SECTION 2. FINDINGS. The City Council hereby makes the following findings with respect to the proposed measure for the Bonds:

- (i) On July 30, 2024, the City Council adopted, by a two-thirds vote of all its members, a resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR REPLACEMENT OF MUNICIPAL IMPROVEMENT PROJECTS CONSTITUTING PUBLIC INFRASTRUCTURE OF THE CITY, AND THEIR FINANCING THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS," pursuant to which the City Council has found and determined that the public interest and necessity demand the issuance of general obligation bonds to finance the Improvements, which are municipal improvement projects constituting public infrastructure of the City.
- (ii) In order to provide for the issuance by the City of general obligation bonds to provide financing for the Improvements, it is necessary for the City Council to adopt an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at a municipal election.
- (iii) The City Council desires to submit said ballot measure to the qualified voters of the City at the Statewide general election to be held in the City on November 5, 2024, and to consolidate the bond election with other elections held within the City on that date.

SECTION 3. CALL FOR ELECTION. The City Council hereby orders that there be submitted to the qualified voters of the City a proposition on incurring bonded indebtedness for the purposes set forth in this Ordinance, at the Statewide general election to be held on November 5, 2024.

SECTION 4. BALLOT PROPOSITION. The City Council hereby submits to the qualified voters of the City, at the Statewide general election to be held on November 5, 2024, a proposition on issuing the Bonds. The statement of the measure shall be in substantially the form set forth in the resolution of the City placing the measure on the ballot.

SECTION 5. OBJECT AND PURPOSE OF BONDS. The object and purpose of the Bonds is to finance some or all of the costs of the Improvements. The authorized Improvements also include all work, facilities and expenditures necessary and incidental to the projects described above. Examples of such work, facilities, and expenditures include, but are not limited to: costs of design, engineering, architect and other professional services, inspections, site preparation, utilities, landscaping, construction management and other planning and permitting, legal, accounting and similar costs; a customary construction contingency; demolition and disposal of existing structures; rental or construction of storage facilities and other space on an interim basis for materials and other equipment and furnishings displaced during construction; addressing unforeseen conditions revealed by construction or renovation, and other necessary improvements required to comply with existing building codes and other applicable law, including the Americans with Disabilities Act; costs of the bond election; bond issuance costs; project administration during the duration of such projects; and financing and interest costs on the Bonds.

The final costs, locations, designs, layouts and other components of the Improvements will be determined as plans are finalized, construction bids are awarded, and projects are completed. Therefore, the City Council cannot guarantee that the Bonds will provide sufficient funds to allow completion of all needed Improvements.

SECTION 6. ESTIMATED COSTS OF IMPROVEMENTS. The estimated costs of the Improvements is \$93,350,000. The estimated cost includes legal or other fees, the costs of printing the Bonds, and other costs and expenses incidental to or connected with the authorization, issuance and sale of the Bonds. To the extent the Improvements financed are revenue-producing public works, the cost of the Improvements may also include bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

SECTION 7. PRINCIPAL AMOUNT OF BONDS. The amount of the principal of the Bonds shall not exceed \$93,350,000.

SECTION 8. MAXIMUM INTEREST RATE. The maximum rate of interest to be paid on the Bonds shall be the statutory maximum of 12% per annum. Said interest shall be payable semiannually, except that interest for the first year after the date of the Bonds may be made payable at the end of said year.

SECTION 9. ISSUANCE AND SALE OF BONDS. The City proposes to issue and sell the Bonds pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code, and Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, in one or more series, in the maximum amount and for the objects and purposes set forth above if the requisite number of qualified voters voting on the proposition vote in favor thereof. The Bonds will be general obligations of the City payable from and secured by ad valorem taxes levied and collected in the manner prescribed by the laws of the State of California. The revenue generated from the ad valorem tax levied and collected will be used for the payment of debt service on the Bonds. All of the Bonds shall be equally and ratably secured, without priority, by the taxing power of the City.

SECTION 10. MANNER OF CONDUCTING ELECTION. The election on the Bonds held on November 5, 2024 shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted, and returned, returns

canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the election with which it is consolidated.

SECTION 11. PROCEDURE FOR VOTING ON PROPOSITION. Ballots for the election shall be provided in the form and in the number provided by law. Voters shall be provided an opportunity to vote for or against the proposition on the ballot, in accordance with procedures to be adopted by the authorized officers of the County of Los Angeles (the "County") charged with conducting the election.

SECTION 12. ACCOUNTABILITY REQUIREMENTS. In accordance with Proposition 5 and Sections 53410 and 53411 of the California Government Code, the City Council hereby adopts the following accountability requirements relating to the Bonds:

- (i) The proceeds from the sale of the Bonds shall be used only for the purposes specified in this Ordinance, and not for any other purpose, including City employee salaries and other operating expenses. The administrative cost of the City for the Improvements shall not exceed 5% of the proceeds from the sale of the Bonds.
- (ii) The proceeds from the sale of the Bonds shall only be spent on projects and programs that serve the jurisdiction of the City.
- (iii) This Ordinance shall be the ordinance through which projects will be funded and the City hereby certifies that it has evaluated alternative funding sources.
- (iv) The City shall conduct an annual, independent performance audit to ensure that the Bond funds are expended pursuant to the local program specified in clause (iii).
- (v) The City shall conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the Improvements.
- (vi) The City shall post the audits required by clauses (iv) and (v) in a manner that is easily accessible to the public.
- (vii) The City shall submit the audits required by clauses (iv) and (v) to the California State Auditor for review.
- (viii) The City shall appoint a citizens' oversight committee to ensure that Bond proceeds are expended only for the purposes described in the measure approved by the voters. Members appointed to the oversight committee shall receive educational training about bonds and fiscal oversight.
- (ix) Any entity owned or controlled by a member of the City Council shall be prohibited from bidding on any work funded by the proposition.
- (x) A separate account shall be created and held by the City, into which the proceeds of the Bonds shall be deposited and applied solely for the purpose of financing the Improvements.

- (xi) The Finance Director of the City shall file a report with the City Council at least annually showing the amount of Bond proceeds collected and expended, and the status of the Improvements.

SECTION 13. IDENTIFICATION OF TAX. The tax imposed by this measure is an ad valorem tax levied upon taxable real property in the City, and will be used to pay the principal and interest on the Bonds.

SECTION 14. OFFICIAL ACTIONS. The Mayor, the City Manager, the Finance Director, the City Clerk, and any of their designees, are hereby authorized to execute any documents and to perform all acts necessary to place the Bond measure on the ballot.

SECTION 15. INTERPRETATION. The provisions of this Ordinance, being necessary for the health, welfare, and safety of the City and its residents, is to be liberally interpreted to carry out its purposes. No error, irregularity or informality, and no neglect or omission of any officer, in any proceeding taken related to the submission of the proposition incurring bonded indebtedness to the qualified voters of the City shall void or invalidate any such proceeding, any Bonds issued by the City or any levy of ad valorem taxes to pay principal of and interest on the Bonds.

SECTION 16. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications, and to this end the provisions this Ordinance are declared to be severable.

SECTION 17. PUBLICATION OF ORDINANCE. This Ordinance shall be published once a day for at least seven days in a newspaper published at least six days a week in the City, or once a week for two weeks in a newspaper published less than six days a week in the City. The first of said publications shall, in either event, be within 15 days after the adoption of this Ordinance. If there are no such newspapers, it shall be posted in three public places in the City for two succeeding weeks. No other notice need be given.

SECTION 18. EFFECTIVE DATE. In accordance with Section 36937(a) of the California Government Code and Section 9.16(a) of the City's Charter, this Ordinance shall become effective immediately, as an ordinance relating to an election, upon its adoption by two-thirds vote of all the members of this City Council.

EXHIBIT "C"

TAX RATE STATEMENT

An election will be held in the City of Redondo Beach (the "City") on November 5, 2024, to authorize the sale of up to \$93,350,000 in bonds of the City to finance the project listed in the bond measure. If such bonds are authorized, the City expects to sell the bonds in one or more series. Principal and interest on the bonds will be payable solely from the proceeds of ad valorem tax levies made upon the taxable property in the City. The following information is provided in compliance with applicable provisions of the California Elections Code. Such information is based upon the best estimates and projections presently available from official sources, and other demonstrable factors.

Based upon the foregoing and projections of the City's assessed valuation:

1. The best estimate of the average annual tax rate that would be required to be levied to fund the bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of filing of this statement is \$0.01745 per \$100 (or \$17.45 per \$100,000) of assessed valuation of all property to be taxed. The best estimate of the final fiscal year in which the tax is anticipated to be collected is 2053-54.
2. The best estimate of the highest tax rate that would be required to be levied to fund the bond issue, based on assessed valuations available at the time of filing this statement is \$0.02832 per \$100 (or \$28.32 per \$100,000) of assessed valuation of all property to be taxed. The best estimate of the first fiscal year in which the highest tax rate will apply is 2025-26.
3. The best estimate of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold is \$182,004,931.

Voters should note that such estimated tax rates are specific to the repayment of bonds issued under this authorization and are and will be in addition to tax rates levied in connection with other bond authorizations approved or to be approved by the voters of the City or any other overlapping public agency.

Voters should note that estimated tax rate is based on the ASSESSED VALUE of taxable property within the City as shown on Los Angeles County's official tax rolls, not on the property's market value. In addition, taxpayers eligible for a property tax exemption, such as the homeowner's exemption, will be taxed at a lower effective tax rate than described above. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which amounts are not maximum amounts or durations and are not binding upon the City. The actual debt service amounts, tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the rating for the bonds, the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the City based on need for funds and other factors. The actual interest rates at which the bonds will be

sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the City as determined by the Los Angeles County assessor in the annual assessment and the equalization process.

/s/ Mike Witzansky, City Manager
City of Redondo Beach

August 8, 2024

EXHIBIT "D"

PROPOSED CHARTER AMENDMENT MEASURE RB

THE PEOPLE OF THE CITY OF REDONDO BEACH, CALIFORNIA, HEREBY AMEND ARTICLE XXVII MAJOR CHANGE IN ALLOWABLE AND LAND USE SECTIONS 27.2, 27.4 (b), AND 27.6 (h) & (i) OF THE CITY OF REDONDO BEACH CHARTER TO READ AS FOLLOWS:

(NOTE: New provisions or language added to the existing Charter section are shown in **BOLDFACE type**; words and figures deleted from the existing charter section are shown in ~~strikeout type~~.)

§ 27.2 Definitions.

The definitions set forth in this section apply to the provisions of this article only and do not affect any other provision of law.

(a) "Aggrieved person" means the proponent of a major change in allowable land use, any property owner or City resident, and any other person entitled to CEQA notice pursuant to Public Resources Code Section 21092.2.

(b) "As built condition" means the dwelling units, office and other nonresidential units, buildings and baseline traffic conditions existing at the time the City issues the notice of preparation of an environmental impact report for the major change in allowable land use, or, where no such notice is issued, when the City commences environmental analysis for the major change. Illegal dwellings and other conditions that exist in violation of the City's zoning ordinance or its local coastal program and are subject to the City's power of abatement, may not be accounted for in the as built condition for the purpose of determining a "significant increase," as defined in subdivision (c) below.

~~"Significantly increase" or "Significant Increase" means any one or more of the following increases over or changes compared to the as built condition of a neighborhood:~~

~~(1) The traffic generated by the project produces: (i) more than 150 additional morning or evening peak hour trips; or (ii) an increase in intersection capacity utilization (ICU) of 0.01 or more at any critical intersection operating at a level of service (LOS) of "E" or worse or having an ICU of 0.9 or higher; or (iii) any increase in ICU at any City intersection from less than 0.9 to 0.9 or higher; or (iv) any change in LOS at any critical intersection or on any critical corridor from better than "E" to "E" or worse. For purposes of determining traffic increases attributable to a major change in allowable land use, baseline and projected ICU and LOS conditions shall be determined considering weekday peak hour conditions at such time of the year when local public schools are in session.~~

~~(2) The density increase generated by the project produces more than twenty-five (25) additional residential dwelling units.~~

~~(3) The intensity of use generated by the project produces more than 40,000 additional square feet of residential, office or other nonresidential floor area.~~

~~—The voters declare that dividing a major change in allowable land use that would otherwise~~

~~require their approval into partial changes that would not by themselves require their approval, frustrates their intent to have control over major changes in allowable land use and is contrary to the purposes of this article. For the purposes of this article, a "significant increase" occurs if the combination of a proposed minor change in allowable land use with one or more other minor or major changes in allowable land use in the same neighborhood approved within eight (8) years preceding issuance of the notice of preparation of an environmental impact report for the proposed minor change, or, where no such notice is issued, within eight (8) years preceding commencement of the City's environmental analysis for the proposed minor change, meets any increase or change threshold for traffic, density or intensity of use defined in this subdivision.~~

(c) "Critical corridors" and "Critical intersections," as used herein, refer to:

- (1) Pacific Coast Highway corridor from Prospect Avenue to Artesia Boulevard;
- (2) Aviation Boulevard within or bordering Redondo Beach;
- (3) Prospect Avenue within or bordering Redondo Beach;
- (4) Hawthorne Boulevard where it borders Redondo Beach;
- (5) Herondo/Anita/190th Streets within or bordering Redondo Beach;
- (6) Artesia Boulevard within or bordering Redondo Beach;
- (7) Torrance Boulevard within Redondo Beach;
- (8) Catalina Avenue within Redondo Beach;
- (9) Intersection of Aviation Boulevard and Artesia Boulevard;
- (10) Intersection of Herondo/Anita Streets and Pacific Coast Highway;
- (11) Intersection of Torrance Boulevard and Pacific Coast Highway;
- (12) Intersection of Palos Verdes Boulevard and Pacific Coast Highway;
- (13) Intersection of Artesia Boulevard and Inglewood Avenue;
- (14) Intersection of 190th Street and Inglewood Avenue;
- (15) Intersection of Torrance Boulevard and Prospect Avenue;
- (16) Intersection of Catalina Avenue and Torrance Boulevard;
- (17) Intersection of Catalina Avenue and Beryl Street;
- (18) Intersection of Catalina Avenue and Esplanade;
- (19) Intersection of Catalina Avenue and Pacific Coast Highway;
- (20) Any other corridor operating at ninety (90%) percent of capacity or worse; and

(21) Any other intersection operating a LOS "E" or worse.

(d) "General plan" means the General Plan of the City of Redondo Beach.

(e) "Major change in allowable land use" means any proposed amendment ~~proposed amendment~~, change, or replacement of the General Plan (including its local coastal element, as defined in Public Resources Code Section 30108.55), of the City's zoning ordinance (as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code) or of the zoning ordinance for the coastal zone (as defined and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code) meeting any one or more of the following conditions:

~~"Peak hour trips" means the number of peak hour vehicle trips a major change in allowable land use would generate on a daily basis. Peak hour trips generated shall be calculated by using the most recent version of the Trip Generation Manual of the Institute of Transportation Engineers (ITE) in effect on the date the City issued the notice of preparation of an environmental impact report for a major change in allowable land use, or, where no such notice is issued, when the City commences environmental analysis for the major change.~~

(1) The proposed change in allowable land use would significantly increase traffic, density or intensity of use above the as built condition in the neighborhood where the major change is proposed.

(2) The proposed change in allowable land use would change a public use to a private use. A major change in allowable land use in this category shall include a change of use on (i) land designated for a public use or a public right-of-way; (ii) land designated as utility right-of-way; (iii) land donated, bequeathed or otherwise granted to the City; (iv) land used or designated for Redondo Beach school property; (v) land allocated to the Beach Cities Health District; (vi) land owned, controlled or managed by the City, including all land and water within the City's Harbor Enterprise; (vii) the beaches, as defined in subdivision (a)(4) of Section 10-5.2204 of the Redondo Beach Municipal Code; and (viii) the tidelands and all other public trust lands, as defined in subdivision (a)(139) of Section 10-5.402 of the Redondo Beach Municipal Code.

(3) The proposed change in allowable land use would change a nonresidential use to residential or a mixed use resulting in a density of a greater than 8.8 dwelling units per acre whether or not any such unit is used exclusively for residential purposes.

(f) "Minor change in allowable land use" means any proposed amendment to the General Plan (including its local coastal element, as defined in Public Resources Code Section 30108.55), the City's zoning ordinance (as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code), the zoning ordinance for the coastal zone (as defined and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code) that does not fall within the definition of a major change in allowable land use.

(g) "Neighborhood" means all properties located either entirely or partially within 1,000 feet of any parcel or lot that is subject to a proposed change in allowable land use.

(h) "Peak hour trips" means the number of peak hour vehicle trips a major change in allowable land use would generate on a daily basis. Peak hour trips generated shall be calculated by using the most recent version of the Trip Generation Manual of the Institute of Transportation

Engineers (ITE) in effect on the date the City issued the notice of preparation of an environmental impact report for a major change in allowable land use, or, where no such notice is issued, when the City commences environmental analysis for the major change

(i) "Proponent" means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity applying with the City for a change in allowable land use. If the City itself initiates the change, it shall be deemed the proponent for the purposes of this article.

(j) "Significantly increase" or "Significant Increase" means any one or more of the following increases over or changes compared to the as built condition of a neighborhood:

- (1) The traffic generated by the project produces: (i) more than 150 additional morning or evening peak hour trips; or (ii) an increase in intersection capacity utilization (ICU) of 0.01 or more at any critical intersection operating at a level of service (LOS) of "E" or worse or having an ICU of 0.9 or higher; or (iii) any increase in ICU at any City intersection from less than 0.9 to 0.9 or higher; or (iv) any change in LOS at any critical intersection or on any critical corridor from better than "E" to "E" or worse. For purposes of determining traffic increases attributable to a major change in allowable land use, baseline and projected ICU and LOS conditions shall be determined considering weekday peak hour conditions at such time of the year when local public schools are in session.**
- (2) The density increase generated by the project produces more than twenty-five (25) additional residential dwelling units.**
- (3) The intensity of use generated by the project produces more than 40,000 additional square feet of residential, office or other nonresidential floor area.**

The voters declare that dividing a major change in allowable land use that would otherwise require their approval into partial changes that would not by themselves require their approval, frustrates their intent to have control over major changes in allowable land use and is contrary to the purposes of this article. For the purposes of this article, a "significant increase" occurs if the combination of a proposed minor change in allowable land use with one or more other minor or major changes in allowable land use in the same neighborhood approved within eight (8) years preceding issuance of the notice of preparation of an environmental impact report for the proposed minor change, or, where no such notice is issued, within eight (8) years preceding commencement of the City's environmental analysis for the proposed minor change, meets any increase or change threshold for traffic, density or intensity of use defined in this subdivision.

§ 27.4 Vote of the People on major change in allowable land use.

- (a) Each major change in allowable land use shall be put to a vote of the People; provided, however, that no such change shall be submitted to the voters unless the City Council has first approved it. A major change in allowable land use shall become effective only after approval by the City Council and a majority of the voters of the City voting "YES" on a ballot measure proposing such change at either a regular or special municipal election. An advisory election does not satisfy the voter approval requirement.**

- (b) The sample ballot materials ~~mailed~~ **made available** to the registered voters prior to an election shall describe any major change in allowable land use in a manner that clearly discloses both the scope and main features of the project (including sequencing or phasing, as may be the case) that the major change in allowable land use consists of or depends on, and the location and the acreage of the project site. The description shall include the text of the proposed amendment to the General Plan, to the City's zoning ordinance or to the zoning ordinance for the coastal zone, or of any proposed adoption of, or amendment to, a specific plan. The description shall clearly compare the project and its traffic impacts both to the as built condition, and to existing applicable land use designations and zoning classifications, providing accurate comparative data concerning existing as well as proposed densities (in units per acre) and intensities of use (in square footage, types of use and traffic impacts). If a site-specific development is proposed in connection with a major change in allowable land use, and densities or intensities of use in such site-specific development are less than the densities or intensities the major change proposes, the text of the ballot shall clearly disclose the maximum total residential, commercial, industrial or other nonresidential buildout potential, and traffic impacts under buildout, compared to the as built condition. Easily readable maps shall be used to assist the voters in the project description. All of the information called for by this subdivision shall be posted on the City's website no later than thirty (30) days prior to the City Council's action on a major change in allowable land use, and such information shall be updated no later than ten (10) days following the City Council's approval, if the Council has changed the project.
- (c) For all major changes in allowable land use approved by the City Council after the effective date of this article of the City Charter, the election required by this article shall be set for the general municipal election next following City Council approval of the major change; or, by mutual agreement with the proponent, the City Council may call a special municipal election, with the cost of the special election being borne solely by the proponent. For all major changes in allowable land use approved by the City Council on or after the date of publication, pursuant to Election Code Section 9205, of the notice of intention to circulate the initiative petition to add this article to the City Charter, but before the effective date of this article, the election required by this article shall be set for the general municipal election next following the effective date of this article; or, by mutual agreement with the proponent, the City Council may call a special municipal election, with the cost of the special election being borne solely by the proponent.
- (d) The popular vote required by this article shall be in addition to all other applicable review and approval requirements for such major change, including environmental review in compliance with the California Environmental Quality Act (CEQA).
- (e) All subsequent City permits and approvals necessary to implement all or part of a major change in allowable land use shall conform to the voter-approved change. Under no circumstances shall any subsequent permit or approval authorize, allow or otherwise accommodate higher densities, intensities of use, or trip generation than the densities, intensities and trip generation approved by the City Council and the voters. No certificate of occupancy for any structure built as part of a project that depends on a major change in allowable land use shall issue until all mitigations of traffic impacts, including control signals, increases in right-of-way capacity via widening roads, or other right-of-way or intersection improvements, as may be required by the City Council, have been developed and implemented, and the City Engineer has certified completion and operation of all traffic impact mitigations in full compliance with the City Council's approval action.

§ 27.6 Exceptions.

- (a) This article shall not apply to any major change in allowable land use that is limited to allowing the development of a public school or a hospital. Nor shall this article apply to preclude completion of a site-specific development that depends on a major change in allowable land use approved before the effective date of this article, if before such date, the holder of any permit or other entitlement for use for such development has lawfully and in-good faith acquired a vested right, under state law, to carry out the development to completion.
- (b) The provisions of this article shall not apply to the extent that they would violate state or federal laws.
- (c) This article shall not be applied in a manner that would result in the unconstitutional taking of private property.
- (d) This article shall not apply to affordable housing projects required by state or federal law.
- (e) This article shall not apply to any major change in allowable land use of property with non-conforming residential units that were occupied on the date of publication, pursuant to Elections Code Section 9205, of the notice of intention to circulate the initiative petition adding Article XXVII to the City Charter so long as the proposed change in allowable land use meets the following conditions: the existing residential units are rendered conforming under the proposed change; the proposed change does not allow an increase in the number of residential units on the property; and the proposed change does not create a significant increase in traffic or intensity of use.
- (f) This article shall not apply to affordable housing projects for low and moderate income housing as defined by state law.
- (g) If modifications to the Local Coastal Program ("LCP") are suggested or required as a result of the California Coastal Commission's review of the LCP amendments for the Kensington Assisted Living Facility Project, any such modifications adopted by the City Council shall not be subject to this article and shall not require further voter approval. Should such modifications to the LCP also require that the City Council adopt any other legislative amendments to ensure consistency, the City Council's adoption of those legislative amendments shall not be subject to this Article and shall not require further voter approval.
- (h) This article shall not apply to an amendment to or update of the housing element of the City's General Plan.**
- (i) This article shall not apply to an amendment to or update of any other element of the General Plan (including its local coastal element, as defined in Public Resources Code Section 30108.55), of the City's zoning ordinance (as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code) or of the zoning ordinance for the coastal zone (as defined and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code) that implements a program in the City's General plan housing element. This includes, but is not limited to, an action required to meet the City's obligation to accommodate its Regional Housing Needs Assessment ("RHNA") allocation. However, this article shall apply to amendments or updates that are not made in connection with the required housing element update process**

of the City's obligation to maintain adequate capacity to meet its RHNA allocation. - This subdivision (i) shall be effective until the earlier of (1) the date that Government Code section 65913.4 is repealed or (2) January 1, 2036.

EXHIBIT "E"

PROPOSED CHARTER AMENDMENT MEASURE SD

THE PEOPLE OF THE CITY OF REDONDO BEACH, CALIFORNIA, HEREBY AMEND SECTION 16.1 BOARD MEMBERS OF ARTICLE XVI REDONDO BEACH UNIFIED SCHOOL DISTRICT OF THE CHARTER OF THE CITY OF REDONDO BEACH TO READ AS FOLLOWS:

(NOTE: New provisions or language added to the existing Charter section are shown in **BOLDFACE type**; words and figures deleted from the existing charter section are shown in ~~strikeout type~~.)

§ 16.1 Board members.

The government and control of the public schools shall be vested in the Board of Education, consisting of five (5) members. No person shall be eligible to hold the office of member of the Board of Education unless such person shall have been a resident of the territory included in the Redondo Beach Unified School District for at least thirty (30) days immediately preceding the date of filing such person's declaration of candidacy. They shall be elected at large by the registered voters of the district and shall serve for a four (4) year term. ~~without compensation, except necessary expenses when acting as a designated representative of the Board of Education as provided in the Education Code of the State of California.~~

*18.4—as added by election 11-4-80; as amended by election 11-6-84, 3-7-95 and 3-7-23.



Administrative Report

J.1., File # 24-1942

Meeting Date: 12/10/2024

TITLE

For eComments and Emails Received from the Public



Administrative Report

M.1., File # 24-1948

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL
From: ELEANOR MANZANO, CITY CLERK

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING RESOLUTION CC-2412-112 REGARDING THE CITY CLERK DUTIES AND QUALIFICATIONS; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2412-117, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-112, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE XI ELECTIVE OFFICERS, POWERS AND DUTIES SECTION 11 CITY CLERK, ARTICLE XII CITY MANAGER POWERS AND DUTIES SECTION 12.3 POWERS AND DUTIES, AND ARTICLE XX FUNDS, DISBURSEMENTS AND LIABILITY SECTION 20.1 APPROVAL OF DEMANDS AND SETTING PROCEDURAL DETAILS; FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION NO. 2410-090

EXECUTIVE SUMMARY

The City Council reviewed and began discussion relating to various measures, adopting Resolution No. CC-2412-112, City Clerk; Resolution No. CC-2412-113, City Treasurer; Resolution No. CC-2412-114, Publication; and Resolution No. CC-2412-115. These resolutions still required additional discussion and per City Council direction are hereby presented at this current meeting for further action, including but not limited to amendments, and/or withdrawals.

The City Council recently began review of the Charter Amendments at their meetings on November 3, November 5, and November 19, 2024. Prior to that, they also had discussions regarding the various potential Charter Amendments, such as on September 3, 2024, July 9, 2024, May 7, 2024, during which they made recommendations and directed staff to return to the City Council.

Pursuant to recommendations of the City Council-appointed Charter Review Advisory Committee ("Committee") and City Council discussions, both in the past and during the last City Council meeting on November 19, 2024, various resolutions have been prepared providing the City Council with options, including suggested language for such ballot titles.

Adoption of the proposed Resolution(s) may potentially add up to six (6) additional proposed Charter Amendment ballot measure questions to the March 4, 2025 General Municipal Election ballot.

Following are summaries of the various Resolutions and potential ballot titles for each of the Charter Amendment, which if approved by the City Council will add ballot measures to the General Municipal Election in March 2025. It is important to note that pursuant to the Elections Code/City Charter the official deadline to submit ballot measures is December 6, 2024, however, the City Council's last regular meeting prior to that official deadline is December 3, 2024. If the City Council would like to amend or withdraw any measures, they may do so by no later than December 11, 2024, the official deadline; therefore, the City Council could make its decision at its regular meeting on December 10, 2024.

Resolution No. CC-2412-117 - City Clerk with Charter Amendment Exhibits

The proposed Charter Amendment Amends Article XI: Elective Officers, Powers and Duties, Section 11, City Clerk. Per the City Council's direction, the proposed changes have been made to various subsections which amends the formatting, deletions and adding clarification of current language relating to financial matters, adding new wording regarding financial matters and duties. Also, the proposed changes will modify the eligibility and qualification requirements to be nominated for the City Clerk's position. This resolution will amend Resolution No. CC-2412-112, adopted on December 3, 2024.

Proposed Ballot Titles:

(Preliminary Proposed Ballot Title.)

- 1.A A Shall the City Clerk's Powers and Duties be amended pertaining to overseeing all City elections, reviewing expenditures, having access to the City's financial system, approving payments, and having the authority to contest within 45-days of final disposition; and to also update appropriate language pertaining to the City Clerk's approval on demands and on the City Manager's duties for consistency be adopted?

- 1.B Shall the qualifications related to the City Clerk be expanded to include four (4) years of experience as a County of City Clerk; or Registrar in the State of California; or a Bachelor's degree and five (5) years of experience in accounting?

The City Council is respectfully requested to consider and take action(s) on the following:

- Review and/or revise the drafted Ballot Title question(s) and make any amendments (limited to no more than 75 words).
- Upon final Ballot Title language, the City Council is requested to consider whether or not to designate author(s) to write the argument(s) in support of any/each of the Ballot Measures.
- The City Council is to consider if author(s) are to be selected for any/each Ballot Measures (listed 1-4 above), and if so, designate author(s) for any/each Ballot Measure.
- Confirm or assign new letter designations to each ballot measure.
- Direct the City Attorney to prepare the impartial analysis.
- Subsequently adopt the proposed and/or revised Resolution(s) for any/each of the measures as presented/amended (listed 1-4 above).

Arguments, Rebuttals, Impartial Analysis

Upon approval by the City Council of any Ballot Measure, each adopted Resolution will include deadlines and setting priorities pertaining to submittal of Arguments, Rebuttals, and directing the City Attorney to prepare an Impartial Analysis, pursuant to California Elections Code Sections 9280-9287, 9600, and 9601. The proposed deadlines are listed below.

- Arguments - Due by no later than Tuesday, December 17, 2024 at 5:30 p.m.
- Rebuttal Arguments - Due by no later than, Thursday, January 2, 2025 at 5:30 p.m.
- Impartial Analysis - Due by no later than, Thursday, January 2, 2025 at 5:30 p.m.

Required forms will be available from the City Clerk's Office and upon completion, will be filed by the deadline with the City Clerk in accordance with all the requirements.

COORDINATION

This report has been coordinated with the City Attorney.

FISCAL IMPACT

Ballot Measure costs have been included in the FY24-25 adopted Budget for the City's General Municipal Election.

ATTACHMENTS

1. Resolution No. CC-2412-117 - City Clerk

RESOLUTION NO. CC-2412-117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-112 ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE XI ELECTIVE OFFICERS, POWERS AND DUTIES SECTION 11 (A)-(F) CITY CLERK, ARTICLE XII CITY MANAGER POWERS AND DUTIES SECTION 12.3 POWERS AND DUTIES, AND ARTICLE XX FUNDS, DISBURSEMENTS AND LIABILITY SECTION 20.1 APPROVAL OF DEMANDS AND SETTING PROCEDURAL DETAILS; FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION NO. CC-2410-090.

WHEREAS, a General Municipal Election on Tuesday March 4, 2025 has been called by Resolution No. CC-2410-090, adopted on October 15, 2024; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendments to the voter;

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

SECTION 1. That pursuant to the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at section 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at section 9255) of the State of California, there is called and ordered to be held in the City of Redondo Beach, California, on Tuesday, March 4, 2025, for the purpose of submitting the following proposed charter amendments:

MEASURE CCD

PROPOSED CHARTER AMENDMENT. Shall Section 11(a)-(f) regarding the City Clerk’s Powers and Duties be amended pertaining to overseeing all City elections, reviewing expenditures, having access to the City’s financial system, approving payments, and having the authority to contest within 45-days of final disposition; and to also update appropriate language pertaining to the City Clerk’s approval on demands and on the City Manager’s duties for consistency be adopted?	YES
	NO

MEASURE CCQ

PROPOSED CHARTER AMENDMENT. Shall the final paragraph of Section 11 regarding the qualifications related to eligibility for office of City Clerk be expanded to include four (4) years of experience as a County of City Clerk; or Registrar in the State of California; or a Bachelor’s degree and five (5) years of experience in accounting?	YES
	NO

SECTION 2. That the text of the proposed charter amendment to be submitted to the voters are attached as Exhibit A and B.

SECTION 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

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

ARGUMENTS FOR AND AGAINST

SECTION 7. Pursuant to Section 9282(b) of the California Elections Code, the City Council, or any member or members of a legislative body authorized by the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations may file a written argument for or against a city measure.

SECTION 8. That pursuant to the above the City Council does authorize the following member(s) of its body: _____ for, to file written arguments In Favor of City measures as specified above **not exceeding 300 words**, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, pursuant to California Elections Code Section 9282 (c). The arguments may be changed or withdrawn until **Tuesday, December 17, 2024 at 5:30 p.m.**, after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 9. That the City Clerk/Elections Official is directed to follow the format for ballot arguments provided in subsections (d), (e) and (f) of Section 9282 of the California Elections Code.

SECTION 10. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five authors, the signatures of

the first five shall be printed. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 11. The arguments shall be filed with the City Clerk/Elections Official, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 12. That based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the ten-calendar-day public examination period, **Tuesday, December 17, 2024 at 5:30 p.m.**, as the date after which no arguments for or against a City measure may be submitted to the City Clerk/Elections Official for printing and distribution to the voters.

SETTING PRIORITIES FOR ARGUMENTS

SECTION 13. That if more than one argument for or against the measures is submitted to the City Clerk/Elections Official within the time prescribed, pursuant to Section 9287 of the California Elections Code, City Clerk/Elections Official shall select, pursuant to Section 6, one of the arguments in favor and one of the arguments against the Measure for printing and distribution to the voters.

SECTION 14. That the City Clerk/Elections Official shall give preference and priority, in the order named, to the arguments of the following:

- (a) The City Council, or member(s) or members of the body authorized by the City Council.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

REBUTTAL ARGUMENTS FOR AND AGAINST

SECTION 15. That pursuant to Section 9285(a)(1) of the California Elections Code, after the City Clerk/Elections Official has selected the arguments for and against each measure which will be printed and distributed to the voters, the Election Official shall send a copy of the argument in favor of each measure to the authors of the argument against each measure, and a copy of the argument against each measure to the authors of the argument in favor of each measure.

SECTION 16. That pursuant to Section 9285(a)(2) of the California Elections Code that author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

SECTION 17. That pursuant to Section 9285(a)(3) of the California Elections Code rebuttal arguments may **not exceed 250 words**.

SECTION 18. That pursuant to Section 9285(a)(4) of the California Elections Code rebuttal arguments relating to a city measure shall be filed with the Elections Official no later than 10 days after the final filing date for primary arguments, the Election Official has fixed **Thursday, January 2, 2025 at 5:30 p.m.** The rebuttal argument shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 19. That rebuttal arguments shall be filed with the City Clerk/Elections Official, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers.

SECTION 20. That pursuant to Section 9285(a)(5) of the California Elections Code all rebuttals may not be signed by more than five persons and shall be printed in the same manner as a primary argument and shall immediately follow the primary argument which it seeks to rebut.

IMPARTIAL ANALYSIS

SECTION 21. The City Clerk/Elections Official shall transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected.

- a. The City Attorney shall prepare an impartial analysis of the measure **not exceeding 500 words** showing the effect of the measure on the existing law and the operation of the measure.
- b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.
- c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Ordinance or Measure __. If you desire a copy of the ordinance or measure, please call the Elections Official's office at (310) 318-0656 and a copy will be mailed at no cost to you."
- d. The impartial analysis shall be filed with the City Clerk/Elections Official by **Thursday, January 2, 2025 at 5:30 p.m.**

LETTER DESIGNATION

SECTION 22. That the City Council approves the letter designations of “ ___ ” and “ ___ ” for identification of the ballot measure.

SECTION 23. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the Book of Original Resolutions.

PASSED, APPROVED, AND ADOPTED this 3rd day of December, 2024.

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Resolution No. CC-2412-117 was passed and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 10th day of December, 2024, and thereafter signed and approved by the Mayor and attested by the City Clerk, and that said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk

EXHIBIT "A"

PROPOSED CHARTER AMENDMENT MEASURE CCD

THE PEOPLE OF THE CITY OF REDONDO BEACH CALIFORNIA, HEREBY AMEND SECTION 11 (a)-(f) OF ARTICLE XI, 12.3 OF ARTICLE XII, AND 20.1 OF ARTICLE XX OF THE CHARTER OF THE CITY OF REDONDO BEACH TO READ AS FOLLOWS:

(NOTE: New provisions or language added to the existing charter section are shown in **BOLDFACE type**; words and figures deleted from the existing charter section are shown in ~~strikeout type~~.)

Sec. 11. City Clerk.

The City Clerk shall have the power and be required to:

(a) Be represented at all meetings of the City Council personally or through a deputy. Record and maintain a true and correct record of all of the proceedings of the City Council in books devoted solely to such purposes. Such books shall have a comprehensive index to enable persons readily to ascertain matters contained therein;

(b) Compile and maintain ordinance and resolution books, in which shall be recorded all City Ordinances and Resolutions with the certificate of the Clerk annexed thereto to each said resolution or ordinance, together with a statement that the same is a true and correct copy, giving the numbers of said ordinances or resolutions and, as to an ordinance, a statement that the same has been published according to the requirements of this Charter;

(c) Be the custodian of the seal of the City of Redondo Beach;

(d) Administer oaths or affirmations, take affidavits and ~~depositions~~ **testimony as needed** pertaining to the affairs and business of the City and certify copies of official records;

(e) **Oversee all City elections and P**provide all elective officials with certificates of election properly authenticated to by ~~himself~~ **the City Clerk** and appointive officers with certificates of appointment;

(f) ~~Have charge of the administration of~~ **Review the expenditures** financial affairs of the City **which are** under the direction of the City Manager, and in connection therewith ~~shall have the power and be required to:~~ **access to the City's financial system and, at the City Clerk's discretion, review and approve City**

expenditures prior to payment to identify any irregular transactions. Any identified irregularities or approvals contested by the City Clerk shall first be resolved in conjunction with the City Manager or their designee. Any unresolved irregularities or contested approvals shall be presented to the City Council for final disposition within 45 days of when the information in question was first made available to the City Clerk.

(g) Participate during the process in review of accounting procedures and annual audit expenditures.

(h) Periodically, not more than once a year audit areas of City expenditures such as accounts payable, payroll, fixed assets, and journal entries.

~~—(1) Prepare and assemble the budget expense and capital estimates for the City Manager;~~

~~—(2) Supervise all expenditures and disbursements to insure that budget appropriations are not exceeded;~~

~~—(3) Provide and maintain a general accounting system for the City government and each of its offices, departments and agencies; keep books for and prescribe the financial forms to be used by each office, department and agency;~~

~~—(4) Supervise the maintenance of current inventories of all property, real and personal, by the respective officers in charge thereof and periodically to audit the same;~~

~~—(5) Submit to the City Council, through the City Manager, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a financial statement and report; and~~

~~—(6) To approve, except as to correctness, together with the City Manager, before payment, all bills, invoices, payrolls, demands or charges against the City government.~~

.....

Article XX. Funds, Disbursements and Liabilities

Sec. 20.1. Approval of demands.

All demands shall, prior to payment, be approved by the City Manager and the City Clerk **or, if contested by the City Clerk, by the City Council**. Prior to the approval of any demands ~~by them~~, they shall satisfy themselves that the amount is legally due, that the payment, authorized by law, is just and fair, and that appropriation for the same has been made. All payrolls shall be certified by the respective department heads and approved by the City Manager.

Article XII. City Manager

Sec. 12.3. Powers and duties.

The City Manager shall be the chief administrative officer and the head of the administrative branch of the City government. The City Manager shall be responsible directly to the City Council for the proper administration of all affairs of the City, and the City Manager shall have power and be required to:

(a) Appoint, remove and assign, and supervise and direct the activities of all non- elected department heads and employees of the City, subject to the provisions of this Charter and the ordinances, Civil Service Rules and Regulations of the City and directives of the City Council; provided, however, that the City Manager shall not have any such or other authority over the City Attorney, City Treasurer or City Clerk, ~~except as specifically provided in section 11(f) of this Charter~~, or over their Assistants and Deputies appointed in accordance with the provisions of this Charter and provided, further, that the City Attorney, City Treasurer and City Clerk shall supervise and direct the day-to-day work assignments of the employees assigned to their respective departments.

(b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after the adoption of the budget.

(c) Prepare and submit to the City Council at the end of each fiscal year a complete report on the finances and administrative activities of the City for the preceding year, including all activities as City Manager.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable and in the best interests of said City.

(e) Appoint and remove, subject to the provisions of this Charter and the Civil Service ordinances, rules and regulations of the City of Redondo Beach, all department heads of the City except as herein otherwise provided, and pass upon and approve all proposed appointments and removals of subordinate employees by department heads.

(f) Perform such other duties as may be prescribed by this Charter or required of the City Manager by the City Council not inconsistent with this Charter.

(g) Attend all of the meetings of the City Council and have the right to participate in the deliberations of the City Council, but shall not have a vote at such meetings.

(h) The City Manager shall appoint, subject to the approval of the City Council, one of the other city officers as Manager pro tempore during any temporary absence or disability of the City Manager.

EXHIBIT "B"

PROPOSED CHARTER AMENDMENT MEASURE CCQ

THE PEOPLE OF THE CITY OF REDONDO BEACH CALIFORNIA, HEREBY AMEND THE QUALIFICATION FOR THE CITY CLERK IN THE FINAL PARAGRAPH OF SECTION 11 OF ARTICLE XI OF THE CHARTER OF THE CITY OF REDONDO BEACH TO READ AS FOLLOWS:

(NOTE: New provisions or language added to the existing charter section are shown in **BOLDFACE type**; words and figures deleted from the existing charter section are shown in ~~strikeout type~~.)

Final paragraph of Section 11. City Clerk.

.

No person shall be eligible for office of City Clerk unless **at the time of filing their nomination papers** such person shall have:

- (1) Successfully completed, with a passing grade, at least 15 units consisting of the following courses: elementary accounting; intermediate accounting; advanced accounting; auditing; cost accounting; and municipal and governmental accounting. Said courses shall have been completed at a collegiate institution, either in residence or in extension, or in a recognized private school of equal educational standards. Five years **of experience in a responsible position** in municipal accounting, ~~in a responsible position~~ may be substituted for these educational requirements; **or**
- (2) **Four years of experience as a County or City Clerk, Deputy Clerk, or Registrar in the State of California; or**
- (3) **A Bachelor's Degree from an accredited college or university and five years of experience in a responsible position involving public or private sector accounting.**



Administrative Report

M.2., File # 24-1969

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL
From: ELEANOR MANZANO, CITY CLERK

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING RESOLUTION NO. CC-2412-113 REGARDING THE CITY TREASURER DUTIES AND QUALIFICATIONS; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2412-118, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-113, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE XI ELECTIVE OFFICERS, POWERS AND DUTIES SECTION 11.1 CITY TREASURER, AND SETTING PROCEDURAL DETAILS; FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION NO. 2410-090

EXECUTIVE SUMMARY

The City Council reviewed and began discussion relating to various measures, adopting Resolution No. CC-2412-112, City Clerk; Resolution No. CC-2412-113, City Treasurer; Resolution No. CC-2412-114, Publication; and Resolution No. CC-2412-115. These resolutions still required additional discussion and per City Council direction are hereby presented at this current meeting for further action, including but not limited to amendments, and/or withdrawals.

The City Council recently began review of the Charter Amendments at their meetings on November 3, November 5, and November 19, 2024. Prior to that, they also had discussions regarding the various potential Charter Amendments, such as on September 3, 2024, July 9, 2024, May 7, 2024, during which they made recommendations and directed staff to return to the City Council.

Pursuant to recommendations of the City Council-appointed Charter Review Advisory Committee ("Committee") and City Council discussions, both in the past and during the last City Council meeting on November 19, 2024, various resolutions have been prepared providing the City Council with options, including suggested language for such ballot titles.

Adoption of the proposed Resolution(s) may potentially add up to six (6) additional proposed Charter Amendment ballot measure questions to the March 4, 2025 General Municipal Election ballot.

Following are summaries of the various Resolutions and potential ballot titles for each of the Charter

Amendment, which if approved by the City Council will add ballot measures to the General Municipal Election in March 2025. It is important to note that pursuant to the Elections Code/City Charter the official deadline to submit ballot measures is December 6, 2024, however, the City Council's last regular meeting prior to that official deadline is December 3, 2024. If the City Council would like to amend or withdraw any measures, they may do so by no later than December 11, 2024, the official deadline; therefore, the City Council could make its decision at its regular meeting on December 10, 2024.

Resolution No. CC-2412-118 - City Treasurer with Charter Amendment Exhibits

The proposed Charter Amendment Amends Article XI: Elective Officers, Powers and Duties, Section 11.1, City Treasurer. Per the City Council's direction, the proposed changes have been made to various subsections which amends and updates duties and responsibilities. Also, the proposed changes will add educational eligibility requirements for the City Treasurer. This resolution will amend Resolution No. CC-2412-113, adopted on December 3, 2024.

Proposed Ballot Titles:

(Proposed Ballot Title. The City Attorney will provide options via Blue Folder.)

2.A Shall the City Treasurer amend and update the City Treasurer's duties pertaining to auditing periodically, but no more than annually relating to revenues and monies collected and have access to reports?

2.B Shall the City Treasurer's qualifications be amended to add qualifications to be nominated to include a Bachelor's or Associate's Degree and two or more years of work experience in financial markets, financial analysis, portfolio management, investments, or governmental accounting; or a Bachelor's or Master's Degree in specific degrees; or Four or more years of work experience in financial markets, financial analysis, portfolio management, investments, or governmental accounting?

The City Council is respectfully requested to consider and take action(s) on the following:

- Review and/or revise the drafted Ballot Title question(s) and make any amendments (limited to no more than 75 words).
- Upon final Ballot Title language, the City Council is requested to consider whether or not to designate author(s) to write the argument(s) in support of any/each of the Ballot Measures.
- The City Council is to consider if author(s) are to be selected for any/each Ballot Measures (listed 1-4 above), and if so, designate author(s) for any/each Ballot Measure.
- Confirm or assign new letter designations to each ballot measure.
- Direct the City Attorney to prepare the impartial analysis.
- Subsequently adopt the proposed and/or revised Resolution(s) for any/each of the measures as presented/amended (listed 1-4 above).

Arguments, Rebuttals, Impartial Analysis

Upon approval by the City Council of any Ballot Measure, each adopted Resolution will include deadlines and setting priorities pertaining to submittal of Arguments, Rebuttals, and directing the City Attorney to prepare an Impartial Analysis, pursuant to California Elections Code Sections 9280-9287,

9600, and 9601. The proposed deadlines are listed below.

- Arguments - Due by no later than Tuesday, December 17, 2024 at 5:30 p.m.
- Rebuttal Arguments - Due by no later than, Thursday, January 2, 2025 at 5:30 p.m.
- Impartial Analysis - Due by no later than, Thursday, January 2, 2025 at 5:30 p.m.

Required forms will be available from the City Clerk's Office and upon completion, will be filed by the deadline with the City Clerk in accordance with all the requirements.

COORDINATION

This report has been coordinated with the City Attorney.

FISCAL IMPACT

Ballot Measure costs have been included in the FY24-25 adopted Budget for the City's General Municipal Election.

ATTACHMENTS

1. Resolution No. CC-2412-118 - City Treasurer

RESOLUTION NO. CC-2412-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-113, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE XI ELECTIVE OFFICERS, POWERS AND DUTIES SECTION 11.1 CITY TREASURER, AND SETTING PROCEDURAL DETAILS; FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION NO. CC-2410-090.

WHEREAS, a General Municipal Election on Tuesday March 4, 2025 has been called by Resolution No. CC-2410-090, adopted on October 15, 2024; and

WHEREAS, the City Council at its Regular Meeting on December 3, 2024, adopted Resolution No. CC- 2412-113, ordering the Submissions of certain measure relating to the City Treasurer’s Duties and Qualifications, as well as, setting procedural details, and providing staff direction which includes returning to the City Council such amended resolution; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendments to the voter;

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

SECTION 1. That pursuant to the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at section 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at section 9255) of the State of California, there is called and ordered to be held in the City of Redondo Beach, California, on Tuesday, March 4, 2025, for the purpose of submitting the following proposed charter amendments:

MEASURE CTD

PROPOSED CHARTER AMENDMENT. Shall Section 11.1 regarding the City Treasurer’s duties be amended to delete the duty to receive and be custodian of all public funds and instead add the duty maintain an autonomous role of oversight for monitoring, auditing, and serving as the Tax Administrator?	YES
	NO

MEASURE CTQ

PROPOSED CHARTER AMENDMENT. Shall Section 11.1.01 be added to establish further qualifications for eligibility for the office of City Treasurer to include a Bachelor’s or Associate’s Degree and two or more years of work experience in financial markets, financial analysis, portfolio management, investments, or governmental accounting; or a Bachelor’s or Master’s Degree in specific degrees; or four or more years of work experience in financial markets, financial analysis, portfolio management, investments, or governmental accounting?	YES
	NO

SECTION 2. That the text of the proposed charter amendment to be submitted to the voters are attached as Exhibit A and B.

SECTION 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

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

ARGUMENTS FOR AND AGAINST

SECTION 7. Pursuant to Section 9282(b) of the California Elections Code, the City Council, or any member or members of a legislative body authorized by the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations may file a written argument for or against a city measure.

SECTION 8. That pursuant to the above the City Council does authorize the following member(s) of its body: _____ for, to file written arguments In Favor of City measures as specified above **not exceeding 300 words**, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, pursuant to California Elections Code Section 9282 (c). The arguments may be changed or withdrawn until **Tuesday, December 17, 2024 at 5:30 p.m.**, after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 9. That the City Clerk/Elections Official is directed to follow the format for ballot arguments provided in subsections (d), (e) and (f) of Section 9282 of the California Elections Code.

SECTION 10. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five authors, the signatures of the first five shall be printed. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 11. The arguments shall be filed with the City Clerk/Elections Official, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 12. That based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the ten-calendar-day public examination period, **Tuesday, December 17, 2024 at 5:30 p.m.**, as the date after which no arguments for or against a City measure may be submitted to the City Clerk/Elections Official for printing and distribution to the voters.

SETTING PRIORITIES FOR ARGUMENTS

SECTION 13. That if more than one argument for or against the measures is submitted to the City Clerk/Elections Official within the time prescribed, pursuant to Section 9287 of the California Elections Code, City Clerk/Elections Official shall select, pursuant to Section 6, one of the arguments in favor and one of the arguments against the Measure for printing and distribution to the voters.

SECTION 14. That the City Clerk/Elections Official shall give preference and priority, in the order named, to the arguments of the following:

- (a) The City Council, or member(s) or members of the body authorized by the City Council.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

REBUTTAL ARGUMENTS FOR AND AGAINST

SECTION 15. That pursuant to Section 9285(a)(1) of the California Elections Code, after the City Clerk/Elections Official has selected the arguments for and against each measure which will be printed and distributed to the voters, the Election Official shall send a copy of the argument in favor of each measure to the authors of the argument against each measure, and a copy of the argument against each measure to the authors of the argument in favor of each measure.

SECTION 16. That pursuant to Section 9285(a)(2) of the California Elections Code that author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

SECTION 17. That pursuant to Section 9285(a)(3) of the California Elections Code rebuttal arguments may **not exceed 250 words**.

SECTION 18. That pursuant to Section 9285(a)(4) of the California Elections Code rebuttal arguments relating to a city measure shall be filed with the Elections Official no later than 10 days after the final filing date for primary arguments, the Election Official has fixed **Thursday, January 2, 2025 at 5:30 p.m.** The rebuttal argument shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 19. That rebuttal arguments shall be filed with the City Clerk/Elections Official, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers.

SECTION 20. That pursuant to Section 9285(a)(5) of the California Elections Code all rebuttals may not be signed by more than five persons and shall be printed in the same manner as a primary argument and shall immediately follow the primary argument which it seeks to rebut.

IMPARTIAL ANALYSIS

SECTION 21. The City Clerk/Elections Official shall transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected.

- a. The City Attorney shall prepare an impartial analysis of the measure **not exceeding 500 words** showing the effect of the measure on the existing law and the operation of the measure.
- b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.
- c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Ordinance or Measure __. If you desire a copy of the ordinance or measure, please call the Elections Official's office at (310) 318-0656 and a copy will be mailed at no cost to you."
- d. The impartial analysis shall be filed with the City Clerk/Elections Official by **Thursday, January 2, 2025 at 5:30 p.m.**

SECTION 22. That the City Council approves the letter designations of "**CTD**"

and “CTQ” for identification of the ballot measure.

SECTION 23. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the Book of Original Resolutions.

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

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Resolution No. CC-2412-118 was passed and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 10th day of December, 2024, and thereafter signed and approved by the Mayor and attested by the City Clerk, and that said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk

EXHIBIT "A"

PROPOSED CHARTER AMENDMENT MEASURE CTD

THE PEOPLE OF THE CITY OF REDONDO BEACH CALIFORNIA, HEREBY AMEND ARTICLE XI ELECTIVE OFFICERS, POWERS AND DUTIES SECTION 11.1 CITY TREASURER OF THE CHARTER OF THE CITY OF REDONDO BEACH TO READ AS FOLLOWS:

(NOTE: New provisions or language added to the existing charter section are shown in **BOLDFACE type**; words and figures deleted from the existing charter section are shown in ~~strikeout type~~.)

Sec. 11.1. City Treasurer.

The City Treasurer shall ~~be the custodian of~~ **maintain an autonomous role of oversight for monitoring** of all public funds belonging to or under the control of the City, or of any office, department, or agency thereof, and shall have the power and be required to;

~~(a) Receive and have custody of all moneys collected by the city from any source;~~

(a) Audit periodically, but no more than annually, administration of all monies collected from any source as reconciled by city departments;

~~(b) Deposit~~ **Monitor** all moneys received **from any source** in such depositories as may be designated by resolution of the City Council;

(c) Disburse **revenue** moneys on demands having been properly audited and approved in the manner provided for in this Charter or by ordinance of the City of Redondo Beach;

~~(d) Prepare and submit to the City Clerk~~ **Have access, for review, of** monthly written reports of all receipts, **revenue** disbursements, **bank accounts** and funds balances, copies of which reports ~~shall be~~ **are** filed with the City Manager **from City departments**.

~~(e) Prepare and submit to the City Manager~~ **Have Access to** monthly reports ~~as to the failure of any department heads, officers and/or employees within the City failing to promptly turn over moneys to the Treasurer~~ as required by this Charter or by ordinances of said city and have the authority to periodically audit all moneys collected by the City. ~~from any source in order to prepare these monthly reports;~~

(f) **Audit periodically, but no more than annually, collection of** City taxes and license fees;

(g) Act as Tax Administrator in the manner provided for in this Charter or by Ordinance of the City of Redondo Beach.

~~(g)~~ (h) Invest and reinvest funds according to State law; provided, however, that the City Council may adopt investment guidelines by resolution.

The City Treasurer may appoint deputies for whose acts the City Treasurer's bond agents are responsible. The deputies shall hold office at the pleasure of the City Treasurer.

EXHIBIT "B"

PROPOSED CHARTER AMENDMENT MEASURE CTQ

THE PEOPLE OF THE CITY OF REDONDO BEACH CALIFORNIA, HEREBY ADD ARTICLE XI ELECTIVE OFFICERS, POWERS AND DUTIES SECTION 11.1.01 CITY TREASURER OF THE CHARTER OF THE CITY OF REDONDO BEACH TO READ AS FOLLOWS:

(NOTE: New provisions or language added to the existing charter section are shown in **BOLDFACE type**; words and figures deleted from the existing charter section are shown in ~~strikeout type~~.)

Sec. 11.1.01 Eligibility.

No person shall be eligible for the office of City Treasurer unless at the time of filing their nomination papers such person shall have:

(1) A Bachelor's or Associate's Degree from an accredited college or university, and two or more years of work experience in financial markets, financial analysis, portfolio management, investments, or governmental accounting; or

(2) A Bachelor's or Master's Degree from an accredited college or university in accounting, finance, business, economics, business economics, business administration, or public administration; or

(3) Four or more years of work experience in financial markets, financial analysis, portfolio management, investments, or governmental accounting.



Administrative Report

M.3., File # 24-1970

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL
From: ELEANOR MANZANO, CITY CLERK

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING RESOLUTION CC-2412-114 REGARDING PUBLISHING/PUBLICATION; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2412-119, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-114, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE IX, SECTION 9.15 ORDINANCES, PUBLICATION, ARTICLE XVII, SECTION 17.9 BUDGET HEARING AND ADOPTION AND ARTICLE XIX, SECTIONS 19 PUBLIC WORKS, CONTRACTS AND 19.5 LEGAL NOTICES, CONTRACT FOR PUBLICATION FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION NO. CC-2410-090.

EXECUTIVE SUMMARY

The City Council reviewed and began discussion relating to various measures, adopting Resolution No. CC-2412-112, City Clerk; Resolution No. CC-2412-113, City Treasurer; Resolution No. CC-2412-114, Publication; and Resolution No. CC-2412-115. These resolutions still required additional discussion and per City Council direction are hereby presented at this current meeting for further action, including but not limited to amendments, and/or withdrawals.

The City Council recently began review of the Charter Amendments at their meetings on November 3, November 5, and November 19, 2024. Prior to that, they also had discussions regarding the various potential Charter Amendments, such as on September 3, 2024, July 9, 2024, May 7, 2024, during which they made recommendations and directed staff to return to the City Council.

Pursuant to recommendations of the City Council-appointed Charter Review Advisory Committee ("Committee") and City Council discussions, both in the past and during the last City Council meeting on November 19, 2024, various resolutions have been prepared providing the City Council with options, including suggested language for such ballot titles.

Adoption of the proposed Resolution(s) may potentially add up to six (6) additional proposed Charter Amendment ballot measure questions to the March 4, 2025 General Municipal Election ballot.

Following are summaries of the various Resolutions and potential ballot titles for each of the Charter Amendment, which if approved by the City Council will add ballot measures to the General Municipal Election in March 2025. It is important to note that pursuant to the Elections Code/City Charter the official deadline to submit ballot measures is December 6, 2024, however, the City Council's last regular meeting prior to that official deadline is December 3, 2024. If the City Council would like to amend or withdraw any measures, they may do so by no later than December 11, 2024, the official deadline; therefore, the City Council could make its decision at its regular meeting on December 10, 2024.

Resolution No. CC-2412-119 - Publication

The definition for publishing will need to be updated and redefined the word publishing related to local newspaper, specifically as it relates to "matters of municipal affairs." Per the City Council's motion at the meeting on July 9, 2024, they accepted the Charter Review Advisory Committee's recommendation to remove the requirement for matters of purely municipal concerns to publish in a local newspaper, bifurcate the rules for purely municipal matters and leave them up to an ordinance; for matters that are not purely municipal, Council will comply with State law. This will be subject to City Council discussion and direction to add to the General Municipal Election on March 4, 2025. This resolution will amend Resolution No. CC-2412-114, adopted on December 3, 2024.

The City Council is respectfully requested to consider and take action(s) on the following:

- Review and/or revise the drafted Ballot Title question(s) and make any amendments (limited to no more than 75 words).
- Upon final Ballot Title language, the City Council is requested to consider whether or not to designate author(s) to write the argument(s) in support of any/each of the Ballot Measures.
- The City Council is to consider if author(s) are to be selected for any/each Ballot Measures (listed 1-4 above), and if so, designate author(s) for any/each Ballot Measure.
- Confirm or assign new letter designations to each ballot measure.
- Direct the City Attorney to prepare the impartial analysis.
- Subsequently adopt the proposed and/or revised Resolution(s) for any/each of the measures as presented/amended (listed 1-4 above).

Arguments, Rebuttals, Impartial Analysis

Upon approval by the City Council of any Ballot Measure, each adopted Resolution will include deadlines and setting priorities pertaining to submittal of Arguments, Rebuttals, and directing the City Attorney to prepare an Impartial Analysis, pursuant to California Elections Code Sections 9280-9287, 9600, and 9601. The proposed deadlines are listed below.

- Arguments - Due by no later than Tuesday, December 17, 2024 at 5:30 p.m.
- Rebuttal Arguments - Due by no later than, Thursday, January 2, 2025 at 5:30 p.m.
- Impartial Analysis - Due by no later than, Thursday, January 2, 2025 at 5:30 p.m.

Required forms will be available from the City Clerk's Office and upon completion, will be filed by the deadline with the City Clerk in accordance with all the requirements.

COORDINATION

This report has been coordinated with the City Attorney.

FISCAL IMPACT

Ballot Measure costs have been included in the FY24-25 adopted Budget for the City's General Municipal Election.

ATTACHMENTS

1. Resolution No. CC-2412-119 - Publishing

RESOLUTION NO. CC-2412-119

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-114 ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE IX, SECTION 9.15, ARTICLE XVII, SECTION 17.9 AND ARTICLE XIX, SECTIONS 19 AND 19.5 FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION NO. CC-2410-090.

WHEREAS, a General Municipal Election on Tuesday March 4, 2025 has been called by Resolution No. CC-2410-090, adopted on October 15, 2024; and

WHEREAS, the City Council at its Regular Meeting on December 3, 2024, adopted Resolution No. CC-2412-114, ordering the Submissions of certain measure relating to Publication, as well as, setting procedural details, and providing staff direction which includes returning to the City Council such amended resolution; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendments to the voter;

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

SECTION 1. That pursuant to the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at section 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at section 9255) of the State of California, there is called and ordered to be held in the City of Redondo Beach, California, on Tuesday, March 4, 2025, for the purpose of submitting the following proposed charter amendments:

MEASURE CAP

PROPOSED CHARTER AMENDMENT. Shall the publication options for matters solely pertaining to the municipal affairs of the City be expanded to provide for alternatives to publication in the official newspaper of the City such as posting in three public places and on the City’s online website?	YES
	NO

SECTION 2. That the text of the proposed charter amendment to be submitted to the voters are attached as Exhibit A.

SECTION 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4. That the ballots to be used at the election shall be in form and

content as required by law.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

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

ARGUMENTS FOR AND AGAINST

SECTION 7. Pursuant to Section 9282(b) of the California Elections Code, the City Council, or any member or members of a legislative body authorized by the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations may file a written argument for or against a city measure.

SECTION 8. That pursuant to the above the City Council does authorize the following member(s) of its body: _____ for, to file written arguments In Favor of City measures as specified above **not exceeding 300 words**, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, pursuant to California Elections Code Section 9282 (c). The arguments may be changed or withdrawn until **Tuesday, December 17, 2024 at 5:30 p.m.**, after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 9. That the City Clerk/Elections Official is directed to follow the format for ballot arguments provided in subsections (d), (e) and (f) of Section 9282 of the California Elections Code.

SECTION 10. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five authors, the signatures of the first five shall be printed. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 11. The arguments shall be filed with the City Clerk/Elections Official, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 12. That based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the ten-calendar-day public examination period, **Tuesday, December 17, 2024 at 5:30 p.m.**, as the date after which no arguments for or against a City measure may be submitted to the City Clerk/Elections Official for printing and distribution to the voters.

SETTING PRIORITIES FOR ARGUMENTS

SECTION 13. That if more than one argument for or against the measures is submitted to the City Clerk/Elections Official within the time prescribed, pursuant to Section 9287 of the California Elections Code, City Clerk/Elections Official shall select, pursuant to Section 6, one of the arguments in favor and one of the arguments against the Measure for printing and distribution to the voters.

SECTION 14. That the City Clerk/Elections Official shall give preference and priority, in the order named, to the arguments of the following:

- (a) The City Council, or member(s) or members of the body authorized by the City Council.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

SECTION 15. That pursuant to Section 9285(a)(1) of the California Elections Code, after the City Clerk/Elections Official has selected the arguments for and against each measure which will be printed and distributed to the voters, the Election Official shall send a copy of the argument in favor of each measure to the authors of the argument against each measure, and a copy of the argument against each measure to the authors of the argument in favor of each measure.

SECTION 16. That pursuant to Section 9285(a)(2) of the California Elections Code that author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

SECTION 17. That pursuant to Section 9285(a)(3) of the California Elections Code rebuttal arguments may **not exceed 250 words**.

SECTION 18. That pursuant to Section 9285(a)(4) of the California Elections Code rebuttal arguments relating to a city measure shall be filed with the Elections Official no later than 10 days after the final filing date for primary arguments, the Election Official has fixed **Thursday, January 2, 2025 at 5:30 p.m.** The rebuttal argument shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 19. That rebuttal arguments shall be filed with the City Clerk/Elections Official, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers.

SECTION 20. That pursuant to Section 9285(a)(5) of the California Elections Code all rebuttals may not be signed by more than five persons and shall be printed in the same manner as a primary argument and shall immediately follow the primary argument which it seeks to rebut.

IMPARTIAL ANALYSIS

SECTION 21. The City Clerk/Elections Official shall transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected.

- a. The City Attorney shall prepare an impartial analysis of the measure **not exceeding 500 words** showing the effect of the measure on the existing law and the operation of the measure.
- b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.
- c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: “The above statement is an impartial analysis of Ordinance or Measure ___. If you desire a copy of the ordinance or measure, please call the Elections Official’s office at (310) 318-0656 and a copy will be mailed at no cost to you.”
- d. The impartial analysis shall be filed with the City Clerk/Elections Official by **Thursday, January 2, 2025 at 5:30 p.m.**

SECTION 22. That the City Council approves the letter designation of “**CAP**” for identification of the ballot measure.

SECTION 23. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the Book of Original Resolutions.

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

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Resolution No. CC-2412-119 was passed and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 10th day of December, 2024, and thereafter signed and approved by the Mayor and attested by the City Clerk, and that said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk

EXHIBIT "A"

PROPOSED CHARTER AMENDMENT MEASURE CAP

THE PEOPLE OF THE CITY OF REDONDO BEACH CALIFORNIA, HEREBY AMEND ARTICLE IX, SECTION 9.15 ORDINANCES, PUBLICATION, ARTICLE XVII, SECTION 17.9 BUDGET HEARING AND ADOPTION, AND ARTICLE XIX, SECTIONS 19 AND 19.5 OF THE CHARTER OF THE CITY OF REDONDO BEACH TO READ AS FOLLOWS:

(NOTE: New provisions or language added to the existing charter section are shown in **BOLDFACE type**; words and figures deleted from the existing charter section are shown in ~~strikeout type~~.)

ARTICLE IV

§ 9.15. Ordinances, publication.

The City Clerk shall cause each ordinance, **or a summary of each ordinance**, to be published at least once in the official newspaper of said City within fifteen (15) days from and after the date of adoption of said ordinances; **however as an alternative, that when an ordinance solely pertains to the municipal affairs of the City, except as otherwise provided by this Charter or by ordinance of the Council, the City Clerk may satisfy the publication requirement by posting the ordinance in at least three public places in the City as designated by the Council and posted on the City's online website or other publicly available City-controlled internet site in lieu of such publication.**

§ 17.9. Budget hearing and adoption.

Upon receipt of the proposed budget, the City Council shall set a time and place for a public hearing on the budget. Said hearing shall be held not more than thirty (30) days after receipt of the proposed budget and the City Council shall cause notice of such hearing to be given by publishing a notice in the official paper of said City at least ten (10) days prior to the hearing; **however as an alternative, that when an ordinance solely pertains to the municipal affairs of the City, except as otherwise provided by this Charter or by ordinance of the Council, the City Clerk may satisfy the**

publication requirement by posting the ordinance in at least three public places in the City as designated by the Council and posted on the City's online website or other publicly available City-controlled internet site in lieu of such publication.

If the City Council is unable to complete the hearing at one session, it may adjourn from time to time until completed.

After the hearing, the City Council shall review the budget, considering matters brought forth at the hearing, make any revisions and adopt the same. The City Council shall adopt the budget on or before June 30th of each year.

§ 19. Public works, contracts.

Every contract involving an expenditure of more than two hundred thousand dollars (\$200,000.00) for public works projects, including the construction of improvements of public buildings, streets, drains, sewers, utilities, parks and playgrounds shall be let either to: (1) the lowest responsible bidder, after notice by publication in the official newspaper by one or more insertions, the first of which shall be published at least ten (10) days before the time for opening bids, **or as otherwise permitted by Section 19.5, or by State law;** or (2) the best value design-builds entity or best value design-build-operate entity responding to a request for proposals.

Public works projects of two hundred thousand dollars (\$200,000.00) or less may be let to contract by informal bid procedures as shall be set by the City Council by ordinance.

Public works projects of sixty thousand dollars (\$60,000.00) or less may be performed by employees of the City by force account, by negotiated contract or by purchase order.

The Council may by ordinance with four-fifths (4/5ths) vote amend each of the above dollar limits by no more than twenty-five percent (25%), and no less than five (5) years between amendments.

The Council may reject any and all bids received whenever in the opinion of the City Council:

(a) The bid or bids do not strictly comply with the notice and specifications.

- (b) The Council finds and determines that the proposed project or purchase should be abandoned.
- (c) The Council finds and determines that the materials may be purchased more reasonably on the open market and the work done cheaper by day or City labor.
- (d) The Council determines that the bids are higher than anticipated and a new call for bids would result in savings to the City.
- (e) The Council determines that it would be in the best interest of the City to delay the work or purchase for an indefinite period of time.
- (f) The best interests of the City would be served by a rejection of all bids.
- (g) The proposal is not suitable for the project.

§ 19.5. Legal notices, contract for publication.

The publication of legal notices or other matters solely pertaining to the municipal affairs of the City, except as otherwise provided in this Charter or by ordinance of the Council, may be accomplished by (1) posting copies thereof at three or more public places in the City as designated by the Council and posted on the City's website. or; (2) publishing thereof in the official newspaper.

The publication of legal notices or other matters that do not solely pertain to the municipal affairs of the City shall be published in a manner consistent with applicable law.

The newspaper with which the Council contracts for publication of legal notices shall be deemed the official newspaper.



Administrative Report

M.4., File # 24-1971

Meeting Date: 12/10/2024

To: MAYOR AND CITY COUNCIL
From: ELEANOR MANZANO, CITY CLERK

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING RESOLUTION CC-2412-115 REGARDING RESIDENCY; AND

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2412-120, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING RESOLUTION NO. CC-2412-115, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE VI CITY COUNCIL SECTION 6.5. VACANCY, DECLARED BY COUNCIL, ARTICLE VIII THE MAYOR, ADDING SECTION 8.6 VACANCY, DECLARED BY COUNCIL, AND AMENDING ARTICLE X ELECTIVE OFFICES SECTION 10.2 ELECTIVE OFFICES, VACANCIES, LEAVE OF ABSENCE, TEMPORARY APPOINTMENTS FOR RESIDENCY, AND SETTING PROCEDURAL DETAILS; FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION 2410-090

EXECUTIVE SUMMARY

The City Council reviewed and began discussion relating to various measures, adopting Resolution No. CC-2412-112, City Clerk; Resolution No. CC-2412-113, City Treasurer; Resolution No. CC-2412-114, Publication; and Resolution No. CC-2412-115. These resolutions still required additional discussion and per City Council direction are hereby presented at this current meeting for further action, including but not limited to amendments, and/or withdrawals.

The City Council recently began review of the Charter Amendments at their meetings on November 3, November 5, and November 19, 2024. Prior to that, they also had discussions regarding the various potential Charter Amendments, such as on September 3, 2024, July 9, 2024, May 7, 2024, during which they made recommendations and directed staff to return to the City Council.

Pursuant to recommendations of the City Council-appointed Charter Review Advisory Committee ("Committee") and City Council discussions, both in the past and during the last City Council meeting on November 19, 2024, various resolutions have been prepared providing the City Council with options, including suggested language for such ballot titles.

Adoption of the proposed Resolution(s) may potentially add up to six (6) additional proposed Charter Amendment ballot measure questions to the March 4, 2025 General Municipal Election ballot.

Following are summaries of the various Resolutions and potential ballot titles for each of the Charter Amendment, which if approved by the City Council will add ballot measures to the General Municipal Election in March 2025. It is important to note that pursuant to the Elections Code/City Charter the official deadline to submit ballot measures is December 6, 2024, however, the City Council's last regular meeting prior to that official deadline is December 3, 2024. If the City Council would like to amend or withdraw any measures, they may do so by no later than December 11, 2024, the official deadline; therefore, the City Council could make its decision at its regular meeting on December 10, 2024.

Resolution No. CC-2412-120 - Residency

This proposed Charter Amendment will update the residency requirements for Elected Officials, to include that the elected officials shall continue to reside in Redondo Beach during their term of office. Per the City Council's motion at the meeting on July 9, 2024, the amendments would include that Elected Officials, "they shall be registered to vote in Redondo Beach, maintain registration to vote in Redondo Beach and include the definition of "domicile" as a requirement that they maintain in Redondo Beach, pursuant to California Elections Code Section 349 (B).", This will be subject to City Council discussion and direction to add to the General Municipal Election on March 4, 2025. The exhibits will be provided via Blue Folder. This resolution will amend Resolution No. CC-2412-115, adopted on December 3, 2024.

The City Council is respectfully requested to consider and take action(s) on the following:

- Review and/or revise the drafted Ballot Title question(s) and make any amendments (limited to no more than 75 words).
- Upon final Ballot Title language, the City Council is requested to consider whether or not to designate author(s) to write the argument(s) in support of any/each of the Ballot Measures.
- The City Council is to consider if author(s) are to be selected for any/each Ballot Measures (listed 1-4 above), and if so, designate author(s) for any/each Ballot Measure.
- Confirm or assign new letter designations to each ballot measure.
- Direct the City Attorney to prepare the impartial analysis.
- Subsequently adopt the proposed and/or revised Resolution(s) for any/each of the measures as presented/amended (listed 1-4 above).

Arguments, Rebuttals, Impartial Analysis

Upon approval by the City Council of any Ballot Measure, each adopted Resolution will include deadlines and setting priorities pertaining to submittal of Arguments, Rebuttals, and directing the City Attorney to prepare an Impartial Analysis, pursuant to California Elections Code Sections 9280-9287, 9600, and 9601. The proposed deadlines are listed below.

- Arguments - Due by no later than Tuesday, December 17, 2024 at 5:30 p.m.
- Rebuttal Arguments - Due by no later than, Thursday, January 2, 2025 at 5:30 p.m.
- Impartial Analysis - Due by no later than, Thursday, January 2, 2025 at 5:30 p.m.

Required forms will be available from the City Clerk's Office and upon completion, will be filed by the

deadline with the City Clerk in accordance with all the requirements.

COORDINATION

This report has been coordinated with the City Attorney.

FISCAL IMPACT

Ballot Measure costs have been included in the FY24-25 adopted Budget for the City's General Municipal Election.

ATTACHMENTS

1. Resolution No. CC-2412-120 - Residency

RESOLUTION NO. CC-2412-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMEND RESOLUTION NO. CC-2412-115, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF CERTAIN MEASURES RELATING TO AMENDING CHARTER ARTICLE VI CITY COUNCIL SECTION 6.5. VACANCY, DECLARED BY COUNCIL, ARTICLE VIII THE MAYOR, ADDING SECTION 8.6 VACANCY, DECLARED BY COUNCIL, AND AMENDING ARTICLE X ELECTIVE OFFICES SECTION 10.2 ELECTIVE OFFICES, VACANCIES, LEAVE OF ABSENCE, TEMPORARY APPOINTMENTS FOR RESIDENCY, AND SETTING PROCEDURAL DETAILS; FOR THE ELECTION TO BE HELD ON TUESDAY MARCH 4, 2025, AS CALLED BY RESOLUTION 2410-090.

WHEREAS, a General Municipal Election on Tuesday March 4, 2025 has been called by Resolution No. CC-2410-090, adopted on October 15, 2024; and

WHEREAS, the City Council at its Regular Meeting on December 3, 2024, adopted Resolution No. CC- 2412-115, ordering the submissions of certain measure relating to residency, as well as, setting procedural details, and providing staff direction which includes returning to the City Council such amended resolution; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendments to the voter;

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

SECTION 1. That pursuant to the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at section 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at section 9255) of the State of California, there is called and ordered to be held in the City of Redondo Beach, California, on Tuesday, March 4, 2025, for the purpose of submitting the following proposed charter amendments:

MEASURE CAR

PROPOSED CHARTER AMENDMENT. Shall the residency requirements for every Elected Official of the City be defined and apply to each position throughout their term of office?	YES
	NO

SECTION 2. That the text of the proposed charter amendment to be submitted to the voters are attached as Exhibit A.

SECTION 3. That the vote requirement for the measure to pass is a majority

(50%+1) of the votes cast.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

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

ARGUMENTS FOR AND AGAINST

SECTION 7. Pursuant to Section 9282(b) of the California Elections Code, the City Council, or any member or members of a legislative body authorized by the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations may file a written argument for or against a city measure.

SECTION 8. That pursuant to the above the City Council does authorize the following member(s) of its body: _____ for, to file written arguments In Favor of City measures as specified above **not exceeding 300 words**, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, pursuant to California Elections Code Section 9282 (c). The arguments may be changed or withdrawn until **Tuesday, December 17, 2024 at 5:30 p.m.**, after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 9. That the City Clerk/Elections Official is directed to follow the format for ballot arguments provided in subsections (d), (e) and (f) of Section 9282 of the California Elections Code.

SECTION 10. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five authors, the signatures of the first five shall be printed. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 11. The arguments shall be filed with the City Clerk/Elections Official, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 12. That based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the ten-calendar-day public examination period, **Tuesday, December 17, 2024 at 5:30 p.m.**, as the date after which

no arguments for or against a City measure may be submitted to the City Clerk/Elections Official for printing and distribution to the voters.

SETTING PRIORITIES FOR ARGUMENTS

SECTION 13. That if more than one argument for or against the measures is submitted to the City Clerk/Elections Official within the time prescribed, pursuant to Section 9287 of the California Elections Code, City Clerk/Elections Official shall select, pursuant to Section 6, one of the arguments in favor and one of the arguments against the Measure for printing and distribution to the voters.

SECTION 14. That the City Clerk/Elections Official shall give preference and priority, in the order named, to the arguments of the following:

- (a) The City Council, or member(s) or members of the body authorized by the City Council.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

SECTION 15. That pursuant to Section 9285(a)(1) of the California Elections Code, after the City Clerk/Elections Official has selected the arguments for and against each measure which will be printed and distributed to the voters, the Election Official shall send a copy of the argument in favor of each measure to the authors of the argument against each measure, and a copy of the argument against each measure to the authors of the argument in favor of each measure.

SECTION 16. That pursuant to Section 9285(a)(2) of the California Elections Code that author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

SECTION 17. That pursuant to Section 9285(a)(3) of the California Elections Code rebuttal arguments may **not exceed 250 words**.

SECTION 18. That pursuant to Section 9285(a)(4) of the California Elections Code rebuttal arguments relating to a city measure shall be filed with the Elections Official no later than 10 days after the final filing date for primary arguments, the Election Official has fixed **Thursday, January 2, 2025 at 5:30 p.m.** The rebuttal argument shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 19. That rebuttal arguments shall be filed with the City Clerk/Elections Official, signed, with the printed name(s) and signature(s) of the author(s) submitting it,

or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers.

SECTION 20. That pursuant to Section 9285(a)(5) of the California Elections Code all rebuttals may not be signed by more than five persons and shall be printed in the same manner as a primary argument and shall immediately follow the primary argument which it seeks to rebut.

IMPARTIAL ANALYSIS

SECTION 21. The City Clerk/Elections Official shall transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected.

- a. The City Attorney shall prepare an impartial analysis of the measure **not exceeding 500 words** showing the effect of the measure on the existing law and the operation of the measure.
- b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.
- c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Ordinance or Measure CAR. If you desire a copy of the ordinance or measure, please call the Elections Official's office at (310) 318-0656 and a copy will be mailed at no cost to you."
- d. The impartial analysis shall be filed with the City Clerk/Elections Official by **Thursday, January 2, 2025 at 5:30 p.m.**

SECTION 22. That the City Council approves the letter designation of "CAR" for identification of the ballot measure.

SECTION 23. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the Book of Original Resolutions.

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

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Resolution No. CC-2412-120 was passed and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 10th day of December, 2024, and thereafter signed and approved by the Mayor and attested by the City Clerk, and that said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk

EXHIBIT "A"

PROPOSED CHARTER AMENDMENT MEASURE CAR

THE PEOPLE OF THE CITY OF REDONDO BEACH CALIFORNIA, HEREBY AMEND ARTICLE VI CITY COUNCIL SECTION 6.5. VACANCY, DECLARED BY COUNCIL, ADD ARTICLE VIII THE MAYOR SECTION 8.6 VACANCY, DECLARED BY COUNCIL, AND AMEND ARTICLE X ELECTIVE OFFICES SECTION 10.2 ELECTIVE OFFICES, VACANCIES, LEAVE OF ABSENCE, TEMPORARY APPOINTMENTS OF THE CHARTER OF THE CITY OF REDONDO BEACH TO READ AS FOLLOWS:

(NOTE: New provisions or language added to the existing charter section are shown in **BOLDFACE type**; words and figures deleted from the existing charter section are shown in ~~strikeout type~~.)

§ 6.5. Vacancy, declared by Council.

If a member of the City Council is absent from all regular meetings of the City Council for four (4) consecutive regular meetings from and after the last regular City Council meeting, attended by such Councilmember unless by permission of the City Council as evidenced by its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a resident of the district from which such Councilmember was elected, such Councilmember's office shall become vacant and shall be so declared by the City Council. **"Resident" for this section is based on a person's domicile. The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.**

§ 8.6. Vacancy, declared by Council.

If the Mayor is convicted of a crime involving moral turpitude, or ceases to be a resident of the City of Redondo Beach, the Mayor's office shall become vacant and shall be so declared by the City Council. "Resident" for this section is based on a person's domicile. The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.

§ 10.2. Elective offices, vacancies, leaves of absence, temporary appointments.

In the event any elective official described in Article X, Section 10, is unable by reason of illness to perform the duties of such elective official's office, the City Council shall grant, without the necessity of any written request for such leave by the official, to such official a leave of absence with pay, for a period of not to exceed six (6) months. Upon the granting of such leave of absence the City Council shall make a temporary appointment for the duration of the leave of absence. In the event any elective official of the City of Redondo Beach is absent from said City for thirty (30) consecutive days or in the event that such elective official does not perform such elective official's duties for thirty (30) consecutive days, unless such elective official has the permission of the City Council to be absent from the City for thirty (30) consecutive days or to refrain from performing such elective official's duties for longer than such period, such permission being expressed in the official minutes of the City Council, or in the event such official is convicted of a crime involving moral turpitude, **ceases to be a resident of the City of Redondo Beach**, or otherwise ceases for any reason to be eligible to hold such official's office, such official's office shall become vacant and shall be so declared **by** the City Council. **“Resident” for this section is based on a person’s domicile. The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.**