AGENDA MEMO

TO: MAYOR AND MEMBERS OF THE DUARTE CITY COUNCIL

FROM: Karen A. Herrera, Deputy City Manager

SUBJECT: Women's Small Business Conference & Expo

DATE: February 10, 2015

RECOMMENDATION: That the Duarte City Council, by motion, receive and file this report on the upcoming Women's Small Business Conference & Expo slated for Saturday, April 25, 2015, from 10:00 am to 2:00 pm at the Duarte Community Center.

BACKGROUND: Mayor Tzeitel Paras-Caracci is spearheading an effort to increase local women's access and knowledge to current business trends and marketing techniques. The proposed theme for the Conference & Expo "Turn Your Passion into Power" is designed to encourage women to harness their knowledge and utilize their unique skill set to succeed in today's fast paced business world.

DISCUSSION: The steering committee has met several times and is composed of the following representatives: Duarte Chamber of Commerce, Foothill Workforce Investment Board, Women's Community Leadership Initiative, and the Small Business Development Center out of the University of La Verne. The committee is currently focusing on identifying and recommending event speakers. Specifically, Mayor Paras-Caracci has formally invited newly elected Los Angeles County Supervisor Hilda Solis, as the event keynote speaker.

Logistics:
The Women's Business Expo will be held at the Duarte Community Center showcasing approximately 20-22 exhibitors and will be comprised of primarily women and minority owned businesses located in and around the Duarte area. The exhibit area will be designed so that tables will border the perimeter of the floor space. At this time, exhibitors will be by invitation only and will be asked to pay a nominal registration fee.

The identified target audience is women interested in small business development (ie. home-based, virtual-based, as well as "brick & mortar" businesses). The goal is to attract an audience of approximately 70-80 attendees. The event will be free for participants; however, there is discussion for a suggested donation of $5 to benefit the charitable work of the Foothill Unity Center.

Various speakers, as well as some of the exhibitors/vendors, who are experts in the field, will be invited to participate in panel discussions, which will be held throughout the day. Additionally, small breakout discussions will take place to provide an intimate networking setting for exhibitors/panelists and attendees. The panel and roundtable breakout discussions will be guided by questions generated from participants.

Attendees and exhibitors will be provided with continental breakfast and lunch. Food and beverages will be served in the Lounge.

Budget:
Staff proposed the following outlined budget and identified possible funders: Chase Bank; Nissan of Duarte; The Gas Company; Burrtec Waste Industries; and SCE Federal Credit Union.

- $1000 – Micro business grant for opportunity drawing (one $500, and two $250)
- $200 – Opportunity Drawing Giveaways
- $800 – Food and Beverages

Marketing:
Efforts to recruit attendees will concentrate on outreach to local women's based groups such as Parent Teacher Associations. Staff will also utilize several platforms including the City of Duarte website, Duarte City News, the City electronic sign and the Twitter account. The Duarte Chamber of Commerce will provide a section for advertisement in its upcoming edition of Duarte View.

FISCAL IMPACT: The total cost of the project will be approximately $2,000. Costs associated with the project (ie: food, $1,000 micro business grants, door prizes) are being funded through sponsorships and donations. To date the Gas Company, Burrtec Waste Industries, and Nissan of Duarte have pledged $500 each.

M I N U T E S

JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY/COMMUNITY FACILITIES FINANCING AUTHORITY OF THE CITY OF DUARTE
REGULAR MEETING – JANUARY 27, 2015

CALL TO ORDER	The City Council/City Council as Successor Agency to Dissolved Redevelopment Agency/Housing Authority/Community Facilities Financing Authority of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Paras-Caracci called the meeting to order at 6:35 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana (6:40 p.m.), Finlay, Kang, Reilly, Paras-Caracci ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Melching
ADOPTION OF AGENDA	Finlay moved, Kang seconded to adopt the Agenda, and carried unanimously.
TRAFFIC SAFETY COMMISSION INTERVIEWS	The City Council interviewed applicants for one vacancy on the Traffic Safety Commission. The interviews concluded at 7:05 p.m. City Council reconvened at 7:06 p.m., with all members present.
PLEDGE TO THE FLAG	Joanna Gee led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Fasana and Finlay provided the warm-up.
SPECIAL ITEMS Recognition – Outgoing City Commissioners	Mayor Paras-Caracci recognized outgoing City Commissioners Kenneth Bell, Kevin Costa, and Christopher Doyle, and thanked them for their service to the City.
Presentation by NLC – Service Line Warranty Program	Bonnie Cureton, National League of Cities, presented information about the NLC Service Line Warranty Program, including coverage, cost, and contractors used. George stated if City Council is interested in the NLC Service Line Warranty Program, the agreement will be brought to a future meeting.
ANNOUNCEMENTS	Joanna Gee, Duarte Library, announced upcoming workshops, programs, and story times in January, February, and March. Karen Herrera presented community announcements about City events and activities in January and February.
ORAL COMMUNICATIONS	The following spoke on items not on the Agenda. Mike Antenesse – Calvary Chapel services at PAC.

CONSENT CALENDAR	Finlay moved, Fasana seconded to approve the Consent Calendar, as follows, and carried unanimously. Approve Items A, B, C, F, H, J. Receive and File Item G. Remove Items D, E, I.
Item F – Resolution No. 15-02 Records Retention – Finance	Council Bill 15-R-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ADOPTING A RECORDS RETENTION SCHEDULE FOR THE CITY'S FINANCE DIVISION RECORDS AND DOCUMENTS
ITEMS REMOVED Item D – Levon Yotnakhparian Agreement Amendment No. 4	Karen Herrera presented a staff report about the amendment to the current agreement for cablecasting services, and answered questions from Councilmembers.
ITEM D – Approved	Finlay moved, Reilly seconded to approve Amendment No. 4 to the Services Agreement by and between the City of Duarte and Levon Yotnakhparian for City Council Meeting cablecasting, and carried unanimously.
Item E – Fireworks Applications	Mayor Paras-Caracci noted the new curfew information was provided to all organizations. George stated all required criteria was met.
ITEM E – Approved	Fasana moved, Kang seconded to approve the 2015 applications for licenses to sell safe and sane fireworks for the 4th of July, and carried unanimously.
Item I – Duarte Health Fair Co-sponsorship request	There was discussion about the use of City buses for transportation, and the City's fixed route system. Paras-Caracci suggested an additional stop be included, if viable. It was noted that the bus would shuttle passengers from the parking lot at the Senior Center to the health fair at Westminster Gardens.
ITEM I – Approved	Finlay moved, Fasana seconded to approve the request from the Duarte Health Fair Committee for City of Duarte co-sponsorship of the Duarte Health Fair on Saturday, March 14, 2015, and carried unanimously.
PUBLIC HEARINGS CDBG Budget 2015-2016	Mayor Paras-Caracci announced this was the time and place set for a Public Hearing to consider the Community Development Block Grant 2015-16 Budget. Notice of the hearing had been given, the affidavit is on file, and no written correspondence was received about the item. Craig Hensley presented the staff report about the 2015-16 funding allocation, including background, analysis, and staff recommendation. Mayor Paras-Caracci asked if anyone in the audience wished to speak on the item. There were none. Mayor Paras-Caracci closed the Public Hearing.

There was discussion about School District parking lots, maintenance, location of ADA curb ramps, and census tract restrictions.

Finlay moved, Fasana seconded to allocate $140,017 in FY 2015-16 (July 1, 2015-June 30, 2015) CDBG program funding to (a) remove architectural barriers in the public right-of-way, and install new ADA curb ramps; and (b) improve a parking lot in a low-moderate income area within a community satellite park, and remove architectural barriers, as described in Table 1 (preferred plan) and Table 2 (alternate plan) of the staff report, and included language giving staff the ability to make adjustments to projects and funding levels described in Tables 1 and 2, due to final funding allocations and as needed due to programmatic interpretations by CDC, per staff recommendation, and carried unanimously.

COUNCIL BILL 15-O-01
Stormwater and Urban Runoff Pollution Control (First Reading)

Mayor Paras-Caracci announced this was the time and place set for a Public Hearing to consider the first reading of a proposed ordinance.

Melching read by title Council Bill 15-O-01:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 6.15, "STORMWATER AND URBAN RUNOFF POLLUTION CONTROL," TO TITLE 6, "HEALTH AND SANITATION," OF THE DUARTE MUNICIPAL CODE (MCA 15-02) (First Reading)

Notice of the hearing had been given, the affidavit is on file, and no written correspondence was received about the item.

Rafael Casillas, Public Works Manager, presented a staff report about the proposed Ordinance, including proposed Resolution 15-01, and answered questions from Councilmembers pertaining to low impact development and narrowing of street widths.
Mayor Paras-Caracci asked if anyone in the audience wished to speak on the item. There were none.

Fasana moved, Kang seconded to close the Public Hearing, and carried unanimously.

Fasana moved, Reilly seconded to introduce Council Bill 15-O-01 for first reading, and carried unanimously.

RESOLUTION
Council Bill 15-R-01
Green Street Policy

Melching read by title Council Bill 15-R-01:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING A GREEN STREET POLICY

Rafael Casillas, Public Works Manager, presented a staff report on this item as part of the Public Hearing item pertaining to Council Bill 15-O-01.

RESOLUTION NO. 15-01	Fasana moved, Finlay seconded to adopt Resolution No. 15-01, and carried unanimously.
BUSINESS ITEMS Traffic Safety Commissioner Appointment (Continued to 2/24/15)	Mayor Paras-Caracci stated that the appointment of a Traffic Safety Commissioner would be continued to the February 24, 2015, meeting, as other Commission appointments are scheduled to be made at that meeting also.
Proposition A Fund Exchange City of Lancaster	Kristen Petersen presented a staff report about the exchange of $490,000 general fund dollars for $700,000 Prop A dollars with the city of Lancaster, and answered questions from Councilmembers pertaining to time limit, current buses being used to capacity, and expansion of transportation. Fasana moved, Finlay seconded to authorize the appropriation of $490,000 in general fund dollars for the purchase of $700,000 in Prop A dollars from the City of Lancaster, and authorize the City Manager to execute the ensuing agreement, and carried unanimously.
ITEMS FROM CITY COUNCIL/ CITY MANAGER	KANG: Inquired if the trees at Huntington and Mt. Olive will be replaced, stated some of the street signs are faded, asked if that is included in this year's budget, and stated he is looking forward to participating in the homeless count tonight. REILLY: Thanked all who attended the transit study open house, attended grand opening of Inspire Charter Schools, Elks dinner event, and Special Olympics host city conference, stated the light on the flag at Thorsen Park doesn't always work, stated there is not a crosswalk when going from Encanto Park to the bridge, and asked that we look into that. Mayor Paras-Caracci suggested the item about the crosswalk could be considered by the Traffic Safety or Public Safety Commission. Fasana suggested the city of Azusa also be involved. FASANA: Stated there will be a leadership change at the San Gabriel Valley COG as Andrea Miller is leaving, requested the Public Safety update include any noticeable affects we have had from Prop 47 pertaining to the reduction of criminal offenses for drug abuse, stated Google Maps has an option for transit, our transit system is invisible to that application, and asked that we see what would be required to have the Duarte Transit System route included in that application. Kang suggested the Code America Group could assist with the transit application, and stated they will come out to your city. FINLAY: Attended the Community Mediation Team Meeting, thanked staff for taking care of having the area of Huntington Drive at the Foothill bridge cleaned, stated residents must be careful when crossing the Mt. Olive bike path as it is difficult to see people, and congratulated Roxanne Breceda for receiving her Bachelor's Degree this weekend.

PARAS-CARACCI: Stated the homeless survey is taking place this evening, and it is very important.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m. in memory of Jane Braun.

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Mayor Tzeitel Paras-Caracci

ATTEST:

____
City Clerk

ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 6.15, "STORMWATER AND URBAN RUNOFF POLLUTION CONTROL," TO TITLE 6, "HEALTH AND SANITATION," OF THE DUARTE MUNICIPAL CODE (MCA 15-2)

THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA ORDAINS AS FOLLOWS:

SECTION 1. Title 6, "Health and Sanitation" of the City of Duarte Municipal Code, Chapter 6.15, "Stormwater and Urban Runoff Pollution Control," is hereby amended by deleting it in its entirety and replacing it with the following:

Chapter 6.15 Stormwater and Urban Runoff Pollution Control

6.15.010 General Provisions and Legislative Findings.

A. AUTHORITY. The United States Congress passed the Clean Water Act as a mandate, in part, that cities obtain permits to "effectively prohibit non-stormwater discharges into the storm sewers" and "require controls to reduce the discharge of Pollutants to the maximum extent practicable."

This permitting authority has been delegated by the United States Environmental Protection Agency (EPA) to the State of California, which has authorized the State Water Resources Control Board and its regional boards to control non-point source and point source Discharges to waters of the United States. The City is a permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4," issued by the Regional Board (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law. The City of Duarte is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.

B. APPLICABILITY. The provisions of this Chapter shall apply to the Discharge, deposit or disposal of any Stormwater and/or Urban Runoff to the Storm Drain System and/or Receiving Waters within any incorporated areas of the City of Duarte.

C. PURPOSE AND INTENT. The purpose and intent of this Chapter is to protect and enhance the quality of the waters of the State and the United States located within and/or flowing out of the City of Duarte, in accordance with the requirements of the Clean Water Act and State law, by:

1. Imposing requirements designed to ensure compliance with all Federal and State laws, regulations and orders applicable to Runoff within the City of Duarte.

2. Effectively prohibiting Non-Stormwater Discharges into the Municipal Stormwater System.

3. Reducing the Discharge of Pollutants to the Municipal Stormwater System, to the Maximum Extent Practicable, including those Pollutants associated with Industrial and Commercial Activities, as needed for the City of Duarte to be determined to be in compliance with applicable water quality standards/receiving water limitations.

4. Prohibiting and eliminating Illicit Discharges and Connections to the Municipal Stormwater System.

5. Establishing measures to control the Discharge of spills, dumping, or disposal of materials other than Stormwater to the Municipal Stormwater System.

6. Developing and implementing a progressive enforcement policy to ensure that regulated Industrial/Commercial Facilities, construction

Project Sites, Development and Redevelopment Project Sites with post-construction controls, and Illicit Discharges are each brought into compliance with all Stormwater and Non-Stormwater requirements within a reasonable time period.

D. CONSTRUCTION AND APPLICATION. This Chapter shall be interpreted to be consistent with the requirements of the Municipal NPDES Permit. This Chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Chapter should be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose more protective standards for human health or the environment shall take precedence.

6.15.011 Short Title.

This Chapter is entitled "Stormwater and Urban Runoff Pollution Control Ordinance of the City of Duarte" and shall be known by this title throughout this Code.

6.15.020 Definitions.

The following words and phrases, whenever used in this Chapter, shall have the meanings defined in this Section unless the context clearly requires otherwise. The following words and phrases shall have the following meanings when used in this Chapter:

(a) "Authorized Enforcement Staff" means any City employee, including Code Enforcement, Building Inspectors and Public Works staff, assigned to duties involving permits and other City approvals, inspections, and enforcement related to this Chapter.

(b) "Automotive Service Facility" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes: 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539. For inspection purposes, this term does not include SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to Stormwater.

(c) "Basin Plan" means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994, and including subsequent amendments.

(d) "Best Management Practice (BMP)" means practices or physical devices or systems designed to prevent or reduce Pollutant loading from

Stormwater or Non-Stormwater Discharges to the Municipal Stormwater System, or designed to reduce the volume of Stormwater or Non-Stormwater Discharges to the Municipal Stormwater System.

(e) "Biofiltration" means a LID BMP that reduces Stormwater Pollutant Discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Biofiltration BMPs include Bioretention systems with an underdrain and Bioswales.

(f) "Bioretention" means a LID BMP that reduces Stormwater Discharges to the Municipal Stormwater System by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. Bioretention systems typically include a minimum top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES Permit, a Bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a Bioretention BMP is designed or constructed with an underdrain it is regulated under this Chapter and under the Municipal NPDES Permit as a Biofiltration BMP.

(g) "Bioswale" means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are to be designed to collect Stormwater Discharges and to achieve a uniform sheet flow through the use of dense vegetation for a period of several minutes.

(h) "City" means the City of Duarte or its duly authorized representatives.

(i) "Clean Water Act" means the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., and all amendments thereto and all regulations thereunder.

(j) "Co-Permittee" means Los Angeles County Flood Control District, the County of Los Angeles, and any one of the 84 municipalities (including the City), who are identified as "permittees" under the Municipal NPDES Permit.

(k) "Commercial Activity" means any public or private activity involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or non-professional services.

(l) "Commercial Development" means any development on private land that is not heavy industrial or residential. Commercial Development includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

(m) "Commercial Malls" means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A Commercial Mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

(n) "Community Development Director" or "Director" means the Director of Community Development of the City of Duarte, and his or her duly authorized agent, deputy, or representative designated to administer, implement or enforce the provisions of this Chapter.

(o) "Construction Activity" means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or Routine Maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, or to maintain the original line and grade, hydraulic capacity, or the original purposes of the facility.

(p) "Control Measure" means a method to minimize, reduce or eliminate by technological, legal, contractual or other means, the Discharge of Pollutants from an activity or activities.

(q) "Development" means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include Routine Maintenance to maintain the original line and grade, hydraulic capacity, or the original purpose of the facility; nor does it include emergency construction activities required to immediately protect public health and safety.

(r) "Directly Adjacent" means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of an Environmentally Sensitive Area.

(s) "Discharge" means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance. The term includes additions of Pollutants from: Runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other Persons which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

(t) "Disturbed Area" means an area that is altered as a result of clearing, grading, and/or excavation.

(u) "Environmentally Sensitive Areas (ESAs)" is an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). The term includes areas designated as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; and an area otherwise identified by the City or a Co-Permittee as environmentally sensitive.

(v) "Flow-through BMPs" means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain.

(w) "Green Roof" means a LID BMP using planter boxes and vegetation to intercept rainfall on a roof surface. A Green Roof includes a roof that intercepts rainfall by vegetation leaves and through evapotranspiration. Green Roofs may be designed as either a Bioretention BMP or as a Biofiltration BMP. If designed as a Bioretention BMP, the Green Roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain.

(x) "Hazardous Materials" means any material defined as a "hazardous material," a "hazardous substance" or a "hazardous waste" as such terms are defined within section 25501 of the California Health and Safety Code, and as may be amended from time to time.

(y) "Hillside" means a property located in an area with known erosive soil conditions, where the Development contemplates grading on any natural slope that is 25° or greater and where grading contemplates cut or fill slopes.

(z) "Hydromodification" means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation.

(aa) "Illicit Connection" means any man-made device through or by which an Illicit Discharge is conveyed into the Municipal Stormwater System without a permit, including but not limited to floor drains, pipes, channels, inlets, or any fabricated or natural conduits, excluding roof drains which convey only Stormwater.

(bb) "Illicit Discharge" means any Discharges to or from the Municipal Stormwater System that is prohibited under local, state or federal statutes, ordinances, codes or regulations. Illicit Discharges include all Non-Stormwater Discharges that are prohibited by the NPDES Permit and not otherwise exempted or conditionally exempted thereunder or otherwise allowed by a special waiver or exemption granted by the Regional Board.

(cc) "Impervious Surface" means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in Runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to Development. Examples of places that commonly exhibit Impervious Surfaces include: Parking Lots, driveways, roadways, storage areas, and rooftops utilizing paving, compacted gravel, compacted earth, and/or oiled earth.

(dd) "Industrial Activity" means any public or private activity that is associated with any of the eleven categories of activities specified in 40 Code of Federal Regulations 122.26(b)(14) and required to obtain an NPDES permit.

(ee) "Industrial/Commercial Facility" means any facility involved and/or used in either the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing industrial or commercial services. This category of facility includes, but is not limited to, any facility falling within the Standard Industrial Classifications (SIC) or the North American Industry Classification System (NAICS). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

(ff) "Industrial Park" means land development areas set aside specifically for industrial operations. Industrial Parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which allow for both office and light industry uses.

(gg) "Infiltration BMP" means a LID BMP that reduces Stormwater Runoff by capturing and infiltrating the Runoff into in-situ soils or amended onsite soils. Examples of Infiltration BMPs include infiltration basins, dry wells, and pervious pavement.

(hh) "LID" means Low Impact Development. LID consists of building and landscape features designed to retain or filter Stormwater and Non-Stormwater Runoff.

(ii) "Maximum Extent Practicable" means such term as used and interpreted in accordance with the Clean Water Act.

(jj) "Municipal NPDES Permit" means the California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175, NPDES

No. CAS004001 Waste Discharge Requirements for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles, or such subsequent NPDES permit that may be issued in its place, including all amendments to such permits. The operative Municipal NPDES Permit will be kept on file with the City Clerk.

(kk) "Municipal Separate Storm Sewer System ("MS4" or "Municipal Stormwater System")" means a conveyance or system of conveyances owned or operated by the City, designed or used for collecting or conveying Stormwater including but not limited to flood control channels, roads with drainage systems, alleys, streets, catch basins, grates, inlets, curbs, gutters, ditches, storm drains, canals, pipes and fabricated and natural channels.

(ll) "National Pollutant Discharge Elimination System (NPDES)" means a permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board or a California Regional Water Quality Control Board pursuant to the Clean Water Act.

(mm) "Natural Drainage System" means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a Natural Drainage System shall not cause said system to otherwise be classified as an improved drainage system.

(nn) "New Development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of Impervious Surfaces, and land subdivision.

(oo) "Non-Stormwater" means any Discharge that is not composed entirely of Stormwater.

(pp) "Owner" as applied to a building or real property, means any legal owner of such building or real property, including any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of such building or real property.

(qq) "Parking Lot" means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces.

(rr) "Person" means any natural person, firm, association, organization, partnership, business trust, corporation, or company.

(ss) "Pollutant" has the same meaning as set forth in the California Water Code section 13373. Pollutants include, but are not limited to garbage, debris, lawn clippings, leaves, fecal waste, biological waste, sediment, sludge, manure, fertilizers, pesticides, oil, grease, gasoline, paints, solvents, cleaners, and any fluid or solid containing toxic or nontoxic chemicals and metals, including batteries.

(tt) "Project" means all Development and Redevelopment land disturbing activities. The term is not limited to "Project" as that term is defined under the California Environmental Quality Act ("CEQA" – Cal. Pub. Resources Code §21000 et. seq.).

(uu) "Rainfall Harvest and Use" means a LID BMP system designed to capture Runoff, typically from a roof, but can also include Runoff capture from elsewhere within the property, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department.

(vv) "Receiving Waters" means all rivers, lakes, oceans, or other bodies of water that are considered waters of the United States under the Clean Water Act.

(ww) "Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of Impervious Surface area on an already developed Site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of Impervious Surface area that is not part of Routine Maintenance activity; and land disturbing activity related to structural or Impervious Surfaces. It does not include Routine Maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency Construction Activities required to immediately protect public health and safety.

(xx) "Regional Board" means the California Regional Water Quality Control Board, Los Angeles Region.

(yy) "Restaurant" means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

(zz) "Retail Gasoline Outlet" means any facility engaged in selling gasoline and lubricating oils.

(aaa) "Routine Maintenance" includes but is not limited to Projects conducted to:

i. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

ii. Perform, as needed, restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.

iii. Includes road shoulder work, re-grading dirt or gravel roadways and shoulders and performing ditch cleanouts.

iv. Update existing lines (which includes replacing existing lines with new materials and/or pipes) and facilities to comply with applicable codes, standards, and regulations regardless if such Projects result in increased capacity.

v. Repair leaks.

Routine Maintenance does not include the construction of new lines or facilities required to comply with applicable codes, standards and/or regulations. New lines are those that are not associated with existing facilities and are not part of a Project to update or replace existing lines.

(bbb) "Runoff" means any surface runoff, including Stormwater and dry weather flows, from a drainage area within or entering the jurisdiction of the City of Duarte. During dry weather Runoff is typically comprised of base flow either contaminated with Pollutants or uncontaminated, and nuisance flows.

(ccc) "Significant Ecological Areas" (SEAs) means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

i. The habitat of rare, endangered, and threatened plant and animal species.

ii. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.

iii. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.

iv. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating ground and is limited in availability either regionally or within Los Angeles County.

v. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.

vi. Areas important as game species habitat or as fisheries.

vii. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.

viii. Special areas.

(ddd) "Site" means commonly identified land or water areas, where activities of any kind or nature are or can be conducted thereon. The term includes, but is not limited to, any improvements, structures, buildings, piping, or equipment located within such area, and further includes any adjacent land or water used in any way in connection with such area.

(eee) "State General Permit" means any general NPDES permit adopted by the State Board which authorizes Discharges from Construction Activities or Industrial Activities under certain conditions.

(fff) "Storm Drain System" means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of Runoff.

(ggg) "Stormwater" means any snow melt runoff, and surface runoff and drainage related to precipitation events.

(hhh) "Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of Pollutants in Runoff (e.g. canopy, structural enclosure). The term includes both what are commonly understood to be treatment control BMPs and source control BMPs.

(iii) "State Stormwater Pollution Prevention Plan (SWPPP)" is a plan, as required by a State General Permit, identifying potential Pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent Non-Stormwater Discharges and reduce Pollutants in Stormwater Discharges during activities covered by the State General Permit.

(jjj) "Untreated" means any Non-Stormwater Runoff, wastewater or wash waters that have not been subjected to an applicable treatment control BMP, or that are not otherwise in compliance with conditions of an applicable NPDES permit.

(kkk) "Urban Runoff" means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

6.15.030 Responsibility for Administration.

The administration, oversight and implementation of this Chapter is delegated to the Community Development Director.

6.15.040 Prohibition and Elimination of Illicit Discharges and Illicit Connections.

A. ILLICIT DISCHARGES PROHIBITED. No Person shall cause, permit allow or facilitate an Illicit Discharge to enter the Storm Drain System

1. All Persons who cause, permit, allow, or facilitate Non-Stormwater to enter the Storm Drain System pursuant to an exemption or a conditional exemption under the Municipal NPDES Permit must comply with the following requirements:

   a. Notify the City of the planned Discharge in advance, consistent with the requirements in the Municipal NPDES Permit;

   b. Obtain any local permits required by the City;

   c. Provide documentation of any other necessary permits or water quality certifications;

   d. Conduct monitoring of the Discharge if required by the City;

   e. Implement BMPs and/or Control Measures as specified in the Municipal NPDES Permit as a condition of the approval to Discharge into the MS4; and

   f. Maintain records of the Discharge into the MS4, consistent with the requirements in the Municipal NPDES Permit.

B. ILLICIT CONNECTIONS PROHIBITED. No Person shall construct, utilize, maintain, operate or permit the existence of any Illicit Connection on any premises owned, controlled, or operated by such Person. All Illicit Connections constructed, utilized, maintained, operated or permitted in the past must be terminated and removed.

6.15.050 Pollutant Discharge Control.

A. GENERAL DISCHARGE PROHIBITIONS. No Person shall cause, permit, allow, or facilitate a Discharge of any of the following to the Storm Drain System or a Receiving Water:

1. Any liquids, solids or gases which by reason of their nature or quantity are flammable, reactive, explosive, corrosive, or radioactive, or by interaction with other materials could result in fire, explosion or injury.

2. Any solid or viscous materials which could cause obstruction to the flow or operation of the Storm Drain System.

3. Any Pollutant that injures or constitutes a hazard to human, animal, plant, or fish life, or creates a public nuisance.

4. Any noxious or malodorous liquid, gas, or solid in sufficient quantity, either singly or by interaction with other materials, which creates a public nuisance, hazard to life, or inhibits authorized entry of any Person into the Storm Drain System.

5. Any medical, infections, toxic or hazardous material or waste.

6. Any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act unless it is a product used for lawn and agricultural purposes.

B. CONTROLLING THE DISCHARGE OF POLLUTANTS ASSOCIATED WITH COMMERCIAL, INDUSTRIAL, OR CONSTRUCTION ACTIVITIES.

1. All Persons engaged in Construction or Industrial Activities requiring a State General Permit shall have the following readily available on-site and shall, upon reasonable request from Authorized Enforcement Staff, provide such documents:

   a. One (1) copy of the Notice of Intent for the State General Permit.

   b. The waste discharge identification number issued by the State Board.

   c. One (1) copy of the SWPPP and Stormwater monitoring plan.

   The documents must be retained for three (3) years from the date generated or submitted, whichever is later.

2. Except as allowed under a State General Permit, no Person performing any Industrial or Commercial Activity shall cause, permit, allow, or facilitate a Discharge of any of the following into the Storm Drain System:

a. Untreated wastewater from steam cleaning, mobile carpet cleaning, or from other such mobile commercial or industrial operations;

b. Untreated Runoff containing grease, oil, antifreeze, other fluids from machinery, equipment, tools or motor vehicles, or hazardous substances;

c. Untreated Runoff from the washing of toxic materials from paved or unpaved areas;

d. Wastewater from the washing out of concrete trucks;

e. Untreated wash water from Retail Gasoline Outlets and Automotive Service Facilities; and

f. Untreated Runoff from the washing of Impervious Surfaces unless the washing is specifically required by State or local health and safety codes or unless the Discharge is conditionally exempt by the Municipal NPDES Permit.

6.15.060 Controlling Spills, Dumping, or Disposal of Materials Other Than Stormwater to the Stormwater Drain System.

A. LITTERING. This Section is in addition to any other anti-littering provisions provided in this Code. If any provision contained in this Section conflicts with another provision of the Code, the more stringent, restrictive provision shall govern.

1. No Person shall cause, permit, allow, or facilitate the Discharge of any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, gutter, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City so that such materials, when exposed to Stormwater or any Runoff, become a Pollutant in the Storm Drain System.

2. No Person shall intentionally dispose or cause the disposal of leaves, dirt, or other landscape debris into the Storm Drain System.

3. No Person shall spill, dump or dispose of any pesticide, fungicide, or herbicide, directly into the Storm Drain System.

4. No Person shall cause, permit, allow, or facilitate the Discharge of Hazardous Materials in a manner that results or potentially could result in a Discharge of these materials onto any sidewalk, street or gutter that flows into the Storm Drain System.

5. No Person shall store oil or oily material, fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries and any toxic or Hazardous Material(s) in a manner that causes or potentially could cause a Discharge of these materials or wastes into the Storm Drain System.

6. No Person shall cause, permit, allow, or facilitate the Discharge of any sanitary or septic wastes from any source into the Storm Drain System.

6.15.070 Construction Pollutant Reduction.

A. DEVELOPMENT CONSTRUCTION REQUIREMENTS. Runoff from Construction Activity at all construction Project Sites shall meet the following minimum requirements:

1. Sediments generated on the Project Site shall be retained using adequate Structural BMPs;

2. Construction-related materials, wastes, spills, or residue shall be retained at the Project Site to avoid a Discharge to streets, drainage facilities, Receiving Waters, or adjacent properties by wind or Runoff;

3. Non-Stormwater Runoff from equipment and vehicle washing and any other activity shall be contained at the Project Site; and

4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs, such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planning and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

B. CITY REVIEW AND PLAN APPROVAL.

1. Prior to the issuance of a permit for a New Development or Redevelopment Project, the Project will be evaluated using the applicable State General Permit, and erosion and grading requirements of the City to determine (i) its potential to generate the flow of Pollutants into the MS4 during construction; and (ii) the effectiveness of the SWPPP for the proposed Project in complying with the requirements of this Chapter. Each SWPPP will be evaluated on its own merits according to the particular characteristics of the Project and the Site to be developed. Based upon the review, the City may impose conditions upon the issuance of the building permit, in addition to any required by the State General Permit for the Project, in order to minimize the flow of Pollutants into the MS4.

2. No grading permit for Developments requiring coverage under the State General Permit shall be issued unless the applicant can show that a proper Notice of Intent to comply with the State General Permit has been filed and that an SWPPP has been prepared for the Project.

3. Stormwater Runoff containing sediment, construction waste or other Pollutants from the construction Site and parking areas shall be reduced to the Maximum Extent Practicable. The following BMPs shall apply to all construction Projects within the City, and shall be required from the time of demolition of existing structures or commencement of construction until receipt of a certificate of occupancy or other evidence of completion of the Project:

   a. Sediment, construction waste, and other Pollutants from Construction Activities shall be retained on the construction Site to the Maximum Extent Practicable;

   b. Structural controls such as sediment barriers, plastic sheeting, detention ponds, dikes, filter beams and similar controls shall be utilized to the Maximum Extent Practicable in order to minimize the escape of sediment and other Pollutants from the Site;

   c. All excavated soil shall be located on the Site in a manner that minimizes the amount of sediments running onto the street, drainage facilities or adjacent properties. Soil piles shall be covered with plastic or similar material until the soil is either used or removed from the Site;

   d. No washing of construction or other vehicles is permitted adjacent to a construction Project Site. No water from the washing of construction or other vehicles is permitted to run off the construction Project Site, or to otherwise enter the MS4.

4. As a condition to granting a building permit or grading permit, the City may set reasonable limits on the clearing of natural vegetation from construction Project Sites, in order to reduce the potential for soil erosion. These limits may include, but are not limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.

5. The Community Development Director may require, prior to the issuance of any building or grading permit, the preparation of an appropriate wet weather erosion control plan, an SWPPP or other plans consistent with the goals of this chapter.

6. If the applicant determines that compliance with this section is technically infeasible for its Project, the Project applicant may apply for alternative compliance for technical infeasibility by showing that the incorporation and design elements that address the objectives set forth in this section are impracticable, non-economical, or otherwise physically impossible due to the Site characteristics or other characteristics unique to the Project. Any request for alternative compliance shall be in writing to the Community Development Director and may only be approved where permitted in accordance with the terms of the existing State General Permit.

6.15.080 Best Management Practices.

A. BMPs. All Persons engaged in Commercial, Industrial, and Construction Activities, shall use BMPs in the use, maintenance, repair and operation of all machinery and equipment utilized on such property, to the Maximum Extent Practicable, in order to minimize and eliminate the Discharge of Pollutants to the Storm Drain System. Such BMPs are to be consistent with those BMPs prescribed by the Municipal NPDES Permit and/or established by resolution of City Council.

B. STRUCTURAL TREATMENT CONTROL. All Persons conducting activities on Project Sites subject to a Structural BMP shall:

1. Ensure that each and every Structural BMP is operating effectively and is being adequately maintained; and

2. Document the operation and maintenance of Structural BMPs and their effectiveness in reducing the Discharge of Pollutants to the Municipal Stormwater System.

6.15.090 Compliance with State and Federal Discharge Requirements.

All Persons engaged in Commercial, Industrial, or Construction Activities, shall comply with all Discharge requirements of the United States Environmental Protection Agency and/or the State Board or Regional Board. Proof of compliance with such Discharge requirements may be required by the City in a form acceptable to the Director, prior to the issuance of any grading, building, or occupancy permit, or any other type of permit or license issued or to be issued by the City.

6.15.100 Inspections.

A. AUTHORITY TO INSPECT. The Director may, on twenty-four hour oral or written notice, unless exigent circumstances justify a shorter time period, enter upon and inspect any private premises for the purposes of verifying compliance with the terms and conditions of this Chapter and is authorized to perform the following duties at that time:

1. Inspect, take samples of any Runoff, Discharge or materials within any exposed waste storage area, and perform tests for the purpose of determining the potential for the contribution of Pollutants to the Storm Drain System;

2. Place on the property of the inspected facility or Site any such devices as are reasonably necessary to sample, monitor, measure and record flows of Discharge or threatened Discharge;

3. Inspect, examine and copy all records of the Owner or occupant of the inspected property that pertain to any Discharge to the Storm Drain System, including records relating to chemicals or processes presently or previously occurring on the Site, a General Construction or Industrial Activities Storm Water Permit, a Notice of Intent to comply with a General Construction or Industrial Activities Permit, waste discharge records, waste manifests, monitoring plans, test results, any records or plans relating to discharge connections to the Storm Drain System, and any other information required by this Chapter;

4. Inspect and enforce the provisions of this Chapter requiring the implementation of applicable Best Management Practices;

5. Photograph any materials, storage or process areas, wastes, waste containers, vehicles, connections, Best Management Practices, treatment systems, discharge location(s), or any violation(s) discovered during the inspection; and

6. Abate, correct or prevent Pollutants from entering the Storm Drain System or Receiving Waters.

B. REPORTING REQUIREMENTS. Following the completion of an inspection, the Director may require the Owner or operator of the facility to submit regular reports on the facility operations, for so long as the Director determines in his discretion is necessary, as needed to verify compliance with the terms and conditions of this Chapter, or to otherwise show the facility has corrected any violation(s) of this Chapter.

6.15.110 Enforcement.

A. ADMINISTRATIVE CITATIONS. Violations of this Chapter may be abated by administrative action in accordance with the terms and provisions of Chapter 1.08 of this Code.

B. NUISANCE. Violations of this Chapter may be deemed a public nuisance and abated in accordance with the terms and provisions of Chapter 9.32 of this Code.

C. CRIMINAL SANCTIONS.

1. The enforcing attorney may act on the request of the Community Development Director or Authorized Enforcement Staff to pursue enforcement actions in accordance with the provisions of this Chapter.

2. Any Person who may otherwise be charged with a misdemeanor under this Chapter may be charged, at the discretion of the prosecuting attorney, with an infraction punishable by a fine of not more than $100.00 for a first violation, $200.00 for a second violation, and a fine not exceeding $500.00 for each additional violation occurring within one year.

3. Any Person who negligently or knowingly violates any provision of this Chapter, undertakes to conceal any violation of this Chapter, continues any violation of this Chapter after notice thereof, or violates the terms, conditions and requirements of a permit or approval issued pursuant to this Chapter, shall be guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or by imprisonment for a period of not more than six months, or both.

D. CONSECUTIVE VIOLATIONS. Each day in which a violation occurs and each separate failure to comply with either a separate provision of this Chapter, an administrative compliance order, a cease and desist order, or a permit issued pursuant to this Chapter, shall constitute a separate violation of this Chapter punishable by fines or sentences issued in accordance herewith.

E. NON-EXCLUSIVE REMEDIES. Each and every remedy available for the enforcement of this Chapter shall be non-exclusive of any other remedies available to the City under any applicable federal, state or local law. It is within the discretion of the Community Development Director, Authorized Enforcement Staff, or enforcing attorney to seek cumulative remedies, except that multiple monetary fines or penalties shall not be available for any single violation of this Chapter.

F. CITATIONS. Pursuant to California Penal Code section 836.5, the Community Development Director or Authorized Enforcement Staff shall have the authority to cause the arrest of any Person committing a misdemeanor or infraction pursuant to the provisions of the Chapter. The Person shall be released and issued a citation to appear before a magistrate in accordance with Penal Code section 853.5, section 853.6, and section 853.9, unless the Person demands to be taken before the magistrate. Following issuance of any citation, the Community Development Director or Authorized Enforcement Staff may refer the matter to the enforcing attorney. All such criminal citations and hearings shall be in accordance with the terms and provisions of Chapter 1.04.

G. VIOLATIONS OF OTHER LAWS. Any Person acting in violation of this Chapter also may be acting in violation of the Clean Water Act or the California Porter-Cologne Water Quality Control Act (California Water Code § 13000 et seq.) and other laws, and also may be subject to criminal and civil penalties, the payment of restitution, damages, and costs, and injunctive relief under such other laws. Accordingly, the enforcing attorney is authorized to file a citizen suit pursuant to the Clean Water Act (Title 33 U.S.C. § 1365(a)), seeking penalties and injunctive and declaratory relief, the recovery of attorney fees and costs, and other appropriate relief. The enforcing attorney may notify United States Environmental Protection Agency, the State Water Resources Control Board, the Regional Board, or any other appropriate State or local agency, of any alleged violation of this Chapter.

H. INJUNCTIONS. At the request of the Community Development Director or Authorized Enforcement Staff, the enforcing attorney may cause the filing, in a court of competent jurisdiction, of a civil action seeking an injunction against any threatened or continuing noncompliance with the provisions of this Chapter. Any temporary, preliminary, or permanent injunction issued pursuant hereto may include an order for reimbursement to the City of all costs incurred in enforcing this Chapter, including costs of inspection, investigation and monitoring, the costs of abatement undertaken at the expense of the City, legal expense, including costs and attorney fees, and consultant and expert fees and costs, and costs relating to restoration of the environment.

I. RECOVERY OF COSTS.

1. The Community Development Director and Authorized Enforcement Staff may recover from any other Person who has been found in violation of this Chapter all costs incurred in the enforcement of the Chapter, including but not limited to:

   a. All costs relating to investigation, sampling, inspection, monitoring, administrative expenses, legal expenses, including costs and attorney fees, and consultant and expert fees and costs, and consequential damages;

b. All costs incurred in mitigating harm to the environment or reducing the threat to human health; and

c. Damages for irreparable harm to the environment.

2. The Community Development Director or Authorized Enforcement Staff may cause the enforcing attorney to file an action for civil damages in a court of competent jurisdiction seeking recovery of such costs.

J. OTHER CIVIL REMEDIES

1. The enforcing attorney is authorized to file actions for civil damages resulting from any trespass or nuisance occurring on public land or to the Stormwater drainage system from any violation of this Chapter where the same has caused damage, contamination or harm to the environment, public property, or the Stormwater drainage system.

6.15.120 Permits.

A. DISCHARGE PERMIT PROCEDURE FOR INDIVIDUAL PERMITS.

1. On application of the Owner of private property or the operator of any facility and/or Site/source, where such private property is not otherwise subject to the requirements of an existing NPDES permit, the Community Development Director may issue an individual permit authorizing Discharges to the MS4 if:

a. The Discharge of material or constituents is reasonably necessary for the conduct of otherwise legal activities on the private property; and

b. The Discharge will not cause or contribute to a violation of the Municipal NPDES Permit.

2. The applicant shall provide all information requested by the Community Development Director for review and consideration of the application, including, but not limited to, specific detail as to the activities to be conducted on the private property, plans and specifications for facilities located on the private property, identification of equipment or processes to be used on-site and other information as may be requested in order to determine the constituents and quantities thereof which may be Discharged if permission is granted.

3. The permit applicant shall be notified whether the permit was granted or denied within sixty (60) business days following the completion and acceptance of the application, as determined by the Community Development Director. The applicant shall be notified in person or by first-class mail of the action taken.

4. The permit may include terms, conditions and requirements to ensure compliance with the objectives of this Chapter, including but not limited to:

   a. Identification of the discharge location on the private property and the location at which the Discharge will enter the MS4;

   b. Identification of the constituents and quantities thereof to be Discharged into the MS4;

   c. Specification of pollution prevention techniques and structural or non-structural control requirements as reasonably necessary to prevent prohibited Discharges;

   d. Requirements for self-monitoring of any Discharge;

   e. Requirements for submission of documents or data, such as technical reports, production data, discharge reports, self-monitoring reports and waste manifests; and

   f. Other terms and conditions appropriate to ensure compliance with the provisions of this Chapter, including requirements for compliance with Best Management Practice guidance documents approved by any federal or regional agency.

B. DISCHARGE PERMIT PROCEDURE FOR GENERAL PERMITS. In the discretion of the Community Development Director and in accordance with the conditions identified in this Section, the permit may be prepared as a general permit applicable to a specific category of activities. If a general permit is issued, any Person intending to Discharge within the scope of the authorization provided by the general permit may do so by filing an application to Discharge with the Community Development Director. No Discharge within the scope of the general permit shall occur until such application is filed and has been approved. Notwithstanding the foregoing in this Section, the Community Development Director in his or her discretion may eliminate the requirement that an application be filed for coverage under an already approved general permit.

C. FEES. The permit to Discharge shall be conditioned upon the applicant's payment of the City's costs, in accordance with a fee schedule adopted by City Council resolution, as follows:

1. For individually issued permits, the costs of reviewing the permit application, preparing and issuing the permit and the costs reasonably related to administrating this permit program; and

2. For general permits, the costs of reviewing the permit application, that portion of the costs of preparing the general permit which is reasonably attributable to the permittee's application for the general permit and the costs reasonably related to administering the general permit program.

D. PERMIT SUSPENSION, REVOCATION OR MODIFICATION.

1. The Community Development Director may suspend or revoke any permit when it is determined that:

a. The permittee has violated any term, condition or requirement of the permit or any applicable provision of this Chapter;

b. The permittee's Discharge or the circumstances under which the Discharge occurs have changed so that it is no longer appropriate to exempt the Discharge from the prohibitions contained within this Chapter;

c. The permittee failed to comply with any schedule for compliance issued pursuant to this Chapter; or

d. Any regulatory agency, including the United States Environmental Protection Agency, the State Water Resources Control Board, the County of Los Angeles, the Los Angeles County Flood Control District, or the Regional Board, having jurisdiction over the Discharge, provides written notice to the City that the Discharge should be terminated.

2. The Community Development Director may modify any permit when it is determined that:

a. Federal law, state law, or applicable permit requirements have changed in a manner that necessitates a change in the permit;

b. The permittee's Discharge or the circumstances under which the Discharge occurs have changed so that it is appropriate to modify the permit's terms, conditions or requirements; or

c. A change to the permit is necessary to ensure compliance with the objectives of this Chapter and/or the Municipal NPDES Permit. The permittee shall be informed of any change in the permit terms and conditions at least forty-five (45) business days prior to the effective date of the modified permit.

3. The determination that a permit shall be denied, suspended, revoked or modified may be appealed by a permittee pursuant to the same procedures applicable to appeal of an administrative compliance order hereunder. In the absence of a judicial order to the contrary, the permittee may not continue to Discharge pending issuance of the final administrative decision by the Hearing Officer.

E. PERMIT ENFORCEMENT, PENALTIES. Any violation of the terms, conditions and requirements of any permit issued by the Community Development Director shall constitute a violation of this Chapter and subject the violator to the administrative, civil and criminal remedies available under this Chapter.

F. COMPLIANCE. Compliance with the terms, conditions and requirements of a permit issued pursuant to this Chapter shall not relieve the permittee from compliance with all other federal, state and local laws, regulations and permit requirements applicable to the activity for which the permit is issued.

1. Permits issued under this Chapter are for the Person identified therein as the "permittee" only, and authorize the specific operation at the specific location identified in the permit. The issuance of a permit does not vest the permittee with a continuing right to Discharge.

2. No permit may be transferred to allow:

a. A Discharge to the MS4 at a location other than the location stated in the permit; or

b. A Discharge by a Person other than the permittee named in the permit or identified in a written transfer approved by the Community Development Director.

6.15.130 New Development and Redevelopment Pollutant Reduction.

A. OBJECTIVE. The provisions of this section establish requirements for Construction Activities and facility operations of Development and Redevelopment Projects to comply with the MS4 permit, to lessen the water quality impacts of Development by using smart growth practices, and to integrate LID practices and standards for Stormwater pollution mitigation through means of Infiltration, evapotranspiration, Biofiltration, and Rainfall Harvest and Use. LID shall be inclusive of New Development and/or Redevelopment requirements.

B. SCOPE. This section contains requirements for Stormwater pollution Control Measures in Development and Redevelopment Projects. Nothing in this section shall limit the City from further defining and adopting Stormwater pollution Control Measures, and to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies.

C. APPLICABILITY. All Persons engaged in the following Development and Redevelopment Projects shall comply with the requirements of this Chapter:

1. All Development Projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of Impervious Surface area.

2. Industrial Parks with 10,000 square feet or more of surface area.

3. Commercial Malls with 10,000 square feet or more of surface area.

4. Retail Gasoline Outlets with 5,000 square feet or more of surface area.

5. Restaurants with 5,000 square feet or more of surface area.

6. Parking Lots with 5,000 square feet or more of Impervious Surface area, or with 25 or more parking spaces.

7. Street and road construction with 10,000 square feet or more of Impervious Surface area.

8. Automotive Service Facilities with 5,000 square feet or more of surface area.

9. Projects located in or Directly Adjacent to, or discharging directly to an Significant Ecological Area (SEA) where the Development will:

a. Discharge Stormwater that is likely to impact a sensitive biological species or habitat; and

b. Create 2,500 square feet or more of Impervious Surface area

10. Single-family Hillside homes.

11. Redevelopment Projects.

a. Where Redevelopment results in an alteration to more than fifty percent of Impervious Surfaces of a previously existing Development, and the existing Development was not subject to post-construction Stormwater quality control requirements, the entire Project must be mitigated.

b. Where Redevelopment results in an alteration of less than fifty percent of Impervious Surfaces of a previously existing Development, and the existing Development was not subject to post-construction Stormwater quality control requirements, only the alteration must be mitigated, and not the entire Development.

c. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such Projects create, add, or replace 10,000 square feet of Impervious Surface area.

D. REQUIREMENTS.

All Persons engaged in the Projects identified in this Section shall design their Project Sites to control Pollutants, Pollutant loads, and Runoff volume to the Maximum Extent Practicable by minimizing Impervious Surface area and controlling Runoff from Impervious Surfaces through infiltration, evapotranspiration, Bioretention and/or Rainfall Harvest and Use. The Project applicant shall prepare an LID Plan which implements set LID standards and practices for pollution mitigation and provides documentation demonstrating compliance with the Municipal NPDES Permit on the plans and permit application submitted to the City. LID Plans shall comply with the following:

1. The County of Los Angeles Department of Public Works Low-Impact Development Standard Manual. A copy of the manual shall be kept on file with the City Clerk.

2. A new single-family Hillside home Development shall include mitigation measures to:

a. Conserve natural areas;

b. Protect slopes and channels (including compliance with Chapter 19.46 of the Duarte Municipal Code) ;

c. Provide Storm Drain System stenciling and signage;

d. Divert roof Runoff to vegetated areas before Discharge unless the diversion would result in slope instability; and

e. Direct surface flow to vegetated areas before Discharge, unless the diversion would result in slope instability.

3. Street and road construction of 10,000 square feet or more of Impervious Surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the Maximum Extent Practicable.

4. The remainder of the Projects identified in this Section shall prepare a LID Plan to comply with the following:

a. Retain Stormwater Runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the Runoff from:

i. The 85th percentile 24-hour Runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or

ii. The volume of Runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.

b. Minimize Hydromodification impacts to Natural Drainage Systems as defined in the Municipal NPDES Permit.

Notwithstanding these requirements, no person shall be excused from complying with Chapter 15.09 of the Duarte Municipal Code.

E. ALTERNATIVE COMPLIANCE FOR TECHNICAL INFEASIBILITY.

If the applicant determines that a LID Plan is technically infeasible for its Project, the Project applicant may apply for alternative compliance for technical infeasibility by showing that the incorporation and design elements that address the objectives set forth in this section are impracticable, non-economical, or otherwise physically impossible due to the Project Site characteristics or other characteristics unique to the Project. Any request for alternative compliance shall be in writing to the Community Development Director and may only be approved where permitted in accordance with the terms of the MS4 permit and when all Structural BMPs have been considered and rejected as infeasible.

1. To demonstrate technical infeasibility, the Project applicant must demonstrate that the Project cannot reliably retain 100 percent of the SWQDv on-site, even with the maximum application of Green Roofs and Rainwater Harvest and Use, and that compliance with the applicable post-construction requirements would be technically infeasible by submitting a Site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:

   a. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or Bioretention BMPs in retaining the SWQDv on-site;

   b. Locations where seasonal high groundwater is within five to ten feet of surface grade;

   c. Locations within 100 feet of a groundwater well used for drinking water;

   d. Brownfield Development Sites or other locations where Pollutant mobilization is a documented concern;

   e. Locations with potential geotechnical hazards;

   f. Smart growth and infill or Redevelopment locations where the density and/or nature of the Project would create significant difficulty for compliance with the onsite volume retention requirement.

2. If partial or complete onsite retention is technically infeasible, the Project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.

3. Additional alternative compliance options such as offsite infiltration and groundwater replenishment projects may be available to the Project Site. The Project applicant should contact the Community Development Director to determine eligibility.

4. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce Pollutant loading. BMPs must be selected and designed to meet Pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-

through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:

a. 0.2 inches per hour, or

b. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

6.15.140 Low Impact Development Plan.

A. LID PLAN. Prior to the issuance of a permit for a New Development or Redevelopment Project, the applicant shall submit a LID Plan to the Community Development Director. The LID Plan shall be prepared by a California registered Civil Engineer, Architect, Landscape Architect knowledgeable about Stormwater management issues. The Project will be evaluated using the applicable State General Permit, and erosion and grading requirements of the City to determine (i) its potential to generate the flow of Pollutants into the MS4 after construction; and (ii) how well the LID plan for the proposed Project meets the goals of this chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the Project and the Site to be developed. Based upon the review, the City may impose conditions upon the issuance of the building permit, in addition to any required by the State General Permit for the Project, in order to minimize the flow of Pollutants into the MS4.

B. CITY APPROVAL. No building or grading permit shall be issued until an LID plan has been approved by the Community Development Director.

C. EXPIRATION OF CITY APPROVAL. If no building permit has been issued or no construction has begun on a Project within a period of one hundred eighty (180) days of approval of an LID plan, the LID plan for that Project shall expire. The Community Development Director may extend the time by written extension for action by the applicant for a period not to exceed one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from commencing. In order to renew the LID plan, the applicant shall resubmit all necessary forms and other data and pay a new LID plan check fee.

6.15.150 Filing of the Low Impact Development Plan.

Upon approval and acceptance of the LID Plan by the City, the applicant shall file a signed original of the plan with the Los Angeles County Recorder. The document shall contain a sufficient legal description to identify the property covered and shall be binding upon the applicant and all successors in interest to the property. The format shall be approved by the City and shall only be amended or removed from title with the consent of the City.

6.15.160 Fees.

The City may establish fees for the services provided under this Chapter by resolution of City Council.

6.15.170 Interagency Cooperation.

The Clean Water Act provides for cooperative implementation of requirements and interagency allocations of program resources and burdens. The City intends to cooperate with other Co-Permittees and other MS4 permittees (where appropriate) to ensure that the regulatory purposes underlying surface water Runoff regulations promulgated pursuant to the Clean Water Act are met.

The City may, to the extent authorized by law, elect to contract for the services of any public agency or private enterprise to carry out the planning approvals, inspections, permits and enforcement authorized by this Chapter.

6.15.180 Judicial Review.

The provisions of sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the procedure for judicial review of any act taken pursuant to this Chapter. Parties seeking judicial review of any action taken pursuant to this Chapter shall file such action within ninety (90) days of the occurrence of the event for which review is sought.

SECTION 2. CEQA Determination. In adopting this Ordinance, the City Council finds and determines, based on all of the information in the record and on the basis of its independent judgment, that enacting this Ordinance is a condition of the Municipal NPDES Permit, the requirements of which are exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code § 21000, including but not limited to sections 21083 and 21084 et seq. The ordinance is subject to CEQA categorical exemptions classes 4, 6 through 9, 21, and 22, pursuant to the CEQA Guidelines, respectively, Title 14, California Code of Regulations Sections 15304, 15306, 15307, 15308, 15309, 15321, and 15322.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or portions be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days after its passage.

SECTION 5. Posting of Ordinance. The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED this ____ day of ______________, 2015.

____

Mayor Tzeitel Paras-Caracci

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. ________ was adopted by the City Council of the City of Duarte at a regular meeting of said Council held on the _____ day of ________________, 2015, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

____

City Clerk Marla Akana
City of Duarte, California

City of Duarte

AGENDA MEMO

TO: CITY COUNCIL

FROM: Karen A. Herrera, Deputy City Manager

SUBJECT: Duarte Relay for Life/Bark for Life 2015 Co-Sponsorship Request

DATE: February 10, 2015

RECOMMENDATION: That the Duarte City Council, by motion, co-sponsor both the Duarte Relay for Life 2015 on May 16 and 17, 2015 at Duarte High School and the Bark for Life on June 27th at Duarte Park/Teen Center.

BACKGROUND: The Duarte Relay for Life 2015 committee, led by local realtor Hugo Torres and Duarte High School Athletic Director, Robyn Garcia, is requesting the City of Duarte to officially co-sponsor the upcoming 6th Annual Duarte Relay for Life event taking place starting at 10:00 am at the Duarte High School Athletic Field at 1565 E. Central Ave. on May 16 and 17, 2015. Participants of the event will honor cancer survivors and pay tribute to lives lost by the disease while striving to raise $29,000.

Teams will maintain a 24-hour community presence while camping out overnight on the School field. The event will feature food, games, tributes and fellowship with every penny earned going towards cancer research. The High School and the City will be sponsoring multiple youth teams consisting of representatives from Leadership, Key Club, Interact, DART, DHS Athletics and many more. Happy Feet and Leadership clubs will also be gathering donations by selling "Feet" and "Luminaries", which represent people who have been diagnosed, died, or have beaten cancer. (See Attachment)

The City is also being asked to participate in the 2nd Annual "Bark for Life" event that is proposed to be held in conjunction with the City's annual Rabies Vaccination Clinic on Saturday, June 27, 2015 from 7:30 to 10:30 am at Duarte Teen Center at 1401 Buena Vista Street. Bark for Life is a complementary event to the traditional relay and is designed specifically with pet lovers in mind. In addition to the vaccination clinic, the event will also feature pet appropriate vendors and adoptions.

DISCUSSION: The Duarte Relay for Life and Bark for Life events have helped support cancer research in the community for over five years. In terms of co-sponsorship, the City will provide volunteers, a youth team organized by DART, access to City marketing venues, website, electronic sign, etc. which generally comes with a co-sponsorship designation.

FISCAL IMPACT: None.

Attachment: Press Release

For Immediate Release:
For Further Information Contact:
City of Duarte
Karen Herrera, Deputy City Manager
(626) 357-7931 herrerakaren@accessduarte.com

City of Duarte

DUARTE RELAY FOR LIFE SET FOR MAY 16-17 AT DUARTE HIGH SCHOOL

DUARTE, CA, February 11, 2015 – Cancer never sleeps and neither will participants of the 24-hour long 6th Annual Duarte Relay for Life event to be hosted by the City of Duarte and the American Cancer Society on May 16th and May 17th on the Duarte High School Athletic Field, 1565 E. Central Ave., Duarte. Participants of the Relay will honor cancer survivors and pay tribute to lives lost by the disease while striving to raise $29,000 to help fight cancer in the community.

Mayor Tzeitel Paras-Caracci will kick off the event, hosting opening ceremonies at 10 a.m. on May 16, while Mayor Pro Tem Sam Kang will preside over the closing ceremonies at 10 a.m. the next morning.

The 2015 Event Chairs are Hugo Torres, a local realtor and Robyn Garcia, Activities and Athletic Director at Duarte High School. Both are expecting a banner year for the event. Both the High School and the City will be sponsoring multiple youth teams consisting of representatives from Leadership, Key Club, Interact, DART, DHS Athletics and many more. Happy Feet and Leadership clubs will also be gathering donations by selling "Feet" and "Luminaries", which represent people who have been diagnosed, died, or have beaten cancer.

For more information about how to start, join or volunteer for a team, visit www.relayforlife.org/duarteca, or email Robyn Garcia at rgarcia@duarteusd.org or Lauren Worsley at lauren.worsley@cancer.org.

About the City of Duarte

The City of Duarte was incorporated on August 22, 1957. With integrity and transparency, the City provides exemplary public services in a caring and fiscally responsible manner with a commitment to our community's future. For more information visit www.accessduarte.com or call (626) 357-7931. Follow the City of Duarte on Twitter @CityofDuarte.

#

AGENDA MEMO

TO: MAYOR PARAS-CARACCI & MEMBERS OF THE DUARTE CITY COUNCIL

FROM: Karen A. Herrera, Deputy City Manager

SUBJECT: Hong Kong Children's Symphony Orchestra Co-Sponsorship Request

DATE: February 10, 2015

RECOMMENDATION: That the Duarte City Council, by motion, co-sponsor the Hong Kong Children's Symphony Youth Orchestra summer concert on July 18, 2015 at the Duarte Performing Arts Center.

BACKGROUND: The Hong Kong Symphony Youth Orchestra is requesting the City of Duarte officially co-sponsor its upcoming summer concert on July 18 at the Duarte Performing Arts Center.

Dr. Yip Wai Hong founded the Orchestra in 1996. The purpose of the upcoming tour is to provide cultural exchange and performance opportunities for the members of the group ages 7 to 14.

DISCUSSION: The Orchestra would like to offer a free summer concert to Duarte and the surrounding area on the above date in July. In terms of co-sponsorship, in addition to the City providing volunteers and access to City marketing venues, they would like to use one of the City's ten, no-cost uses of the DUSD's Performing Arts Center consistent with the 1991 agreement that occur on a calendar year basis. At this point, the City has not used all of these dates, and it should not conflict with any previously scheduled City programs.

The group has also requested the ability to use 60 of the District's chairs, the District's grand piano and 30 music stands for the musicians. They also need a trained sound and lighting technician for the event. The District has confirmed the use and availability of these items. The group also requested assistance with set-up, breakdown and cleanup of the facility. The City has informed the group that they would be responsible for those requirements, and they have agreed.

FISCAL IMPACT: None

ATTACHMENT: Letter from Olympia Youth Orchestra

HONG KONG CHILDREN'S SYMPHONY ORCHESTRA
HKCSO
香 港 兒 童 交 響 樂 團

Founder: Dr. YIP WAI HONG

Hong Kong Children's Symphony Orchestra
1/F., Wah Chi Mansion, 292 Temple Street, Jordan, Kowloon, Hong Kong
Tel: (852) 2317 0681
Email: hkcso96@gmail.com

10 January 2015

City Council of Duarte
1600 Huntington Dr.,
Duarte, CA 91010

Dear Mayor Paras-Caracci and the City Council of Duarte,

I am currently organizing a summer performance tour for the Hong Kong Children's Symphony Orchestra. We will perform around the Greater Los Angeles area from **16 July to 24 July 2015**. The purpose of the tour is to provide cultural exchange experience and performance opportunities for the members of the orchestra.

I founded the Hong Kong Children's Symphony Orchestra in 1996. Members, age 7 to 14, are recruited under highly competitive open auditions. They have received training under my baton and from guest conductors Wing-sie Yip and Jimmy Chiang. The Orchestra has been holding concerts presented by the Leisure and Cultural Services Department in Hong Kong annually. Young talented musicians such as Lu Wei, Yang Tianwa, Yang Xiaoyu, Shen Wenyu, Zhang Haochen, Tang Yun, Wong Wai-yin, Mengla Huang and Angela Cheng have collaborated with the Orchestra. We have also been invited to perform in important occasions and concerts in Bangkok, Kuala Lumpur, Singapore, United States and Canada. Most of the violinists of the Orchestra have attained LRSM, Dip. ABRSM, FTCL, LTCL, and ATCL.

As the music director and leader of the tour, I was wondering if the City Council of Duarte would be interested in supporting us by providing one of the performance venues in Los Angeles. We are hoping to perform at the Duarte Performing Arts Center on either **18, 19 or 20 July 2015** and we would like to use the space for an 8-hour period for rehearsal and performance. We would appreciate it a lot if the Center could supply us with custodial and stagehands, a lighting manager, speaker microphones and most importantly, the use of one concert grand piano, sixty orchestra chairs and thirty music stands.

If the City Council of Duarte is interested in sponsoring the orchestra, please contact me for further details. Thank you very much for your time and consideration.

1/F., Wah Chi Mansion, 292 Temple Street, Kowloon, Hong Kong
香港九龍廟街292號華志大廈1字樓 Tel: 2317 0681 Fax: 2317 1360

Yours sincerely,

Dr. Yip Wai Hong (D.M.A., M.H., BBS)
Music Director

Mr. Johnny Ng
Resident Conductor

Mr. Fung Ho
LA Liaison Officer
fungho1vln@sbcglobal.net

Hong Kong Children's Symphony Orchestra

Performance Tour to Los Angeles & San Francisco

14th - 25th July, 2015

Music Director: Dr. Yip Wai Hong   Resident Conductor: Mr. Johnny Ng

Repertoire List

Solo:

Bach - Double Violin Concerto

Mozart - Concerto No.4 in D Major

Mozart - Flute Concerto K.313

Vivaldi - Concerto No.10 for 5 Violin in B minor

Haydn - Cello Concerto No.2 in D major

Tchaikovsky - Violin Concerto in D Major, Op. 35

Bruch - Romance for Viola and Orchestra

Novacek - Perpetual Motion

Grieg - Piano Concerto

Orchestral:

W.A. Mozart - Symphony No.39

Handel - Music for the Royal Fireworks

Dvorak - Slavonic dances Op.46

Borodin - Polovtsian dances

Brahms - Hungarian Dance No. 5

Beethoven - Symphony No.1, Op. 21

Leroy Anderson - Jazz Pizzicato

Leroy Anderson - Cat Waltz

Copland - Hoe Down

Copland - Shaker Variation

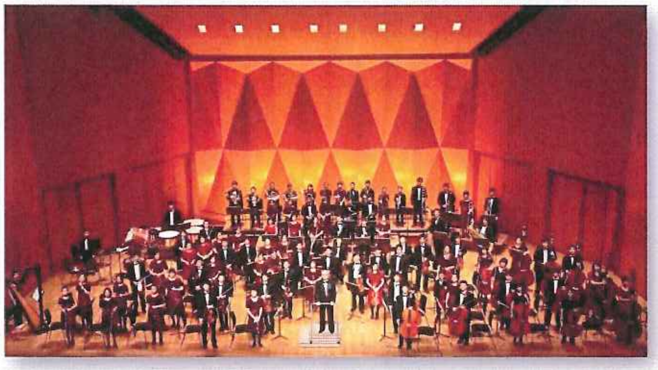
Scott Joplin - The Entertainers

Hong Kong Children's Symphony Orchestra

Performance Tour to Los Angeles & San Francisco

16th - 28th July, 2015

Music Director: Dr. YIP Wai Hong   Resident Conductor: Mr. Johnny NG



About Hong Kong Children's Symphony Orchestra:

Dr. Yip Wai-hong established the Hong Kong Children's Symphony Orchestra in 1996. Members, aged from 7 to 14, are recruited under highly competitive open auditions. They have received training under the baton of Yip Wing-sie and Dr. Yip Wai-hong.

The Orchestra has been holding concerts presented by the Leisure and Cultural Services Department annually. It has invited young talented musicians to perform with the orchestra, e.g. Lu Wei, Yang Tianwa, Yang Xiaoyu, Shun Wenyu, Zhang Haochen, Tang Yun, Wong Wai-yin, Mengla Huang and Angela Cheng.

The Orchestra was invited to perform in important occasions and concerts in Bangkok, Kuala Lumpur, Singapore, United States and Canada.

Most of the violinists of the Orchestra have attained LRSM, Dip.ABRSM, FTCL, LTCL, and ATCL.

Resident Conductor: Mr. Johnny Ng

Recipient of a Conducting Fellowship with the American Academy of Conducting at Aspen (AACA), Johnny Ng made his debut with the AACA Orchestra in July 2013. Mr. Ng is currently serving as the resident conductor for the Hong Kong Children's Symphony Orchestra, Hong Kong Youth Symphonic Winds and the Hong Kong Polytechnic University Orchestra. He has also made guest appearance with the Pan Asia Symphony Orchestra, Hong Kong Saxophone Ensemble and Hong Kong Festival Orchestra. His conducting teachers includes Maestros Robert Spano, Ken Lam, Donald Nueun, Donald Brinegar and Mark Scatterday. He served as the Assistant Conductor to Maestro Ken Lam in Montclair, New Jersey from 2012-13, where he made his debut with the Montclair Symphony Orchestra and assisted in the production of Francis Poulenc's Dialogues de Carmelites.

He began his violin studies at the Hong Kong Yip's Children's Choral and Performing Arts Centre with Li Hao-Yee, Ho Hong-Ying, Professor Lin Yao-Ji from the Central Conservatory of Music in Beijing and conducting with Dr. Yip Wai-Hong. A graduate from the Eastman School of Music in New York, Mr Ng studied viola performance under the tutelage of Professors George Taylor and Phillip Ying, and received his Master of Music degree in 2012. Johnny also holds a Performer's Certificate from the John J. Cali School of Music, where he studied with Professor Li Hong-gang and members of the Shanghai Quartet, with whom he made an appearance at Carnegie Hall in New York, NY in March 2013.

Tour Description:

- This performing tour will provide a cultural exchange experience for the younger members of the orchestra.
- Showcase our young soloists from age of 7 to 14 on various orchestra instruments.
- They will stay with host families and explore two of the major cities of the United States, Los Angeles and San Francisco.
- Highlights of the tour includes:
    - Exchange performances with local orchestras and exchange with local students
    - Explore Hollywood Bowl, Santa Monica/Venice Beach and perform in major theme parks
    - Experience California lifestyle with host families
    - Visit local public school and attend a concert
    - Enjoy the stunning scenery of the Pacific Coast Highway 1

Through Performing Arts Exchange

- Communication beyond language and borders
- Establish friendships
- Experience California Art and Culture
- Two major performances in Los Angeles and San Francisco
- Short programs shows in local churches

Proposed performing venues

- San Gabriel Valley Mission Playhouse
- Pasadena City College Auditorium
- Duarte Performing Arts Center
- First Church of the Nazarene of Pasadena
- California State University , Los Angeles Playhouse Theater
- Various local churches around Los Angeles, Orange County, Anaheim, San Diego and San Francisco.

Transportation

- Air
    - Hong Kong - Los Angeles
    - San Francisco - Hong Kong
- Tour Coach
    - Los Angeles - San Francisco

Accommodation

- Los Angeles
    - Host families
- San Francisco
    - Host families

MEMORANDUM

TO: DARRELL GEORGE, CITY MANAGER

FROM: CESAR MONSALVE, DIRECTOR OF PARKS AND RECREATION

SUBJECT: DUARTE HIGH SCHOOL SWIM TEAM POOL USE

DATE: 2/10/15

Each year the City of Duarte and the Duarte Unified School District enter into an agreement that allows the Duarte High School swim team to use the Fitness Center pool for practices and meets.

Attached is the agreement for the 2015 swim team season. Staff requests that the City Council authorize the City Manager to sign the agreement.

AGREEMENT BETWEEN CITY OF DUARTE AND DUARTE UNIFIED SCHOOL DISTRICT FOR USE OF CITY-OWNED FITNESS CENTER POOL

This Agreement For Use of City-Owned Fitness Center Pool ("**Agreement**") is made and entered into by and between the CITY OF DUARTE, hereinafter referred to as "**City**", and DUARTE UNIFIED SCHOOL DISTRICT, hereinafter referred to as "**District**".

WITNESSETH:

WHEREAS, City owns and operates a swimming pool and associated ancillary pool facilities at the Duarte Fitness Center ("**Pool**"); and

WHEREAS, District desires to use the Pool, and City desires to make the Pool available for use by the District.

NOW, THEREFORE, said City and said District hereby mutually covenant and agree as follows:

1. This Agreement shall be effective for the Spring 2015 Swim Team season.

2. The Agreement is a use agreement only and does not confer any interest in real property to or for the benefit of District. Further, this Agreement shall not confer, convey, or create or any interest or right which could subject City with any requirement to pay to, or provide to, District any relocation assistance or benefits under any law; and the District further waives and relinquishes any such right to the extent it is created by or as a result of this Agreement or operation of law.

3. City shall allow District to utilize the Pool solely for the purpose of running a competitive swim team ("**District Activities**") in accordance with a written schedule submitted by the District and acceptable to City. In determining whether the written schedule is acceptable, City and District agree and acknowledge that District's use of the Pool shall not at any time interfere with the use of the Pool or its ancillary and abutting facilities by City for the conduct of programs under City's jurisdiction. Upon written notification City will begin heating the Pool.

4. The District shall responsibly and professionally conduct and supervise the District Activities it undertakes at the Pool and agrees to at all times provide adequate adult supervision of students traveling to and from the Pool as well as at all times the Pool is being utilized by the participants in the District Activities.

5. Any District employee scheduled to supervise a District Activity at a time when a City lifeguard is not on duty must have current Red Cross certificates as specified by the Health and Safety Code of the State of California. Copies of the certifications must be submitted to City prior to any use of the Pool by District and the participants in the District Activities. Additionally, each certified District employee must attend a two (2) hour training session conducted by the Fitness Center Supervisor prior to the first use of the Pool by the participants in the District Activities.

6. District shall provide at least one additional Red Cross-certified lifeguard (for a total of two lifeguards) to sit in the lifeguard stand during swim meets. City can supply said lifeguard given 30 days notice.

7. The Fitness Center locker rooms will be available for use by District personnel and participants in the District Activities. District agrees to have an adult present in the locker rooms when being used by student participants in the District Activities.

8. The cost of any District use, which may require the services of City staff, in addition to the above personnel, will be reimbursed by District at the employees' actual hourly rate.

9. District will pay one half the costs of utilities (including without limitation costs of heating the Pool) and chemicals used for the season (February 17 through May 1, 2015). City will bill District at the end of the season.

10. District shall be responsible for providing its own equipment and supplies for all practices and meets and other District Activities held at the Duarte Fitness Center. Said items shall not be stored at the Pool and must be removed upon conclusion of the day's activity.

11. During the conduct of District Activities, District may formulate and enforce rules and regulations as are acceptable to City and are necessary to maintain proper standards of conduct and safety at the Pool. Every effort shall be made by District to exercise reasonable care while using said facilities.

12. City programs shall have first priority for use of the Pool. District will normally have second priority for use of the Pool. District and City understand and agree, however, that there may be occasions when another community organization will be given priority over a District request for use of the Pool (this would be the exception rather than the rule). If a City-sponsored recreational or instructional need arises after establishment of any District schedule, District shall relinquish its permit to use said facilities. City will make reasonable and diligent efforts to give no less than seventy-two (72) hours notice of a cancellation of District's planned use of the Pool.

13. District agrees to indemnify City, its officers, agents, and employees and hold them harmless from any and all losses, costs, expenses, claims and damages whatsoever, arising out of our connection with District's use of Pool and District's performance of its obligations under this Agreement, including without limitation injuries sustained in transit to and from, and use of, the Pool by District personnel participants in the District Activities, and spectators of the District Activities. District's indemnity shall (I) include, but not be limited to, City's reasonable attorney's fees, its expert witness fees, and litigation and court costs, and (II) shall apply notwithstanding the limits of insurance coverage set forth below. District agrees to amend its policy of primary insurance as respects City, naming City as named insured under the comprehensive general liability policy and provide a Certificate of Insurance made out to the City of Duarte as follows:

Comprehensive	$	500,000 each person
	$	1,000,000 each accident
Property Damage	$	500,000 each accident
	$	500,000 aggregate operations
	$	500,000 aggregate protective
	$	500,000 aggregate contractual

14. No officer, official member, employee, agent or representative of District or City, acting in an official capacity, shall be personally liable to the other in the event of any default or breach by said party, or for any amount which may become due to the other party, or for breach of any obligation of the terms of the Agreement.

15. District covenants that, in its performance of the Agreement, it shall not discriminate against any person on the basis of any impermissible classification.

16. District shall leave the Pool in as good condition as it was when it commenced use of the Pool, and shall be responsible for the repair or replacement of any equipment, which may be proven damaged by District use. District will be billed and agrees to pay the actual cost of repairs.

17. This Agreement may be terminated by either party hereto upon fifteen (15) days written notice to the other of the intention to so terminate.

18. Each signatory to the Agreement warrants to the other party that it has authority to sign on behalf of its party and to bind said party.

IN WITNESS HEREOF, the City of Duarte and the Duarte Unified School District do hereby agree to the above.

CITY OF DUARTE	DUARTE UNIFIED SCHOOL DISTRICT
by:________________	by:________________
Darrell George City Manager	Terry Nichols Superintendent of Education
DATE:________________	DATE:________________

MEMORANDUM

TO: Darrell J. George, City Manager

FROM: Kristen Petersen, Assistant City Manager

DATE: February 3, 2015

SUBJECT: **FIRST AMENDMENT TO PEG FEE ASSIGNMENT AGREEMENT**

Background

On October 14, 2014, the City entered into an Assignment Agreement under which (1) the existing PEG fees were contributed toward the purchase and installation of certain audio visual equipment for the City Council Chambers, (2) the City agreed to contribute from other City General Funds the difference between Existing PEG Fees and the Total Cost toward the purchase of the audio visual equipment, and (3) the City committed to reimburse the amount of the General Fund Contribution from future-collected PEG fees. At the time of the original Assignment Agreement, the estimated cost to purchase and install the equipment was $182,899.10, however at that time the Assignment Agreement recognized that the City would incur additional costs in order to accomplish the purchase and installation of the equipment. For example, since that time Council approved the purchase of a Granicus system as part of the audio visual equipment system. The total costs incurred by the City in purchasing and installing all the audio visual equipment, including the Granicus system was $220,000. While the original assignment agreement anticipated and provided for additional costs, we have prepared a First Amendment to memorialize the final total costs of the project and the assignment of future PEG fees.

Recommendation

It is recommended that the City Council adopt the attached First Amendment to the Assignment of Rights to Public Educational and Governmental Fees.

ASSIGNMENT OF RIGHTS TO PUBLIC, EDUCATIONAL, AND GOVERNMENTAL FEES

THIS FIRST AMENDMENT TO ASSIGNMENT OF RIGHTS TO PUBLIC, EDUCATIONAL, AND GOVERNMENTAL FEES ("**First Amendment**") is made as of February 10, 2015, by the CITY OF DUARTE, a municipal corporation acting in its limited capacity as the recipient of public, educational, and governmental programming fees ("**PEG Fees**") as authorized by the Federal Cable Television Consumer Protection and Competition Act of 1992, as amended (the "**Cable Act**") the California Digital Infrastructure and Video Competition Act of 2006 ("**DIVCA**"), and City of Duarte Ordinance No. 794, as codified in Chapter 5.10 of the Duarte Municipal Code (hereinafter the "**PEG Fees Collection Entity**"), in favor of the CITY OF DUARTE, a municipal corporation acting in its general capacity as a public body charged with the protection and advancement of the public health, safety, and welfare (hereinafter "**City**"), with reference to the following recitals:

A. PEG Fee Collection Entity has collected, and continues to collect PEG Fees as authorized by the Cable Act, DIVCA, and Duarte Municipal Code section 5.10.020.

B. The total amount of PEG Fees currently held by PEG Fee Collection Entity is approximately $130,000.00 ("**Existing PEG Fees**").

C. City, by and through the City Council of the City of Duarte, authorized the purchase and installation of certain audio visual equipment (the "**Facilities**") which comprises capital facilities to be used on the broadcast and other dissemination of public, educational, and governmental programming in and for the City of Duarte.

D. At the time of the original authorization to purchase and install the Facilities, (1) the estimated cost of the Facilities was $182,899.10 (the "**Estimated Facilities Cost**"), the City anticipated the possibility that the City would incur costs in addition to the Estimated Facilities Cost due to change orders, unforeseen conditions, or as otherwise necessary to accomplish the purchase and installation of the Facilities. The actual costs incurred by the City in purchasing and installing the facilities is hereinafter described as the "**Total Facilities Cost**."

E. On October 14, 2014, the PEG Fee Collection Entity entered into an ASSIGNMENT OF RIGHTS TO PUBLIC, EDUCATIONAL, AND GOVERNMENTAL FEES ("**Assignment**"), under which (1) the PEG Fee Collection Entity agreed to contribute the Existing PEG Fees toward the Facilities, (2) City agreed to contribute from other City funds the difference between Existing PEG Fees and the Total Facilities Cost (the "**General Fund Contribution**") toward the purchase of the Facilities, and (3) PEG Fee Collection Entity committed to reimburse the amount of the General Fund Contribution to the City from future-collected PEG Fees.

F. The City has completed the purchase and installation of the Facilities, and the Total Facilities Cost therefor was $220,000.00.

G. PEG Fee Collection Entity desires to enter into this First Amendment to clarify that the Total Facilities Cost under the Assignment was $220,000.00

NOW, THEREFORE, in view of the recitals set forth above, PEG Fee Collection Entity agrees as follows:

1. Reimbursement. PEG Fee Collection Entity shall promptly reimburse to City, for use by City as general funds, any and all PEG Fees collected from and after the date of this Assignment, until the amount of funds so reimbursed is equal to the General Fund Contribution.

2. Entire Agreement. The Assignment as modified by the First Amendment contains the entire understanding and agreement of PEG Fee Collection Entity and City with respect to the subject matter hereof and may not be altered or amended in any way except by the written agreement of said parties. No provision of this Assignment or right of City hereunder can be waived nor shall PEG Fee Collection Entity be released from its obligations hereunder except by a writing duly executed by an authorized officer of City. Where necessary herein, all terms used in the singular shall apply to the plural and all terms used in the neuter shall apply to the masculine and feminine genders.

3. Term; Binding Effect. This Assignment shall be and remain in full force and effect until each of the obligations secured hereby has been fully performed or paid.

4. Severability. If any provision of this Assignment, as applied to any party or to any circumstance, shall be adjudged by a court of competent jurisdiction to be void, invalid or unenforceable, then the same shall in no way affect any other provisions of this Assignment, the application of any such provision in any other circumstance, or the validity or enforceability of the other provisions of this Assignment.

5. Governing Jurisdiction. This Assignment shall be governed by and construed in accordance with the laws of the State of California.

IN WITNESS WHEREOF, PEG Fee Collection Entity has executed this Assignment of Rights to Public Educational, and Governmental Programming Fees as of the date first appearing hereinabove.

"PEG FEE COLLECTION ENTITY"

CITY OF DUARTE

Date: ____________________

By: ________________________________
Tzeitel Paras-Caracci, Mayor

ATTEST:

____
Marla Akana
City Clerk

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP

____
Jeffrey Melching, City Attorney

MEMORANDUM

TO: Mayor and Councilmembers

FROM: Darrell J. George, City Manager

DATE: February 5, 2015

SUBJECT: Conference Attendance – City Council Meeting of February 10, 2015

Bethel Monrovia African Methodist Episcopal Church
Unity Celebration
February 21, 2015
The Monrovian Restaurant and Banquet Facility, Monrovia
Tickets $40 per person

BETHEL MONROVIA AMEC

~ Worship Up Close and Personal ~

January 14, 2015

The Honorable Tzeitel Paras-Caracci
Mayor of Duarte

Duarte City Hall
1600 Huntington Drive
Duarte, CA 91010

Dear Mayor Paras-Caracci,

Please accept this letter as a formal invitation to our "Unity Celebration" hosted by the Bethel Monrovia African Methodist Episcopal (AME) Church on Saturday, February 21, 2015 beginning at 6:00pm and concluding at 10:00pm. Our celebration will include a formal recognition program ~~and dinner~~ followed by the evening's festivities. We would also appreciate a special proclamation from the City of Duarte honoring this night of community unity.

As you know, last year Bethel Monrovia AME Church celebrated its 90th Anniversary in the City of Monrovia. Having such a rich history in this great city, our mission continues of ministering to the spiritual, intellectual, physical, emotional and environmental needs of all people by spreading Christ's liberating gospel through word and deed. As the City of Monrovia has continued to thrive over the past few years, there is always a necessity for communal unanimity. Nationally, there has been a heightened concern for universal equality and harmony between constabularies and constituents. As part of this great nation, it is our responsibility to address these issues locally. As Black History/ Black Lives Matter Month are upon us, we as a community have a unique opportunity to be at the forefront of remedying these issues by being examples to our neighboring communities. We have the platform to educate and demonstrate racial unity as well as harmony with law enforcement.

This event will showcase civic unity as well as honor a great embodiment of this theme, Monrovia Police Department Chaplain President, Terrence Brown. Our special guest speaker will be Rev. Norman D. Copeland the pastor of St. Paul AME Church in San Bernardino. The "Unity Celebration" will demonstrate that Monrovia is ready to join together and be a rich depiction of communal unity. Our combined cities are strong enough to uplift people to become conscious of the issues of the nation and exhibit unanimity in our own community.

For more information, sponsorship opportunities or to purchase your dinner tickets /RSVP, we have set-up an event at https://www.eventbrite.com/e/unity-celebration-tickets-15277239635. This is accessible from our website-below. This link is accessible from our website: www.bethelmonrovia.com. You may also call the office to RSVP. This event will be held at The Monrovian Restaurant and Banquet Facility. Dinner tickets are $40.00 per person and $400.00 per table. Please find the Souvenir Journal form attached as well.

Thank you again for your consideration and we look forward to hearing from you.

Sincerely,

Rev. Melanie J. Mays, MDiv. Pastor

Bethel African Methodist Episcopal Church
148 W. Lime Ave. Monrovia, CA 91016
Phone: 626-930-1120
Email: bethelchurchmonrovia@gmail.com
Website: www.Bethelmonrovia.com

MEMORANDUM

TO: Darrell J. George, City Manager

FROM: Kristen Petersen, Assistant City Manager

DATE: January 20, 2015

SUBJECT: **INTERNAL SAFETY PROGRAMS AND POLICIES**

Background

In July 2010 the JPIA conducted a Risk Management Assessment and in November 2010 several recommendations were made in the Risk Management Evaluation that aim to improve our operations and reduce our risk. Many of these recommendations were focused on creating formal documents that memorialize the policies and procedures that we are already implementing appropriately, but for which we do not have written policy documents. Some of the policies and procedures are new to the City and must be implemented due to OSHA regulations and standards. As a result, staff has been working to prepare all of these written policies and bringing them forward to Council for consideration over the last few years. In order ensure the policies and procedures created are applicable to City operations a Safety Committee was created, composed of representatives from each Department, to review and extend recommendations during the creation of the policies and procedures. The individual safety-related policies will become part of the Centralized Safety Manual, as required per JPIA's assessment. In most cases these policies do not change anything that we are currently doing, they simply memorialize it in a policy document. The following summarizes each policy/procedure that has been created per JPIA's Risk Management Evaluation.

The Bloodborne Pathogens Exposure Control Plan aims to reduce the risk of exposure to infectious diseases for employees. The policy sets out guidelines about using universal precautions, incident reporting and training and vaccinations for employees.

The First Aid, CPR & AED Program memorializes our program for providing first aid, cardiopulmonary resuscitation (CPR) and automated external defibrillation (AED) in the workplace. The program applies to all trained employees that have been American Red Cross certified to administer first aid, CPR and AED.

The Fire Prevention Policy aims to put into writing the responsibilities and best practices to prevent the potential fire hazards in work areas. There are recommended housekeeping practices, training responsibilities and the list of fire control measures, for example fire extinguishers, installed in the work areas for employee reference.

The Hazard Communication Program aims to ensure that all employees have adequate training and information on the hazardous substances used in their work assignments and that they are provided with the proper Personal Protective Equipment. The program requires that a hazardous material inventory be maintained in each department and that employees are made aware and trained on the health hazards of the substances in the work area and measures they can take to protect themselves from these hazards.

The Hazardous Waste Control Policy sets procedures for disposal of hazardous waste that is produced by any department of the City in accordance with Federal, State, and Local laws and regulations. Waste will be labeled, logged in, properly packaged and secured at the South Yard and shipped with a license transporter within 180 days of the accumulation start date.

The Hearing Conservation Program defines responsibilities for the prevention of occupationally induced hearing loss in all City of Duarte employees, whose noise exposure equals or exceeds an 8-hour time weighted average of 85 decibels. Hearing protectors are available to all employees who meet the above criteria and noise reduction procedures are noted in the policy. An audiometric testing program has been established and will be maintained in order to monitor exposed employee's comparable hearing levels.

The Lockout/Tag Out Policy memorializes the minimum requirements for lockout of energy sources that could cause injury to employees. This policy is focused on the hazards related to servicing and repairing city equipment or machinery. A lockout is required when machinery is non operational and an accident could take place if another user is unaware. So, the machinery is locked and tagged in order to warn other workers not to attempt to operate the switch, value, etc. due to the potential danger.

Recommendation

It is recommended that the City Council adopt the attached policies for the Bloodborne Pathogens Exposure Control Plan, the First Aid, CRP & AED Program, the Fire Prevention Policy, the Hazard Communication Program, the Hazardous Waste Control Policy, the Hearing Conservation Program and the Lockout/Tag Out Policy.

BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

I. POLICY

This Exposure Control Plan to meet the requirements of the OSHA Bloodborne Pathogens Standard (California Code of Regulations, Title 8, Section 5193) and provide guidance to employees. This Exposure Control Plan is available to employees at any time. Employees will be advised of the availability of this policy during training programs. Copies of the policy will be kept in the Safety Binders in each department.

II. PURPOSE

The City of Duarte seeks to reduce or eliminate the risk of exposure to potentially infectious diseases for its employees. The guidelines in this policy specify the use of (1) universal precautions against incidents of occupational exposure to infectious diseases; (2) standard procedures for incident reporting; and (3) training and vaccinations for employees with high risk of occupational exposure to infectious diseases.

III. DEFINITIONS

A. **Blood** - Human blood, human blood components, and products made from human blood.

B. **Bloodborne Pathogens (BBP)** - Pathogenic microorganisms present in human blood that can cause disease in humans including, but not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV) and human immunodeficiency virus (HIV).

C. **Contaminated** - The presence or the reasonably anticipated presence of blood or other potentially infectious materials on a surface or in an item.

D. **Decontamination** - The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal. Decontamination includes procedures regulated by Health and Safety Code Section 118275.

E. **Engineering Controls** - Controls (e.g., sharps disposal containers) that isolate or remove the bloodborne pathogens hazard from the workplace.

F. **Exposure Incident** - A specific eye, mouth, or mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from performance of an employee's duties.

G. **Hepatitis B Virus (HBV)** - A virus that attacks the liver and can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death. HBV is spread when blood or body fluids from an infected person enters the body of a person who is not infected.

H. **Hepatitis C Virus (HCV)** - A liver disease found in the blood of persons who have the disease. HCV is spread by contact with blood of an infected person.

I. **Human Immunodeficiency Virus (HIV)** - A virus that destroys the body's ability to fight infections and certain cancers.

J. **Occupational Exposure** - Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials resulting from the performance of an employee's duties.

K. **Other Potentially Infectious Materials (OPIM)** - The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, other body fluids visibly contaminated with blood such as saliva or vomit, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.

L. **Parenteral Contact** - Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

M. **Personal Protective Equipment (PPE)** - Specialized clothing or equipment worn or used by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

N. **Regulated Waste** - Waste that is any of the following:

1. Liquid or semi-liquid blood or OPIM
2. Contaminated items that contain liquid or semi-liquid blood, caked with dried blood or OPIM; and capable of releasing these materials when handled or compressed.
3. Contaminated sharps
4. Pathological and microbiological wastes containing blood or OPIM
5. Regulated Waste includes "medical waste" regulated by Health and Safety Code Sections 117600 through 118360

O. Sharp - Any object used or encountered in the industries covered by subsection (1) that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident.

P. Universal Precautions - An approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other bloodborne pathogens.

Q. Work Practice Controls - Controls that reduce the likelihood of exposure by defining the manner in which a task is performed.

IV. RESPONSIBILITIES

A. Supervisors and Managers: Department Managers and Supervisors are responsible for exposure control in their respective areas. They work directly with the safety committee representative and employees to ensure compliance with exposure control procedures.

B. Employees: Employees have a critical role in our bloodborne pathogens compliance program including:

1) Know what tasks represent a potential exposure to bloodborne pathogens
2) Attend the bloodborne pathogens training session
3) Plan and conduct operations in accordance with our work practice controls
4) Maintain good personal hygiene habits
5) Risk of exposure to bloodborne pathogens should never be underestimated. Employees who do not follow the procedures outlined in this plan will be subject to disciplinary action.

V. EXPOSURE RISK DETERMINATION

The City of Duarte has determined the following levels of risk exposure:

A. High Risk (classifications & positions in which the employee has a high risk of exposure)

B. Moderate Risk (classifications & positions in which the employee has a moderate risk of exposure)

C. Very Low Risk (classifications & positions in which employees are expected to have minimal, if any, risk of occupation exposure).

VI. RISK EXPOSURE BY JOB CLASSIFICATION

A. High Risk

Job Classification	Tasks placing employee at risk
Fitness Center Supervisor	Supervises the day-to-day operations of the Fitness Center. Inspects facilities to ensure they are ready for their intended use and maintains facility use security and safety. First aid practices and techniques.
Pool Manager	Performs lifesaving techniques, renders basic life support, monitoring the public swimming pool, conducts swim classes
Lifeguard/Instructor	Maintains a constant watch over patrons, performs lifesaving techniques, renders basic life support when necessary, teaching swim lessons, assumes assigned maintenance duties
Lifeguard	Maintains a constant watch over patrons, performs lifesaving techniques, renders basic life support when necessary
Boxing Trainer/ Assistant Boxing Trainer	Supervise the operation of the boxing gym and program, teach fundamentals of boxing and sportsmanship, assist in maintaining and cleaning facility and equipment, assist patrons and other recreation staff in routine and emergency situations, including administering first aid

B. Moderate Risk

Job Classification	Tasks placing employee at risk
Recreation Leader (Athletic Coaches/Officials)	Supervising public use of recreation facilities, conducting recreation programs, recreation programs for youth, special events, set-up facilities, assist in maintaining and cleaning facilities, may administer CPR/first aid
Custodian	Removes and replaces broken glass, Inspects, installs, maintains, repairs plumbing systems, fixtures and equipment, cleans walls, floors and restrooms and empties trash
Facilities Maintenance Worker	Refuse/debris collection (sharps exposure); building maintenance; special events; park

	cleanup & refuse collection (sharps exposure); restroom cleaning; maintenance of recreation facilities.
Recreation Coordinator	Assists and participates in the planning, organization, supervision and evaluation of specialized recreation programs. May administer CPR/first aid.
Recreation Supervisor	Supervises the day-to-day operations of the Senior Center, Teen Center, sports programs, or contract classes. Inspects facilities to ensure they are ready for their intended use and maintains facility use security and safety. First aid practices and techniques.
Senior Maintenance Technician/Maintenance Technician	Operates various vehicles and machinery, such as trucks, skip loaders, trenchers, and chippers, as well as smaller equipment, such as chain saws, paint sprayers, and high-pressure water sprayers. Plumbing, basic landscape maintenance, basic carpentry, and building repair.

C. Very Low Risk

Job Classification	Tasks placing employee at risk
All other classification	Unforeseen potential exposures not necessarily related to assigned tasks

VII. METHODS OF IMPLEMENTATION AND CONTROL

A. Universal Precautions

Universal precautions are approaches to infection control in which all human blood and certain body fluids are treated as if infectious for bloodborne pathogens. Assuming all bloodborne pathogen materials are potential disease hazards eliminates the need to determine the health status of an individual and sets minimum standards for contamination control.

All employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials. When differentiation between body fluid types is difficult or impossible (e.g. poor lighting, uncontrolled or emergency situations), all body fluids shall be considered potentially infectious materials.

B. Engineering and Work Practice Controls

All employees shall follow engineering and work practice controls (described below) to eliminate or minimize employee exposure to blood or other infectious materials. Personal protective equipment shall be worn as indicated below.

1) Hand Washing Requirements

All employees shall wash hands and other skin with soap and water and flush exposed mucous membranes with water immediately or as soon as feasible after contact with potentially infectious materials.

Because hands are at risk of exposure while removing gloves and gloves often leak or tear, hands will be washed even if gloves were worn. When hand-washing facilities are not readily available, the employee shall use waterless antiseptic hand cleanser with clean paper towels and antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands should be washed with soap and water as soon as feasible.

Employees shall advise supervisors or managers of locations where contamination could reasonably occur and where hands cannot be cleaned in accordance with the following standards so that corrective action can be taken.

2) Hand Washing Procedures

Hand washing is the single most important method to prevent the spread of infection. Good hand washing requires the use of friction to mechanically remove microorganisms. Using proper hand washing techniques is essential to the effectiveness of this preventive practice.

a. Do not remove rings.
b. Turn on water (the warmer the better).
c. Apply soap.
d. Scrub hands including palms, backs, between fingers, around and under fingernails, wrists and arms if exposed.
e. Grasp rings and move up and down fingers until thoroughly soaped.

f. Rinse thoroughly under running water.

g. Dry hands with a clean paper towel or hand dryer.

h. All faucets, soap dispensers, or other surfaces, touched with contaminated hands, are considered contaminated and must be disinfected. Faucets can be cleaned while washing hands with disinfectant soap.

3) Requirements for Bio-Waste and Sharps Containers

Bio-waste or regulated waste shall be placed in containers that are closable and labeled using the universal biohazard symbol and the word "biohazard". Containers must be constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping.

a) The Fitness Center poolside office and Teen Center boxing gym will contain separate trashcans for disposal of products contaminated with blood or other potentially infectious materials. The trashcans will be labeled with a “Biohazard” sticker, and will be properly lined with plastic or a wax paper bag. Such procedures alert employees to the contents and protect them from physical contact with the contents.

b) Anything that has been contaminated with blood or potentially infectious materials shall be placed in the red bag located in the Fitness Center pool side office, Teen Center boxing gym, or should be given to the responding fire department personnel.

c) If contamination takes place away from the Fitness Center or Teen Center, place it into a plastic bag and dispose of at the Fitness Center or Teen Center. DO NOT THROW BIOHAZARD BAGS INTO REGULAR WASTE!!! The supervisor will discard biohazard bags with a permitted medical waste transfer and treatment facility.

All contaminated sharps and potential sharps must be immediately placed into containers that meet the following requirements:

a. Closable and not able to be opened except by the use of tools

b. Puncture-resistant

c. Leak-proof on bottom and sides to prevent leakage of contaminated liquids

d. Labeled using the universal biohazard symbol and the word "biohazard"

Sharps containers must be easily accessible for use, maintained in an upright position during use, and replaced routinely to avoid overfilling.

When moving containers of contaminated sharps, containers must be closed to avoid contents spilling or protruding. If container leakage is anticipated, it must be placed into a second container that is closable, labeled, and shall safely contain all contents without leaking. Reusable containers should not be opened, emptied, or cleaned manually or in a manner exposing employees to injury.

4) Sharp Objects Procedures

Employees should use caution and avoid contaminated sharp objects, such as broken glass, sharp metal or needles. If possible, contaminated sharps will not be handled but swept up using a dustpan and brush, or picked up with tongs or forceps. Employees should handle sharps only after donning gloves, and preferably only to place the sharp into the sharps container designated for this purpose. Once sharps have been placed into the container located inside of **Hazardous Waste Bin at the South Yard**, remove gloves by pulling glove cuff down to turn the glove inside out. Place used gloves in a small biohazard bag.

5) Garbage or Refuse Collection

Dry bandage waste, sanitary napkins, and paper towels can be disposed of in ordinary refuse containers except for items containing only dried blood. Restroom and other area waste containers shall be lined at all times with plastic or other waste bags to prevent potential exposure. Employees cleaning these facilities will wear appropriate gloves when handling mixed debris.

When removing debris from garbage receptacles or surrounding areas, do not use or put hands into blind or dark areas. Look with your eyes before you look with your hands. Use rakes or other tools to bring material into the open to ensure no sharps or other hazards are present. If present, use proper tools and PPE to clean up the hazards.

C. PLACEMENT OF BLOODBORNE PATHOGENS SUPPLIES

Bloodborne pathogens kits are to be located within Fitness Center, 1600 Huntington Drive; Community Center, 1600 Huntington Drive; City Hall, 1600 Huntington Drive; Senior Center, 1610 Huntington Drive; Teen Center, 1400 Buena Vista Street; Public Safety, 1042 Huntington Drive; Transit (South Yard), 1850 Highland Avenue; Beardslee Park, 2000 Buena Vista Street; Duarte Park, 1344 Bloomdale Street; Encanto Park, 751 Encanto Parkway; Otis Gordon Sports Park, 2351 Central Avenue; Royal Oaks Park, 2627 Royal Oaks Drive and Field Services (North Yard), 1101 Oak Avenue.

Bloodborne pathogens kits are specifically maintained:

- On the south wall behind the Human Resources counter at City Hall
- In the closet room behind the front counter at the Fitness Center
- In the utility closet across from the women's restroom in the Community Center
- In the closet room behind the front counter of the Senior Center
- On the north wall next to the fire extinguisher in the Transit office
- In the closet room behind the front counter of the Teen Center
- On the north wall near rear exit at Public Safety
- On the east wall next to workshop restroom at North Yard
- Portable kits will be provided for all Transit vehicles
- Inside of the custodial closet of Duarte Park
- Inside of the small recreation office of Encanto Park
- Inside of the custodial closet of Otis Gordon Sports Park
- Inside of the custodial closet of Royal Oaks Park
- Inside of the small recreation office of Beardslee Park

D. Personal Protective Equipment (PPE)

The following precautions shall be used to prevent contamination. All body fluids shall be considered potentially infectious.

Personal protective equipment (PPE) includes any item that employees wear or use to provide barrier protection of the skin or mucous membranes from contamination by blood or other potentially infections materials (OPIM). Examples include gloves, face shields, and eye protection and resuscitation masks.

PPE is required as supplementary protection in situations where occupational exposure remains after the use of engineering and work practice controls. All employees are required to use PPE while engaging in tasks involving contact with blood, body fluids, or any OPIM when occupational exposure is reasonably anticipated.

The only exception to this requirement shall be those rare and extraordinary circumstances when, in the employee's professional judgment, PPE would prevent the delivery of health or public safety services or would pose an increased hazard to the employee or coworkers. Such situations must be investigated and documented to determine whether such occurrences can be prevented.

1. Provision and Use of PPE

Each department shall determine appropriate types of PPE necessary to provide barrier protection for employees for each job type or job title. PPE shall be readily accessible to employees for whom it is required and shall be provided in appropriate sizes.

The City of Duarte shall provide, clean, or dispose of and replace PPE at no cost to the employee.

PPE shall be removed before leaving the work area and placed in a designated area or container for disposal.

Employees should avoid stepping in body fluids as shoes and other clothing may be contaminated.

Employees with known minor skin defects (e.g. cuts, abrasions, burns, dermatitis on arms, hands, face or neck) must cover these areas with a water-resistant occlusive bandage in addition to the use of PPE.

Gloves

Employees shall wear approved disposable gloves in which hand contact with blood, other potentially infectious materials, mucous membranes, non-intact skin, is likely to occur or when handling or touching potentially contaminated items or surfaces.

Employee shall wear gloves or other approved protective items at all times when in contact with body fluids of another individual.

Gloves do not replace hand washing. Employees shall wash hands as soon as practical after potential contamination.

Gloves shall be changed under the following circumstances:

a. After contact with subject or evidence
b. Visibly contaminated with blood or body fluids
c. Physical damage to the glove such as tearing or surface defect

Contaminated disposable gloves should be discarded into a biohazard waste container immediately after removal.

Employees should be aware that items such as pens, clipboards, telephone receivers, vehicles and other equipment could become contaminated if touched while wearing gloves contaminated with body fluids. Gloves must be discarded before touching vehicles, equipment, doorknobs, keypad locks or handles to avoid contaminating other surfaces.

Masks, Eye Protection, and Face Shields

These barrier devices shall be used to protect eyes, nose and mouth from contact with blood or body fluid droplets. Examples are disposable facemasks, plastic or disposable face shields, and protective eye shield with ear loop mask. Employees shall wear protective face shields or masks, and eye protection whenever splashes, spray, spatter or droplets of blood or OPIM may be generated and eye, nose or mouth contamination is reasonably anticipated.

Employees shall remove masks, eye protection, and face shields when leaving the work area. Disposable masks and shields shall be discarded in a biohazard waste container when visibly contaminated or penetrated by blood or OPIM. Reusable eyewear and shields that are visibly contaminated should be washed with soap and water using gloved hands and then decontaminated.

Cardiopulmonary Resuscitation Masks

Employees whose tasks include cardiopulmonary resuscitation (CPR) shall use a one-way mask when performing mouth-to-mouth resuscitation. Masks shall be provided and made readily available wherever the need for CPR is reasonably expected to occur.

A visibly contaminated mask should be discarded and replaced. The mouthpiece shall be disposed of after each use.

VIII. HEPATITIS B VACCINATION

A. Overview of Hepatitis B

Hepatitis B is caused by a virus (HBV) that attacks the liver and can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death.

HBV is spread when blood or body fluids from an infected person enters the body of a person who is not infected. For example, HBV is spread through sexual activity with an infected person, by sharing drugs or needles, through needle sticks or sharps exposures, or from an infected mother to her baby during birth.

B. Hepatitis B Virus Vaccination

1. Hepatitis B pre-exposure vaccination will be offered to employees at the City's expense if the employee is determined to be at risk for exposure. A post exposure evaluation and follow-up will be made available to all employees who have had an exposure incident.

2. After receiving the bloodborne pathogen training, the employee shall be offered the Hepatitis B vaccination series. The series should be started within 10 working days of completing the training, unless the employee has previously received the complete Hepatitis B vaccination series, the antibody test has revealed immunity to Hepatitis B, or the health care provider does not recommend the vaccination.

3. The employee may sign a statement of refusal, refusing the vaccination series. After signing the refusal, the employee may decide at a later date to receive the vaccination series. If a shot in the series is missed the entire series must be started over.

4. All unvaccinated first aid providers who have rendered assistance involving an exposure incident shall be offered the Hepatitis B vaccination within 24 hours of contact.

5. Appropriate post exposure evaluation and follow-up shall be offered to those employees who have experienced an exposure incident including:

   a. A reporting procedure that ensures that all first aid incidents involving the presence of blood or other potentially infectious material shall be used to record this information.
   b. The report must include the names of all first aid providers who rendered assistance, regardless of whether personal protective equipment was used. In the report, a description of the incident must include a determination of whether or not an exposure incident had occurred.

IX. HOUSEKEEPING AND POST EXPOSURE CLEAN-UP PROCEDURES

Work areas will be maintained in a clean and sanitary condition.

A. General Facility Cleaning

All City of Duarte facilities shall receive general daily cleaning by designated staff. Disinfecting cleaners are to be used on public counter areas not known to be contaminated by blood or OPIM.

Contaminated work surfaces must be decontaminated with a disinfectant at the following times:

1. After completion of procedures

   Immediately, or as soon as possible, after surfaces are overtly contaminated or after any spill of blood or OPIM

   At the end of the work shift if the surface may be contaminated since the last cleaning

   Acceptable disinfectant solutions include, but are not limited to common household bleach in ten percent (10%) concentration in water.

B. Clean Up Procedures for Spills

1. A small spill such as from a cut or abrasion shall be cleaned up immediately:
   a. Obtain a bloodborne pathogens kit
   b. Don gloves
   c. Clean the surface with soap and water or other appropriate cleaner
   d. Disinfect the surface with a 1:10 bleach to water concentration
   e. Towels and other items used to wipe the surface shall be placed in a bio-waste bag with the used gloves, and properly disposed
   f. Surfaces can be sprayed with antibacterial Lysol or other similar product as an extra precautionary measure
2. Large spills such as from a major trauma scene or a large amount of blood or OPIM will be cleaned by a registered Trauma Scene Waste Practitioner. Employees are to notify their supervisors of a large spill occurrence. The supervisor shall contact registered Trauma Scene Waste Practitioner to coordinate the clean up.

C. Contaminated Laundry

Employees shall handle contaminated laundry as little as possible, with a minimum of agitation. Employees who handle contaminated laundry will use PPE to prevent contact with blood or OPIM.

Contaminated laundry shall be placed in leak-proof bags or containers and labeled with the biohazard warnings. Once bagged, contaminated laundry shall be dropped off at the Fitness Center or Teen Center bio-hazardous bins for proper disposal.

X. EXPOSURE INCIDENT

A. Exposure Incident Determination

Employees should complete the Exposure Determination Questionnaire to assist in determining if an exposure has occurred (see Appendix G). Examples of potential exposure and immediate responses are:

1. Needle Stick or Puncture Wound: Express blood from the wound. Scrub the area vigorously with soap and water for at least five minutes.

   Eye Exposure: Irrigate immediately with cool water or normal saline solution for 60 seconds.

   Mucous Membrane Exposure: Rinse the area with an oxygenating agent such as hydrogen peroxide half strength for 30 seconds and repeat several times. Do not swallow if rinsing the mouth.

   Human Bite: Cleanse the wound with sterile water.

If an exposure incident occurs, the employee's supervisor shall:

1. Complete the Exposure Report Form (see Appendix D)

   Follow the Post-Exposure Evaluation and Follow-up Checklist (see Appendix F)

   Give the employee a worker's compensation claim packet

B. Medical Evaluation and Follow-up

In the event of exposure to Blood or OPIM, it is extremely important to report the incident and be referred for medical evaluation immediately. It is highly recommended for exposed employees to be evaluated for Post Exposure Prophylaxis (PEP) within 24 hours of exposure.

These post exposure procedures apply to any employee who may become exposed regardless of whether or not that employee was already considered to be at risk of exposure.

After an exposure, employer will provide follow up for the employee to include:

1. Confidential medical evaluation documenting the circumstances of exposure. If the employee declines an evaluation, the employee shall complete the Post Exposure Medical Evaluation Declination form and the form shall be retained in the employee's medical file (see Appendix G).

2. Identify and test the source individual, if feasible.

3. Draw the exposed employee's blood as soon as feasible after consent is obtained and test for HBV, HVC and HIV serological status. If the employee consents to baseline blood collection but does not give consent at the time for HIV serologic testing, the sample will be preserved for 90 days. If the employee elects to have the baseline sample tested within 90 days of the exposure incident, such testing shall be done as soon as feasible.

4. The exposed employee will receive post exposure vaccines when medically indicated as recommended by the treating physician.

5. The exposed employee will receive appropriate medical counseling by the treating physician.

6. Employer will ensure that the health-care professional responsible for the employee's HBV vaccination receives this policy.

Employer will ensure that the health-care professional evaluating an employee after an exposure incident receives the following information:

1. A copy of CCR Title 8, Section 5193
2. A description of the exposed employee's duties related to the exposure incident
3. Documentation of the routes of exposure and circumstances under which the exposure occurred
4. Results of the source individual's blood testing, if available
5. Medical records relevant to the treatment of the employee, including vaccination status

The employee will be provided the health care professional's written opinion within 15 days of the evaluation. The health care professional's written opinion for HBV will be limited to whether the HBV vaccination is indicated and if the employee has received such vaccination; that the employee has been informed of the results of the evaluation; and that the employee has been counseled about medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

Other findings and recommendations will remain confidential and will not be included in the written report.

Exposed employees will work directly with the treating physician to determine the appropriate post-exposure follow-up.

Medical records shall be kept confidential and must be maintained for at least the duration of employment plus 30 years.

C. Mandatory AIDS Virus Testing for Peace Officers or Victims

Health and Safety Code, Section 121060 deals with assaults on Peace Officers. If the accused is charged with a crime and alleged to have interfered with the official duties of a Peace Officer by biting, scratching, spitting, or transferring blood or other bodily fluid to that officer, the officer has the right to petition the court for a blood test of the accused for the AIDS virus and other communicable diseases.

The court will promptly hold a hearing on the petition. If the court finds probable cause to believe that a possible transfer of blood, saliva, semen, or other bodily fluid took place between the accused and the Peace Officer, the court shall order the accused's blood to be tested.

Test results will be sent to the accused and each requesting victim.

Penal Code Section 1524.1, Chapter 1088 authorizes a court, on request of a crime victim, including Police Officers, where a defendant has been charged with any crime, felony or misdemeanor, and after determining that probable cause exists to believe that the accused committed an offense that involved transmission of blood, semen, or any other bodily fluid identified in State Department of Health Services regulations as capable of transmitting the AIDS virus, to issue a search warrant for the purpose of testing the accused's blood for the AIDS virus.

XI. TRAINING

A. Employees with high or moderate risk of occupational exposure to bloodborne pathogens shall participate in an annual training program provided during working hours and at no cost to the employee. Fitness Center Manager shall train new employees on this policy at the time of initial assignment to tasks where occupational exposure may take place.

B. Additional training shall be provided when changes occur which affect the employee's occupational exposure. These include the modification of tasks or procedures or the institution of new tasks or procedures.

C. Training shall be conducted by the Fitness Center Manager in the subject matter and contain the following elements:

1. A copy of the Exposure Control Plan and explanation of its contents
2. An explanation of the transmission modes of bloodborne pathogens
3. The use and limitations of methods that prevent or reduce exposure including engineering controls, work practices and personal protective equipment
4. How to recognize tasks and other activities that may involve exposure to blood and other potentially infectious materials
5. Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment
6. Information on the HBV vaccine
7. Appropriate procedures for exposure incidents
8. Labeling of Biohazards
9. Methods for the disposal of medical waste
10. Changes in exposures or exposure control methods

XII. RECORD KEEPING

Employer shall maintain records for employees with occupational exposure to include HBV vaccination, exposure incidents, and training relative to occupational exposure to bloodborne pathogens.

A. Medical Records

Medical records are maintained for each employee with occupational exposure in accordance with 29 CFR 1910.1020, "Access to Employee Exposure and Medical Records."

Human Resources is responsible for maintenance of the required medical records. These confidential records will be kept for at least the duration of employment plus 30 years.

The employer shall establish and maintain an accurate record for each employee with occupational exposure. This record shall include:

1. The name and social security number of the employee;

2. A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination;

3. A copy of all results of examinations, medical testing, and follow-up procedures;

4. The employer's copy of the healthcare professional's written opinion; and

5. A copy of the information provided to the healthcare professional.

B. Training Records

Supervisor shall maintain records of employees trained in this program for a period of at least (3) three years from the date of training and include the following:

1. Dates of training sessions
2. Names and positions of employees attending each session
3. Contents or summary of training sessions
4. Names and qualifications of trainers

C. OSHA 300 Log

The OSHA 300 Log will be generated by York and posted as required by OSHA.

D. Sharps Injury Log

The Sharps Injury Log documents each exposure incident involving a sharp to provide sufficient information about the incident to allow the employer to analyze and take preventive action (see Appendix H). Each exposure incident shall be recorded on the Sharps Injury Log within 14 working days of the date the incident is reported to the employer. The Sharps Injury Log must be maintained for five (5) years from the date of the exposure incident.

The Sharps Injury Log shall include:

1. Job classification of the exposed employee;
2. Department or work area where the exposure incident occurred;
3. The procedure that the exposed employee was performing at the time of the incident;
4. How the incident occurred;
5. The body part involved in the exposure incident;
6. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated, and whether the injury occurred before the protective mechanism was activated, during activation of the mechanism or after activation of the mechanism, if applicable;
7. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury; and
8. The employee's opinion about whether any engineering, administrative or work practice control could have prevented the injury.

E. Availability of Records

Employee medical and training records shall be provided upon request for examination and copying to the subject employee, to employee representatives with a signed release, to representatives of accrediting agencies, to the Director or Assistant Secretary of OSHA in accordance with Federal Law or to the State of California Department of Health in accordance with State Law.

F. Labels

Warning labels shall be affixed to containers used to store, transport or ship regulated waste containing blood or other potentially infectious material. Labels are also required for equipment to be serviced or transported with components that are unable to be decontaminated. Labels must identify which portions of the equipment remain contaminated.

Labels must meet the following criteria:

1. Include the Biohazard legend.
2. Have a fluorescent orange or orange-red colored background with lettering or symbols in a contrasting color.

Appendix A: HIV Information

Human immunodeficiency virus (HIV) is the virus that causes acquired immunodeficiency syndrome (AIDS). HIV progressively destroys the body's ability to fight infections and certain cancers by killing or damaging cells of the body's immune system.

HIV is spread most commonly through sexual activity with an infected person. It can also be spread by contact with infected blood through needle sharing, or from an infected mother to her baby during birth. It is rare for a patient to give HIV to a health care worker or vice-versa by accidental sticks with contaminated needles. There is no evidence that HIV is spread through contact with sweat, tears, urine or feces. There is clear evidence that HIV is not spread through casual contact, such as sharing food utensils, swimming pools, telephones or toilet seats. HIV is also not spread through biting insects such as mosquitoes.

HIV has no cure and no vaccine. People with HIV should work closely with their physician to determine the appropriate treatment program.

Additional information on HIV or AIDS can be found on the following websites:

www.niaid.nih.gov

www.cdc.gov

http://aidsinfo.nih.gov

Appendix B: Hepatitis B Information

Hepatitis B is the most common serious liver infection in the world and is caused by a virus that attacks the liver. The virus, known as the hepatitis B virus (HBV), can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death.

HBV is spread when blood or body fluids from an infected person enters the body of a person who is not infected. For example, HBV is spread through sexual activity with an infected person by sharing drugs/needles through needle sticks or sharps exposures on the job or from an infected mother to her baby during birth.

Most people are able to fight off a hepatitis B infection and clear the virus from their blood. However, 5-10% of adults, 30-50% of children, and 90% of babies will not get rid of the virus and will develop chronic infection. Chronically infected people can pass the virus on to others and are at increased risk of liver problems later in life.

The hepatitis B virus is 100 times more infectious than the AIDS virus. Yet, hepatitis B can be prevented with a safe and effective vaccine. For those who are chronically infected with hepatitis B, the vaccine is of no use. However, there are promising new treatments for those who live with chronic hepatitis B.

Additional information on hepatitis B can be found on the following websites:

www.hepb.org
www.cdc.gov

Appendix C: Hepatitis C Information

Hepatitis C is a liver disease caused by the hepatitis C virus (HCV), found in the blood of persons who have the disease. The virus can cause lifelong infection, chronic liver disease, cirrhosis (scarring) of the liver, liver cancer, and death. HCV is a leading indication for liver transplants.

HCV is spread by contact with the blood of an infected person. There is no cure and no vaccine for HCV.

Additional information on hepatitis C can be found on the following website: www.cdc.gov

Appendix D: Bloodborne Pathogens Exposure Report

Exposed Employee Information:

Employee Name ____________________ Job Classification: ____________________

Exposure Description: ____

Date of Exposure: ____________________ Time of Exposure: ____________________

1. What body fluids were you in contact with

				Blood	________	Feces	________
Saliva	________	Sputum	________	Sweat	________	Tears	________
Urine	________	Vomit	________	Vaginal secretion	________	Other	________

2. What was the method of contact?

______ Needle stick with contaminated needle

______ Blood or body fluids into natural body openings (e.g., nose, mouth, eye)

______ Blood or body fluids in cut, wound, sores, or rashes less than 24 hrs old

______ Blood or body fluids on intact skin

______ Other (describe specifically):

3. How did the exposure occur?

____

____

4. What action was taken in response to the exposure to remove the contamination (e.g. hand washing)?

____

5. What personal protective equipment was being used at the time of exposure?

____

____

6. Please describe any other information related to the incident (use a separate piece of paper if needed):

____

____

7. Source of Exposure (name) ____________________________ Gender:

Blood drawn? ____________ Consent needed? Medical treatment needed ______

Medical information

Did employee seek medical attention? ______ Date __________ If Yes, where? __________

Did employee complete claim for workers' compensation benefits? ____________________

Employee's signature ________________________________ Date __________

Appendix E: Exposure Determination Questionnaire

The following short answer questionnaire can assist in determining if an employee has had an exposure:

1. Is the fluid or substance with which the employee came in contact one of the following?

	Yes/No	
• Blood	( )	( )
• Semen	( )	( )
• Vaginal Secretions	( )	( )
• Any body fluid/matter visibly contaminated with blood	( )	( )
• Other fluid or secretions, specify___________	( )	( )
• Respiratory secretions	( )	( )

2. Did the fluid or substance (identified above in #1) enter the employee's body through the following?

	Yes/No	
• Needle stick injury	( )	( )
• Laceration by contaminated object	( )	( )
• Open cut, wound, non-intact skin	( )	( )
• Splash or contact with eyes, mouth or nose	( )	( )
• Prolonged respiratory contact	( )	( )

If answers to both #1 and #2 are yes, the employee should be considered to have sustained a significant exposure and needs to seek medical treatment.

Appendix F: Post-Exposure Evaluation & Follow-up Checklist

The following steps must be taken, and information transmitted, in case of an employee's exposure to bloodborne pathogens:

ACTIVITY	COMPLETION DATE
• Bloodborne Pathogens Exposure Report completed by employee	______________
• Employee provided with claim for workers' compensation packet	______________
• Source individual identified:	______________
• Appointment arranged for employee with healthcare professional.	______________

Professional's Name: ______________________________

Documentation forwarded to

☐ Healthcare professional:	______________
☐ Copy of Bloodborne Pathogens Exposure Control Plan	______________
☐ Copy of exposed employee's job description	______________
☐ Copy of Bloodborne Pathogens Exposure Report	______________
☐ Source individual information, if known	______________
☐ Copy of employee's HBV vaccination records	
☐ Source individual's blood tested and results given to exposed employee. or	______________
☐ Consent has not been able to be obtained.	______________
☐ Human Resources notified	______________

Supervisor's signature: ______________________ Date: ______________

Original: Human Resources Copy: Employee

Appendix G: Hepatitis B Vaccination Post Exposure Medical Declination

I understand that due to my occupational exposure incident to potential infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection or other bloodborne pathogens.

I have been given the opportunity to receive a post-exposure medical evaluation, at no charge to myself.

I UNDERSTAND THAT AN IMMEDIATE MEDICAL EVALUATION IS RECOMMENDED; HOWEVER, I DECLINE THIS MEDICAL EVALUATION AT THIS TIME.

EMPLOYEE NAME: ____

Employee's Signature ______________________ Date: ________________

Hepatitis B Vaccination Declination

I understand that due to my occupational exposure to blood or OPIM I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or OPIM and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

EMPLOYEE NAME: ____

Employee's Signature ______________________ Date: ________________

Appendix H: Sharps Injury Log

Date and time of exposure incident:____

Type and brand of sharp involved (if known):__________________________________

Description of the exposure incident:

- Employee's job classification: _______________________________________
- Employee's department: ____
- What was the employee doing at the time of the incident? ___________________
- How did the incident occur? _____________________________________
  ____
- Part of body involved in the exposure incident: ___________________________
- What could have prevented the injury/exposure from occurring? ________________
  ____
  ____

If the employee was using the sharp at the time of the incident:

- Did the sharp have engineered sharps injury protection (ESIP)? Yes_____ No______
- If yes, was the protective mechanism activated? Yes_____ No______
- Did the injury occur before, during, or after the mechanism was activated?
  Yes______ No______ Comments:__________________________________
- If the sharp did not have engineered sharps injury protection, would such a mechanism have prevented the injury? Yes_____ No______
- If yes, how?____

To be completed by the injured employee within 14 working days of the date the incident is reported.

DO NOT PLACE THE EMPLOYEE'S NAME ON THIS LOG.

EMPLOYEE TRAINING CHECKLIST

This report is to be completed by the supervisor and new employee within five working days of employment or new job assignment. Additional forms are to be prepared as the employee receives safety training during the course of employment, but at least annually.

Name: ______________________ Date of Training: ______________

Department Assigned: ______________________ Job Title: ______________

I HAVE BEEN INSTRUCTED IN THE FOLLOWING SUBJECTS THAT ARE INDICATED:

1. A copy of the Exposure Control Plan and explanation of its contents	Yes / No
2. An explanation of the transmission modes of bloodborne pathogens	Yes / No
3. The use and limitations of methods that prevent or reduce exposure including engineering controls, work practices and personal protective equipment	Yes / No
4. How to recognize tasks and other activities that may involve exposure to blood and other potentially infectious materials	Yes / No
5. Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment	Yes / No
6. Information on the HBV vaccine	Yes / No
7. Appropriate procedures for exposure incidents	Yes / No
8. Labeling of Biohazards	Yes / No
9. Methods for the disposal of medical waste	Yes / No
10. Changes in exposures or exposure control methods	Yes / No

11. List all training not indicated above (use back of form if necessary): ______________

____

____

____

Employee Signature: ______________________ Date: ______________

Follow up on employee will be observed by ______________________

Employee has performed operation to the satisfaction of the undersigned. An observation was complete on the date indicated.

Supervisor Signature: ______________________ Date: ______________

FIRST AID, CPR & AED PROGRAM

I. PURPOSE

To provide prompt and properly administered first aid, cardiopulmonary resuscitation (CPR), and automated external defibrillation (AED) to minimize the severity of injuries and illnesses that may occur in the workplace.

II. DEFINITIONS

A. Automatic/Automated External Defibrillator: or AED, means an external defibrillator capable of analyzing and delivering a shock to a patient when it determines the patient's heart is in ventricular fibrillation or ventricular tachycardia.

B. Cardiopulmonary Resuscitation: or CPR, means a basic emergency procedure for life support, consisting of artificial respiration and manual external cardiac massage in compliance with the standards of the American Heart Association or American Red Cross and the regulations adopted by the local Emergency Medical Services (EMS) Authority.

C. First Aid: Immediate assistance, emergency care, or treatment given to an ill or injured person before regular medical aid can be obtained.

D. Internal Emergency Response System: is a plan of action for the use of the AED and for responders to activate the 9-1-1 emergency system to provide access, coordination and management of advanced cardiac life support for the seriously ill or injured patient(s).

E. Prescribing Physician: means a California licensed physician/surgeon who issues a written prescription for the use of the AED.

III. ASSIGNED RESPONSIBILITY

A. The Fitness Center Supervisor or designee is responsible for administering training in accordance with the provisions of this program.

B. Each Department Supervisor is responsible to assure the contents of first aid kits are replenished and maintained in a serviceable condition.

C. Employees will report all injuries regardless of severity, report all unsafe conditions that may cause injury, and work in a safe manner.

IV. APPLICABILITY

This program applies to all appropriately trained employees that have been American Red Cross certified to administer first aid, CPR and AED.

V. REGULATORY OVERSIGHT

The U.S. Food and Drug Administration oversee the manufacture of AEDs because they are medical devices. To comply with federal standards, the AED label must describe the indications and conditions for the AED use.

Title 8, California Code of Regulations (CCR), General Industry Safety Orders (GISO), Section 3400 outlines employer responsibilities with respect to Medical Services and First Aid. Compliance with the above referenced safety orders will ensure that properly trained employees have the necessary supplies in the event of a medical emergency.

VI. MEDICAL OVERSIGHT

A. Medical Control:

Appropriate policies and procedures for the use of an AED that shall include:

1. Provisions to comply with federal, state, and the Los Angeles County Emergency Medical Services (EMS) policies and procedures;
2. A program for training and testing personnel in the use of the AED that complies with regulations adopted by the EMS Authority and the standards of the American Heart Association or the American Red Cross;
3. A program to ensure the continued competency of authorized individuals, including periodic training and skill proficiency demonstrations, monitored by either the Fitness Center Supervisor or designee.

B. Testing:

In order for an individual to obtain authorization to use an AED, the individual shall pass both written and skill examinations, as specified by the American Red Cross. The examinations shall test the ability of the individual to access and manage the conditions as specified in this program.

C. Written Validation:

The prescribing physician shall issue a written validation or other documented proof of authorization to use an AED.

VII. TRAINING STANDARDS

Every two years, training shall include continuing education, demonstration of skills proficiency, regular updates on new methods/skills, and current knowledge of pertinent issues regarding the use of AED. Training shall consist of not less than four (4) hours and shall include the following topics and skills:

A. Proper use, maintenance and inspection of the AED.

B. The importance of:

1. CPR
2. AED
3. Standard first aid
4. Internal emergency response system

C. Overview of the local EMS system, including 9-1-1 access and interaction with EMS personnel.

D. Assessment of an unconscious patient to determine if cardiac arrest has occurred and the appropriateness of applying and activating an AED.

E. Defibrillator safety precautions that will enable the authorized individual to administer shock without jeopardizing the safety of the patient, him/herself or other nearby persons.

F. Recognition that an electrical shock has been delivered to the patient and that the defibrillator is no longer charged.

G. Rapid, accurate assessment of the patient's post-shock status to determine if further activation of the AED is necessary.

H. Authorized individual's responsibility to continuation of care, such as repeated shocks if necessary and/or administering CPR/First Aid until the arrival of more medically qualified personnel.

VIII. AED MAINTENANCE AND SUPPLIES

A. The AED shall be maintained and regularly tested according to the operation and maintenance guidelines set forth by the manufacturer, the

American Heart Association or the American Red Cross, and any applicable rules and regulations set forth by the governmental authority under the Federal Food and Drug Administration or applicable state and federal authority.

B. The AED is to be checked for readiness after each use and at least once every 30 days by the Fitness Center Supervisor. Records of the periodic checks shall be maintained.

C. A supply kit shall be maintained at the facility and be readily available for use with the AED. The kit shall contain at least the following:

1. Extra set of pads
2. Safety razor for shaving chest hair when necessary to apply the pads
3. Cardiovascular pulmonary resuscitation barrier (face shield or mask) for protection from transmission of infectious disease
4. Two pairs of unused medical examination gloves

IX. FIRST AID MAINTENANCE AND SUPPLIES

A. In the absence of an infirmary, clinic, or hospital, used for treatment of all injured employees, in the near proximity to the workplace, an employee or employees shall be adequately trained to render first aid. Training shall be equal to that of the American Red Cross or the Mining Enforcement and Safety Administration.

B. There shall be adequate first-aid materials, approved by a licensed consulting physician, readily available for workers on every job. Such materials shall be kept in a sanitary and usable condition. Inspections shall be made at least annually of all first-aid materials, which shall be replenished as necessary. Any item beyond its marked expiration date will be removed from the kit and replaced.

C. The minimum first-aid supplies shall be determined by a licensed consulting physician, or in accordance with the table found in Appendix A.

D. Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

E. Stretchers and blankets, or other adequate warm covering, are required unless ambulance service is available within 30 minutes under normal conditions. Such items will be provided inside trauma kits that are located:

- On the south wall behind the Human Resources counter at City Hall

- In the custodial closet on the 2nd floor of the Senior Center
- In the storage closet inside of Director of Public Safety's office

X. PLACEMENT OF AED

The AEDs are to be located within Fitness Center, 1600 Huntington Drive; Community Center, 1600 Huntington Drive; City Hall, 1600 Huntington Drive; and Senior Center, 1610 Huntington Drive.

Specifically, the AEDs will be maintained:

- On the south wall behind the Human Resources counter at City Hall
- On the south wall in the Lifeguard room at the Fitness Center
- In the utility closet across from the women's restroom in the Community Center
- On the south wall behind the counter in the Senior Center

During large functions outside of Fitness Center, Community Center, Hall, Senior Center, or during a disaster, the AED may be strategically placed in a location by the Fitness Center Supervisor or designee. When the AED is removed from the Human Resources counter at City Hall; the Lifeguard room at the Fitness Center; from the Community Center; the counter in the Senior Center, a sign should be posted that provides the current location of the AED.

XI. PLACEMENT OF FIRST AID SUPPLIES

First aid kits are to be located within Fitness Center, 1600 Huntington Drive; Community Center, 1600 Huntington Drive; City Hall, 1600 Huntington Drive; Senior Center, 1610 Huntington Drive; Teen Center, 1400 Buena Vista Street; Public Safety, 1042 Huntington Drive; Transit (South Yard), 1850 Highland Avenue; Beardslee Park, 2000 Buena Vista Street; Duarte Park, 1344 Bloomdale Street; Encanto Park, 751 Encanto Parkway; Otis Gordon Sports Park, 2351 Central Avenue; Royal Oaks Park, 2627 Royal Oaks Drive and Field Services (North Yard), 1101 Oak Avenue.

First aid kits are specifically maintained:

- On the south wall behind the Human Resources counter at City Hall
- In the closet room behind the front counter at the Fitness Center
- In the utility closet across from the women's restroom in the Community Center
- In the closet room behind the front counter of the Senior Center
- On the north wall next to the fire extinguisher in the Transit office
- In the closet room behind the front counter of the Teen Center
- On the north wall near rear exit at Public Safety
- On the east wall next to workshop restroom at North Yard

- Portable first aid kits will be provided for all Transit, Field Service, and Facility Maintenance vehicles
- Inside of the custodial closet of Duarte Park
- Inside of the small recreation office of Encanto Park
- Inside of the custodial closet of Otis Gordon Sports Park
- Inside of the custodial closet of Royal Oaks Park
- Inside of the small recreation office of Beardslee Park

XII. IDENTIFICATION OF AUTHORIZED INDIVIDUALS

A. American Red Cross course record sheets will be proof of an individual's ability to use an AED once the individual passes written and skill examinations.

B. Identification cards will be prepared by the American Red Cross and issued by the certified trainer once the individual has successfully passed both the written and skills examinations.

XIII. INTERNAL EMERGENCY RESPONSE SYSTEM

A. In the event of a serious medical emergency, the following steps should be followed by authorized individuals:

1. Assess the situation and try to confirm the scene is safe prior to proceeding with assistance.
2. Activate the 9-1-1 system to call for EMS. Provide the nature, location, number of people involved, and what actions are currently being taken to manage the incident.
3. Designate someone to promptly direct the resources that arrive at the scene.
4. Those administering medical aid shall take necessary bloodborne pathogens isolation precautions (gloves, goggles, masks, etc.).
5. Determine the most appropriate course of action for providing the best care to the individual(s) involved.
6. Assess whether the AED is needed.
7. If the AED is not needed, continue to give proper care until medical professionals arrive.
8. If the AED is needed, direct someone to retrieve it from its current location.
9. If the AED is delayed in the arrival and patient is pulse-less/non-breathing, initiate basic CPR.
10. Use the AED in accordance with appropriate training methods.
11. Transfer care to medical professionals upon arrival at scene.
12. Document all actions taken.
13. Report use of the AED to Fitness Center Supervisor, who will in turn notify the local EMS authority.

XIV. FAILURE OF THE AED

In the unlikely event that the AED does not operate properly, authorized individuals shall continue with basic life support measures, including CPR, until a more highly trained medical authority arrives on scene.

XV. USE OF THE AED

Prior to using the AED, and in accordance with American Heart Association or American Red Cross training, the authorized individual should confirm:

A. The patient is unconscious, absent of respirations, and has no pulse.

B. The patient's condition is not a result of trauma.

C. The patient is not hypothermic.

D. The patient is 12 years of age or older *(contact the manufacturer of your AED; different guidelines may apply).*

E. The patient's body weight is under 80 pounds *(contact the manufacturer of your AED; different guidelines may apply).*

Manufacturer:	Philips
Distributer:	The Life Trends Group
Address:	34145 Pacific Coast Hwy., #101 Dana Point, CA 92629
Telephone:	(949) 661-9509

When available, use pediatric settings or pads when caring for children and infants. If pediatric equipment is not available, rescuers may use AEDs configured for adults.

XVI. USE OF THE AED WITH OTHER MEDICAL PROFESSIONALS

A. When on the scene of a medical emergency involving a sudden cardiac arrest with other medical professionals, authorized individuals are to use the AED in the manner they were trained, so long as it does not interfere with the actions of other public safety personnel (firefighters and paramedics) and other medical professionals (nurses, physicians and surgeons).

B. Should more highly trained medical professionals arrive on scene after authorized individuals have used or are currently using the AED, the individual should communicate with these professionals and ask for their direction regarding continued use of the AED.

XVII. NOTIFICATION AND PLACING THE AED BACK IN SERVICE

A. Once the Fitness Center Supervisor is notified that the AED has been used in an actual incident, the Fitness Center Supervisor shall contact the following as soon as possible, but no later than the next business day;

1. Local EMS Authority
2. City Manager or his designee
3. Any other contacts deemed necessary

B. Appendix B details a list of steps that must be followed after an AED has been used, but before placing the AED back in service.

XVIII. REVIEW OF INCIDENTS

A. Internal Post Event Documentation: It is important to document each use of the AED. As such, an accident form shall be completed by the responding authorized individual each time the AED is used. These forms will be available from the Fitness Center Supervisor.

B. External Post Event Documentation: After notification of the use of the AED, the prescribing physician or other appropriate personnel shall review the incident for the purpose of medical control. This will be accomplished by transferring the data stored on the AED to a computer where the time, number of shocks delivered, and heart rhythm pre/post shock may be analyzed.

XIX. RECORD KEEPING

The Fitness Center Supervisor shall maintain the following records:

A. A copy of the physician's prescription for the AED.
B. Log of maintenance checks of the AED, including the dates checked and the name of the person that performed the review.

The Human Resources Department shall maintain the following records:

A. A copy of the physician's prescription for First Aid Kits.
B. Training documentation from an American Heart Association or American Red Cross-recognized AED training class.
C. A current roster of all personnel who are authorized individuals.

   1. A copy of a valid AED operator's certificate for any employee authorized to operate the AED.

2. A log of proficiency demonstrations for each holder of an AED operator's certificate. The log shall contain the dates of the demonstrations as well as the manner of demonstration.

Each Department Supervisor or designee shall maintain the following records:

A. Log of maintenance checks of First Aid Kits, including the dates checked and the name of the person that performed the review.

XX. REFERENCES

Health and Safety Code Division 2.5, Chapter 3, 1797.196.

California Civil Code, Section 1714.21.

CCR, Title 8, GISO, Section 3400

CCR, Title 8, CSO, Section 1512

Appendix A

	SUPPLIES FOR FIRST AID KIT	TYPE OF SUPPLY REQUIRED BY NUMBER OF EMPLOYEES			
	Dressings in adequate quantities consisting of:	1-5	6-15	16-200	200 +
1	Adhesive dressings	X	X	X	X
2	Adhesive tape rolls, 1-inch wide	X	X	X	X
3	Eye dressing packet	X	X	X	X
4	1-inch gauze bandage roll or compress		X	X	X
5	2-inch gauze bandage roll or compress	X	X	X	X
6	4-inch gauze bandage roll or compress		X	X	X
7	Sterile gauze pads, 2-inch square	X	X	X	X
8	Sterile gauze pads, 4-inch square	X	X	X	X
9	Sterile surgical pads for pressure dressing			X	X
10	Triangle bandages	X	X	X	X
11	Safety pins	X	X	X	X
12	Tweezers and scissors	X	X	X	X
*Additional equipment in adequate quantities consisting of:					
13	Cotton-tipped applicators			X	X
14	Forceps			X	X
15	Emesis basin			X	X
16	Flashlight			X	X
17	Magnifying glass			X	X
18	Portable oxygen and breathing equipment				X
19	Tongue depressors				X
20	Appropriate record forms	X	X	X	X
21	First aid textbook, manual or equivalent	X	X	X	X

*** To be readily available but not necessarily within the first-aid kit**

Appendix B

Placing an AED Back in Service After Use

The following steps shall be followed when placing the AED back in service after use *(NOTE: Consult with the AED manufacturer to ensure these are the steps recommended for your agency's AED):*

________ Replace battery in the AED

________ Perform complete battery insertion test (BIT)

________ Request a new battery from the manufacturer or licensed equipment supplier

________ Mark used battery "training only" and send to Fitness Center Manager

________ Note use and BIT date on maintenance log

________ Replace electrode pads (replacement pads should be obtained from the manufacturer or licensed equipment supplier)

________ Request new AED data card from manufacturer or licensed equipment supplier

Place this checklist with maintenance records.

City of Duarte

FIRE PREVENTION POLICY

I. PURPOSE

The purpose is to provide general requirements for a Fire Prevention Policy in accordance with CCR Title 8: Section 3221.

II. RESPONSIBILITY

A. Field Services Manager or designee is responsible for the control of accumulation of flammable or combustible waste materials.

B. Facilities Maintenance Supervisor or designee is responsible for maintenance of equipment and systems installed to prevent or control ignitions of fires (fire extinguishers, fire sprinklers, etc.).

C. All employees, supervisors, and managers are expected to follow the procedures outlined in this policy to ensure that all employees are protected.

III. FIRE HAZARD IDENTIFICATION

The following is a list of potential fire hazards and their associated work areas:

Work Areas	Fire Hazards
Workstation	Paper, plastic, electrical
Workrooms	Paper, electrical
Break rooms	Paper, plastics, electrical appliances

IV. HOUSEKEEPING PRACTICES

Good housekeeping is basic to fire safety and should be a major concern in every type of occupancy. The following general preventive measures apply:

Type of Fire Hazard	Fire Prevention Practices
Paper	Waste paper cans emptied daily
Plastic	Waste plastic discarded daily
Electrical	Quarterly inspections of outlets, multi-strips, cubicles, and work areas
Flammable/combustible liquids	Store liquids in approved flammable storage cabinet
Electrical appliances	Quarterly inspections of appliances

V. SAFE CODE OF WORK PRACTICES

Fires, like all other types of accidents, are largely preventable.

A. Do not allow for the accumulation of trash or waste material.

B. Flammables, including data sheets, books, rags, clothing, flammable liquids or trash shall not be placed or stored near heaters or their vents, any electrical appliance, or other potential sources of ignition.

C. Sources of actual or potential heat such as hot plates or electric coffee pots shall not be placed near flammable materials.

D. Portable electric heaters should have tip-over protection that automatically shuts off the unit when it is tipped over. Portable heaters must be disconnected when not in use. There should be adequate clearance between the heater and combustible furnishings or other materials at all times.

E. Care must be taken not to block potential escape routes, particularly with flammable materials.

F. Each individual is personally responsible for assuring that extension cords and multiple plugs are in good condition. Cords that are missing the grounding prong, are spliced together, or that are missing their protective sheath shall not be used.

VI. FIRE CONTROL MEASURES

The following is a list of fire control measures installed or available in work areas:

Work Area	Fire Control Measure
City Hall	Installed and monitored fire alarm system. ABC multipurpose fire extinguishers are located throughout building (lobby, hallway and kitchen). Halon fire extinguishers are located throughout building (telephone closet and supply closet).
Community Center	Installed and monitored fire alarm system. ABC multipurpose fire extinguishers are located throughout building (crafts room, hallway and kitchen). Halon fire extinguisher located in audio/visual room. Fire Suppression System located in kitchen.
Senior Center	Installed and monitored fire alarm system. ABC multipurpose fire extinguishers are located throughout building (kitchen, lobby, dinning room, lobby closet, elevator room -1st floor, TV room, pool room, meeting room-2nd floor, elevator room-2nd floor, main hall-2nd floor, crafts

	room-2nd floor, Kiln room-2nd floor and electrical room).
Public Safety	Installed and monitored fire alarm system. ABC multipurpose fire extinguishers are located throughout building (near back door, hallway and in computer/storage room).
Fitness Center	Installed and monitored fire alarm system. ABC multipurpose fire extinguishers are located throughout building (office, chemical room and pump room).
Teen Center	Installed and monitored fire alarm system. ABC multipurpose fire extinguishers are located throughout building (hallway and game room). Halon fire extinguisher located in computer room.
North Yard (Field Services)	ABC multipurpose fire extinguishers are located throughout building (main office, hallway, kitchen and garage (2)).
South Yard (Transit)	ABC multipurpose fire extinguisher located in main room.
Duarte Sports Park	Fire Suppression System located in snack bar. ABC multipurpose fire extinguisher located in snack bar.
Chamber	ABC multipurpose fire extinguishers (2).
Royal Oaks Park	ABC multipurpose fire extinguishers located in office and electrical closet.
Encanto Park	ABC multipurpose fire extinguisher (1).
Beardslee	ABC multipurpose fire extinguisher (1).

VII. MAINTENANCE OF EQUIPMENT

Facilities Maintenance Supervisor or designee is responsible for maintenance of fire protection equipment and systems installed to prevent or control ignitions or fires.

The periodic maintenance and inspection frequencies for fire control measures are as follows:

Fire Control Measures	Inspection Frequency	Service Firm
Fire Alarm System	Annually	Facilities Maintenance and Alta Pro Fire Protection
Fire Extinguishers	Annually	A&D Fire/Dale's Fire
Fire Suppression System	Annually	Faith Fire Protection

Fire control measures to be offered by the above referenced service firms or by an equivalently qualified company.

VIII. EMPLOYEE RESPONSE TO FIRE EMERGENCIES

What to know:

1. Exit the building through the nearest exit to your work area.
2. Do not run. Remove high-heeled shoes if necessary.
3. Use the stairways. Do not use elevators in an emergency.

What to do:

Activate fire alarm and exit the building. If you observe obvious smoke or a fire, do the following:

1. Notify Emergency Services by dialing 9-9-1-1 from City landline.
2. Alert others in the building by pulling the fire alarm trip switch or yelling out "fire" and its location.
3. Attempt to extinguish the fire with an extinguisher only if the fire is small and you are able to do so without causing harm to yourself.
4. Evacuate immediately if the fire is not contained, as fire, heat, or smoke may block the evacuation path.
5. Put back of non-dominant hand on exit door/door handle to detect heat, or look and smell for smoke. Keep in mind that wood is an insulator, and even a warm wooden door is cause for concern.
6. If heat is not felt, stay low and open door carefully to look and smell for smoke.
7. If the door feels warm/hot and/or there is smoke in the stairwell, ensure the door is closed and direct staff to the next closest exit.
8. Instruct all staff and visitors within the area to evacuate the building by the designated exit route.
9. Ensure all doors are closed to prevent spread of fire.
10. Report anyone missing to immediate supervisor, after confirming with other staff that the missing person was in fact at work at the time of the fire.

IX. TRAINING

Supervisor Responsibility

Upon initial assignment, employees will be provided a copy of this Fire Prevention Policy. Each Department Supervisor is responsible for informing employees of potential fire hazards in the workplace specific to their tasks. In addition, each supervisor shall instruct employees on those parts of the Fire Prevention Policy applicable for the employees to protect themselves and respond in the event of an emergency. A copy of the policy will be kept in the Safety Binders in each department and is available for review upon request from Risk Manager.

City of Duarte

HAZARD COMMUNICATION PROGRAM

I. PURPOSE

The purpose of this program is to ensure that all employees of the City of Duarte have adequate training and information on the hazardous substances used in their work assignments and that they are provided with proper Personal Protective Equipment (PPE).

II. SCOPE

Title 8, California Code of Regulations, General Industry Safety Orders, Section 5194, requires employers to establish a written Hazard Communication Program that includes procedures for employee training, hazard identification, labeling and records maintenance.

III. DEFINITIONS

A. Material Safety Data Sheets (MSDS)/Safety Data Sheets (SDS): A form with data regarding the properties of particular substances. This includes information such as:

1. Identification
2. Hazard(s) identification
3. Composition/information on ingredients
4. First aid measures
5. Fire fighting measures
6. Accidental release measures
7. Handling and storage
8. Exposure controls/personal protection
9. Physical and chemical properties
10. Stability and reactivity
11. Toxicological information

12. Etc.

B. Personal Protective Equipment (PPE): Anything worn in order to protect the body from workplace hazards. This includes items such as:

1. Safety goggles
2. Blast shields
3. Hard hats
4. Gloves
5. Ear plugs
6. Aprons
7. Work boots
8. Etc.

C. Hazardous substances: Chemical present in the workplace, which are capable of causing harm.

IV. RESPONSIBILITIES

A. Risk Manager: Risk Manager is responsible for ensuring that the Hazard Communication Program is implemented and maintained. Risk Manager or designee is also responsible for the following:

1. Developing, distributing, and updating the written Hazard Communication Program.
2. Monitoring compliance with the Hazard Communication Standard.
3. Ensuring safety training consistent with Cal/OSHA standards has been conducted.

B. Department Heads/Managerial Staff: Each manager of any department using hazardous substances has overall responsibility for the Hazard Communication Program as well as the following:

1. Ensuring that Supervisors and/or Managers are properly trained and provide assistance where needed.
2. Ensuring employee training is documented consistent with Cal/OSHA standards and available for review by regulatory agencies.

3. Providing a copy of the Hazard Communication Program upon request to employees, their designated representatives, Cal/OSHA or NIOSH.

4. Ensuring all designated staff obtain MSDS/SDS.

5. Ensuring all employees are informed of the location of the MSDS/SDS and ensuring employees have unrestricted access to them.

6. Designating individuals to contact the chemical manufacturer in writing if the MSDS/SDS was not provided by the vendor.

7. Informing employees of their right to personally receive information regarding hazardous substances to which they may be exposed.

8. Informing the employee that their physician or collective bargaining agent can receive information regarding hazardous substances to which the employee may be exposed.

C. Supervisor: Each supervisor is responsible for the following:

1. Establishing and maintaining a hazardous material inventory for those chemical products used in the department (Appendix A).

2. Advising employees of the location and availability of the employer's written Hazard Communication Program, including the list of hazardous substances and Material Safety Data Sheets (MSDS)/Safety Data Sheet (SDS).

3. Ensuring the MSDS/SDS coincide with the chemicals in stock.

4. Sending the Director of Industrial Relations a copy of the written inquiry to a chemical manufacturer for a MSDS/SDS if a response has not been received from the manufacturer within 25 working days.

5. Verifying that the most current MSDS/SDS are being used for all chemicals in stock.

6. Ensuring that all primary and secondary chemical containers are properly labeled.

7. Providing a copy of the Hazard Control Plan upon request to employees, their designated representatives, Cal/OSHA or NIOSH.

8. Coordinating preliminary training and assisting with future training requirements.

9. Ensuring that employees are properly trained on the health hazards of the substances in the work area, and the measures they can take to protect themselves from these hazards.

10. Maintaining documentation of all employee Hazard Communication Program training for at least five years per the Records Retention Schedule for the City of Duarte Human Resources Division (Appendix B).

11. Ensuring that employees are using approved Personal Protective Equipment (PPE) where required.

12. Providing information and training on hazardous substances in employee work areas at the time of initial assignment and whenever a new hazard is introduced (Appendix B).

13. Training employees in the methods and observations, which may be used to detect the presence or release of a hazardous substance in the work area. Training may include monitoring conducted by the employer, monitoring devices, and visual appearance or odor of the substances.

14. Informing the employee he/she may not be disciplined due to the employee's exercise of the rights afforded pursuant to the provisions of the Hazardous Substances Information and Training Act.

D. Employees: Each employee who is authorized to use hazardous substances has a duty to follow the safe practices and procedures prescribed for such products, including the use of Personal Protective Equipment (PPE) and clothing provided.

V. HAZARDOUS SUBSTANCES INVENTORY

Inventory shall be performed at least once annually to identify hazardous products and chemicals at each work location. Current hazardous material inventory forms will be maintained in each area where these materials are used or stored. Hazardous products and chemicals include many materials not usually thought of as being "chemical" or "hazardous". (Appendix A).

VI. MATERIAL SAFETY DATA SHEETS (MSDS)/SAFETY DATA SHEETS (SDS)

MSDS/SDS will be obtained from manufacturers or suppliers for all products identified during the inventory as containing hazardous or toxic ingredients. Following initial program compliance, MSDS/SDS will be obtained for all subsequent purchases. Products without accompanying MSDS/SDS will not be accepted for use until the MSDS/SDS has been received, reviewed and approved. All purchase orders will include a requirement that an MSDS/SDS be provided as a condition of purchase. A current MSDS/SDS binder will be maintained in each area where these materials are stored and used.

Chemical manufacturers are required to update their Material Safety Data Sheets (MSDS) by June 1, 2015 to comply with the format of the new Safety Data Sheet (SDS). MSDSs will have to be converted to SDSs by December 1, 2015. The manufacturer or distributor will supply the City with new SDSs. Each supervisor is to replace his/her MSDS's with new SDS's in their division's MSDS/SDS binder.

MSDS/SDS binders must be maintained and kept up to date. As obsolete MSDS's/SDS's are replaced by updated copies or removed for products no longer in use, they must be kept on file. They cannot be discarded. OSHA 1910.1020 defines an "employee exposure record" to include the MSDS. The MSDS must be held and maintained at least 30 years.

VII. HAZARD EVALUATION

Periodic evaluation of safety control measures for hazardous substances and chemicals will be made in each storage and use area. This evaluation will include the following:

A. Hazard Class (flammable, toxic, corrosive, reactive, etc.)

B. Storage compatibility

C. Secondary Containers

D. Labeling

E. Protective clothing and Personal Protective Equipment (PPE) needed

F. Emergency eyewash/shower facilities

G. Spill cleanup supplies and equipment

H. Fire protection measures

I. Ventilation

J. Static Grounding

VIII. LABELING

The manufacturer or distributor of a hazardous substance is responsible for proper labeling and hazard warnings on their product containers. The Employer's responsibilities for labeling are:

A. To ensure that all products containing hazardous substances and chemicals are properly marked as to contents and hazard, consistent with applicable standards. Container labels should provide: a) identity of hazardous substance(s) and chemical(s), b) level of hazard warning statement, and c) name and address of manufacturer or distributor.

B. Storage/process tanks and piping will be marked or tagged to indicate contents and appropriate warnings.

C. When a substance is transferred from the original container, the secondary container will be properly labeled with either a copy of the original manufacturer's label or with generic labels, which have a block for identity and blocks for the hazard warning.

D. Manufacturer labels on incoming containers of hazardous substances will not be removed or defaced. Torn or damaged labels will be repaired or replaced before being moved to a storage or use area.

E. Information in other languages may be added to labels and warnings as long as the same information is also displayed in English.

IX. HAZARD COMMUNICATION TRAINING

Employees will be trained in the handling and use of hazardous substances and chemicals in the work place. Employees from other locations temporarily working at a location will be provided a hazard orientation by the area supervisor prior to any work activities. Area specific training will be developed by department managers and provided for each employee. At a minimum, training will include:

A. Identification of all hazardous substances and chemicals in the work place.

B. Selection and use of appropriate Personal Protective Equipment (PPE) when working with hazardous substances and chemicals.

C. Labeling requirements.

D. Hazardous leak and spill response, clean up, and disposal.

E. Protection against exposure to hazardous substances including proper work practices.

F. Exposure first aid measures.

G. Location and use of MSDS/SDS binder, chemical inventory list and written Hazard Communication Program.

X. HAZARDOUS NON-ROUTINE TASKS

Employees may periodically be required to perform hazardous non-routine tasks. Each affected employee will be given information by their supervisor about hazards to which they may be exposed prior to starting work on such projects. This information will include:

A. Specific hazards that may be encountered.

B. Protective measures that must be utilized.

C. Supervisory measures taken to minimize the hazards including use of Personal Protective Equipment (PPE), ventilation, presence of additional employees and emergency procedures.

XI. CONTRACTORS

The City of Duarte frequently employs contractors to perform work. Contractors are required to have their own Hazard Communication Program. The supervisor or designee shall provide the contractor with documented information on any known hazardous conditions or substances to which they may be exposed. A record of this communication shall be kept.

XII. RECORDS RETENTION

A. T8 CCR, Section 3203 (b)(1), "Injury and Illness Prevention Program," requires that employee training be documented and records retained for at least (1) one year.

B. Master list of all hazardous materials and a copy of each associated MSDS/SDS should be kept on file for at least (30) thirty years.

XIII. REFERENCES

CCR Title 8 GISO Section 51

OSHA 1910.1020

APPENDIX A

HAZARDOUS MATERIAL INVENTORY LIST

Department/Division ____ Date: __________

Hazardous Substance	Substance Category	MSDS/ SDS (Yes/No)	If no, MSDS/SDS List Manufacturer's Name
Repellants			
Solvent/Removers/Cleansers			

APPENDIX B
EMPLOYEE TRAINING CHECKLIST

This report is to be completed by the supervisor and new employee within five working days of employment or new job assignment. Additional forms are to be prepared as the employee receives safety training during the course of employment, but at least annually.

NAME: ______________________________ Date Employed: ________________

Department Assigned: ________________ Job Title: ____________________

Employee Past Work Experience:
A. Has employee taken pre-employment physical? [Yes] [No]
B. Are there any physical limitations? [Yes] [No]

If answer to B is yes, please explain: ________________________________

____

I HAVE BEEN INSTRUCTED IN THE FOLLOWING SUBJECTS THAT ARE INDICATED:

1.	Location and use of MSDS/SDS binder, chemical inventory list and written Hazard Communication Program	Yes/No
2.	Safety rules, both general and specific to the job assignment	Yes/No
3.	Safety rule enforcement procedures	Yes/No
4.	Selection and use of appropriate Personal Protective Equipment (PPE) when working with hazardous substances and chemicals	Yes/No
5.	Protection against exposure to hazardous substances including proper work practices	Yes/No
6.	Handling of material	Yes/No
7.	Identification of all hazardous substances and chemicals in the work place	Yes/No
8.	How, when and where to report injuries	Yes/No
9.	Labeling requirements	Yes/No
10.	Special hazards of job	Yes/No
11.	When and where to report unsafe conditions	Yes/No
12.	Hazardous leak and spill response, clean up, and disposal	Yes/No
13.	Exposure first aid measures	Yes/No

14. Personal protective equipment: List Items ______________________________

____

15. Hazardous materials: List Items______________________________________

____

16. Tools/Equipment: List ____

17. List all training not indicated above (use back of form if necessary): ______________

____

____

____

Employee Signature: ________________________________ Date: ____________

Follow up on employee will be observed by ______________________________

Employee has performed operation to the satisfaction of the undersigned. An observation was completed on the date indicated.

Supervisor Signature: ________________________________ Date: ____________

City of Duarte

HAZARDOUS WASTE CONTROL POLICY

I. PURPOSE

This policy sets procedures for disposal of hazardous waste in accordance with Federal, State, and Local laws and regulations.

II. DEFINITIONS

The following terms are used in this document:

A. Accumulation start date: the date when material has been put into the hazardous waste storage area and labeled.

B. Hazardous waste: any material that poses a threat to public health or the environment; a product not useful in its present form. A product or raw material becomes a waste when the next thing done is to discard, treat, recycle, or when the materials' container has a breach of integrity.

C. Hazardous waste inventory sheet: the paperwork given to the disposal site, identifying the description and the amount of hazardous waste material.

D. Main file: the file maintained by the disposal site of all paperwork pertaining to hazardous waste materials.

E. Manifest acknowledgment copy: a copy of the manifest acknowledging hazardous waste material has arrived at its final destination.

F. Manifest: an itemized list designed to facilitate the cradle-to-grave tracking of hazardous wastes that regulatory agencies monitor. Generators that ship their hazardous wastes off-site are required to complete a "Uniform Hazardous Waste Manifest" that, in general, identifies:

1. The nature and amount of waste that is being transported off-site;
2. Who is the generator;
3. Who is the transporter; and
4. What is the waste's destination?

G. Primary generator: any department (Administration, Facilities Maintenance, Field Services and so on) that produces a waste product considered to be hazardous.

H. Transporter: a company licensed to transport hazardous materials.

III. HAZARDOUS WASTE IDENTIFICATION

Hazardous waste is a waste with properties that make it potentially dangerous or harmful to human health or the environment. The universe of hazardous wastes is large and diverse. Hazardous wastes can be liquids, solids, or contained gases.They can be the by-products of manufacturing processes, discarded used materials, or discarded unused commercial products, such as cleaning fluids (solvents) or pesticides.

IV. UNIVERSAL WASTE IDENTIFICATION

Universal wastes are hazardous wastes that are widely produced by households and many different types of businesses. Universal wastes include televisions, computers and other electronic devices as well as batteries, fluorescent lamps, mercury thermostats, and other mercury containing equipment, among others. Universal Wastes may not be disposed of in the trash!

V. UNIDENTIFIED WASTE

Under no circumstance should any City of Duarte employee handle unidentified waste. If you come into contact with an unidentifiable possibly hazardous substance in the field, please contact Fire Dispatch at (626) 444-2581 and advise them of the situation. The fire department is responsible for assisting in the identification of the substance. If they deem it hazardous, they will take necessary steps to protect the public. Once they deem it safe to the public, it will be the responsibility of the City for proper disposal.

In case of a life-threatening emergency please dial 9-1-1 (Both police and fire are connected through 9-1-1).

VI. GENERAL INFORMATION

The Primary Generator will:

1. Label hazardous waste material to identify contents of material and date item was dropped off;

2. Log in hazardous waste material on clipboard located inside of designated hazardous waste container located in South Yard;

3. Properly package, store and secure hazardous waste material inside of designated hazardous waste container located in South Yard;

4. Supply hazardous waste material inventory sheets and other pertinent information to Field Services.

   Note: See Appendix "A" (Hazardous Waste Label).

B. Field Services will:

   1. Ship hazardous waste within 180 days of the accumulation start date;

   2. Provide a licensed transporter to transport the hazardous waste;

   3. Witness the loading and verify the load to the manifest.

   4. File and maintain all paperwork in the main file:

      a. Hazardous waste manifest;

      b. Manifest acknowledgment copy; and

      c. Material inventory sheet.

   5. Handle correspondence with state and local agencies

   6. Provide specifications and necessary documents.

C. The applicable Safety Coordinator will be the person signing the manifest. The applicable Safety Coordinators' responsibility includes but is not limited to:

   1. Verifying with the Field Services Manager and the transporter that all information in the manifest is correct.

VII. REFERENCES

CCR Health & Safety Code Section 25160

CCR Labor Code Section 6390 – 6399.2

US Environmental Protection Agency

California Department of Toxic Substances Control

Appendix A

Hazardous Waste Label

HAZARDOUS WASTE

FEDERAL AND/OR STATE LAWS PROHIBIT IMPROPER DISPOSAL

IF FOUND, CONTACT THE NEAREST POLICE OR PUBLIC SAFETY AUTHORITY, THE U.S. ENVIRONMENTAL PROTECTION AGENCY OR THE CALIFORNIA DEPARTMENT OF HEALTH.

GENERATOR INFORMATION:

NAME ______________________________

ADDRESS ______________ PHONE ______________

CITY ____________ STATE ____________ ZIP ____________

EPA ID NO. / MANIFEST DOCUMENT NO. ______________ / ______________

EPA WASTE NO. __________ CA WASTE NO. __________ ACCUMULATION START DATE __________

CONTENTS COMPOSITION ______________________________

PHYSICAL STATE: ☐ SOLID ☐ LIQUID

HAZARDOUS STATE: ☐ FLAMMABLE ☐ TOXIC ☐ CORROSIVE ☐ REACTIVITY ☐ OTHER ______

____

____

____

D.O.T PROPER SHIPPING NAME AND UN OR NA NO. WITH PREFIX

HANDLE WITH CARE!

City of Duarte

HEARING CONSERVATION PROGRAM

I. PURPOSE

Title 8, California Code of Regulations, General Industry Safety Orders, Sections 5095-5100, mandate the implementation of a continuing, effective hearing conservation program whenever employee noise exposures equal or exceed an 8-hour time weighted average (TWA) of 85 decibels measured on the A-scale (slow response) or, equivalently, a dose of fifty percent. This program contains provisions for appropriate hearing protection, annual audiometric tests, annual employee training and periodic environmental assessments.

All departments are responsible for protecting their employees from exposure to excessive noise. This policy and procedure defines responsibilities for the prevention of occupationally induced hearing loss in all City of Duarte employees.

II. DEFINITIONS

The following terms are used in this document:

A. Decibel (dB): Unit of measurement of sound level

B. Decibels-A-Weighted (dBA): A unit of measurement of sound level corrected to the A-weighted scale, as defined in ANSI S1.4-1971 (R1 1976), using a reference level of 20 micropascals (0.00002 Newton per square meter)

C. Audiogram: A chart, graph, or table resulting from an audiometric test showing an individual's hearing threshold levels as a function of frequency

D. Otolaryngologist: A physician specializing in diagnosis and treatment of disorders of the ear, nose and throat

III. PROCEDURES

A. Hearing protectors shall be available to all employees exposed to an 8-hour time weighted average of 85 decibels or greater at no cost to the employees. Hearing protectors shall be replaced as necessary.

B. Hearing protectors must be worn by all employees:

   1. Who are required by Title 8, Section 5096(b) to wear personal protective equipment, i.e. when employees are subjected to sound levels exceeding the weighted average

2. Who are exposed to an 8-hour time weighted average of 85 decibels or greater, and who:

    a. Are required by Section 5097(C)(9) to wear hearing protectors because baseline audiograms have not yet been established; or

    b. Have experienced a standard threshold shift.

C. In an effort to identify hazards, examples of decibel levels of familiar sounds are:

- Whisper – 10 decibels
- Quiet House – 30 decibels
- Street sounds – 70 decibels
- Factory – 80-90 decibels
- Sander – 85 decibels
- Subway – 90 decibels
- Pneumatic drill – 100 decibels
- Car horn – 120 decibels
- Artillery – 120 decibels

D. The opportunity should be given to employees in the selection of their hearing protectors from a variety of suitable hearing protectors provided by the employer. Hearing protectors fall into three categories:

1. Earmuffs – usually provide the greatest amount of protection to the ears. They have three parts: a headband, ear cups, and ear cushions.

2. Earplugs – seal the ear canal and keep noise from getting through to the ear's delicate parts. There are a wide variety of earplugs on the market. Some come in standard sizes, some can be individually molded, and some are custom-fitted to a person's ear.

3. Canal caps – soft pads on the end of a headband, similar to headphones. The canal caps, which have to fit snugly, seal the entrance to the ear canal instead of going into it like earplugs do.

E. Training shall be provided to employees in the use and care of all hearing protectors.

F. Supervisors shall ensure proper initial fitting and supervise the correct use of all hearing protectors. In addition, the employee must also be an active participant too, i.e. keep ear protectors clean; wash them regularly according to manufacturer's instructions; wash your hands thoroughly before inserting earplugs; make sure the canal caps fit snugly; inspect ear protectors before putting them on, if they are loose or cracked, report it; and do not use "homemade" hearing protectors such as cotton.

G. The City shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used. The City shall use one of the methods described in Section 142.3, Labor Code (Methods for Estimating the Adequacy of Hearing Protector Attenuation).

H. Hearing protectors must attenuate employee exposure at least to an 8-hour time weighted average of 90 decibels as required by Section 5096(b).

I. For employees who have experienced a standard threshold shift, hearing protectors must attenuate employee exposures to an 8-hour time weighted average of 85 decibels or below.

J. The adequacy of hearing protector attenuation shall be reevaluated whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation. The employer shall provide more effective hearing protectors where necessary.

K. Some ways the noise can be reduced in a work area include:

- Separating noisy machinery or operations;
- Keeping equipment maintained and lubricated so it does not rattle or squeak;
- Replacing worn or loose machine parts;
- Using quiet substances like wood or plastic instead of metal whenever possible;
- Using rubber mountings under heavy machinery to reduce vibration;
- Using sound absorbing acoustical tiles on the floor, ceilings, or walls;
- Considering noise levels before buying new equipment or installing new processes.

IV. RESPONSIBILITIES

A. Department Heads/Managers

1. Implement a noise exposure control program within their area of jurisdiction and budget resources to fund such a program. The program shall include providing at least two types of hearing protectors for employees to choose from and annual refresher training on proper use.

2. Assign responsibility for implementation to appropriate Department staff.

3. Develop written Standard Operating Procedures to ensure that employees are protected against the effects of noise exposure when sound levels exceed those shown in Appendix A when measured on the A-scale of a standard sound level meter at slow response.

4. Conduct or coordinate training program at least annually.

B. Risk Manager or Designee

1. Implement a Hearing Conservation Program with Administration, Manager, and Supervisor assistance.

2. Ensure coordination of annual training for impacted employees, as required by CAL/OSHA standards.

3. Assist supervisors in the procurement, issuance, and proper utilization of hearing protective equipment. The National Institute for Occupational Safety and Health (NIOSH) Compendium of Hearing Protection Devices can be downloaded from http://www.cdc.gov/niosh/95-105.html.

4. Establish and maintain an audiometric testing program by making audiometric testing available to all employees whose exposures equal or exceed the action level.

5. Assist supervisors with scheduling routine employee audiometric examinations. Each employee exposed at or above the action level is to receive an annual audiogram after obtaining the initial baseline.

   a. If the annual audiogram shows that an employee has suffered a standard threshold shift, the employer may obtain a retest within 30 days and consider the results of the retest as the annual audiogram.

b. If comparison of the annual audiogram to the baseline audiogram indicates a standard threshold shift as defined by Section 5097 (d)(8), the employee shall be informed of this fact, in writing, within 21 days of the determination.

6. Monitor supervisor's assessments of employee compliance with the Hearing Conservation Program and their documentation of incidences of employees not wearing protectors as required.

7. Identify the need for, and when necessary, retain qualified consultants for the following support services:

   a. Evaluation of employee noise exposures

   b. Noise control

   c. Assessment of hearing protective equipment relative to employee noise exposure

   d. Training for Administration, Managers, and Supervisors

   e. Coordination of a periodic re-evaluation to determine noise exposures in the workplace

8. Maintain copies of employee medical records.

C. Department Heads/Managers/Supervisors

1. Monitor subordinate program compliance to ensure proper personal protective equipment is always used when needed.

2. Supervisors shall review program compliance as part of employee performance evaluations.

3. Document incidences of employees not wearing hearing protective equipment as required.

4. Ensure annual audiometric assessment for those employees exposed to noise in excess of 85 dBA TWA.

D. Employees

1. Comply with the requirements specified in California Code of Regulations, Title 8 and Agency policies and procedures.

E. Occupational Hearing Consultant / Physician

1. Provide the following services for the Hearing Conservation

Program, as needed for affected employees:

a. Conduct annual hearing examinations. See Title 8, CCR, Section 5097(c)(3) for qualification requirements for person conducting the tests.

   i. Medical review of employee audiometric testing results. Each employee's annual audiogram shall be compared to that employee's baseline audiogram to determine if the audiogram is valid and if a standard threshold shift, as defined in Section 5097 (d)(8), has occurred. A properly trained technician may do this comparison.

   ii. An Audiologist, Otolaryngologist or physician shall review problem audiograms and shall determine whether there is a need for further evaluation.

b. Maintain original employee medical records.

c. Evaluate the adequacy of hearing protector attenuation whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation.

V. TRAINING

A. The Department Head/Manager shall institute a training program for all employees who are exposed to noise at or above an 8-hour time weighted average of 85 dBA, and shall ensure employee participation in such program.

B. The training program shall be repeated annually for each employee included in the hearing conservation program. Information provided in the training program shall be updated to be consistent with changes in protective equipment and work processes.

C. The Department Manager shall ensure that each employee is informed of the following:

   1. The effects of noise on hearing;

   2. The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions on selection, fitting, use, and care; and

   3. The purpose of audiometric testing, and an explanation of the test procedures.

VI. RECORDS RETENTION

A. Exposure Measurements

The Risk Manager or designee shall maintain an accurate record of all employee exposure measurements.

B. Audiometric Tests

1. The Risk Manager or designee shall retain all employee audiograms obtained.

2. This record shall include:

   a. Name and job classification of the employee.

   b. Date of the audiogram.

   c. The examiner's name.

   d. Date of the last acoustic or exhaustive calibration of the audiometer.

   e. Employee's most recent noise exposure assessment.

C. The Risk Manager or designee shall maintain copies of employee medical records.

D. Record Retention

The Risk Manager or designee shall retain records required in this section for at least the following periods:

1. Noise exposure measurement records shall be retained for at least two (2) years.

2. Audiometric test records shall be retained for the duration of the affected employee's employment.

E. Access to Records

All records required by this section shall be provided upon request to the affected employees, former employees and representatives designated by the individual affected employee.

APPENDIX A

Noise Exposure Computation

I. Computation of Employee Noise Exposure

(a) Noise dose is computed using Table A-1 as follows: When the sound level, L, is constant over the entire work shift, the noise dose, D, in percent, is given by: D = 100 C/T where C is the total length of the work day, in hours, and T is the reference duration corresponding to the measured sound level, L, as given in Table A-1 or by the formula shown as a footnote to that table.

(b) When the work shift noise exposure is composed of two or more periods of noise at different levels, the total noise dose over the work day is given by: D = 100 (C1/T1 + C2/T2 + ... + Cn/Tn), where Cn indicates the total time of exposure at a specific noise level, and Tn indicates the reference duration for that level as given by Table A-1.

(c) The eight-hour time weighted average sound level (TWA), in decibels, may be computed from the dose, in percent, by means of the formula: TWA = 16.61 log10 (D/100) + 90. For an eight-hour work shift with the noise level constant over the entire shift, the TWA is equal to the measured sound level.

(d) A table relating dose and TWA is given in Section II.

Table A-1

A-weighted .... sound level, .. L (decibel) ...	Reference .. Duration ... T (hour) ...	A-weighted .... sound level, .. L (decibel) ...	Reference Duration T (hour)
80...........	32	106...........	0.87
81...........	27.9	107...........	0.76
82...........	24.3	108...........	0.66
83...........	21.1	109...........	0.57
84...........	18.4	110...........	0.5
85...........	16	111...........	0.44
86...........	13.9	112...........	0.38
87...........	12.1	113...........	0.33
88...........	10.6	114...........	0.29
89...........	9.2	115...........	0.25

90	8	116	0.22
91	7.0	117	0.19
92	6.1	118	0.16
93	5.3	119	0.14
94	4.6	120	0.125
95	4	121	0.11
96	3.5	122	0.095
97	3.0	123	0.082
98	2.6	124	0.072
99	2.3	125	0.063
100	2	126	0.054
101	1.7	127	0.047
102	1.5	128	0.041
103	1.3	129	0.036
104	1.1	130	0.031
105	1		

In the above table, the reference duration, T, is computed by

$$T = 8 / 2 (L-90)/5$$

where L is the measured A-weighted sound level.

II. Conversion Between "Dose" and "8-Hour Time Weighted Average" Sound Level.

Noise exposure is usually measured with an audio dosimeter, which gives readout in terms of "dose." Dosimeter readings can be converted to an 8-hour time weighted average sound level (TWA).

In order to convert the reading of a dosimeter into TWA, use Table A-2. This table applies to dosimeters that are set to calculate dose or percent exposure according to the relationships in Table A-1. So, for example, a dose of 91 percent over an eight-hour day results in a TWA of 89.3 dB, and a dose of 50 percent corresponds to a TWA of 85 dB.

If the dose as read on the dosimeter is less than or greater than the values found in Table A-2, the TWA may be calculated by using the formula:

TWA = 16.61 log10 (D/100) + 90 where TWA = 8-hour time weighted average sound level and D = accumulated dose in percent exposure.

Table A-2

Conversion from "Percent Noise Exposure" or "Dose" to "8-Hour

Time Weighted Average Sound Level" (TWA)

Dose or Percent Noise Exposure	TWA	Dose or Percent Noise Exposure	TWA	Dose or Percent Noise Exposure	TWA
10	73.4	116	91.1	510	101.8
15	76.3	117	91.1	520	101.9
20	78.4	118	91.2	530	102.0
25	80.0	119	91.3	540	102.2
30	81.3	120	91.3	550	102.3
35	82.4	125	91.6	560	102.4
40	83.4	130	91.9	570	102.6
45	84.2	135	92.2	580	102.7
50	85.0	140	92.4	590	102.8
55	85.7	145	92.7	600	102.9
60	86.3	150	92.9	610	103.0
65	86.9	155	93.2	620	103.2
70	87.4	160	93.4	630	103.3
75	87.9	165	93.6	640	103.4
80	88.4	170	93.8	650	103.5
81	88.5	175	94.0	660	103.6
82	88.6	180	94.2	670	103.7
83	88.7	185	94.4	680	103.8

84	88.7	190	94.6	690	103.9
85	88.8	195	94.8	700	104.0
86	88.9	200	95.0	710	104.1
87	89.9	210	95.4	720	104.2
88	89.1	220	95.7	730	104.3
89	89.2	230	96.0	740	104.4
90	89.2	240	96.3	750	104.5
91	89.3	250	96.6	760	104.6
92	89.4	260	96.9	770	104.7
93	89.5	270	97.2	780	104.8
94	89.6	280	97.4	790	104.9
95	89.6	290	97.7	800	105.0
96	89.7	300	97.9	810	105.1
97	89.8	310	98.2	820	105.2
98	89.9	320	98.4	830	105.3
99	89.9	330	98.6	840	105.4
100	90,0	340	98.8	850	105.4
101	90.1	350	99.0	860	105.5
102	90.1	360	99.2	870	105.6
103	90.2	370	99.4	880	105.7
104	90.3	380	99.6	890	105.8
105	90.4	390	99.8	900	105.8
106	90.4	400	100.0	910	105.9
107	90.5	410	100.2	920	106.0
108	90.6	420	100.4	930	106.1
109	90.6	430	100.5	940	106.2
110	90.7	440	100.7	950	106.2

111........ 90.8 ..	450........ 100.8 ..	960..... 106.3
112........ 90.8 ..	460........ 101.0 ..	970..... 106.4
113........ 90.9 ..	470........ 101.2 ..	980..... 106.5
114........ 90.9 ..	480........ 101.3 ..	990..... 106.5
115........ 91.1 ..	490........ 101.5 ..	999..... 106.6
	500........ 101.6	

LOCKOUT/TAG OUT POLICY

I. PURPOSE

This policy establishes the minimum requirements for lockout of energy sources that could cause injury to personnel. All employees shall comply with the policy.

II. RESPONSIBILITY

The responsibility for seeing that this policy is followed is binding upon all employees. All employees shall be instructed in the safety significance of the lockout policy by the designated manager/supervisor. Each new or transferred affected employee shall be instructed by designated manager/supervisor in the purpose and use of the lockout policy.

III. TRAINING

Authorized employees will be trained on hazardous energy control procedures; and on the hazards related to performing activities required for cleaning, repairing, servicing, setting-up and adjusting prime movers, machinery and equipment prior to being allowed to conduct lockout/tag out operations, and whenever necessary to familiarize them with the lockout/tag out procedures being used. The training will include:

1. Purpose and use of lockout /tag out procedures;
2. Review of the City's Lockout/Tag out Policy;
3. Recognition of applicable hazardous energy sources;
4. Identification of types and magnitude of energy sources in the workplace;
5. Methods and means of energy isolation and control; and
6. Limitations of tag out.

Each affected employee will be instructed in the purpose and use of the energy control procedure.

All other employees, whose work operations may be in an area where energy control procedures may be utilized, will be instructed about the prohibition relating to attempts to restart or reenergize machines or equipment which are locked out or tagged out.

All training will be documented. The documentation will include: the date of the training, the names of attendees, the name of the instructor, and outline of the training contents. Training records will be maintained for at least five (5) years per the Records Retention Schedule for the City of Duarte Human Resources Division.

IV. PREPARATION FOR LOCKOUT

A. USE OF SHARED LOCKOUT/TAG OUT DEVICES

1. Each department and/or division with employees authorized to perform work-requiring lockout/tag out (LOTO) procedures will maintain required LOTO station(s) or kit(s).
2. Utilize LOTO station(s) or kit(s) that are substantial and durable, and shall have the name of the department/division on it or be coded to know which department or division placed the lock or tag onto the equipment.
3. Have sufficient lockout/tag out devices to LOTO out that department/ division's applicable equipment. Each LOTO station kit will consist of LOTO devices of the appropriate design for the equipment to be locked or blocked.
4. Employees authorized by his/her supervisor to perform lockout/tag out shall be certain as to which switch, valve, or other energy isolating devices apply to the equipment being locked out. More than one energy source (electrical, mechanical, or others) may be involved. The employee shall clear any questionable identification of sources with their supervisor(s).
5. Each employee will sign-out and sign back in all lockout and tag out device each time they remove the device from the station or kit. A log will be available at each LOTO station/kit for this purpose. Supervisors will be responsible for reviewing the logs, and maintaining them in a secure location for at least one (1) year.

B. SAFETY PERMITS

Depending on the nature of the job and type of facility, permits signed by designated supervisors should be obtained before beginning a lockout. A permit is not required in all cases and is at the discretion of the supervisor. Employees will be trained on the requirements and need of safety permits by their supervisor.

V. SEQUENCE OF LOCKOUT PROGRAM

1. Notify all affected employees that a lockout is required and the reason therefore.
2. Check to be sure that no one is operating the machinery BEFORE turning off the power. The machine operator will be informed before the power is turned off. Sudden loss of power could cause an injury or accident.
3. If the equipment is operating, shut it down by the normal stopping procedure.
4. Bleed, drain, and clean out steam, air, and hydraulic lines to ensure that there is no pressure in these lines, or in reservoir tanks. Release and block any mechanism under load or pressure, such as springs.
5. Sign out (see Appendix A) necessary LOTO devise(s) from his/her department's or division's lockout station or box and place it on the equipment to be locked out/tagged out.

6. Connect accident prevention tags to the machinery. Tag outs shall warn other workers not to attempt to operate the switch, valve, etc. due to the potential of hazardous energy release.
7. Apply a lock to each isolation point that will accept one. Isolation points that will not accept a lock shall be tagged only.
8. When the energy-isolating device cannot accept multiple locks or tags, a multiple lockout or tag out device (hasp) shall be used.
9. Test the main valve or main electrical disconnect to be sure that the power to the machine is off.
10. Check electrical circuits with proper and calibrated electrical testing equipment. Qualified personnel will perform this check. An electrical failure could energize the equipment, even if the switch is in the off position. Ensure that stored energy in electrical capacitators is safely discharged.
11. Return disconnects and operating controls to the off position after each test.
12. The equipment is now locked out. No one may remove the lock or the tag without proper authority.

VI. RESTORING EQUIPMENT TO SERVICE

When the job is complete and equipment is ready for testing or normal service, check the equipment area to see that no one is exposed. When equipment is clear, remove all locks. The energy isolating devices may be operated to restore energy to equipment.

VII. LOCKS & ACCIDENTAL PREVENTION TAGS

A. LOCKS

a. Authorized employees shall be issued their own padlocks for lockout use.
    i. Locks will be color-coded to identify each department and/or division.

b. Padlocks shall be sufficient size and strength to adequately fit the energy control point being locked out.

c. When more than one worker is servicing a piece of equipment that must be locked out, a lockout adaptor (hasp) can be used which allows each employee to place his/her lock on the disconnecting means. After the work is completed, each employee removes his/her lock and the machine is returned to service.

B. TAGS

a. Tags or signs should be used in addition to locks, except when an energy isolation point will not accept a lockout device, the tag out shall be attached to the energy control device(s).

b. Tag outs shall warn other workers not to attempt to operate the switch, valve, etc. due to the potential of hazardous energy release

c. Tags must state the following:

    i. Reason for the lockout,

    ii. Name of the employee who is working on the equipment, and

    iii. Date and time the tag was put in place.

d. Tag out devices shall be capable of enduring at least 50 pounds of pull.

e. Tags are not reusable

VIII. PROCEDURE INVOLVING MORE THAN ONE PERSON

In the preceding steps, if more than one individual is required to lock out equipment, each shall place lock on the energy isolating device(s). One designated individual of a work crew or a supervisor, with the knowledge of the crew, may lock out equipment for the whole crew. In such cases, it may be the responsibility of the individual to carry out all steps of the lockout procedure and inform the crew when it is safe to work on the equipment. Additionally, the designated individual shall not remove a crew lock until it has been verified that all individuals are clear.

IX. RULES FOR USING LOCKOUT PROCEDURE

All equipment shall be locked out to protect against accidental or inadvertent operation when such operation could cause injury to personnel. Do not attempt to operate any switch, valve, or other energy-isolating device bearing a lock or tag.

X. CONTRACTORS

Outside personnel (sub-contractors) who service or repair city equipment or machinery must comply with and follow this policy. City personnel will lockout and tag out the piece(s) of equipment. Once a contractor arrives to perform the work, the Contractor will apply its own locking devices, locks, and tags and take over responsibility for the job. After the contractor has taken responsibility for the equipment, the City employee(s) will remove the City's locks/tags. In those cases where City employees will be working with the Contractor, the City employees will apply their locks to any gang-locking device. Upon the Contractor completing their work, the Contractor should remove their lockout/tag out devices.

XI. INSPECTIONS

Routine inspections of the energy control procedures will occur at least annually, or whenever there is a significant change in the workplace, to evaluate the continued effectiveness of the energy control procedures and determine the necessity for updating the written policy.

XII. RECORDS RETENTION

A. TRAINING

1. Designated manager/supervisor will be responsible for maintaining training records for at least five (5) years.

B. INSPECTIONS

1. Designated manager/supervisor will be responsible for maintaining the inspection records in a secure location for at least one (1) year.

C. LOGS

1. Designated manager/supervisor will be responsible for reviewing the logs, and maintaining them in a secure location for at least one (1) year.

APPENDIX A

City of Duarte LOTO Sign-Out (Pre-Work)/Sign-In (Post-Work) Log

You must fill out this sheet before taking and when returning any lock or tag for Lockout/Tag out!

Lock or Tag Being Taken/Used (Be specific)	**Sign-Out** Date/Time	**For What Piece of Equipment** (name, location)	**By Whom** (name, job title)	**Returned** Date/Time	**By Whom** (name, job title)

City of Duarte Lockout/Tag out Inspection Form

For What Piece of Equipment (name, location)	Date/Time Locked or Tagged	Reason for Locking or Tagging	By Whom (name, job title)	Supervisor/Managers Signature	Date/Time Unlocked or Tagged	By Whom (name, job title)	Supervisor/Managers Signature

EMPLOYEE TRAINING CHECKLIST

This report is to be completed by the supervisor and new employee within five working days of employment or new job assignment. Additional forms are to be prepared as the employee receives safety training during the course of employment, but at least annually.

Name: ______________________ Date of Training: ______________

Department Assigned: ______________ Job Title: ______________

I HAVE BEEN INSTRUCTED IN THE FOLLOWING SUBJECTS THAT ARE INDICATED:

1. Location and use of LOTO kits	Yes / No
2. Safety rule enforcement procedures	Yes / No
3. Purpose and use of lockout /tag out procedures	Yes / No
4. Review of the City's Lockout/Tag out Policy	Yes / No
5. Recognition of applicable hazardous energy sources	Yes / No
6. Identification of types and magnitude of energy sources in the workplace	Yes / No
7. Methods and means of energy isolation and control	Yes / No
8. Limitations of tag out	Yes / No
9. How, when and where to report injuries	Yes / No
10. Special hazards of job	Yes / No
11. When and where to report unsafe conditions	Yes / No
12. First aid measures	Yes / No

13. Personal protective equipment: List Items ______________________

____

14. List all training not indicated above (use back of form if necessary): ______________

____

____

____

Employee Signature: ______________________ Date: __________

Follow up on employee will be observed by ______________________

Employee has performed operation to the satisfaction of the undersigned. An observation was complete on the date indicated.

Supervisor Signature: ______________________ Date: __________

MEMORANDUM

TO: Darrell J. George, City Manager

FROM: Roger A. Cathey, Financial Services Manager

DATE: February 10, 2015

SUBJECT: **Direction To Staff On City Audit Services Contract**

Background

The City of Duarte is contracted with Lance Soll and Lunghard ("LSL") for Independent Audit Services. This contract is scheduled to expire on April 1, 2015. Staff is looking for Council to give direction on either extending the existing contract with LSL or preparing and distributing a Request for Proposals ("RFP").

The City of Duarte engaged the services of LSL in FY2006-07. Donald Parker was the lead audit partner for the first 3 years and Bryan Gruber has been the lead auditor for the last 4 years. Please note that Assembly Bill 1345 ("AB 1345") was amended in 2011 to prohibit the same lead audit partner from auditing the same entity for more than six years in a row beginning in 2013-14 and into the future. A copy of AB 1345 is attached for your information.

Discussion

With the termination of the contract and the terms of AB 1345, there are several options that allow the City to engage an audit firm that is "licensed by and in good standing with the California Board of Accountancy" for FY2014-2015.

Option 1 – Negotiate an agreement with LSL and use the existing lead partner not to exceed 5 years. This would comply with the 6 year limit that began in 2013/14.

Option 2 – Negotiate an agreement with LSL and use the existing lead partner not to exceed 2 years. This would comply with a conservative interpretation of the 6 year limit by including time with the current partner prior to 2013/14.

Option 3 – Negotiate a new agreement with LSL with a different lead partner not to exceed 6 years.

Option 4 – Distribute an RFP and select a new audit firm not to exceed 6 years.

If Options 1, 2 or 3 were selected, Staff is fairly confident that the negotiated cost would be similar to the cost of prior years and that the staff time to renegotiate a new contract and get a new audit partner from LSL up to speed would be minimal, given the firm's overall experience and knowledge of our City's operations and financial software and filing systems.

If Option 4 is chosen, Staff is unsure what an actual new contract would cost. However based on a brief survey of surrounding cities, our contract with LSL is currently well below market, so we would expect a good size increase in contract costs. We also anticipate that there would be a substantial impact on staff time as we would need to bring the new auditor up to speed on extensive background legacy documentation, history of the dissolution of our Redevelopment Agency, Successor Agency reporting, Department Of Finance and State Controller decisions, daily processes, and the intricacies of the financial software and filing systems. While none of this is information is directly audited, it must all be gathered as the foundation for a new auditor before they can even begin the audit process.

If Option 4 were selected, we estimate that it will take staff 4 months to conduct the RFP process and negotiate a contract with a new auditor. Based on our prior experience and a review of the qualified Governmental Accounting firms in our area, we would anticipate receiving approximately 6 or 7 responses.

Recommendation

Staff is asking Council to select one of the options listed above in order to contract with an audit firm for FY2014-2015. If Option 1, 2 or 3 are selected, Staff will bring back a contract amendment for Audit Services with LSL for Council consideration. If Option 4 is selected, Staff will prepare and distribute an RFP and bring back a recommendation for a new contract for Audit Services for Council consideration.

Attachment

Assembly Bill 1345 as amended, February 18, 2011, adding Section 2 part 12410.6, which states:

(a) an audit for any local agency, including those submitted to the Controller pursuant to subdivision (a) of Section 12410.5, shall be made by certified public accountant or public accountant, licensed by, and in good standing with, the California Board of Accountancy.

(b) Commencing with the 2013-14 fiscal year, a local agency shall not employ a public accounting firm to provide audit services to a local agency if the lead audit partner or coordination audit partner having primary responsibility for the audit, or the audit partner responsibility for reviewing the audit, has performed audit services for that local agency for six consecutive fiscal years. For purposes of calculating the six consecutive fiscal years, the local agency shall not take into account any time that a public accounting firm was employed by that local agency prior to the 2013-14 year. The controller may waive this requirement if he or she finds that another eligible public accounting firm is not available to perform the audit.

CITY COUNCIL STAFF REPORT

To: Mayor and City Council

Date: February 10, 2015

Subject: Formation of Town Center Ad Hoc Committee to Study and Comment on the Preparation of the Town Center Specific Plan and Appointment of Committee members.

RECOMMENDATION

Staff recommends that City Council adopt Resolution 15-R-03 that establishes a 17 member, Town Center Ad Hoc Committee made up of the seven members of the Economic Development Commission and two appointments from each of the five City Council members. City Council appointments may be made at this meeting or at any other City Council meeting where Committee appointments are listed as an agenda item.

The Town Center Ad Hoc Committee will be responsible for assisting Staff and the Specific Plan/EIR consultant by studying, commenting and taking public comment during the preparation phase of the Town Center Specific Plan.

ANALYSIS

A zoning and economic development document for the town center area has long been a goal for the community. Moving forward on the Town Center Specific Plan will assist the City in realizing that goal. Since 2013, the City has been seeking a funding source to complete this work and it appears that the source has been found. At its most recent meeting, the Metro Board approved a $325,000 Metro Planning Grant that will cover the cost of a specific plan and EIR for the project. At its January 13 meeting, City Council authorized the hiring of MIG as the consultant to prepare the zoning and environmental documents.

In 2012, the City Council formed a Town Center Ad Hoc Committee to study the town center area and bring back a recommendation regarding how best to move forward with development in the area. In March 2013, the Town Center Ad Hoc Committee presented its final report to the Council. The Committee recommended a specific plan be prepared and that when that process starts that the Committee should be reformed.

The original Town Center Ad Hoc Committee was made up of 17 members that included all seven members of the Economic Development Commission and two appointees from each Councilmember. The proposed Resolution creates a new Town Center Ad Hoc Committee with the same make up but revises the duties to focus them on the assisting in the development of the specific plan and receiving of public input. This iteration of the Committee would have a term that corresponds to the completion of the Town Center Specific Plan or 18 months.

The Committee will be organized with the chair and vice-chair of the EDC fulfilling that role for the Town Center Ad Hoc Committee as well. Regular meetings will be held on the first Wednesday of each month, to coincide with EDC meetings, however, there may be the need for additional meetings during certain portions of the project. All meetings will be subject to the Brown Act, will include a set agenda and minutes will be prepared. The plan is to begin meetings in March.

Respectfully submitted,

Craig Hensley, AICP
Community Development Director

Attachment: Resolution 15-R-03

RESOLUTION NO. 15-R-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA ESTABLISHING A TOWN CENTER AD HOC COMMITTEE, SETTING COMMITTEE REQUIREMENTS, AND MAKING FINDINGS AND DETERMINATIONS CONCERNING THE COMPLIANCE OF THE COMMITTEE AND COMMITTEE MEMBERS WITH CERTAIN LAWS AND REGULATIONS

WHEREAS, the City Council of the City of Duarte desires to establish an ad hoc committee to perform certain duties and functions pertaining to study and comment on the preparation of the proposed Town Center Specific Plan; and

WHEREAS, in establishing the committee, the City Council desires to establish the objectives of, and requirements for, the committee, and make findings and determinations concerning the compliance of the committee and its appointees with State and City substantive and procedural requirements;

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. Establishment of a Town Center Ad Hoc Committee;

A. Establishment; Members; Jurisdiction. The City Council hereby establishes the Town Center Ad Hoc Committee ("Committee"). The Committee shall have seventeen (17) members. The Committee shall be under the control of the City Council of the City of Duarte.

B. Appointment of Committee Members. The Committee shall be composed of (*i*) the seven (7) members of the City's Economic Development Commission and (*ii*) for the remaining ten (10) members, each of the five (5) members of the City Council shall appoint two (2) persons to the Committee, for a total of seventeen (17) Committee members. By adoption of this Resolution, the City Council appoints the seven (7) current members of the Economic Development Commission to the Committee. All of the remaining ten (10) appointments shall be made at a regular, adjourned regular, or special City Council meeting in accordance with the requirements of the Ralph M. Brown Act (Gov. Code §54950 et seq.). Nothing in this Resolution requires any member of the City Council to make any of his/her two (2) appointments to the Committee.

C. Committee Member Eligibility. Current members of the Economic Development Commission shall automatically become members of the Committee upon the adoption of this Resolution. Candidates for appointment to the remaining ten (10) Committee seats shall be residents of the City. Candidates for appointment to the remaining ten (10) Committee seats shall not have been convicted of a felony that would disqualify them from serving in public office.

D. Term of Committee and Appointees. The term of the Committee shall expire, and the Committee shall cease to exist, without further action of the City Council upon the earlier of (*i*) the adopting of the Town Center Specific Plan or (*ii*) the date that is eighteen (18) months from the Committee's first meeting. The terms of all Committee members shall expire concurrently with the expiration of the Committee.

E. Removal of Committee Members. Each of the Committee members who are also members of the Economic Development Commission shall, with respect to appointment to the Committee, be subject to Section 2.30.080 of the Duarte Municipal Code. Each of the ten (10) Committee members appointed by an individual member of the City Council shall serve at the pleasure of the City Council member who made the appointment, and such Committee member may be removed by the City Council member who made the appointment by an action by that City Council member properly agendized in accordance with the requirements of the Ralph M. Brown Act (Gov. Code §54950 et seq.) at a regular, adjourned regular, or special City Council meeting. If the City Council member who made the appointment vacates his or her seat on the City Council for any reason, including but not limited to resignation or failure to have been re-elected, during the term of the Committee member appointed by that City Council member, the person who assumes that seat on the City Council shall either remove the affected Committee member or confirm the continuance of the appointment at a regular, adjourned regular, or special City Council meeting in accordance with the requirements of the Ralph M. Brown Act (Gov. Code §54950 et seq.).

F. Vacancies. A member of the Economic Development Commission who is removed from, or vacates, or resigns from, his/her seat on the Economic Development Commission, or whose term expires and is not appointed, shall upon such removal, vacation, or resignation from, or conclusion of term on, the Economic Development Commission be deemed to have vacated his/her seat on the Committee. If a Committee member appointed by an individual member of the City Council vacates his or her seat on the Committee, the City Council member who made the appointment (or the successor to that City Council seat) may appoint a person to fill the remainder of the term. All appointments shall be made pursuant to a properly agendized item in accordance with the requirements of the Ralph M. Brown Act (Gov. Code §54950 et seq.) at a regular, adjourned regular, or special City Council meeting.

G. Officers. The Chair of the Economic Development Commission shall serve as the Chair of the Committee. The Vice Chair of the Economic Development Commission shall serve as the Vice Chair of the Committee.

H. Compensation; Expenses; Funding. Committee members shall receive no compensation. Committee members shall not incur expenses to be reimbursed by the City unless such expenses are approved in advance by the City Manager or authorized designee. The City Council shall provide the funds, equipment, and facilities necessary for the work of the Committee. The expenditures of the Committee shall be within the amounts appropriated for it by the City Council. Any gifts or contributions received by the Committee or for a Committee program or expense shall be deemed a gift or contribution received by the City, and the expenditure of such shall be as directed by the City Council or, if such amount is less than Five Thousand Dollars ($5,000.00) by the City Manager. Committee members shall not receive any gifts or compensation of any kind or nature from any person as a result of or arising from being a member of the Committee.

I. City Staff Liaison. The City staff person who serves as the liaison to the Economic Development Commission shall serve as the liaison to the Committee and the liaison shall be responsible for preparing Committee agendas and minutes and assisting the Committee in its work preparing its Report to the City Council as specified in clause (3) of Paragraph K below. The liaison, shall keep the City Council advised of all Committee matters pending and shall furnish any specific information or reports or materials pertaining to the work of the Committee the City Council may request.

J. Committee Meetings; Procedures. The Committee shall comply with the Ralph M. Brown Act (Gov. Code §54950 *et seq.*). Committee meetings shall be held at the Duarte Community Center. Regular meetings shall be held concurrently with the meetings of the Economic Development Commission, which are the first Wednesday of each month upon the effectiveness of Ordinance No. 835. The Committee, with or separately from the meetings of the Economic Development Commission, may hold additional regular, adjourned regular, or special meetings, properly noticed in accordance with the Brown Act, to undertake its duties and functions. The quorum for the meetings of the Committee shall be a majority of all of the members of the Committee. Although the City Council prefers that Committee meetings be only as formal as necessary to conduct the Committee's business, should it be necessary for the Committee to refer to parliamentary rules, the Committee shall follow the parliamentary rules set forth on Pages 5 through 13 of that certain pamphlet entitled "Parliamentary Procedures—A Matter of Order," 1997 Edition No. 71464A-7-97, a copy of which pamphlet shall be given by the liaison to each Committee member.

K. Duties and Functions. The Committee shall perform the following duties and functions: (1) work with City Staff and the Consultant team to scope, study and comment on the preparation of a new Town Center Specific Plan that includes goals and objectives included in the Town Center Ad Hoc Committee report presented to Council on March 12,2013; (2) invite and encourage residents, business owners, and workers throughout Duarte, including but not limited to the vicinity of a potential Town Center, to attend Committee meetings and provide input; and (3) prepare a recommendation to the Planning Commission and City Council final draft Town Center Specific Plan no later than eighteen (18) months from the date of the first meeting of the Committee.

L. Absences from Committee Meetings. Consistent with the provisions of Section 2.30.080 of the Duarte Municipal Code, if a member of the Committee is absent from two consecutive Committee meetings with or without cause or excuse, or is absent from more than one-fourth of the Committee meetings, with or without cause or excuse, during the existence of the Committee, which pursuant to Section 1.D of this Resolution is a maximum of eighteen (18) months, the City Council may determine if the term of such member of the Committee shall be terminated and that seat be deemed vacant.

M. AB 1234. Persons appointed to the Committee are not subject to Article 2.4 (commencing with Government Code §53234), also known as Assembly Bill 1234 ("AB 1234"), as Committee members receive no compensation and Committee members may not incur expenses for which the City shall provide a reimbursement, unless authorized in advance as provided in Paragraph H above. If, as provided in Paragraph H above, a Committee member receives a City-approved reimbursement for expenses incurred in performing official duties as a member of the Committee, the Committee member receiving such reimbursement shall be required to complete the AB 1234 ethics training within three (3) months of receipt of the reimbursement as confirmed by the filing of a certificate of training completion with the City Clerk within such same three (3) month period. Notwithstanding any other provision of this Section M to the contrary, the seat held by a Committee member, who is required to complete the AB 1234 ethics training but who fails to timely do so, shall be deemed automatically vacated by such person and such person shall not be eligible for reappointment to the Committee until completion of the ethics training.

SECTION 2. City Council Findings and Determinations. In establishing the Committee, the City Council finds and determines as follows:

A. The City Council and its members, City commissions and their members, the City Attorney, and certain City employees are subject to the Political Reform Act (Gov. Code §81000 *et seq.*) and its implementing regulations known as the Regulations of the Fair Political Practices Commission (Title 2 C.C.R. §18700 *set seq.*) ("FPPC Regulations"). Pursuant to the Political Reform Act and FPPC Regulations, the City Council adopted a Conflict of Interest Code set forth as Chapter 2.44 of the Duarte Municipal Code. Although the State of California and certain of its officers, including the FPPC, the Attorney General, and the District Attorney of the County of Los Angeles, are authorized to enforce the Political Reform Act and FPPC Regulations, the City Council, under the Political Reform Act and FPPC Regulations, is the "code reviewing body" for the City and is responsible for interpretation and enforcement of the City's Conflict of Interest Code and for determining, under the City's Conflict of Interest Code, which City officials, officers, employees, and consultants are subject to its provisions for the purposes of requiring such persons to file annual Statements of Economic Interests (Form 700) and the categories of interests under which such persons must report information in accordance with applicable reporting requirements set forth in the FPPC Regulations. Pursuant to that authority, the City Council adopted Resolution No. 08-05, adopted May 13, 2008, setting forth the designated positions, the holders of which are required to file annual Statements of Economic Interest (Form 700), and the categories of interests under which the holders of designated positions must report information.

B. The FPPC has established an eight-part test to determine whether a particular person is a public official and whether, if defined as a public official, such person has a conflict of interest which would prohibit that person from participating in the making of a governmental decision.

1. Step 1 in the eight-part test asks whether the person is a "public official." FPPC Regulation §18701 defines the term "public official" but subdivision (a)(1)(B) thereof excludes from the definition of "public official" a committee that "does not possess decisionmaking authority . . . if it is formed for the sole purpose of researching a topic and preparing a report or recommendation for submission to another governmental body that has final decisionmaking authority." Notwithstanding the foregoing, the FPPC continues to follow the analysis set forth in that certain FPPC Opinion titled *In the Matter of: Opinion requested by Samuel Siegel*, No. 76-054 (July 6, 1977), which concluded that if a particular body is a "local government agency" then its members are "public officials." That FPPC Opinion set forth the following four-part test to determine whether a particular body is a "local government agency" which may be applied to the Committee as follows:

    a. Did the impetus for formation of the Committee originate with a government agency? *Answer: Yes, the impetus for formation of the Committee originated with the City Council.*

    b. Is or will the Committee substantially funded by, or does or will its primary source of funds come from, a government agency? *Answer: Yes, the Committee's primary or substantial funding will be from the City.*

    c. Is one of the principal purposes for which the Committee is formed to provide a service or to undertake an obligation which public agencies are legally authorized to perform and which they have traditionally performed? *Answer: Yes, the City is authorized to provide the services and perform the functions assigned to the Committee, and the City has traditionally provided such services and performed such functions (e.g., outreach; soliciting citizen input; studying public policy issues).*

    d. Is the Committee treated as a public entity under other statutory provisions? *Answer: Yes, the Committee is treated as a public entity under the Ralph M. Brown Act, Gov. Code §54950 et seq.*

    Because the answer to all four of the above questions is "yes" the City Council finds and determines that the Committee is a "local government agency" under FPPC Opinion No. 76-054, and thus its members are "public officials" in accordance with that opinion.

2. Step 2 in the analysis asks whether the public official will (a) be making a governmental decision, (b) participating in making a governmental decision, or (c) using or attempting to use, an official position to influence

a governmental decision. FPPC Regulations §§18702 through 18702.4 set forth regulations defining if and when a public official makes, participates in making, or uses or attempts to use, an official position to influence a governmental decision.

a. Under FPPC Regulation §18702.1(a), a public official "makes a governmental decision" when the official, acting within the authority of his or her office, (1) votes on a matter, (2) appoints a person, (3) obligates or commits his or her agency (here, the City) to any course of action, (4) enters into any contractual agreement on behalf of the City, or (5) determines not to act on any of the foregoing. The City Council finds and determines that neither the Committee nor members of the Committee will "make a governmental decision" because:

(i) neither the Committee nor members of the Committee have the authority to vote on any matter which would: (A) commit or bind the City or City Council or any City commission or other City committee to any financial, contractual, or other obligation; (B) commit or bind the City or City Council or any City commission or other City committee to any course of action; (C) commit or bind the City or City Council or any City Commission or other City committee to take any position; (D) grant City approval of, or City denial of, any rate, rule or regulation; (E) approve City adoption of, or City enforcement of, or deny City adoption of, or City enforcement of, any law; (F) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement, by the City; (G) authorize the City to enter into, modify, or renew a contract; (H) grant approval to a contract or the specifications for a contract; (I) act as approval or denial by the City of any plan, design, report, study, or similar item; or (J) approve City adoption of, or grant City approval of, any policies, standards, or guidelines of the City;

(ii) neither the Committee nor members of the Committee have authority to appoint any person to any position in the City or to any City Commission or committee or any other subordinate body of the City Council;

(iii) neither the Committee nor members of the Committee have authority to commit or bind the City, City Council, any City commission, or any other committee of the City or any other subordinate body of the City Council, to any course of action;

(iv) neither the Committee nor members of the Committee have authority to commit or bind the City to any contractual agreement; and

(v) neither the Committee nor members of the Committee have authority to commit or bind the City to not act or take any action on any of the foregoing matters.

b. Under FPPC Regulation §18702.2, a public official "participates in making a governmental decision" when, acting within the authority, the public official (1) negotiates, without significant substantive review, with a governmental entity or private person regarding a governmental decision relating to the same matters described in subparagraph (a) above, or (2) advises or makes recommendations to the decisionmaker either directly or without intervening substantive review, by (A) conducting research or making any investigation which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision of the type set forth in subparagraph (a) above, or (B) preparing or presenting any report, analysis, or opinion, orally or in writing, which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision of the type set forth in subparagraph (a) above. The City Council finds and determines that neither the Committee nor members of the Committee will "participate in making a governmental decision" because:

(i) neither the Committee nor members of the Committee have authority to negotiate with any governmental entity or private person regarding any governmental decision referred to in subparagraph (a) above; and

(ii) neither the Committee nor members of the Committee will be conducting research or preparing a report to influence a governmental decision of the type set forth in subparagraph (a) above, in that input by the Committee is removed from the purposes of Regulation 18702.2 in that there will be substantive intervening review of any goals and objectives of a proposed Town Center plan because any resulting amendments to existing land use plans and/or zoning is/are required to be considered and independently reviewed by the planning agency which by law makes a recommendation to the City Council, and thereafter is reviewed and considered by the City Council in its independent legislative discretion, and such land use plan and/or zoning amendments have not been formulated and would not be formulated, if at all, until after the work of the Committee is concluded .

c. Under FPPC Regulation §18702.3, , a public official "is attempting to use his or her official position to the influence a governmental decision, as follows: (1) for governmental decisions which are within or before the official's agency (here, the City Council) or an agency appointed by or subject to the budgetary control of the official's agency (here, City commissions or other City committees) if, for the purpose of influencing the decision, the official contracts, or appears before, or otherwise attempts to influence, any member, officer, employee, or consultant of the agency, which includes, but are not limited to, appearances or contacts by the official on behalf of a business entity, client, or customer; and (2) for governmental decisions not covered by (1), the official acts or purports to act on behalf of, or as the representative of, his or her agency to any member, officer, employee, or consultant of the agency, including using official stationary. The City Council finds and determines that neither the Committee, nor members of the Committee, will attempt to influence a governmental decision because:

(i) There is no governmental decision within or before the Committee, in that the Committee's work is merely to advise on the formation of goals and objectives, scope, and feasibility of a proposed Town Center where any resulting amendments to land use plans or zoning is/are, by law, are to be considered and independently reviewed by the planning agency which, by law, makes a recommendation to the City Council and thereafter is reviewed and considered by the City Council in its independent legislative discretion, and such land use plan and/or zoning amendments have not been formulated and would not be formulated, if at all, until after the work of the Committee is concluded; and

(ii) Members of the Committee are not authorized to act on behalf of, or as a representative of, the City to any member, officer, employee, or consultant of the City, and members of the Committee may not use official stationary of the City.

d. Nothing herein or in the FPPC Regulations prohibit a member of the Committee from appearing as a member of the public before the City Council, any City commission, or other City committee, to represent himself or herself on matters related solely to the Committee member's (A) interest in real property which is wholly owned by the Committee member or his or her immediate family; (B) business entity if wholly owned by the Committee member or his or her immediate family; or (C) business entity over which the Committee member exercises sole direction and control or over which the Committee member and his or her spouse jointly exercise sole direction and control.

e. Nothing herein prohibits a member of the Committee from appearing before the City Council, any City commission, or other City committee, as set forth in FPPC Regulation 18702.4.

C. Based on the foregoing findings and determinations, which are incorporated herein, members of the Committee, although "public officials" within the meaning of the Political Reform Act, will not have a conflict of interest in serving as a member of the Committee pursuant to the application of the FPPC Regulations and the failure to satisfy the conditions of Step 2 of the eight-step FPPC analysis for determining if a conflict of interest exists, notwithstanding a member's economic, real property, source of income, or other interests which, in the absence of the failure to satisfy Step 2 of the analytic process, might otherwise disqualify such member from participating in the work of the Committee.

D. Under the City's Conflict of Interest Code and Resolution No. 08-05, adopted May 13, 2008, members of the Committee are not holding a designated position as identified in Resolution No. 08-05 and, based on the foregoing findings and determinations, which are incorporated herein, it is not necessary to amend the Resolution No. 08-05 to identify Committee members as holding a designated position, and thus Committee members are not required to file Statements of Economic Interest (Form 700). Nothing herein shall affect the requirement that members of the Economic Development Commission, in their capacity as members of the Economic Development Commission and not as members of the Committee, timely file Statements of Economic Interest (Form 700).

SECTION 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 10th day of February, 2015.

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Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. 15-R-03 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 10th day of February, 2015, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California