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Attorneys for Petitioners
BALDWIN PARK POLICE OFFICERS ASSOCIATION,
AND VIVIAN OLIVAS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

BALDWIN PARK POLICE OFFICERS
ASSOCIATION and VIVIAN OLIVAS,

Petitioners,

vs.

CITY OF BALDWIN PARK, CITY OF
BALDWIN PARK CITY COUNCIL and
DOES 1-50.

Respondent.

Case No.:

**VERIFIED PETITION FOR
WRIT OF MANDATE [C.C.P. §1085]**

1. This is an action to compel the City of Baldwin Park ("CITY") to comply with its ministerial duty as mandated by the California Elections Code §9215 *et seq.* to either: a) adopt Petitioners' ballot initiative as submitted; or b) place Petitioners' initiative, as submitted, on the next regular CITY municipal election which is currently scheduled for November 3, 2009.

2. This is also an action to compel CITY to comply with its ministerial duty to provide Petitioners with documents showing CITY'S specific directions and/or criteria it utilized in counting Petitioners' signatures as well as a list of the alleged 1,876 names or copies of the petitions CITY alleged were not registered voters as required by the Public Records Act.

1 3. Petitioner BALDWIN PARK POLICE OFFICERS ASSOCIATION ("BPPOA")
2 is the recognized exclusive bargaining representative for those employees of CITY'S Police
3 Department and a proponent of the proposed Ballot Measure, discussed more fully *infra* ("Ballot
4 Measure").

5 4. Petitioner VIVIAN OLIVAS (hereinafter "Olivas") is a proponent of the proposed
6 Ballot Measure and at all times relevant herein, a resident of CITY.

7 5. Upon information and belief, CITY is a General Law City that has no City
8 Charter and is therefore not exempt from the "home rule" provisions of the General Laws of the
9 State of California.

10 6. On or about February 15, 2008, Petitioners submitted to CITY, *inter alia*, a
11 Notice of Intent to Circulate Petition, a copy of a proposed ballot initiative and a filing fee in
12 support of same requesting CITY to submit the proposed measure to CITY Attorney to obtain a
13 Ballot Title and Summary pursuant to California Elections Code §9203 *et seq.* True and correct
14 copies of the Notice of Intent to Circulate Petition and Proposed Ballot Measure are annexed
15 collectively hereto as part of both Exhibits A and B.

16 7. Election Code §9200 *et. seq.* proscribes the specific steps required in order to
17 have a measure placed on a ballot in either a special or upcoming general election

18 8. Petitioners complied with all the steps required by the Elections Code to have
19 their ballot initiative, as discussed herein, submitted to CITY'S voters in the November 2009
20 general election.

21 9. On or about June 19, 2008, BPPOA presented its ballot initiative petition with
22 accompanying signatures (among other required documents) to CITY in accordance with
23 California Elections Code §9210. Petitioners submitted approximately 4,095 signatures, an
24 amount significantly more than the number of signatures required by statute to require CITY to
25 either submit the initiative to its City Council and if same failed and/or refused to adopt same, to,
26 in the alternative, submit the initiative to Baldwin Park voters at either the upcoming November
27 general election, at a special election to be immediately arranged by CITY and/or the next
28 general municipal election scheduled for November 2009.

1 10. In or about July 2, 2008, CITY, through its City Clerk, certified 2,966 valid
2 signatures of 4,905 total signatures submitted by Petitioners.

3 11. Because the total amount of the verified signatures represented at least 10% of the
4 registered CITY voters, the initiative qualified for the November 2009 general election.

5 12. On or about August 4, 2008, CITY sent a letter to Petitioners that indicated, *inter*
6 *alia*, it was only able to verify 2,126 of the 4,905 signatures Petitioners had submitted. The letter
7 also requested Petitioners to inform CITY if Petitioners wanted CITY to continue verifying 903
8 signatures using County of Los Angeles Registrar of Voters files and cautioned that "Again,
9 even if all those signatures were found in the County records, the earliest the proposed initiative
10 could be placed on a ballot would be November 3, 2009, which is the date of the next general
11 CITY election."

12 13. On or about August 6, 2008, the BPPOA responded to the CITY'S August 4 letter
13 and demanded that "all 4,905 signatures be verified by the county clerks office, as originally
14 requested when we submitted the petition signatures on June 19, 2008." Petitioners explained
15 that it had utilized the services of an independent signature gathering and counting company to
16 verify all the submitted signatures and that said company had, in fact, verified over 3,800
17 signatures, well over the amount needed for a special election and/or to have the initiative placed
18 on the upcoming November election. Petitioners also indicated that having the County of Los
19 Angeles Registrar verify all the signatures "will ensure impartiality and alleviate any concerns
20 that might arise from the CITY'S verification of a ballot initiative that will more than likely be
21 contested by the CITY of Baldwin Park." The letter also reminded CITY that it had informed
22 HENDRICKS that petition signatures were going to be verified by the County of Los Angeles
23 Register.

24 14. Petitioners made a further written request to the CITY, dated on or about August
25 7, 2008, that all 4,905 signatures be forwarded to the County of Los Angeles for independent
26 verification, and also requested that; "[w]hen forwarding these signatures to the County, please
27 provide to . . . [Petitioners with] any specific directions or criteria you provide the County for
28 them to utilize in counting the signatures. In this regard consider this letter a request for public

1 records under the California Public Records Act” and to respond within 30 days. The
2 aforementioned second request also demanded “. . . in regard to the “1,876” signatures that the
3 CITY “determined” were not registered within the CITY of Baldwin Park please provide us a list
4 of those names or copies of the petitions indicating which names you determined were not
5 registered voters. Again, consider this request under the California Public Records Act.”
6 (quotations in original).

7 15. On or about August 15, 2008, CITY responded that on the following Monday, a
8 CITY representative would be going to the County of Los Angeles Registrar to use the latter
9 office’s on-site system to verify only 903 signatures. Thus, CITY steadfastly refused to ensure
10 that its alleged initial count of the 4,905 signatures was accurate. CITY also informed that it was
11 refusing to provide the requested documents requested pursuant to Petitioners request under the
12 California Records Act.

13 16. CITY, in its subsequent affairs, including, *inter alia*, at least two Staff Reports
14 drafted by its Chief Executive Officer Vijay Singhal and City Attorney Joseph Pannone, Esq.,
15 have persistently acknowledged that pursuant to the requirements of Elections Code §§9114 and
16 9211 *et. seq.* that the initiative has qualified for the November 2009 general election. These
17 Staff reports include one entitled, *Clerk’s Certification of Signatures Submitted in Support of an*
18 *Initiative for Police Salaries,*” (a true and correct copy of same dated September 17, 2008, along
19 with the Minutes of the City Council Meeting in which it was presented for the same date are
20 annexed collectively hereto as Exhibit A) and *Report on Impact of Initiative Titled “Police*
21 *Department Employees’ Salary and Benefits Petition,*” (a true and correct copy of same dated
22 October 15, 2008, along with the Minutes of the City Council Meeting in which it was presented
23 for the same date is annexed collectively hereto as Exhibit B).

24 17. The Staff Report entitled *Report on Impact of Initiative Titled “Police*
25 *Department Employees’ Salary and Benefits Petition* was presented to and considered by CITY
26 Council at its October 15, 2008 meeting.

27 18. CITY, through its City Council, failed to comply with the clear and express
28 mandate of Elections Code §9215 by failing to either a) adopt the Ballot Measure as; or b)

1 submit the Ballot Measure to the voters for consideration at the November 2009 general
2 municipal election.

3 19. CITY'S actions as discussed above, were unreasonable and an *ultra vires* exercise
4 of their obligations under the law.

5 20. Elections Code §9215 provides, in relevant part: "If the initiative petition is
6 signed by not less than 10 percent of the voters of CITY . . . the legislative body shall do one of
7 the following: (a) Adopt the ordinance, without alteration, at the regular meeting at which the
8 certification of the petition is presented, or within 10 days after it is presented. (b) Submit the
9 ordinance, without alteration, to the voters pursuant to subdivision (b) of Section 1405, unless
10 the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a
11 special election pursuant to subdivision (a) of Section 1405. (c) Order a report pursuant to
12 Section 9212 at the regular meeting at which the certification of the petition is presented. When
13 the report is presented to the legislative body, the legislative body shall either adopt the
14 ordinance within 10 days or order an election pursuant to subdivision (b).

15 21. Petitioners submitted more than the required 10% of valid signatures entitling
16 them to have the ballot initiative submitted to CITY council and/or immediately submitted to a
17 vote of CITY'S registered voters at the next general election of November 2009.

18 22. During the portion of the October 15, 2008 City Council, a CITY official actually
19 informed the City Council that they only had only "two options" under the law relating to the
20 Ballot Measure. e.g., either "approving this initiative as an ordinance in order that it will become
21 city law or placing this ordinance on a ballot in November of 2009." A true and correct Certified
22 copy of a transcript of the minutes from the October 15, 2008 City Council meeting relative to
23 the Ballot Measure and true and correct copies of the exhibits together comprising the
24 administrative record will be lodged with this Court in accordance with California Rule of Court
25 3.1140 other order of the Court.

26 23. CITY has failed to and still refuses to exercise its ministerial duty to order an
27 election placing the Ballot Measure on same within ten days of its receipt of the Staff Report,
28

1 which would have been October 27, 2008, to ensure that Petitioners' ballot initiative was and is
2 placed on the November 2009 general election as required by Elections Code §9215.

3 24. This Court has authority under California Code of Civil Procedure §1085 to
4 compel CITY to perform relative ministerial duties as mentioned herein.

5 25. Petitioners have neither administrative remedies to exhaust to compel the relief
6 sought herein, nor any adequate or speedy remedy in the ordinary course of law.

7 26. All the Petitioners are beneficially interested in the compelling of the ministerial
8 duties of the Respondents, and as such are entitled to issuance of a writ pursuant to California
9 Code of Civil Procedure §1086.

10 27. The successful prosecution of this action will result in the enforcement of an
11 important right effecting the public interest if (a) a significant benefit, whether pecuniary or non
12 pecuniary has been conferred on the general public or large class of persons; (b) the necessity
13 and financial burden of private enforcement . . . is such as to make an award of attorney fees
14 appropriate; (c) such fees should not in the interest of justice be paid out of the recovery, if any.

15
16 **WHEREFORE, Petitioners pray:**

17 1. That the Petition be granted and Judgment entered in their favor;

18 2. That a Peremptory Writ issue compelling Respondents to comply with the
19 provisions of California Elections Code §9215 by placing Petitioners ballot initiative on the
20 upcoming November 2009 general election ballot or adopt the initiative without an election.

21 3. That a Peremptory Writ issue compelling Respondents to comply with
22 Petitioners' Public Records Act Request as alleged herein;

23 4. For an award of attorney fees and costs; and

24 //

25 //

26 //

27 //

28 //

1 5. All other relief the Court deems necessary and proper.
2

3 Date: October 29, 2008
4

Respectfully submitted,

LACKIE, DAMMEIER & MCGILL APC

6
7 By:

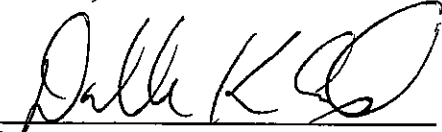

Dieter C. Dammeier, Esq.
Danielle K. Little, Esq.
Attorney for Petitioners, *Baldwin Park*
Police Officers Association, Joshua
Hendricks and Vivian Olivas,

EXHIBIT A

**CITY OF BALDWIN PARK
CITY COUNCIL**

MINUTES



**WEDNESDAY, SEPTEMBER
17, 2008
7:00 p.m. COUNCIL
CHAMBERS
14403 E. Pacific Avenue
Baldwin Park**

Manuel Lozano, Mayor
Anthony J. Bejarano, Mayor Pro Tem Marlen Garcia, Monica Garcia, Ricardo Pacheco, Council
Members
Maria Contreras, City Treasurer Susan Rubio, City Clerk

The **CITY COUNCIL** of the City of Baldwin Park met in **REGULAR SESSION** at the above time and place.

CALL TO ORDER

INVOCATION

Led by **Mayor Pro Tem Bejarano**

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Council woman Marlen Garcia requested that the meeting adjourned in memory of Kaiser Employee, Beverly Mosley. **City Treasurer Contreras** closed in memory of Gladys Cannon

ROLL CALL

Present: Council member Marlen Garcia, Council member Monica Garcia, Council member Pacheco, Mayor Pro Tem Bejarano, Mayor Lozano.

Absent: None.

Also Present: Chief Executive Officer Vijay Singhal, City Attorney Joseph W. Pannone, Director of Recreation & Community Services Manuel Carrillo Jr., Community Development Manager Marc Castagnola, Director of Public Works William Galvez, Chief of Police Lili Hadsell, City Treasurer Contreras, City Clerk Rubio, Deputy City Clerk Nieto.

PROCLAMATIONS, COMMENDATIONS & PRESENTATIONS

* Proclamation proclaiming September 22nd as Family Day in the city of Baldwin Park

Proclamation will be mailed

PUBLIC COMMUNICATIONS

Charlie Contreras inquired about the action taken on the closed session item related to billboards. **City Attorney Pannone** reported that direction was given.

Jorge Morales representing **Supervisor Gloria Molina's** office read a letter from the Supervisor expressing her support of the tobacco retail licensing ordinance

Bob Benbow, Baldwin Park Historical Society announced that the museum has a new display of the commemorative coin given to the city from the Sister City

Thomas Carey, resident spoke about the tobacco ordinance and other issues such as the recent Metrolink accident and the financial situation

Magda Torrellas, resident commented about statements made at prior meetings that she said were personal attacks. Expressed her support of the Council

Greg Tuttle, business owner stated that he supported various organizations within the city. He further commented about his meeting with the Chief of Police and Item #13 on the City Council agenda.

Andrew Morales Miramontes, resident thanked those who have expressed their support of him and addressed the comments made by speaker Tuttle at a previous meeting.

Craig Cook, resident and D.C. Corp employee addressed the statements of speaker Tuttle and the innuendos that were made regarding bribery of the City Council. He also commented about the projects that his company had in Baldwin Park.

Ken Woods, resident & business owner expressed his support of redevelopment but not for Bisno Development and that the proposed project would not benefit the majority of the residents of the city of Baldwin Park. He also addressed the water issues related to the proposed redevelopment project.

Public Communications were closed at 7:36 pm

CONSENT CALENDAR

Motion: Approve CONSENT CALENDAR with the exception of Item#10
Moved by Mayor Lozano, seconded by Council member Marlen Garcia.

1. WARRANTS AND DEMANDS

City Council received and filed the report.

Staff Report

2. MINUTES

City Council approved the minutes of the September 3, 2008 meeting (regular.)

Staff Report

3. 2nd READING OF ORDINANCE NO. 1322

City Council waived further reading, read by title only and adopted on second reading Ordinance No 1322 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA, AMENDING SECTION 133.01 OF THE BALDWIN PARK MUNICIPAL CODE RELATING TO REGISTERED SEX OFFENDERS."

Staff Report

4. PROPOSED INCREASE FOR EXISTING ENTITLEMENT APPLICATION FEES IN THE COMMUNITY DEVELOPMENT DEPARTMENT

City Council waived further reading, read by title only and adopted Resolution No. 2008-023 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA, APPROVING THE SETTING OF FEES FOR ISSUANCE, PROCESSING, AND FILING OF VARIOUS CITY SERVICES AND PERMITS IN THE CITY, RELATING TO THE PLANNING DIVISION."

Staff Report

5. APPROVAL TO PURCHASE VEHICLES AND APPROPRIATION OF FUNDS

City Council: 1) (i) found and determined that it would be uneconomical to follow the City's existing purchasing procedures since the vehicles are available at lower prices if purchased through an existing contract with the County (ii) that the public welfare would be promoted by dispensing with the purchasing procedures; and 2) waived formal bidding procedures and authorized staff to utilize the Los Angeles County bid for the purchase of three (3) Toyota Prius Hybrid vehicles; and 3) Authorized the Assistant Finance Manager to appropriate \$84,193 from fund 231 Revenue Account 231.40.000.41400.00000.2 to Expenditure Account Fleet Services 60.621.58110.00000.2.

Staff Report

6. APPROVAL OF A LICENSE AGREEMENT WITH T-MOBILE FOR THE INSTALLATION AND OPERATION OF WIRELESS COMMUNICATION FACILITY LOCATED WITHIN THE HILDA SOLIS PARK (LOCATION: 15010 BADILLO STREET; APPLICANT: LUCIA ORTEGA, REPRESENTING T-MOBILE; CASE NO. PR 07-50)

City Council approved the License Agreement with T-Mobile and authorized the Chief Executive Officer to finalize and execute the Agreement.

Staff Report

7. APPROVAL OF AGREEMENT FOR CARNIVAL SERVICES - CHRISTIANSEN AMUSEMENTS

City Council approved the agreement and authorized the Mayor to execute the necessary documents.

Staff Report

8. APPROVAL OF A LICENSE AGREEMENT FOR WALGREEN CO. TO USE A PORTION OF RAMONA BOULEVARD FOR LANDSCAPING AND PARKING PURPOSES

City Council approved a license agreement with Walgreen Co. (property owner,) authorized the Mayor to execute the Agreement and authorized the Director of Public Works to enforce the terms of the agreement.

Staff Report

9. TRANSIT FEASIBILITY STUDY FOR THE MID-VALLEY TRANSPORTATION CORRIDOR

City Council authorized staff to support the Transit Feasibility Study and to allocate \$7,000 from the unallocated Proposition C Fund (Fund 118.)

Staff Report

11. RELEASE OF A PORTION OF THE CITY YARD LOCATED AT 13135 E. GARVEY AVENUE FROM LEASE TO FINANCING AUTHORITY DUE TO ACQUISITION BY CALTRANS (Related Item on Finance Authority Consent Calendar Agenda)

City Council waived further reading, read by title only and adopted Resolution No. 2008-058 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA, AUTHORIZING THE RELEASE OF CERTAIN PROPERTY RELATED TO CERTIFICATES OF PARTICIPATION (ENERGY CONSERVATION AND RETROFIT FINANCING PROGRAM) DUE TO THE THREAT OF EMINENT DOMAIN AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH" and released said portion of the property located at 13135 East Garvey Avenue subject to the financing lease due to eminent domain award from CalTrans.

Staff Report

The following item was pulled by Mayor Pro Tem Bejarano for further discussion:

10. REQUEST FOR A RATE INCREASE BY SOUTHLAND TRANSIT INC., FOR FUEL COSTS

Mayor Pro Tem Bejarano requested that the contract being negotiated to have the option to re-negotiate the fuel costs if the city were to go to alternative fuel sources.

Council member Pacheco inquired about the impact to the riders of the transit buses. **Director Galvez** stated that he believed that the service would be improved. **CEO Singhal** stated that the rates for the riders would not be impacted by the increase in fuel costs.

Staff Report

Motion: Approve the request by Southland Transit for an increase to the service hour fee in the amount of \$40.53 for FY 2007-08 and \$43.09 for FY 2008-09 respectively, for the purpose of offsetting the increase in fuel costs.

Moved by Mayor Pro Tem Bejarano, seconded by Mayor Lozano.

SET MATTERS - PUBLIC HEARINGS

12. PUBLIC HEARING TO CONSIDER A RESOLUTION IN SUPPORT AND APPROVAL OF AN APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

Chief Hadsell presented the report. Mayor Lozano opened the public hearing for those wishing to speak in favor or opposition. Seeing no interest the public hearing was closed

Motion: Waive further reading, read by title only and **adopt Resolution No. 2008-052** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA, EXPRESSING SUPPORT FOR AND APPROVING THE APPLICATION

Moved by Mayor Lozano, seconded by Council member Pacheco.

Staff Report

13. PUBLIC HEARING TO CONSIDER A MODIFICATION TO A PREVIOUSLY APPROVED DEVELOPMENT PLAN AND TENTATIVE TRACT MAP TO ELIMINATE CONDITIONS OF APPROVAL RELATING TO PROVIDING A HOMEOWNERS ASSOCIATION (HOA) AND COVENANTS, CONDITIONS AND RESTRICTION (CC&Rs) AS A REQUIREMENT FOR THE DEVELOPMENT OF A 16-UNIT SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT - A RELATED REQUEST IS FOR ACCEPTANCE OF A STREET DEDICATION BY THE CITY OF A SUBSTANDARD PRIVATE CUL-DE-SAC STREET FOR PUBLIC PURPOSE; CASE NO.: DR-32 AND TM-61345; LOCATION: 3940-3948 WALNUT STREET; APPLICANT: D.C. CORPORATION (Continued from September 3, 2008)

Staff Report

Associate Planner Lopez presented the report. **Mayor Lozano** opened the public hearing for those wishing to speak in favor or opposition

OPPOSITION:

Ken Woods, resident stated that D.C. Corp should take care of the expenses related to this project.

Thomas Carey, resident expressed his support of Option #2

Cruz Baca Sembello, resident commented about parking citywide. Inquired about street parking being reduced.

Associate Planner Lopez stated that the curb was painted red. Residents parked in their driveways or garages.

Greg Tuttle, business owner expressed his opposition to the matter and that the responsibility was on the developer.

FAVOR:

Thomas Carey, resident inquired about the red curb on the cul-de-sac. Expressed his opposition to the HOA and his desire to see the street open.

Craig Cook, D.C. Corp & resident explained that the red curb was required by the Fire Department for access. He further addressed that the parking would not be impacted. The CC & R's would still exist. Requested removal of the HOA, CC&R's to remain intact.

Shared that feedback received indicated that prospective buyers do not want to pay into an association when there were no amenities

Seeing no further interest, the public hearing was closed. **Council member Monica Garcia** expressed her support of Option #2. Inquired if the applicant was willing to go through an assessment.

David Cook, representing DC Corp explained that the burden would be on the homeowners. Expressed that an assessment would basically be the same as the maintaining the CC & Rs.

Council member Pacheco suggested that staff re-evaluate. **Mayor Pro Tem Bejarano** expressed that the applicant had been attempting to mitigate the matter but felt that the same conclusion may be reached.

Mayor Lozano stated that there may have been a possible third option. **Council member Marlen Garcia** concurred that she would like for staff to re-evaluate.

Associate Planner Lopez advised that a possible third option was not discussed. **Applicant David Cook** explained that they did not own all of the property. **Mayor Pro Tem Bejarano** addressed the one-time and ongoing cost and requested that staff look into passing that cost onto the developer

Council member Monica Garcia requested that staff advise the Council if there have been any revenues generated by these properties and could they possibly offset the expenses

Motion: Table

Moved by Council member Pacheco, seconded by Mayor Lozano.

14. PUBLIC HEARING TO CONSIDER APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT; APPROVAL OF AN AMENDMENT TO THE CITY'S MUNICIPAL CODE MODIFYING THE DEFINITION OF A DEPARTMENT STORE AND APPROVAL OF A CONDITIONAL USE PERMIT FOR THE OPERATION OF A FINANCIAL INSTITUTION WITHIN AN EXISTING WAL-MART DEPARTMENT STORE BUILDING (APPLICANT: E-1 FINANCIAL CREDIT UNION; LOCATION: 3250 BIG DALTON AVENUE; CASE NO.: AZC-161 AND CP-750)

City Planner Harbin presented the report. **Mayor Lozano** opened the public hearing for those wishing to speak in favor or opposition.

OPPOSITION

Thomas Carey, resident expressed that he felt there were too many businesses in the establishment already.

Leslie Bito, resident expressed her opposition to the project. Encouraged the Council to place pressure on Wal Mart to treat their employees better

FAVOR

Magda Torrellas, resident expressed her support of the credit union being in Baldwin Park

Alison Wong on behalf of E1 Credit Union provided background on the credit union and the benefits it would bring to the city

Seeing no further interest, the public hearing was closed. **Council member Monica Garcia** encouraged the credit union to be a vested member of the community, should the matter be approved.

Mayor Pro Tem Bejarano echoed speaker Torrellas' sentiments regarding the benefits of a credit union and also expressed concern regarding the impact on traffic.

City Planner Harbin advised that the traffic study was conducted by an outside firm and that it reflected that there would be no impact on traffic.

In response to an inquiry from **Council member Marlen Garcia** staff advised that existing E1 Credit Union facilities are both free-standing and inside of retail establishments.

Council member Monica Garcia inquired how many non-WalMart sites were there currently. **City Planner Harbin** stated that there were four. **Council member Monica Garcia** expressed her concern regarding the number being increased.

Council member Pacheco expressed concern about consistency and the number of stores in WalMart and the possibility of having them in another site.

Council member Monica Garcia requested that the permissible number of additional retail establishments inside of department stores be amended from six to five.

Mayor Pro Tem Bejarano inquired if the number could be based on square footage. He felt that a department store the size of WalMart was not comparable to one such as Target.

Motion: Direct staff to bring an amended report to the City Council which incorporates the requests of **Mayor Pro Tem Bejarano** and **Council member Monica Garcia**

Moved by Mayor Lozano, seconded by Council member Monica Garcia.

REPORTS OF OFFICERS

15. ORDINANCE ADDING CHAPTER 125 TO TITLE XI OF THE BALDWIN PARK MUNICIPAL CODE REQUIRING THE LICENSURE OF TOBACCO RETAILERS

Staff Report

Associate Planner Lopez presented the report. **Beverly**, outreach coordinator for CIPA spoke about the benefits of this ordinance. **Debra Levi** shared the success of a similar ordinance in the city of Burbank.

Motion: Waive further reading, read by title only and **introduce for first reading, Ordinance No. 1321** entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY BALDWIN PARK, CALIFORNIA, ADDING CHAPTER 125 TO TITLE XI OF THE BALDWIN PARK MUNICIPAL CODE REQUIRING THE LICENSURE OF TOBACCO RETAILERS; APPLICANT: CITY OF BALDWIN PARK

Moved by Mayor Lozano, seconded by Council member Marlen Garcia.

Council member Pacheco read the petition related to this matter, expressed his support of the ordinance and the movement and commended the students for their hard work.

Council member Monica Garcia acknowledged the students for their patience and commended them for taking leadership roles in their community and encouraged them to continue.

Mayor Lozano announced that the 2nd reading would be on October 1st.

Council member Marlen Garcia thanked the students for their attendance and acknowledged their efforts and the efforts of the group. She encouraged them to keep up the good work

16. CITY CLERKS CERTIFICATION OF SIGNATURES SUBMITTED IN SUPPORT OF AN INITIATIVE FOR POLICE SALARIES

City Clerk Rubio presented the report.

Motion: Order the Chief Executive Officer to prepare a report as described in California Elections Code Section 9212 and direct the City Attorney to prepare a legal analysis relating to the initiative.

Moved by Mayor Lozano, seconded by Mayor Pro Tem Bejarano.

Staff Report

CITY COUNCIL/ CITY CLERK / CITY TREASURER / STAFF REQUESTS & COMMUNICATIONS

NONE

ADJOURNMENT

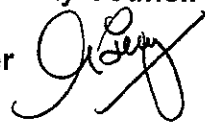
There being no other matters for discussion the meeting was adjourned in memory of **Beverly Mosley** and **Gladys Cannon** at 8:55 p.m.

Approved as presented by the Council at their meeting held October 1, 2008.

Laura M. Nieto
Deputy City Clerk



TO: Honorable Mayor and Members of the City Council

FROM: Vijay Singhal, Chief Executive Officer
Joseph W. Pannone, City Attorney 

DATE: September 17, 2008

SUBJECT: Clerk's Certification of Signatures Submitted in Support of an Initiative for Police Salaries

PURPOSE:

The purpose of this staff report is to provide the City Council information about the options available to it as a result of the City Clerk's certification of the signatures submitted on the proposed initiative relating to police salaries.

BACKGROUND:

On February 19, 2008, the Clerk's Office received a notice of intent to circulate a petition for an initiative relating to police salaries. Pursuant to California Elections Code section 9203, the Clerk forwarded that notice to the City Attorney for preparation of a title and summary; he provided that title and summary on March 3, 2008. That notice and the proposed initiative are attached to this memo at Attachment 1.

On July 2, 2008, the petition proponents timely submitted 1,263 petition sections with a total of 4,905 signatures. Pursuant to California Elections Code sections 9114 and 9211, the City Clerk's Office, as the City's elections official, has completed the verification of those signatures; and 2,966 signatures have been determined sufficient. The Clerk's certification is attached as Attachment 2 to this memo and has been submitted to the City Council pursuant to California Elections Code section 9114.

DISCUSSION

Because the Clerk has certified the petition was signed by least 10% of the registered voters of the City, as last reported by the Los Angeles County Registrar of Voters to the Secretary of State at the time the notice of the proposed initiative was filed with the City Clerk, pursuant to Elections Code section 9215, the City Council now has three options:

1. Adopt the initiative as submitted,
2. Place the initiative, as submitted, on the next regular City municipal election scheduled for November 3, 2009, or
3. Order a report to address all the impacts and effects described in California Elections Code section 9212. If this option is selected, that report must be returned

to the City Council within 30 days after that order. After receipt of that report, the City Council would then have 10 days to select option 1 or 2, above.

Due to the nature of the initiative, staff recommends the Council select option number 3. In addition to that report, staff suggests the Council also direct the City Attorney to provide a legal analysis of the proposed initiative. The City Attorney has not yet been asked to review the initiative to determine whether it is a legally valid proposal. If the City Attorney determines there are legal questions about the initiative, then a closed session memorandum should be prepared so the City Council may discuss legal options the City may have, including challenging the placement of the initiative on the ballot.

FISCAL IMPACT

Pursuant to California Elections Code subsection 9212(a)(1), the recommended report will analyze the fiscal impact the initiative could cause.

RECOMMENDATION:

It is recommended the City Council order the Chief Executive Officer to prepare a report as described in California Elections Code section 9212 and direct the City Attorney to prepare a legal analysis relating to the initiative.

ATTACHMENTS:

Attachment 1 – Notice of Intent to Circulate Petition
Attachment 2 – Clerk's Certification of Signatures

PROUDLY SERVING MEMBERS OF
THE FOLLOWING PUBLIC SAFETY
UNIONS:

ADELANTO CORRECTIONAL FEA
ALHAMBRA POA
ANAHEIM POA
AZUSA POA
AZUSA CAPP
BALDWIN PARK POA
BARSTOW POA
BEAUMONT POA
BELL POA
BUENA PARK POA
BURBANK AIRPORT POA
BURBANK POA
CALEXICO POA
CALIFORNIA CITY PFA
CA CORRECT. SUPV. ORG.
CATHEDRAL CITY POA
CHAFFEY COLLEGE POA
CHINO PMA
CHINO POA
CLAREMONT POA
COLTON POA
COMPTON USD POA
CORONA POA
COSTA MESA POA
CULVER CITY POA
CYPRESS POA
DELANO POA
DESERT HOT SPRINGS POA
EAST SAN GABRIEL POA
EL MONTE POA
FONTANA POA
FONTANA SCHOOLS POA
FRESNO POA
GARDENA POA
GARDEN GROVE POA
GLENDALE PARK RANGERS
GLENORA POA
HEMET PMA
HERMOSA BEACH POA
HUNTINGTON PARK POA
IMPERIAL POA
INGLEWOOD POA
INGLEWOOD SCHOOLS POA
INYO DSA
IRVINGDALE POA
LA HABRA POA
LA VERNE POA
LONG BEACH AIRPORT POA
LONG BEACH CC POA
L.A. AIRPORT POA
L.A. COPS
L.A. CORONERS INV. ASSN.
L.A. COUNTY POA
L.A. GENERAL SERV. POA
L.A. POLICE PROTECTIVE LEAGUE
L.A. PORT POA
L.A. SCHOOLS POA
MAMMOTH LAKES POA
MAYWOOD POA
MONO COUNTY DSA
MONO COUNTY PSA
MONROVIA POA
MONTCLAIR POA
MONTEBELLO POA
MONTEREY PARK POA
MONTEREY POA
MURRIETA POA
POMONA LDF
RETIRED POAC
RIALTO PMA
RIALTO POA
RIDGECREST POA
RIVERSIDE POA
RIVERSIDE SHERIFFS LEMU
SAN BERNARDINO POA
SAN BERNARDINO COUNTY POA
SAN DIEGO COLLEGE POA
SAN FERNANDO POA
SAN GABRIEL POA
SAN MARINO POA
SANTA PAULA POA
SIERRA MADRE POA
SIGNAL HILL POA
SOUTH GATE POA
TEAMSTERS, LOCAL 911
TORRANCE POA
TRINIDAD POA
UPLAND PFA
UPLAND POA
U.C. BERKELEY POA
U.C. DAVIS POA
U.C. IRVINE POA
U.C. LOS ANGELES POA
U.C. MERCED POA
U.C. RIVERSIDE POA
U.C. SAN DIEGO POA
U.C. SAN FRANCISCO POA
U.C. SANTA BARBARA POA
U.C. SANTA CRUZ POA
VICTORVILLE PFA
WESTMINSTER POA

LACKIE & DAMMEIER
A PROFESSIONAL CORPORATION

367 NORTH SECOND AVENUE
UPLAND, CALIFORNIA 91786
TELEPHONE: (909) 985-4003
FACSIMILE: (909) 985-3299

February 15, 2008

VIA FACSIMILE & U.S. MAIL
(626) 813-0921

Susan Rubio, City Clerk
City of Baldwin Park
14403 Pacific Avenue
Baldwin Park, CA 91706

Re: Notice of Intent to Circulate Petition and Request for Ballot Title and
Summary California Election Code §§ 9202 & 9203

Dear City Clerk:

Attached, please find a Notice of Intent to Circulate Petition and a copy of the Proposed Measure. Enclosed, also please find a filing fee in the amount of \$200.00.¹ Pursuant to California Elections Code §9203, please submit the proposed measure to the City Attorney to obtain a Ballot Title and Summary. We look forward to your timely response. If you have any questions or concerns, please contact the undersigned at the above address.

DCD/jp

RECEIVED

FEB 19 2008

**CITY OF BALDWIN PARK
CITY CLERK'S DEPARTMENT**

DIETER C. DAMMEIER
SAKU E. ETHIR
MICHAEL A. MCGILL
ANDREW M. DAWSON
JOHN H. BAKHIT
JOHN J. PEARSON
STEVEN J. BROCK
JULIO A. JARAMILLO
ZAHRA KHOURY

OF COUNSEL
MICHAEL D. LACKIE, APC

SENDER'S EMAIL:
DIETER@POLICEATTORNEY.COM

Very truly yours,

LACKIE & DAMMEIER APC


Dieter C. Dammeier

¹ If the City Council has not established a fee for such filing, please return the filing fee.

RECEIVED

FEB 19 2008

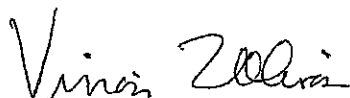
CITY OF BALDWIN PARK
CITY CLERK'S DEPARTMENT

NOTICE OF INTENT TO CIRCULATE PETITION

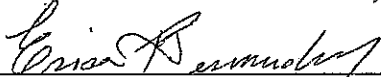
California Election Code §9202

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the Petition within the City of Baldwin Park for the purpose of prioritizing public safety in the City of Baldwin Park by providing police department employees with the average wage and benefits of other municipal police agencies within the San Gabriel Valley. A statement of the reasons of the proposed action as contemplated in the Petition is as follows:

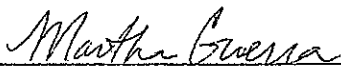
The residents of Baldwin Park view public safety as the top priority for City government to provide. As a result of the City allowing its pay to police department employees to drop below the average of surrounding communities, experienced officers are leaving Baldwin Park and Baldwin Park is not attracting experienced officers from other communities. The net result of the City's inaction is a reduced level of public safety, thereby jeopardizing the lives and wellbeing of its residents. The Baldwin Park Police Officers Association, in an effort to continue to provide the best level of public safety to the Community, seek the residents support in directing City officials to provide compensation and benefits to the average of comparable municipal police agencies located in San Gabriel Valley. By doing this, Baldwin Park will be able to retain and attract more qualified and experienced police employees, thereby providing the high level of public safety each and every resident deserves.



Vivian Olivas 3727 Ahern Drive, Baldwin Park, Ca 91706



Erica Bermudez 4347 Fountain Villas Court, Baldwin Park, Ca 91706



Martha Guerra 13122 Fairgrove Ave., Baldwin Park, Ca 91706

We, the undersigned registered voters of the City of Baldwin Park, California, by this petition hereby respectfully request the following ordinance be adopted immediately by the City Council or submitted immediately to a vote of the registered voters of the City of Baldwin Park for their adoption or rejection at a special election:

FEB 19 2008

PRIORITIZING PUBLIC SAFETY

CITY OF BALDWIN PARK
CITY CLERK'S DEPARTMENT

The residents of Baldwin Park declare that City Government's top priority is to provide the best level of public safety service possible. To better achieve such level of service, upon passage of this measure and thereafter, the City of Baldwin Park shall compensate its police department employees at a level to, at a minimum, ensure that they are compensated equal to the average of other police employees in the San Gabriel Valley. This minimum of salary and benefits shall be determined by surveying the salary and benefits for police employees in Arcadia, Covina, West Covina, Alhambra, San Gabriel, Monrovia, Azusa, Glendora, Irwindale and El Monte and, at a minimum, match the average pay and benefits of these cities. After the initial survey and adjustments, upon passage of this measure, this survey shall be completed each January 15th, with salary and benefit adjustments to be made no later than February 1st of each year.

In providing the above salary and benefits, the rank, job classification, assignment and tenure shall be utilized in comparing to the other police departments.

"Salary" shall be defined as base pay. The bottom step and top step position will be used and Baldwin Park's pay at those positions will, at a minimum, be adjusted to match the average of the survey.

"Benefits" shall be defined as any economic remuneration provided to more than one half of the survey cities, including, but not limited to medical insurance, education incentives, certificate pay, longevity pay and retirement benefits. The average of each benefit shall then be provided Baldwin Park police employees.

The Baldwin Park Police Department's budgeted positions shall not fall below the level it was budgeted for in fiscal year 2004-2005, nor shall the City contract out with any entity, public or private, for general police services, without prior voter approval. If prior to passage of this measure, the City contracts out general police services, upon passage of this measure the City's Police Department shall be reinstated and any police employees that were laid off due to contracting out services shall be immediately reinstated. Nothing in this section shall preclude the City from contracting for specialized police services or entering into mutual aid agreements with other law enforcement agencies.

Nothing in this measure shall limit the obligation of the City of Baldwin Park or the Baldwin Park Police Officers Association from meeting and conferring on terms and conditions of employment as otherwise required by law. The City and Baldwin Park Police Officers Association may, if mutually agreed upon, waive or modify any salary or benefits required by this measure.

If any provision of this measure or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect the remaining provisions or application thereof, and to this end, the provisions of this measure are severable.

RECEIVED

FEB 19 2008

CITY OF BALDWIN PARK
CITY CLERK'S DEPARTMENT

PROOF OF SERVICE

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 367 North Second Ave., Upland, California 91786.

On **February 15, 2008**, I served the following document described as Notice of Intent to Circulate Petition and Request for Ballot Title and Summary California Election Code §§ 9202 & 9203 on the interested parties in this action by placing a true and correct copy of each document thereof, enclosed in a sealed envelope addressed as follows:

Susan Rubio, City Clerk City of Baldwin Park 14403 Pacific Ave. Baldwin Park, CA 91706	
---	--

- (X) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail at Upland, California.
- () By Personal Service, I caused such envelope to be delivered by hand to the above addressee(s).
- () By overnight courier, I caused the above-referenced document(s) to be delivered to an overnight courier service (UPS), for delivery to the above addressee(s).
- (X) By facsimile machine, I caused the above-referenced document(s) to be transmitted to the above-named persons(s) at the following telecopy number: **626-813-0921**
- () Certified Mail:

Executed on **February 15, 2008**, at Upland, California.

- (X) (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- () (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Julie Peterson



Office of the City Clerk

Susan Rubio
City Clerk

Rosemary M. Gutierrez
Chief Deputy City Clerk

Laura M. Nieto
Deputy City Clerk

Website:
www.baldwinpark.com

September 4, 2008

Dieter C. Dammeier, Esq.
Lackie, Dammeier & McGill
367 North Second Avenue
Upland, CA 91786

Re: Ballot Initiative Regarding Police Salaries

Dear Mr. Dammeier:

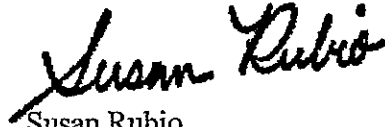
Pursuant to the requirements of California Elections Code sections 9114 and 9211, this certification is being sent to the City Council and the representative of the proponents of the initiative petition related to police salaries filed with the City Clerk's Office on July 2, 2008 ("the Police Salary Initiative"). My office has completed the signature verification of the Police Salary Initiative and certifies the following:

Number of signatures filed	4,905
Number of signatures found sufficient	2,966
Number of signatures found insufficient	1,939
Number of registered voters of the City as last reported by the Los Angeles County Registrar of Voters to the Secretary of State at the time the notice of the Police Salary Initiative was filed with the City Clerk ("Registered Voters")	22,361
Ten percent (10%) of Registered Voters	2,236
Fifteen percent (15%) of Registered Voters	3,354

Dieter Dammeier, Esq.
September 4, 2008
Page 2

Based on the foregoing and California Elections Code sections 9214 and 9215, I, Susan Rubio, the City Clerk and elections official of the City of Baldwin Park, do hereby certify a sufficient number of signatures have been filed to qualify the Police Salary Initiative for the next general City election to be held on November 3, 2009.

Sincerely,



Susan Rubio,
City Clerk

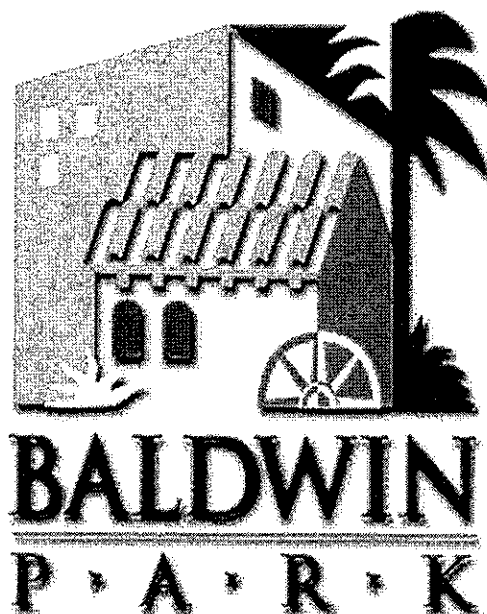
c: Mayor and Members of the City Council
Vijay Singhal, Chief Executive Officer
Laura Nieto, Deputy City Clerk
Joseph W. Pannone, City Attorney

EXHIBIT B

AGENDA**BALDWIN PARK CITY COUNCIL
REGULAR MEETING**

**October 15, 2008
7:00pm**

**COUNCIL CHAMBER
14403 E. Pacific Avenue
Baldwin Park, CA 91706
(626) 960-4011**



**Manuel Lozano - Mayor
Anthony J. Bejarano - Mayor Pro Tem
Marlen Garcia - Councilmember
Monica Garcia - Councilmember
Ricardo Pacheco - Councilmember**

**PLEASE TURN OFF CELL PHONES AND PAGERS WHILE MEETING IS IN
PROCESS
POR FAVOR DE APAGAR SUS TELEFONOS CELULARES Y BEEPERS
DURANTE LA JUNTA**

PUBLIC COMMENTS

COMENTARIOS DEL PUBLICO

The public is encouraged to address the City Council or any of its Agencies listed on this agenda on any matter posted on the agenda or on any other matter within its jurisdiction. If you wish to address the City Council or any of its Agencies, you may do so during the PUBLIC COMMUNICATIONS period noted on the agenda. Each person is allowed five (5) minutes speaking time. A Spanish speaking interpreter is available for your convenience.

Se invita al público a dirigirse al Concilio o cualquiera otra de sus Agencias nombradas en esta agenda, para hablar sobre cualquier asunto publicado en la agenda o cualquier tema que esté bajo su jurisdicción. Si usted desea la oportunidad de dirigirse al Concilio o alguna de sus Agencias, podrá hacerlo durante el período de Comentarios del Público (Public Communications) anunciado en la agenda. A cada persona se le permite hablar por cinco (5) minutos. Hay un intérprete para su conveniencia.

Any written public record relating to an agenda item for an open session of a regular meeting of the City Council that is distributed to the City Council less than 72 hours prior to that meeting will be available for public inspection at City Hall in the City Clerk's office at 14403 E. Pacific Avenue, 3rd Floor during normal business hours (Monday - Thursday, 7:30 a.m. - 6:00 p.m.)

City Council
REGULAR SESSION

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

ROLL CALL

PROCLAMATIONS, COMMENDATIONS & PRESENTATIONS

**Presentation of Hometown Heroes Military Banner to SPC
Richard Hernandez in recognition of his honorable
discharge from the United States Army**

PUBLIC COMMUNICATIONS

CONSENT CALENDAR

- 1. WARRANTS AND DEMANDS**
Staff recommends City Council receive and file the report.

Staff Report

2. **MINUTES**
Staff recommends City Council approve the minutes of the October 1, 2008 meeting (regular.)

Staff Report

3. **ELECTION INFORMATION AND SUMMARY OF MEASURES AND OFFICES TO BE VOTED UPON AT THE GENERAL ELECTION TO BE HELD THROUGHOUT THE STATE ON NOVEMBER 4, 2008**
Staff recommends City Council receive and file the report.

Staff Report

4. **RESOLUTION IN OPPOSITION TO METROPOLITAN TRANSPORTATION AUTHORITY'S (MTA'S) MEASURE R**
Staff recommends City Council waive further reading, read by title only and adopt Resolution No. 2008-065 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA, OPPOSING MEASURE R ON THE NOVEMBER 4, 2008 BALLOT (LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ONE-HALF CENT SALES TAX INCREASE)."

Staff Report

5. **VIDEO SECURITY SYSTEM UPGRADE - ADDITIONAL FUNDING**
Staff recommends City Council 1) direct the Chief of Policy to work in conjunction with the Interim Finance Director to complete a budget appropriation for the amount no to exceed \$11,579.25 from Account 112.00.4210 to Account 130.58.5745 and designate \$11,579.25 for the purchase of the additional upgrades to the Video Security System and 2) authorize the Chief of Police or her designee to complete all appropriate documentation to complete the purchase.

Staff Report

6. **UPDATE REGARDING CALTRANS ENVIRONMENTAL JUSTICE CONTEXT-SENSITIVE PLANNING GRANT**
Staff recommends City Council receive and file the report.

Staff Report

7. **APPROVAL OF MEMORANDA OF UNDERSTANDING FOR POLICE MANAGEMENT EMPLOYEES' ASSOCIATION (PMA)**
Staff recommends City Council waive further reading, read by title only and adopt Resolution No. 2008-061 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BALDWIN PARK AND THE POLICE MANAGEMENT EMPLOYEES' ASSOCIATION (PMA)" and authorize the Chief Executive Officer and the Human Resources Manager to execute the respective MOU.

Staff Report

8. **RESOLUTION AMENDING THE CITY'S EXECUTIVE MANAGEMENT EMPLOYEES' BENEFITS MATRIX**
Staff recommends City Council waive further reading, read by title only and adopt Resolution No. 2008-062 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA, AMENDING THE EXECUTIVE EMPLOYEES' BENEFITS MATRIX."

Staff Report

9. **AMENDMENT TO EMPLOYMENT AGREEMENT - MARC CASTAGNOLA, COMMUNITY DEVELOPMENT MANAGER**
Staff recommends City Council approve an amendment to the Employment Agreement with Marc Castagnola for his services as the Community Development Manager and approve a change of compensation to \$96,500 base annual salary and authorize the Mayor to execute the amendment.

Staff Report

10. **FISCAL YEAR 2007-2008 COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL
PERFORMANCE EVALUATION REPORT**

Staff recommends City Council receive and file the
CDBG/HOME Consolidated Annual Performance Evaluation
Report (CAPER.)

Staff Report

Large File

May take a while to open

11. **ACQUISITION BY THE STATE OF CALIFORNIA
(CALTRANS) OF A PORTION OF CITY YARD AT 13135
GARVEY AVENUE**

Staff recommends City Council accept Caltrans' revised offer
and authorize the Chief Executive Officer to sign all documents
related to the transaction.

Staff Report

REPORTS OF OFFICERS

12. **REPORT ON IMPACT OF POLICE DEPARTMENT
EMPLOYEES SALARY AND BENEFITS INITIATIVE
PETITION**

Staff recommends City Council authorize the Chief Executive
Officer and the City Attorney to file an action in Superior Court
seeking declaratory relief and other appropriate remedies.

Staff Report

**CITY COUNCIL / CITY CLERK / CITY TREASURER / STAFF REQUESTS &
COMMUNICATIONS**

ADJOURNMENT

CERTIFICATION

I, Laura M. Nieto, Deputy City Clerk of the City of Baldwin Park hereby certify

under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

Laura M. Nieto

Laura M. Nieto
Deputy City Clerk

PLEASE NOTE: Copies of staff reports and supporting documentation pertaining to each item on this agenda are available for public viewing and inspection at City Hall, 2nd Floor Lobby Area (14403 E. Pacific Avenue) or at the Los Angeles County Public Library in the City of Baldwin Park (4181 Baldwin Park Boulevard). For further information regarding agenda items, please contact the office of the City Clerk at 626.960.4011, ext. 108 or 626.960-4011, ext. 466 or via e-mail at rgutierrez@baldwinpark.com or lnieto@baldwinpark.com

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Works Department or Risk Management at 626.960.4011. Notification 48 hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 34.102.104 ADA TITLE II)



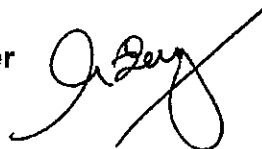
CITY OF BALDWIN PARK

CITY COUNCIL AGENDA

OCT 15 2008

ITEM NO. **12**
STAFF REPORT

TO: Honorable Mayor and City Council Members

FROM: Vijay Singhal, Chief Executive Officer
Joseph Pannone, City Attorney 

DATE: October 15, 2008

SUBJECT: Report on Impact of Initiative Titled "Police Department Employees;
Salary and Benefits Initiative Petition"

PURPOSE

This report responds to the City Council's direction for an impact analysis of the proposed initiative titled "Police Department Employees; Salary and Benefits Initiative Petition," pursuant to Elections Code sections 9212 and 9215 and seeks Council direction on proposed course of action.

BACKGROUND

On February 19, 2008, the City Clerk's Office received a notice of intent to circulate a petition for an initiative relating to police salaries and benefits. Pursuant to California Elections Code section 9203, the Clerk forwarded that notice to the City Attorney for preparation of a title and summary; he provided that title and summary on March 3, 2008. That notice and the proposed initiative are attached to this memo as Attachment "A."

On July 2, 2008, the petition proponents timely submitted 1,263 petition sections with a total of 4,905 signatures. Pursuant to California Elections Code sections 9114 and 9211, the City Clerk's Office completed the verification of those signatures and has certified 2,966 signatures as valid. Since the petition was signed by at least 10% of the registered voters of the City, as last reported by the Los Angeles County Registrar of Voters to the Secretary of State at the time the notice of the proposed initiative was filed with the City Clerk, the initiative has qualified for the November, 2009 general election.

At the Council meeting on September 17, 2008, the City Clerk's certification of those signatures and a report was presented to the Council outlining Council's options under Elections Code Section 9215, namely:

1. Adopt the initiative as submitted,

2. Place the initiative, as submitted, on the next regular City municipal election scheduled for November 3, 2009, or
3. Order a report to address all the impacts and effects described in California Elections Code sections 9212 and 9215.

The Council approved option 3 and asked for a report as described in California Elections Code Section 9212 and also directed the City Attorney to prepare a legal analysis relating to the initiative.

DISCUSSION

Staff and the City Attorney have reviewed and analyzed the initiative and following is a brief summary of the analysis.

The initiative, which is attached as exhibit "A" if approved will:

- 1) Require the City to compensate its police department employees at a level greater than or equal to the average of compensation paid by 10 San Gabriel Valley cities surveyed pursuant to the initiative,
- 2) Require the City's police department "budgeted positions" not fall below the level budgeted for in 2004-2005, and
- 3) Prohibit the City from contracting out for general police services without prior voter approval.

The chief purpose of the initiative is to provide and maintain certain salary and benefit levels for Baldwin Park Police Department employees.

Staff believes some of the terms of the initiative are so vague, unclear or open to multiple interpretations it is difficult to determine precisely how it would be implemented. Due to that vagueness and lack of clarity, it is virtually impossible for staff to quantify the exact impacts of the initiative. This report analyzes the initiative on following points:

- 1) Vagueness and lack of clarity in interpretation
- 2) Impacts of the initiative
- 3) Legal analysis

Vagueness and lack of clarity in interpretation

Following are some examples of issues that make the initiative difficult to interpret.

Requirement 1 Compensate police department employees at a level greater than or equal to the average of compensation paid by 10 San Gabriel Valley cities surveyed pursuant to the initiative

Compensation and Benefits are not clearly defined. The initiative requires the City to compensate police department employees at a level greater than or equal to the average of *compensation*. However, the term "compensation" is not defined. It is not clear whether compensation would mean salary and benefits combined or separate, whether compensation would be calculated per employee, class of employees or in some other fashion.

While the initiative defines salary, it does not clearly define "Benefits", it states that "Benefits" shall be defined as any *economic remuneration*; however, it is not clear what constitutes economic remuneration.

Who are police department employees? It is unclear which non-sworn personnel will be considered police department employees. There are mechanics who maintain and repair police vehicles; there is support staff in Human Resources, Finance and Maintenance who provide important services and support to the police department, but are budgeted in other departments. Lack of clarity in this regard could lead to unnecessary disputes and litigation brought by other employee groups.

How will the average be calculated? The initiative talks about average, however, it is not clear, what average means and how it will be calculated.

For example, is it the simple average or weighted average; is it a separate average for salaries and separate for benefits or is it combined? It is not clear whether the average will be calculated by employee, by employee class or for all employees combined. Following are just some examples of how average could be calculated:

- Average for all police employees taken together
- Average for sworn employees
- Average for non-sworn employees
- Average for officers, sergeants or dispatchers

The different ways of calculating averages are likely to yield different results. Furthermore, different results would be reached if the ratio of different types of employees is different in each City.

Similar problems arise with respect to certain benefits. It is not clear how the average of some benefits would need to be calculated. For example, the City offers a cafeteria plan for medical. Some employees participate in medical plans some receive cash back. Even on medical plans there are different plans with different costs. Averages could be calculated in many ways. For example, the average for a single police officer

who receives 100% cash back under the cafeteria plan may be very different than the average for a police officer with a family who participates in one of the medical plans.

The type and amount of benefits vary from agency to agency. The cost of different benefits also varies from agency to agency. It is not clear if for the purpose of calculating the average the cost of the benefit to the City should be used or the value to the employee should be used. For example, while two cities may offer the same 3% @50 retirement plan, the cost of the plans may be significantly different because the costs depend on numerous factors including age of participants.

There are certain benefits that carry significant future costs, and in some cases complex actuarial studies are required to estimate the costs. For example, some cities provide retiree medical; some may not. Some may provide that benefit for employees only and some may provide it for spouses and/or families. It is not clear how those costs are to be calculated.

It is also not clear if the values of leave time used and cashed in and overtime are to be included in the average.

Cost of conducting the survey. There will also be costs involved in conducting the required survey of the 10 San Gabriel Valley cities. Unless we know what is to be surveyed and how that would be done, those costs cannot be estimated.

Time to implement the survey. The initiative provides the survey will be completed each January 15 and adjustments implemented by February 1. That timeline is extremely tight and does not give the City enough time to evaluate the results of the survey and to implement it. The City may need additional resources to implement the survey and that would be an additional financial impact, the extent of which cannot be known at this time. The initiative requires implementation of the survey results on February 1, which is four months prior to the end of the fiscal year, this will likely require mid-year adjustments. Depending on the amount of adjustments needed, it could affect the City's budget and spending plans requiring sudden cuts if no additional revenues are available.

Based on the preceding discussions, it is clear the calculation and implementation of the provision requiring the City to compensate police department employees at or greater than the average of the 10 San Gabriel Valley cities is very vague and unclear and raises numerous issues that would need to be resolved before the proposed initiative's goals can be calculated and implemented.

Requirement 2 The initiative also requires the City's police department "budgeted positions" not fall below the level budgeted for in 2004-2005.

Again this provision is not clear in terms of what the City must do. Is it the intent to merely budget the positions or is it the intent to also employ the same positions? Additional discussion on this requirement is included in the City Attorney's confidential memorandum.

Requirement 3

The initiative prohibits the City from contracting out for general police services without prior voter approval. As discussed in the City Attorney's confidential memorandum, it is not clear what constitutes general police services. The City currently contracts out some police services such as helicopter service, lab services, emergency preparedness services, certain investigation services, technology services, animal control services, crossing guard services and jail service. Does it mean upon approval of the initiative the City would be prohibited from contracting out any of those services? If that is the case, then again we cannot at this time determine those fiscal impacts beyond indicating they will likely be significant. Absent clear language, it is not possible to determine the fiscal impact of this requirement.

Fiscal Impacts of the initiative

As discussed earlier it is very hard to calculate the true fiscal impact of the initiative because of lack of clarity and the possibility of multiple interpretations. It is anticipated the fiscal impacts will vary significantly depending on the interpretation of the different provisions.

Notwithstanding the vagaries and uncertainties listed above, the Finance Department staff has made certain assumptions to evaluate to some degree the potential impact of the initiative. A memorandum from David Bass is attached:

Cost of restoring police department positions to 2004/2005 budget level. Per the attached memorandum, compared to the 2004/2005 budget, the 2008/2009 budgeted positions are lower by four positions (two sworn; a captain and one officer and two non-sworn one dispatched and one other). If the same relationship between sworn and non-sworn were followed the additional costs in salaries, benefits, and other costs such as equipment to the City would be about \$610,000 in the first year (2010/2011) with increases in future years.

Impact to bring the police department employees to an estimated survey level In terms of the average compensation, since it is not possible to accurately estimate the cost of compensating the police department employees at the average compensation for the 10 listed agencies, staff can only use some estimates to provide some possible scenarios as follows.

A 1% differential in regular pay for the 105 employees is estimated to cost the City about \$106,000 per year. The cost for each one percent increase in regular salary is approximately \$63,000; and there is an additional cost of \$43,000 for benefits, such as payroll taxes, certain incentives and retirement, which are linked to salary. If it is assumed the gap or difference in salary alone is 4%, then the annual cost of bringing Baldwin Park police employees to the average salary would be \$424,000 (this amount could be lower or higher depending on the actual gap). Due to the uncertainty of the initiatives application, the foregoing assumes a 4% increase for 105 police department employees.

Total estimated impact Under these assumptions, upon approval the initiative would require the City to spend an additional \$1,034,000 for the entire police department staff, again this assumes increasing the number of positions by 4 to a total of 105 and providing a 4% increase in salary for the 105 employees of the police department. (This does not include the impact of bringing the salary of the Police Chief, which under the initiative may also be impacted by the initiative to the average if it is lower.)

Future annual impacts will depend on how much salary and benefit increases the ten cities included in the survey grant their police department employees; and if those are higher or lower than the salary and benefit increases received by Baldwin Park police employees.

An unfunded mandate with no funding or revenue to support this cost increase

The initiative creates a spending requirement without creating any revenue source. In order to comply with the requirements of the initiative the City would need additional revenue. Since the City cannot increase taxes without voter approval, the General Fund would have to reduce expenditures to meet the requirements of the initiative unless the voters approved an increase in taxes.

Based on the above assumptions and the estimated fiscal impact, the City would have to reduce its non-police department employee expenditures by approximately \$1,034,000.

The current General Fund budget is balanced with no extra revenues. If the City were to spend an additional \$1,034,000, then it would have to reduce spending in certain areas. The 2008/2009 General Fund budget is \$25,916,500 and Police budget is \$16,359,400 or 63% of the General Fund budget. Since the initiative would prohibit the police budget from being reduced, reductions would have to come from other departments and activities. However, not all programs can be reduced as discussed in the next paragraph.

Expenditures paid for by special purpose revenues cannot be reduced. The City's General Fund revenues include general purpose revenues (those that can be spent on any activity and function), as well as program specific revenues (those that can only be spent for specific programs, for example building permit fees, planning fees and engineering fees cannot be spent on police activities). Additionally, some of the revenues are cost recovery of expenses incurred and cannot be spent on activities not associated with collection of the revenues. Examples of such revenues would include business license fees. If expenditures that generate those revenues are reduced, then the revenues will also be reduced.

Costs and programs that cannot be reduced. The General fund budget includes numerous costs and programs, which cannot be reduced. Examples of those costs would include debt service to pay bonds and certificates of participation, utility costs, fuel costs, insurance costs, telephone costs, and health benefits for retirees and several maintenance contracts. Some of those costs are spent for the police

department. Additionally, several functions such as Human Resources, Finance and Maintenance, even though not budgeted in the Police Department's budget support the operations of the Police Department and cannot be reduced.

Based on the assumptions made for computing fiscal impact it is estimated that reductions in remaining functions and departments could be in the 20% to 30% range. This is significant especially due to the fact that during the past few years, the budgets and staffing in several departments have been reduced significantly; however, concerted efforts were made to minimize impacts on services and programs. Any further reductions are likely to cause significant program and service impacts.

The majority of the burden of reduction would be borne by programs such as recreation, administration, street maintenance, code enforcement, senior center, swimming pools and parks. Additionally staffing reductions including layoffs are also a strong possibility if the initiative is approved and the City does not receive additional revenues.

Grant Funded programs. Some positions and activities in the Police Department budget are paid with grants and other funding sources. If those grants are eliminated, and the funding sources are not available, then under the initiative the City would be prevented from reducing the programs which would create additional fiscal impacts and greater reductions in other programs. During state budget discussions, there was discussion of eliminating Prop 172 (sales tax revenue dedicated to public safety) and COPS (Community Oriented Policing Services) funding.

Other Impacts

The initiative is likely to create following additional impacts:

Potential impact on morale, performance and productivity in the organization. Upon implementation, the initiative will guarantee automatic pay and benefit increases to some employees based on the surrounding 10 cities, whereas in practice the compensation is based on City's ability to pay, job performance and other factors. If the General Fund has to cut programs, services and employees to pay for the initiative-required increases, then the likelihood of other employees (non-police department employees) receiving any pay raises will be very small. That would very likely result in the creation of an unfair pay structure. For example, a secretary or clerk in the police department could make significantly more money than a secretary or clerk in another department. Those factors could create morale issues and impact recruitment and retention, resulting in impacts on productivity and performance.

Automatic pay increases, that are not based on expectation of certain performance could become entitlements and stagnate or lower performance.

The initiative also eliminates the ability of the City to implement organizational and/or technological efficiencies especially in non-sworn areas that could improve service levels, while at the same time reducing personnel.

Summary of Legal Analysis

The following is a brief synopsis of a few of the points made in the more lengthy legal analysis the City Attorney has provided in a separate memo which is confidential pursuant to the attorney-client privilege:

- The Initiative is Unconstitutionally Vague.

The courts have invalidated other initiative measures on the ground the language was so unclear and open to interpretation it was unconstitutionally vague. As shown by the discussion in this memo, that appears to apply to the subject police compensation initiative in many respects.

- The Initiative is not a "Legislative" Act or Proper Use of Initiative Powers.

Likewise, the courts have invalidated other initiative measures because they did not deal with a legislative matter, but rather an administrative one. That also appears true with regard to the subject initiative. While an initiative may set policy and decide legislative questions, an initiative may not dictate non-legislative actions, such as budgetary and other fiscal and work-force determinations.

- The initiative interferes with the Essential Duty of City Council to Adopt a Budget.

The subject initiative, if passed, would remove from the City Council the power to decide the budget for the police compensation. Instead, police compensation would be determined by the compensation packages determined for other police departments by the City councils of the cities of Arcadia, Covina, West Covina, Alhambra, San Gabriel, Monrovia, Azusa, Glendora, Irwindale, and El Monte.

- Impairment of Contract.

Currently, compensation paid to some, if not all, Baldwin Park Police employees is determined by a written agreement, referred to as the Police MOU. The subject initiative purports to cancel the Police and perhaps other MOUs and replace them with a different method for providing compensation. However, such action may likely be in violation of the Contracts Clauses of both the United States and California Constitutions.

Summary

While we understand the desire of the proponents to seek guaranteed pay raises based on market, it is very important to note such mandates without funding sources to pay for those mandates are not the norm. Such unfunded mandates, which are designed to benefit some, could result in other employees losing jobs and would very likely impact performance and productivity of other employees. If the initiative is

implemented the City would very likely experience significant financial problems; experience reduction in important programs, which will create adverse impacts on service and on the community. Moreover in times of unprecedented fiscal crisis, enormous state and federal budget deficits, this initiative is likely to cause even greater harm.

The City appreciates the contributions of all City employees and sworn officers in particular who ensure the safety of the community. Public safety is a major priority of this City and the City Council. There have been and continue to be significant efforts made to fund public safety. The record is clear on that, since the public safety budget constitutes almost two-thirds of the entire General Fund budget. In fact, compared to other cities Baldwin Park spends a larger portion of its budget on Police Department activities.

The City's commitment to improve compensation for police department employees is evidenced from the fact that over a three year period between June 2004 and July 2007 the personnel costs (salary and benefits) for a top step police officer increased by more than 30%, whereas the CPI increases over the same period was only 15.7%. At the same time, pay increases for other employees was much smaller. During the same period personnel costs and the total budget for the police department increased significantly, whereas several departments experienced reductions both in budget and staffing.

The City of Baldwin Park's per capita taxes are much less when compared to the cities included in the survey (Baldwin Park per capita revenue is approximately 60% of surrounding cities). Even with that limitation, Baldwin Park is very competitive in terms of salary and benefits for employees, including sworn personnel. The City has been very proactive in terms of providing good salaries and benefits to the sworn personnel. It has provided a 3%@50 retirement benefit for sworn personnel several years ahead of some more affluent cities included in the survey. The City's cafeteria plan offers the highest cash back amount.

Additionally, to enhance public safety the City has ensured police officers have the latest tools to be successful. Towards that effort the City has made significant investment in vehicles and other equipment. We have implemented new programs and policies to attract and retain sworn personnel. While the City may not be the highest paying agency, we try to maintain a fulfilling and rewarding environment, which promises opportunity and growth. As a result we have many sworn officers who have been with the City for a very long time.

While we agree with the need to stay close to the market for pay and benefits and over the past years have made significant efforts to narrow the gap, we disagree with the approach of the proponents. Pay and benefit increases should not be unfunded mandates, the City should not be forced into paying what it cannot afford. Employee compensation increases should not be at the expense of other employees or programs and services of interest to the community.

Even though staff has identified all the foregoing potential impacts we would like to assure the Council we are committed to provide quality service to the community and would continue to explore options to prevent or minimize likely impacts if the initiative were placed on the ballot and passed by the voters.

Staff also plans to meet with the Police Association to discuss and share our view on the initiative and to encourage and invite them to work with the City to explore alternate solutions.

We are hopeful the Association will work with the City to seek alternate options such as identifying savings by implementing innovative new programs, embracing technology, exploring options to improve efficiency, as we have done in the past, and if necessary support the City in seeking a potential tax increases at an opportune time to support police staffing increases and pay raises.

Options before the Council:

The City Council has following options

- 1) Adopt the initiative as submitted,
- 2) Place the initiative, as submitted, on the next regular City municipal election scheduled for November 3, 2009, or
- 3) Direct the City attorney to file a suit in superior court seeking declaratory relief and other remedies he deems appropriate.

As discussed in the staff report the initiative is very vague, unclear and open to multiple interpretations. Therefore, it will be virtually impossible to implement the initiative. Staff also believes, as discussed in the report, while the passage of the initiative would promise pay increases to certain employees, the potential fiscal impacts as estimated are likely to create significant financial burdens for the City, cause significant reductions in many programs, require layoffs of other current valuable employees and cause significant impacts on services, which are detrimental to the interests of the community.

Staff is, therefore, proposing the City Council not approve options 1 and 2, but authorize option 3.

RECOMMENDATION

Staff recommends the City Council authorize the CEO and City Attorney to file an action in superior court seeking declaratory relief and other appropriate remedies.

ATTACHMENTS

Exhibit "A" Initiative
Exhibit "B" Financial analysis by Finance staff

PROUDLY SERVING MEMBERS OF
THE FOLLOWING PUBLIC SAFETY
UNIONS:

ADELANTO CORRECTIONAL FEA
ALHAMBRA POA
ANAHEDM POA
AZUSA POA
AZUSA CAPP
BALDWIN PARK POA
BARSTOW POA
BEAUMONT POA
BELL POA
BUENA PARK POA
BURBANK AIRPORT POA
BURBANK POA
CALEXICO POA
CALIFORNIA CITY PFA
CA CORRECT. SUPV. ORG.
CATHEDRAL CITY POA
CHAFFEY COLLEGE POA
CHINO PMA
CHINO POA
CLAREMONT POA
COLTON POA
COMPTON USD POA
CORONA POA
COSTA MESA POA
CULVER CITY POA
CYPRESS POA
DELANO POA
DESERT HOT SPRINGS POA
EAST SAN GABRIEL POA
EL MONTE POA
FONTANA POA
FONTANA SCHOOLS POA
FRESNO POA
GARDENA POA
GARDEN GROVE POA
GLENDALE PARK RANGERS
GLENORA POA
HEMET PMA
HERMOSA BEACH POA
HUNTINGTON PARK POA
IMPERIAL POA
INGLEWOOD POA
INGLEWOOD SCHOOLS POA
INTO DSA
IRVINDALE POA
LA HABRA POA
LA VERNIE POA
LONG BEACH AIRPORT POA
LONG BEACH CC POA
L.A. AIRPORT POA
L.A. COPS
L.A. CORONERS INV. ASSN.
L.A. COUNTY POA
L.A. GENERAL SERV. POA
L.A. POLICE PROTECTIVE LEAGUE
L.A. PORT POA
L.A. SCHOOLS POA
MAMMOTH LAKES POA
MAYWOOD POA
MONO COUNTY DSA
MONO COUNTY PSA
MONROVIA POA
MONTCLAIR POA
MONTEBELLO POA
MONTEREY PARK POA
MONTEREY POA
MURRIETA POA
PORAC'S LDF
RETIRED POAC
RIALTO PMA
RIALTO POA
RIDGECREST POA
RIVERSIDE POA
RIVERSIDE SHERIFFS LEMU
SAN BERNARDINO POA
SAN BERNARDINO COUNTY POA
SAN DIEGO COLLEGE POA
SAN FERNANDO POA
SAN GABRIEL POA
SAN MARINO POA
SANTA PAULA POA
SIERRA MADRE POA
SIGNAL HILL POA
SOUTH GATE POA
TEAMSTERS, LOCAL 911
TORRANCE POA
TRINIDAD POA
UPLAND PFA
UPLAND POA
U.C. BERKELEY POA
U.C. DAVIS POA
U.C. IRVINE POA
U.C. LOS ANGELES POA
U.C. MERCED POA
U.C. RIVERSIDE POA
U.C. SAN DIEGO POA
U.C. SAN FRANCISCO POA
U.C. SANTA BARBARA POA
U.C. SANTA CRUZ POA
VICTORVILLE PFA
WESTMINSTER POA

LACKIE & DAMMEIER
A PROFESSIONAL CORPORATION

367 NORTH SECOND AVENUE
UPLAND, CALIFORNIA 91786
TELEPHONE: (909) 985-4003
FACSIMILE: (909) 985-3299

February 15, 2008

RECEIVED

FEB 19 2008

CITY OF BALDWIN PARK
CITY CLERK'S DEPARTMENT

DIETER C. DAMMEIER
SAKU E. ETHIR
MICHAEL A. MCGILL
ANDREW M. DAWSON
JOHN H. BAKHIT
JOHN J. PEARSON
STEVEN J. BROCK
JULIO A. JARAMILLO
ZAHRA KHOURY

OF COUNSEL
MICHAEL D. LACKIE, APC

SENDER'S EMAIL:
DIETER@POLICEATTORNEY.COM

VIA FACSIMILE & U.S. MAIL
(626) 813-0921

Susan Rubio, City Clerk
City of Baldwin Park
14403 Pacific Avenue
Baldwin Park, CA 91706

Re: Notice of Intent to Circulate Petition and Request for Ballot Title and
Summary California Election Code §§ 9202 & 9203

Dear City Clerk:

Attached, please find a Notice of Intent to Circulate Petition and a copy of the Proposed Measure. Enclosed, also please find a filing fee in the amount of \$200.00.¹ Pursuant to California Elections Code §9203, please submit the proposed measure to the City Attorney to obtain a Ballot Title and Summary. We look forward to your timely response. If you have any questions or concerns, please contact the undersigned at the above address.

Very truly yours,

LACKIE & DAMMEIER APC


Dieter C. Dammeier

DCD/jp

¹ If the City Council has not established a fee for such filing, please return the filing fee.

RECEIVED

FEB 19 2008

CITY OF BALDWIN PARK
CITY CLERK'S DEPARTMENT

NOTICE OF INTENT TO CIRCULATE PETITION

California Election Code §9202

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the Petition within the City of Baldwin Park for the purpose of prioritizing public safety in the City of Baldwin Park by providing police department employees with the average wage and benefits of other municipal police agencies within the San Gabriel Valley. A statement of the reasons of the proposed action as contemplated in the Petition is as follows:

The residents of Baldwin Park view public safety as the top priority for City government to provide. As a result of the City allowing its pay to police department employees to drop below the average of surrounding communities, experienced officers are leaving Baldwin Park and Baldwin Park is not attracting experienced officers from other communities. The net result of the City's inaction is a reduced level of public safety, thereby jeopardizing the lives and wellbeing of its residents. The Baldwin Park Police Officers Association, in an effort to continue to provide the best level of public safety to the Community, seek the residents support in directing City officials to provide compensation and benefits to the average of comparable municipal police agencies located in San Gabriel Valley. By doing this, Baldwin Park will be able to retain and attract more qualified and experienced police employees, thereby providing the high level of public safety each and every resident deserves.

Vivian Olivas

Vivian Olivas 3727 Ahern Drive, Baldwin Park, Ca 91706

Erica Bermudez

Erica Bermudez 4347 Fountain Villas Court, Baldwin Park, Ca 91706

Martha Guerra

Martha Guerra 13122 Fairgrove Ave., Baldwin Park, Ca 91706

We, the undersigned registered voters of the City of Baldwin Park, California, by this petition hereby respectfully request the following ordinance be adopted immediately by the City Council or submitted immediately to a vote of the registered voters of the City of Baldwin Park for their adoption or rejection at a special election:

FEB 19 2008

PRIORITIZING PUBLIC SAFETY

CITY OF BALDWIN PARK
CITY CLERK'S DEPARTMENT

The residents of Baldwin Park declare that City Government's top priority is to provide the best level of public safety service possible. To better achieve such level of service, upon passage of this measure and thereafter, the City of Baldwin Park shall compensate its police department employees at a level to, at a minimum, ensure that they are compensated equal to the average of other police employees in the San Gabriel Valley. This minimum of salary and benefits shall be determined by surveying the salary and benefits for police employees in Arcadia, Covina, West Covina, Alhambra, San Gabriel, Monrovia, Azusa, Glendora, Irwindale and El Monte and, at a minimum, match the average pay and benefits of these cities. After the initial survey and adjustments, upon passage of this measure, this survey shall be completed each January 15th, with salary and benefit adjustments to be made no later than February 1st of each year.

In providing the above salary and benefits, the rank, job classification, assignment and tenure shall be utilized in comparing to the other police departments.

"Salary" shall be defined as base pay. The bottom step and top step position will be used and Baldwin Park's pay at those positions will, at a minimum, be adjusted to match the average of the survey.

"Benefits" shall be defined as any economic remuneration provided to more than one half of the survey cities, including, but not limited to medical insurance, education incentives, certificate pay, longevity pay and retirement benefits. The average of each benefit shall then be provided Baldwin Park police employees.

The Baldwin Park Police Department's budgeted positions shall not fall below the level it was budgeted for in fiscal year 2004-2005, nor shall the City contract out with any entity, public or private, for general police services, without prior voter approval. If prior to passage of this measure, the City contracts out general police services, upon passage of this measure the City's Police Department shall be reinstated and any police employees that were laid off due to contracting out services shall be immediately reinstated. Nothing in this section shall preclude the City from contracting for specialized police services or entering into mutual aid agreements with other law enforcement agencies.

Nothing in this measure shall limit the obligation of the City of Baldwin Park or the Baldwin Park Police Officers Association from meeting and conferring on terms and conditions of employment as otherwise required by law. The City and Baldwin Park Police Officers Association may, if mutually agreed upon, waive or modify any salary or benefits required by this measure.

If any provision of this measure or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect the remaining provisions or application thereof, and to this end, the provisions of this measure are severable.

RECEIVED

FEB 19 2008

CITY OF BALDWIN PARK
CITY CLERK'S DEPARTMENT

PROOF OF SERVICE

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 367 North Second Ave., Upland, California 91786.

On **February 15, 2008**, I served the following document described as Notice of Intent to Circulate Petition and Request for Ballot Title and Summary California Election Code §§ 9202 & 9203 on the interested parties in this action by placing a true and correct copy of each document thereof, enclosed in a sealed envelope addressed as follows:

Susan Rubio, City Clerk City of Baldwin Park 14403 Pacific Ave. Baldwin Park, CA 91706	
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(X) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail at Upland, California.

() By Personal Service, I caused such envelope to be delivered by hand to the above addressee(s).

() By overnight courier, I caused the above-referenced document(s) to be delivered to an overnight courier service (UPS), for delivery to the above addressee(s).

(X) By facsimile machine, I caused the above-referenced document(s) to be transmitted to the above-named persons(s) at the following telecopy number: **626-813-0921**

() Certified Mail:

Executed on **February 15, 2008**, at Upland, California.

(X) (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

() (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Julie Peterson



CITY OF BALDWIN PARK

MEMORANDUM

TO: Vijay Singhal, Chief Executive Officer

FROM: David A. Bass, Finance Consultant *D. Bass*

DATE: October 8, 2008

SUBJECT: Fiscal Impact of Proposed Baldwin Park Police Initiative

The proposed initiative will have a significant fiscal impact on the City as a result of the required staffing level and likely increases in salaries and benefits.

1. The initiative requires a mandated number of employees and a mandated level of salary and benefits. The total first year cost of the two mandates is estimated at \$1,035,000. The detail of the two mandates is as follows:
 - a. The initiative requires that the "Police Department's budgeted positions shall not fall below the level it was budgeted for in fiscal year 2004-2005". The current budgeted staffing level is four positions (two sworn and two non-sworn [civilian]¹) less than in fiscal year 2004-2005². If the same relationship between sworn and non-sworn were following the additional costs in salaries, benefits, and other costs to the City would be about \$610,000 in the first year and increase in future years.
 - b. The initiative requires the City to "shall compensate its police department employee at a level to, at a minimum; ensure that they are compensated equal to the average of other police employees in the San Gabriel Valley". It is unknown as to where Baldwin Park is relative to the average, however, the cost for each one percent increase in pay is an additional cost to the City of \$106,000 per year (\$63,000 in regular pay and \$43,000 in benefits that are based on regular pay). Using an estimated 4% differential (Baldwin Park salary at 4% less than the average), indicates a yearly increase in costs of 424,000. A survey will need to be conducted to determine the actual cost of this mandate.

¹ The initiative does not differentiate between sworn and non-sworn positions

² The FY 2004-05 Police Department budget contained a budget line item called "Management Resources" totaling \$401,220. Management Resources is a negative budget amount (reduces the department budget). This reduction would have been the equivalent cost of about three to four police officer positions, which may indicate that the net budgeted positions is 101 not 105.

2. The City's General Fund, which funds virtually all of the Police budget, contains both general purpose revenues and program specific revenues (for example building permit fees and planning fees). The programs that are funded with program specific revenues cannot be eliminated unless the revenue is also eliminated. Additionally, some of the revenue is required to be allocated to other funds for such expenditures as debt service/lease payments and liability/other insurance payments.

Below is a worksheet which shows that the amount of expenditures available for reduction of \$3,697,600. Since the estimated additional cost of the initiative is \$1,035,000, the reduction would be about 25%.

Fiscal Impact of Police Initiative
Based on FY 2008-09 Budget

General Fund expenditures	25,916,500	
Less: Transfers Out	<u>2,119,300</u>	
Net General Fund expenditures		23,797,200
Less: General Fund Police budget		<u>16,359,400</u>
Remaining expenditure budget		7,437,800
Less: Program Specific Revenues		
Public Works	551,200	
Community Development	947,700	
Recreation	25,000	
Finance	<u>565,000</u>	2,088,900
Less: Required expenditures		
Human Resources (50%)	153,100	
Finance (40%)	342,600	
Utilities	262,400	
Liability Insurance	395,200	
Debt/Lease payments	<u>92,300</u>	1,245,600
Amount of expenditures subject to reduction		4,103,300
Estimated Cost of police initiative		1,034,000
Mandated expenditure reduction		25%

The following is the General Fund costs of the departments for FY 2004-05 (the base year for determining the number of mandated police department employees) and the FY 2008-09 Budget.

DEPARTMENT	FY 2005 ACTUAL	FY 2009 BUDGET	FY 2005 vs FY 2009
Leadership & Support:			
Administration	649,491	464,000	(185,491)
Human Resources	205,751	306,200	100,449
Finance	919,199	856,700	(62,499)
	1,774,441	1,626,900	(147,541)
Legal Services	209,180	301,200	92,020
Retiree Medical	368,174	571,000	202,826
Community Dev	937,277	1,133,300	196,023
Public Works	539,821	504,000	(35,821)
Recreation	2,774,227	3,314,800	540,573
Police	13,148,001	16,484,700	3,336,699
Grand Total	19,751,121	23,935,900	4,184,779
As of % of Total			
Police			80%
All Other			20%

3. Impacts not addressed in the initiative:

- A. The Police Department also spends about \$520,400 in non-general and/or grant ("Special") funds. Additionally, in FY 2004-05 a few police positions were funded with grants. If those grants are eliminated, the City would, under the initiative, be prevented from eliminating those grant funded positions. If these funds are reduced or eliminated then the Police department would require a greater level of General funds. This would then cause further reductions in other departments (primarily recreation). During the State budget balancing discussions, there was a proposal to divert the Prop 172 (sales tax revenue dedicated to public safety) funding from cities to counties. This would have resulted in a loss of about \$277,800 in special funds, and therefore a reduction in about two police officer positions. Under the proposed initiative the City would be mandated to use General Funds to offset the loss, and therefore reduce other City programs.
- B. The costs for Baldwin Park will essentially be determined by the San Gabriel Valley cities since Baldwin Park will be required to compensate (pay and benefits) in an amount, at a minimum, the average pay and benefits of San Gabriel Valley cities. The City will not be able to pay salaries and benefits based on the City's ability to pay, but based on other cities (which have greater revenues than Baldwin Park) ability to pay. This could result in either deficit spending and/or program reductions.

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VERIFICATION

I have read the foregoing *Verified Petition for Writ of Mandate*, and know its contents. I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters, which are based on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 29, 2008, at Baldwin Park, California.

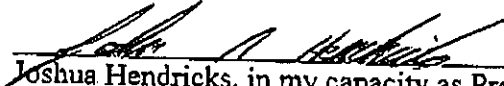
Vivian Olivas
Vivian Olivas, Petitioner

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VERIFICATION

I have read the foregoing *Verified Petition for Writ of Mandate*, and know its contents. I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters, which are based on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on OCT. 29, 2008, at BALDWIN PARK, California.


Joshua Hendricks, in my capacity as President of
Petitioner Baldwin Park Association

SHORT TITLE:

Baldwin POA v. City of Baldwin Park et al

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL _____ ☐ HOURS/ ☐ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 2., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

SHORT TITLE: Baldwin POA v. City of Baldwin Park et al		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: Baldwin POA v. City of Baldwin Park et al	CASE NUMBER
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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input checked="" type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Baldwin POA v. City of Baldwin Park et al	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 14403 E. Pacific Avenue	
CITY: Baldwin Park	STATE: CA	ZIP CODE: 91706	

Item IV. *Declaration of Assignment*: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

Dated: October 29, 2008


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:
--

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Danielle K. Little, SNB 239784 LACKIE, DAMMEIER & MCGILL, APC 367 N. Second Avenue Upland, CA 91786 TELEPHONE NO.: 909-985-4003 FAX NO.: 909-985-3299		FOR COURT USE ONLY	
ATTORNEY FOR (Name): Baldwin Park Police Officers Association, Petitioner			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles, CA 90012-3014 BRANCH NAME: Central District			
CASE NAME: Baldwin Park POA v. City of Baldwin Park, et al			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER:
			JUDGE:
			DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
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3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): One

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 29, 2008

Danielle K. Little, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition