

City of Colton
City Hall – Council Chambers
650 N. La Cadena Drive
Colton, CA 92324

LEGISLATIVE AFFAIRS COMMITTEE MEETING

Monday, March 10, 2014
5:00 p.m.

Committee Members:

Council Member David Toro, Council Member Frank Navarro, Council Member Deirdre Bennett
Staff Liaisons: City Manager, City Clerk, City Council Office

1. Meeting: General Business

- a. Call to Order/Roll-Call
- b. Minutes: January 13, 2014
- c. Correspondence

2. Appointment

- a. Seating of Legislative Affairs Committee Chair

3. Public Comment

4. Recap/Old Business

- a. Discussion of programs of the Legislative Affairs Committee
 - i. Municipal Code Review:
 - 1. Assignment of Chapters for Review
 - 2. Discuss creation of a “Bail Schedule”
 - 3. New Ordinances/Resolutions:
 - a. Animal Control Ordinance
 - b. Code Compliance Ordinances - Landscaping
 - c. Curb Painting on Public Property
 - ii. Oversight of City Legislative Program
 - 1. New State or Federal Legislation
 - iii. Representation – Legislative Actions:
 - 1. League of California Cities
 - 2. Southern California Council of Governments (SCAG)
 - 3. National League of Cities
 - iv. Manual of Operations (MOP)
 - 1. Discuss is there a better way
 - a. Instead of a MOP maybe a Council/Administrative Policy manual combined. Discuss Pros and Cons.

5. New Business

- a. Animal Services Report
 - 1. Enforcement function and City of San Bernardino Animal Control contract
- b. United States Postal Service Letter Carriers Resolution
 - 1. Request for Letter of Support and City Resolution supporting their efforts
- c. Colton Wildlands Conservancy
 - 1. Tentative approval of support for the Colton Wildlands Conservancy until conditions of a City business license and 501(c)(3) status are obtained

Please Note: Any person requiring additional services to participate in the meeting may contact the City Clerk’s Office at (909) 370-5135.

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- d. Massage Therapy and Prevention of Human Trafficking – AB1147
 - 1. Letter of Support for AB1147 Legislation
- e. Committee Member Comments
- f. Staff Comments
- g. Setting Standing Meeting Schedule – Proposed every 60 days

6. Adjournment: Next Meeting Date: May 19, 2014

LEGISLATIVE AFFAIRS COMMITTEE MEETING MINUTES
CITY OF COLTON
Monday, January 13, 2014
5:00 P.M.

LOCATION: City of Colton Council Chambers
650 N. La Cadena Drive, Colton, CA 92324

1. GENERAL BUSINESS

a. CALL TO ORDER/ROLL CALL

The Legislative Affairs Committee meeting was held on the above-given date and was called to order at 5:03 p.m. in the Council Chambers of City Hall, with Council Member Frank Navarro presiding. Roll Call was taken by City Clerk Eileen Gomez as follows:

ROLL CALL

Committee Members Present

Frank Navarro, Council Member
Deirdre Bennett, Council Member

Staff Liaisons/Representatives Present

Stephen Compton, City Manager
Eileen Gomez, City Clerk
Adelfa Flores, Council Office Manager
Art Morgan, Economic Development Manager
Victor Ortiz, Public Works Engineering Superintendent
Steve Ward, Police Chief
Mark Tomich, Development Services Director
Lt. Mike Hadden, Police Department
Eric Wickman, Animal Services Officer
Rachel Carnell, Lead Code Compliance Officer

Committee Members/Staff Absent

David Toro, Mayor Pro Tem

b. Minutes

New Committee – no minutes.

c. Correspondence

None.

2. PUBLIC COMMENT

None.

3. INFORMATION – OLD BUSINESS

None.

4. PROGRAMS – NEW BUSINESS

a. Seating of Legislative Affairs Committee Chair

Mr. Compton stated that since all members were unable to be present at this meeting, this item will be brought back on the next LAC agenda. City Manager Stephen Compton provided an overview of the Legislative Affairs Committee (LAC) and its primary function, the process for coordinating the agenda, and the preparation of minutes. Mr. Compton explained that Council Member Toro contacted him stating that he would not be in attendance for this meeting and informed members present that an agenda for another meeting could be reposted. Mr. Compton informed members that on December 30, 2013, he sent out a Council Norms & Ethics document in an effort to move forward with goals, missions and visions. Mr. Compton stated that he is in the process of conducting an executive staff retreat to develop specific measurable goals and to provide Council with options including timelines for projects. The Council will provide annual City-wide goals to provide direction to the City Manager. The Council will also provide five measurable goals for the City Manager's performance that are different from the broad City goals.

b. Discussion of programs of the Legislative Affairs Committee

Mr. Compton explained that he has been working with Council Office Manager Adelfa Flores on the 2011 goals and accomplishments and will be putting an analysis together for a goals workshop in February. He stated that we need a way to implement good sharing of communications and that the objective that came out of the December meeting was the structure of the Legislative Affairs Committee. Mr. Compton explained that the Council approved the establishment of the Legislative Affairs Committee as a standing "Brown Act" committee, renaming the Political Reform Committee, in order to advance the City's legislative agenda. Mr. Compton continued discussion regarding the benefits of having the LAC as a forum to bring forward discussion items from the League of California Cities and other topics such as the Regional Housing Needs Assessment (RHNA).

i. Municipal Code Review

1. Assignment of Chapters for Review

Mr. Compton stated that one of the assignments for this committee is to review the municipal code and that members were provided with the first three chapters. He explained that there will be a review process and that as part of state law, every two years a committee must be created to review the municipal code. Unless we have a department that has an ordinance to be changed such as Development Services, the municipal code usually does not go through review very often. At the same time, this gives Council the opportunity to provide their input regarding ordinances that are lacking in our current municipal code.

2. Discuss creation of a "Bail Schedule"

Mr. Compton stated that another issue that flows from the review to be discussed is the creation of the bail schedule issue. Mr. Compton reported that he met with the City Clerk Eileen Gomez and Police Chief Steve Ward to discuss this matter and continued to explain the process for codifying the bail schedule. He also encouraged members to research other cities to see how the bail schedule is codified in their municipal codes and described the bail process in the local jails. Mr. Compton stated that City Clerk Gomez is corresponding with our municipal code vendor regarding the codification of the bail schedule.

3. New Ordinances/Resolutions

a. Urgency Ordinance – Pallet Company

Mr. Compton informed members that the urgency ordinance for pallet companies will be before Council on February 18th as requested by Council in December.

b. Animal Control Ordinance

Mr. Compton stated that the Animal Control ordinance issue is currently being addressed due to the recent death of a child caused in the City. This ordinance is being reviewed by the Police Department, with progress to be reported to the LAC by Police Chief Ward as to whether or not a change to the ordinance would have changed the result of these circumstances.

c. Code Compliance Ordinances – Landscaping

Mr. Compton reported that the Code Compliance ordinance regarding landscaping has recently been addressed by council members concerning the “letter of the law” versus the “spirit of the law” in reference to public parkways and how it is being enforced.

d. Curb Painting on Public Property

Mr. Compton stated that there have been safety concerns regarding curb painting on public property and whether or not they would request that an ordinance be drafted to address this issue. Mr. Compton summarized the background on this issue and explained that there have been reports of unsafe 911 calls due to numbers being painted over on curbs. Mr. Compton stated that he has received complaints about unlicensed individuals painting and repainting numbers on curbs throughout Colton.

ii. Oversight of City Legislative Program

1. New State or Federal Legislation

Mr. Compton updated members on the proposal being brought forward during budget discussions to utilize the \$48,000 that was previously paid for a lobbyist, and reassign this amount for a grant writer. Mr. Compton explained that the Economic Development Manager has been reviewing the grant writing process and also auditing our current grants to see which ones are in place and are being administered by the City. He also stated that they are currently interviewing an agency that would potentially be under contract for these services. The objective is to be more efficient with our grant process.

ii. Representation – Legislative Actions

1. League of California Cities

2. Southern California Association of Governments (SCAG)

3. National League of Cities

Mr. Compton explained that this could be the forum where Council can push for legislation or bring back information from the League of California Cities, Southern California Association of Governments (SCAG), the National League of Cities, and other local boards in surrounding cities. Mr. Compton reported that he distributed the League of California Cities 2014 issues under separate memorandum and provided a summary of the information printed. Mr. Compton stated that he and Adelfa Flores oversee the Legislative Program adopted in September 2013.

iii. Manual of Operations (MOP)

1. Discuss is there a better way

a. Instead of a MOP maybe a Council/Administrative Policy manual combined. Discuss Pros and Cons

Mr. Compton informed members that he has two large binders with administrative policies that have not yet been codified. He stated that there needs to be discussion regarding the type of administrative policies we need to have in the City. Employees need to know what their responsibilities are and also what the best practices are for the City. Mr. Compton explained that this would assist not only employees but also council members to better understand how the City is functioning. This information is especially relevant during litigation so we have standards in place to refer to. Mr. Compton explained that we currently have a Manual of Procedures that needs to be reviewed and updated.

c. Committee Member Comments

Council Member Navarro asked that Roll Call be taken for the record. City Clerk Gomez announced Roll Call with members present and absent as stated above. He also expressed gratitude to staff for handling legislative issues that are detrimental to Colton and commented that it is beneficial to work together to move our community forward. Council Member Navarro also stated that they would like to select a Chair for this committee at the next LAC meeting. Council Member Bennett stated that the agenda is easy to follow and is set up as a similar model to an education format. Council Member Bennett informed members that she serves on the League of California Cities Policy Committee and stated that she would be willing to bring any information to them that this committee would approve. She also commented on how important the LAC committee is to move City business forward, in particular, the curb painting issue and emphasized the importance of coordinating an ordinance to address this.

d. Staff Comments

Mr. Compton commented that the LAC would be the forum to bring questions and to discuss concerns from council members regarding policies, procedures, legislation, resolutions and ordinances prior to being submitted for Council approval. Mr. Compton provided a brief overview of the handouts provided in the LAC binder regarding grants that staff will pursue and monitor and will decide how the information will be presented to this committee and then brought forward to Council. There was discussion regarding the LAC objectives and future agenda items. City Clerk Gomez stated that she will provide the information in the binder to the other attendees for their reference. She also informed members that since we will be reviewing the municipal code, we will be putting together a separate binder for that information so we can use the LAC binder for other information. Council Member Navarro asked to keep the municipal code review to three chapters at a time since it is intensive reading. Adelfa Flores stated that the Council Office received a request for a letter of support regarding Assembly Bill 1147 in relation to the awareness and prevention of human trafficking.

e. Setting Standing Meeting Schedule – Proposed every 60 days

Mr. Compton stated that the next proposed meeting will be scheduled for January 27, 2014, to continue the business on this agenda. He reported that staff will send any pertinent information to LAC members between meetings when necessary that needs to be reviewed prior to the next regularly scheduled meeting. Mr. Compton also stated that future items may be verbal reports only and there may not be staff reports at every meeting.

5. Adjournment: Next Meeting Date: May 19, 2014

The Legislative Affairs Committee adjourned at 5:38 p.m. The next meeting will be scheduled for Monday, May 19, 2014.

Eileen C. Gomez, CMC
City Clerk//Secretary

**COLTON POLICE DEPARTMENT
INTEROFFICE MEMORANDUM**

TO:	Chief S. Ward	DATE :1/29/14
FROM:	LT. M. Hadden	
SUBJECT:	Animal Services Report	

The City of Colton is responsible for two main functions regarding animal services: enforcement of City Ordinances related to animals and housing of animals impounded under City Ordinances. The City conducts the enforcement function, while housing is contracted out to the City of San Bernardino Animal Shelter. Within the City, the Police Department is charged with the responsibility of conducting enforcement.

Animal Services Unit

In order of priority, the enforcement function is performed by responding to calls for service from the public, conducting follow-up investigation on prior calls to ensure compliance, and proactive patrol. Animal-related calls are generally handled by an Animal Services Officer; however, in his/her absence they are handled by uniformed Patrol Officers based upon availability. There is currently one employee assigned as the Animal Services Officer. While license-checking should also be a task completed by the Animal Services Officer, the current workload allows doing so only in response to an underlying call for service.

Statistics – 2013

In calendar year 2013, animal-related activity was as follows: 2,682 calls for service, 47 reported dog bites, 3 reported other animal bites, 462 dog impoundments, 158 other animal impoundments, 458 dead animal disposals, 187 reports written, 7 notice of violations written, 180 citations issued, and 61 fines issued.

Monthly averages are as follows: 224 +/- 33 calls for service, 4 +/- 3 reported dog bites, 0.3 +/- 0.5 reported other animal bites, 39 +/- 10 dog impoundments, 13 +/- 22 other animal impoundments, 38 +/- 13 dead animal disposals, 16 +/- 4 reports written, 0.6 +/- 0.7 notice of violations written, 15 +/- 5 citations issued, and 5 +/- 3 fines issued.

Animal Services Officer Status

The Police Department has been operating without a full time Animal Control Officer since August of 2012, when the employee in that position was placed on administrative leave for misconduct. The employee was eventually terminated. A part time Department employee was assigned animal services duty and performed the duties on a part time basis until October of 2013.

In October of 2013, the Department was authorized to hire the part time employee as full time employee on a six-month provisional basis. **The provisional basis will expire in April of 2014.** The employee currently works Friday through Tuesday. Animal services does not have coverage Wednesday and Thursday. On those days, emergency calls are handled by sworn Patrol Officers and non-emergency calls as time permits.

The previous Animal Control Officer's bargaining unit was the Colton Police Officers' Association (CPOA). As such, whenever the CPOA received increases in pay or benefits, so did the Animal Control Officer. Unlike Police Officers in CPOA whose pay and benefits simply kept pace with the low end of their salary survey, the Animal Control Officer's pay and benefits eventually far exceeded that of other Animal Control Officers in the region.

The Animal Control Officer position was removed from CPOA's membership roles. On January 8, 2014 a reclassification request was submitted to Human Resources to change title of the position from Animal Control Officer to Animal Services Officer, set pay and benefits commensurate with assigned duties and consistent with other animal control employees within the region, and place the Animal Services Officer in the San Bernardino Public Employees' Association (SBPEA) bargaining unit.

The Chief provided Human Resources CPOA's letter removing the ACO position from their membership. Human Resources was to contact SBPEA to secure agreement to add the Animal Services Officer position to their membership. The status on approval of the request and addition of the position to SBPEA is unknown at this time.

Salary savings from the reclassification are projected to be sufficient to add a part time Animal Services Officer. The additional part time employee would allow seven-day animal services coverage and increase proactive patrol and license checking.

ACO Vehicle Status

The vehicle used for Animal Services is a white, 2004, Chevrolet, utility truck, fueled with natural gas, with 96,000 miles of service and is in very poor condition. Conservatively, the vehicle has had approximately \$17,659 worth of repairs. It currently requires \$1,800 more for replacement of injectors. The vehicle must be replaced soon.

Enforcement Methods

Violations of the California Penal Code are handled criminally through the San Bernardino Superior Court. Custodial arrests, investigations, and bookings are performed by sworn Police Officers. Non-custodial arrests or charges are performed by the Animal Services Officer by issuance of a criminal citation.

Violations of City Ordinances are addressed by the Animal Services Officer through issuance of Administrative Citations. The Administrative Citation method has been found to be the most effective in gaining compliance, changing unwanted behavior, and collecting fines when warranted. Use of the Superior Court System has been found to be ineffective as the Court is overwhelmed with criminal State penal cases and judges often times in the past dismissed charges or greatly reduced fines.

City Ordinance Effectiveness

The City provides adequate ordinances for the protection and well-being of animals and people. In particular, there is a solid procedure for dealing with vicious animals. When an animal has been designated or declared vicious, the Animal Services Officer may seize the animal and house it at the animal shelter pending a ruling by CCHAB.

A review of the City's animal ordinances following the 9/23/13 death investigation on Citrus did not result in recommendations to change current animal control ordinances. Animal Control procedures were followed by the Police Staff, and the dangerous animal condition was presented to the Code Compliance & Housing Appeals Board at the 10/16/13. The dogs in the death investigation were declared a public nuisance and the property owners were prohibited from owning, possessing, controlling, or having custody of any dogs in the City of Colton for three years.

The difficulty faced by Animal Services is not the sufficiency or effectiveness of City ordinances, but the number of personnel devoted to enforcing those ordinances and gaining compliance.

That being said, Animal Services believes the following additions would enhance their ability to serve the City:

1. Methods of restraint Ordinance

- Any person walking a dog on a leash on public property and the private property of others must keep the dog on a leash and under physical control being able to restrain the movement of the dog with the leash at all times. The leash must be kept in good condition and of proper length to control the dog from harassing pedestrians or other animals.
- Fencing must be properly maintained to provide a secured area to maintain the dog on the owner's property. Fencing material should coincide with zoning requirements listed under C.M.C 18.38
- Tie-outs must be of sufficient length to allow the animal freedom of movement without becoming tangled, but never less than eight feet in length. Tie-outs should never be the primary means of restraint and for no longer than 8 hours and animal should be observed every two hours to ensure the animals well being.
- It is unlawful to use weighted chain collar as a method of restraint.
- No person shall use a dog as a weapon or to threaten or harass other persons or animals
- It is unlawful to keep a dog where the dog charges the fence, leaps up and reaches across the fence in an assaultive manner to persons on public property or onto a neighboring property.

2. Animals and vehicles

- No person shall transport or carry, on any public highway or public roadway, any dog(s) or other animal(s) in a motor vehicle unless the animal is safely enclosed within the vehicle or protected by a cap or container, cage or other device.
- No person shall leave any animal in a vehicle without adequate ventilation, or in such a manner to subject the animal to extreme temperatures which adversely affect the animals' health or welfare.

3. Material to remove dog feces

Animal services has no course of action at this time to enforce animal owners who do not adequately remove their pets feces when walking the animals on the public walk ways or on private property not owned by the person.

Dog Licensing Costs and Process

The Animal Services Division as prescribed under the Colton Municipal Code 7.08.010 requires residents to license dog(s) if owned by the resident over 30 days; and if the dog(s) is over 4 months of age. New licensees can obtain a dog license through the Finance Department upon showing proof of residency, and current rabies shot record.

If the dog(s) have been spayed or neutered the resident will receive a discounted rate once a copy of the spay or neuter certificate has been provided to the Finance Department. All dog license renewal notices are automatically generated by the Police Department record system "Dog Search" and notices are mailed out on a monthly basis by the Animal Services Officer. Once a resident has received the renewal notice they can contact the Finance Department to pay the dog license renewal fee.

When licensing payment has been made, Finance forwards a copy of the payment to the Animal Services Officer, who updates the Police Department's record system.

Licensing Fees for Colton and Surrounding Jurisdictions:

Colton - \$50.00 Unaltered, \$9.00 Altered, \$4.50 Senior Altered, \$25.00 Senior Unaltered

Redlands - \$23.00 Flat Fee

Rialto - \$45.70 Unaltered, \$11.40 Altered, \$5.70 Senior Altered, \$22.80 Senior Unaltered

San Bernardino - \$75.00 Unaltered, \$20.00 Altered, \$10.00 Senior Altered

Fontana- \$75.00 Unaltered, \$20.00 Altered, \$10.00 Senior Altered

San Bernardino County - \$96.00 Unaltered, \$15.00 Altered, \$9.00 Senior Altered

Riverside County - \$100.00 Unaltered, \$16.00 Altered, \$10.00 Senior Altered

Riverside - \$96.00 Unaltered, \$16.00 Altered, \$10.00 Senior Altered

Rabies Clinics

The Animal Services Officer hosts dog license and low cost vaccination clinics three to four times a year, between the months of May-June. The Officer coordinates with the Veterinarian and staff contracted by the City to attend the clinics to administer the low cost vaccinations; as

well as four to five Finance Department employees to enter the dog license information and accept payments.

Surrounding Cities Allotment of Animals Allowed per Residence

Colton: Total of 6 animals

Redlands: 3 dogs and 3 cats

Rialto: Total of 4 animals

San Bernardino: 3 dogs and 5 cats

Fontana: 3 dogs and 3 cats

S.B. County: Total of 4 animals (except Big Bear-Total of 2 animals)

Riverside County: Total of 5 animals (City and County)

San Bernardino Animal Shelter Contract

The City of Colton has an Animal Housing Services agreement with the City of San Bernardino. The term of the current agreement is July 1, 2011 to June 30, 2014. As specified in the agreement, the City of San Bernardino will impound, care for and dispose of animals delivered to the San Bernardino Animal Shelter by residents of, or official representatives of, Colton according to the provisions of this Agreement. In consideration for the service, the City of Colton pays to the City of San Bernardino \$206,487 annually (\$175,514 for animal housing plus \$30,973 for shelter improvements) in 12 monthly payments of \$17,207.25.

The City of San Bernardino is currently proposing creation of a new "state of the art" animal shelter that complies with all current legal and best practice requirements. The proposed location is nearby the current shelter's location. Extensive planning has already been conducted, and San Bernardino is seeking partners in the project. San Bernardino seeks to establish the shelter as its own entity, create a JPA with other jurisdictions, and govern its operations and policies with a board of representative jurisdictions. Total costs for the project and, therefore, required contributions from interested jurisdictions have not yet been provided.

Alternative Shelters / Feasibility

Below is a list of local animal shelters. As stated in the above statistics, the City of Colton handles a large number of animals annually that are housed at the San Bernardino Animal Shelter (462 dog impoundments, 158 other animal impoundments, 458 dead animal disposals).

The Animal Services Officer advised that other local shelters are challenged in being able to house animals of their own jurisdiction. Many local "No Kill" shelters are smaller-scale

operations and it is unknown, at this date, if they could or would even be willing to handle the volume this City generates. Further research is required and will be forthcoming.

Experience demonstrates that animal shelters are prohibitively expensive to build and operate and are magnets for litigation and public criticism. San Bernardino's proposed new shelter operated under a JPA spreads out the costs and mitigates liability and public criticism for participating jurisdictions. It is not, however, proposed as a "No Kill" shelter. The status of the project is unknown, but I am awaiting information from the project manager at the San Bernardino Police Department.

Local Animal Shelters:

San Bernardino City
333 Chandler Place
San Bernardino, CA 92408
(909)-384-1304

San Bernardino County
19777 Shelter Way
San Bernardino, CA 92410
(909)386-9820

Redlands
504 Kansas Street
Redlands, CA 92374
(909)798-7644

Yucaipa (no kill)
11937 13th Street
Yucaipa, CA 92399
(909)790-1440

Riverside County
6851 Van Buren Blvd.
Jurupa Valley, CA 92509
(951)358-7387

Rancho Cucamonga
11780 Arrow Route
Rancho Cucamonga, CA 91730
(909)466-7387



DATE: March 10, 2014
TO: Legislative Affairs Committee Members
FROM: City Manager Stephen Compton
SUBJECT: U.S. National Association of Letter Carriers, Branch #411 –
Request for City of Colton Resolution

Council Member Frank Navarro received a request from Mr. Steve Herrera representing the National Association of Letter Carriers (NALC) Local Branch #411. This request is for Colton City Council to support the NALC efforts against Congressional Legislation that will pose to be a financial impact on U.S. Letter Carriers across the nation.

On behalf of NALC, Branch #411, Mr. Greg LaMatte also submitted the attached letter requesting for city support. Some of the noted concerns were the reduction of Post Office service hours, closure of smaller Post Offices, consolidation of distribution/sorting facilities and eliminating Saturday deliveries.

For your immediate reference, staff has also attached the Senate Committee's Mark-up of Postal Reform Act, dated January 29, 2014

ATTACHMENTS

- A - Letter from Greg LaMotte
- B - Sample Resolution
- C - U.S. Senate Committee on Homeland Security and Governance Affairs, Mark-up of Postal Reform Act, dated January 29, 2014

ATTACHMENT "A"

Dear Mayor and Council Members,

Mr. Steve Herrera, Sargent at Arms, for the National Association of Letter Carriers, Branch 411, contacted the Colton City Council about passing a resolution that will protect the Post Office. Here is some additional information:

Contrary to popular belief, the U.S. Postal Service is not broke. What the media is not saying often enough is how Congress created the post office's financial problems.

Since 2007, a short-sighted mandate from Congress (from a lame duck Congress) has required the Postal Service to set aside, in just 10 years, enough money to pay all future health care retirement benefits for the next 75 years — something no other public agency or private company is required to do. That means the Postal Service is paying for benefits of employees not even born yet. This is the same as paying your 30 year mortgage off in less than 4 years. This account has about \$50 billion in it now — already funded about 50 percent — accounting for 80 percent of the Postal Service's red ink during this period. A strong case can also be made that this account is already fully funded with more than 130,000 less career postal employees now than when the bill was passed.

The Postal Service recently released its year-end financial report on Nov. 15. It shows the service is strong and growing. It reported an operating profit of \$600 million, thanks to the exploding E-commerce of parcels — up about 9 percent for 2013. But the media reports a \$5 billion loss because of the \$5.6 billion prefunding mandate. The mandate accounted for 100 percent of the so-called loss of the fiscal year 2013. Released on Feb 7, 2014, the Postal Service figures for the first quarter of 2014 are highly encouraging and show why the postal network must be maintained and strengthened, not degraded.

The announced operating profit of \$765 million for the first quarter is dramatic in itself—and it continues the operating profitability that began last year. The Postal Service's unmatched networks and outstanding employees have made these striking results possible. And these trends augur well for the future, because they reflect the opportunities increasingly presented by the Internet and by an improving economy. Package revenues resulting from online shopping rose by more than 14 percent this quarter—more than offsetting the small decline in letter revenue.

This quarter's \$765 million operating profit compares with the \$100 million from the first quarter of 2013—another sign of improving postal finances.

In light of these results, lawmakers should strengthen the postal network while addressing the remaining problem: the congressional mandate to pre-fund future retiree benefits, required of no other public or private entity in the country. Degrading the network and reducing services to the public and businesses would jeopardize the postal turnaround.

Congress created this problem, and they must fix it. It is a shame that you, the American people are not being told the truth. Here are some interesting facts:

- The U.S. Postal Service pays for its operations through the sale of postage and services. It is not funded by tax dollars.
- The U.S. Postal Service maintains the most affordable postage in the industrialized world. A first-class stamp, which costs 49 cents in America, costs 79 cents in France, 72 cents in Britain and 59 cents in Germany.
- The U.S. Postal Service delivers to more addresses daily than UPS and FedEx combined. It delivers to 152 million homes, businesses, and P.O. boxes six days a week. In fact, the U.S. Postal Service delivers hundreds of thousands UPS and FedEx packages through its "last mile" network. The U.S. Postal Service can deliver them more efficiently, saving you money.

- The U.S. Postal Service is more than just the Postal Service. It's a vital network that connects every single American home and business six days a week and delivers directly to your door. No other business in America can say it connects customers that well.
- Because the U.S. Postal Service reaches every address, letter carriers across the U.S. have been trained to deliver life-saving medicines in case of a bioterrorist attack.
- Small businesses along with many Americans, particularly seniors, depend on the Postal Service for receipt of their prescription drugs, primarily delivered on Saturdays.

Nobody knows your neighborhood better than your letter carrier. Countless lives have been saved, children and pets safely returned, crimes prevented or reported, all because your letter carrier is there, six days a week. Letter carriers are the eyes and ears of every neighborhood in America. And they are often the only human contact to elderly customers who are unable to leave their homes.

Reduction in window hours, closing of small offices, consolidation of distribution/sorting facilities and eliminating Saturday delivery are all unnecessary cuts to your services.

There's even a bill proposing cluster boxes in centrally located areas for mail delivery. That means instead of getting your mail delivered to your door, you'll be traipsing through the neighborhood for blocks to retrieve your mail. How is Grandma supposed to get her mail, especially in inclement weather?

By ending the pre-funding mandate, there would be no need to cut any of your services and there would be funds available to expand operations to offer new and innovative services.

Congress needs to hear from you. Tell them to end the unfair pre-funding burden, keep your mail boxes on your homes, and above all — keep six day mail delivery. Any postal bill must do all three of these things.

The Postal Service is poised to make an epic comeback. We need Congress to enact a limited set of sensible reforms, and then get out of our way.

We are asking that the Colton City Council, stand with Letter Carriers and cities across the state of California and pass this resolution.

Thank you,

Gregory M. LaMotte
President, NALC
Branch 411
(909) 882-0429

ATTACHMENT "B"

RECEIVED

FEB 08 REC'D

CITY OF COLTON
MAYOR'S OFFICE

ADP/SA

City Council Resolution

WHEREAS, The US Postal Service is a vital component of this country's economic and communications infrastructure handling and delivering 160 billion pieces of mail and generating more than \$65 billion in revenues annually, while receiving no taxpayer funding; and

WHEREAS, The mailing industry, which employs 8 million Americans, generates over \$1 trillion dollars annually, and represents approximately seven percent of the country's Gross Domestic Product (GDP), depends on the US Postal Service's invaluable mail processing, retail and last-mile delivery networks 6 days a week; and

WHEREAS, The US Postal Service is the only private company or federal agency required by Congress to pre-fund future retiree health benefits for 75 years, requiring \$5.5 billion dollars to be paid annually. In addition, the health benefits for postal retirees is fully funded with billions of dollars in excess, so there is no need to require a crippling \$5.5 billion additional annual payment that is causing unnecessary service cuts; and

WHEREAS, Protecting voting by mail, which is now commonplace in California, is essential to our democracy; and

WHEREAS, The US Postal Service is the second largest employer of US Veterans in the country with over 22% of its employees United States Veterans; and

WHEREAS, Rural communities, many of which do not have access to the Internet, remain dependent on the Postal Service for vital communications and for the shipment of goods; and

WHEREAS, Small businesses along with many Americans, particularly seniors, depend on the Postal Service for receipt of their prescription drugs; now

THEREFORE BE IT RESOLVED, That the Colton City Council urges US Senator Barbara Boxer and US Senator Dianne Feinstein to support postal reform legislation that would: Secure the continuance of 6-day mail delivery; Stabilize the Postal Service's finances by reforming or eliminating future retiree health financing policies that are crippling the Postal Service's finances; Strengthen and protect the Postal Service's invaluable mail processing, retail and last-mile delivery networks that together comprise a crucial part of the nation's infrastructure; Retain door-to-door delivery for 30 million plus households and businesses; and be it further

RESOLVED, That the Colton City Council transmit copies of this resolution to the President and Vice President of the United States, to the Majority Leader of the Senate, to both US Senator Barbara Boxer and US Senator Dianne Feinstein, and to the United States Postmaster General.

FRANK, I TALKED TO
YOU ABOUT THE RESOLUTION
I WANTED YOU TO PRESENT
TO THE COUNCIL. PLEASE
TRY TO HAVE IT PASSED
THANK YOU

Steve Herrera
909 825-1385

Steve Herrera

ATTACHMENT "C"

Markup of Postal Reform Act Jan 29, 2014 Senate Committee on Homeland Security and Government Affairs Carper-Coburn Substitute | Carper-Coburn Section-By-Section

Sen. Thomas Carper (D-DE) opening comments

- We've been focused for the past year on how we can come to an agreement on what's needed for postal reform. We have made progress. We need to fix the problem.
- There are three key stakeholders: (1) customers (2) employees (3) taxpayers. We need to put the USPS on a sustainable course to enable the USPS to pay on its financial obligations.
- The USPS has made progress in reducing the number of its employees. It's reduced the number of facilities. It has expanded retail services availability.
- We have addressed and resolved issues regarding arbitration. We've made progress on overpayments. We've reamortized the CSRS related obligation. We included a workers compensation reform proposal.
- The issue of delivery frequency has been clarified including the volume-related conditions that would need to be met to permit less frequent delivery. More.....
- The 800 lb. gorilla is self-sustainability for the USPS. We need to work out things on the health care side.
- We haven't resolved all of our differences, as with the rate cap, the number of mail processing plants, rural post offices. I think we're pretty close, even if we can't resolve them today.
- We asked the USPS to provide us an update on its outlook given a number of different assumptions leading up to 2023.
- I don't want to send a bill out of the committee if we can admit we've fixed this problem.

Sen. Thomas Coburn (R-OK) opening comments

- This is the longest I've ever worked on any bill.
- Fixing the post office is not a political priority but an American priority. If you're going to cut revenue, you've got to increase costs. If you increase revenue, you can increase costs.
- If you don't like what we've done, give us your answer on how to fix the post office.
- With a CPI + exigent increase you end up with a bogey. You *must* come up with cuts to break-even.
- I'm open to any alternative that could keep the USPS fiscally sound.
- If the exigent increase is retained as the baseline and we retain CPI, by 2014 we're looking at a negative debt position and it stays negative until 2022 and 2023.

- We can't pass a bill with the McCain 5-day amendment.
- Coburn claimed the PRC did not approve rates that would allow the USPS to recover costs.
- Mailers are unhappy with anything that would allow the USPS to establish rates to create a positive cash flow.
- We subsidize mailers already at the cost of \$1.3 billion a year.
- If this bill passes, we'll have to start all over. You need to show us where the cost reductions can be made. The amendment is incomplete without the balancing of revenue decreases. We don't really do the mailers a favor by not passing the bill.

- Maybe one approach is to eliminate the monopoly.

Sen. Thomas Carper (D-DE)

- S.1486 with the Baldwin amendment (if the court were to uphold the PRC decision), the Postal Service projects it will be in a negative position fiscally. This is not written in stone, and there are assumptions that can affect what actually happens.
- The USPS points out it has not been investing in capital equipment for some time.
- As the USPS shifts to more parcels and packages it will need other equipment.
- The USPS needs new vehicles.

- Why not compromise by allowing the exigent to be permanent but keep CPI?

Sen. Tammy Baldwin (D-WI)

- Any discussion of what the impact would be beyond 2017 is pure speculation.
- My amendment still continues to assume the scheduled 2017 re-write of the postal rate setting process will take place.

Sen. Carl Levin (D-MI)

- Offered an amendment which would prohibit the USPS from entering in any contract that avoids full congressional oversight (e.g., Fedex contract) *Approved.*

Sen. John McCain (R-AZ)

- Amendment: Allow the USPS to move to 5-day mail delivery. We should not wait for mail volumes to drop before doing this. It won't reach the targets set out in this bill until 2017 at the earliest. A larger percentage of the mail the USPS carries today is "**junk mail.**" Even the President has recognized the need to lessen mail delivery. Polls show the public will accept it. *Defeated.*

Sen. Mark Pryor (D-AR)

- Amendment on fuel usage. (For Sen. Landrieu) Within 180 days of enactment the USPS must report on the feasibility of using natural gas for heavy vehicles. *Approved.*
- Amendment: Prohibit the payment of a fee for door to door delivery for persons with disabilities. *Approved.*

Sen. Rand Paul (R-KY)

- Amendment to permit the USPS to declare bankruptcy and the renegotiation of contracts with workers and allow lay-offs. The cost of labor is too high. *Defeated.*

Sen. Claire McCaskill (D-MO)

- Amendment to retain a moratorium on rural post office closures or consolidations. Requires no more than 10 miles between post offices. (Dep. PMG said the USPS could live with this.) *Approved.*

Sen. Mike Enzi (R-WY)

- Amendment to extend the moratorium and set conditions to close urban post offices too. *Approved.*

Sen. Tammy Baldwin (D-WI)

- Amendment (Baldwin-McCaskill) to strike Section 301 concerning postal rates. It retains the 2017 scheduled re-write of the postal rate process. Sec. 301 locks in the exigency rate and increase rates annually by CPI+1. This will drive mail volume out of the system and destroy private sector jobs. On the issue of

governance, the amendment opposes the transfer of rate redesign to the Governors. No monopoly should have exclusive control over the establishment of its prices. My amendment would still require the PRC to look at a re-write. This is a monopoly. With PRC oversight, the exigency case *did* go through. This regulatory oversight can work.

- **Sen. Thomas Carper (D-DE)** Why not compromise by allowing the exigent to be permanent but keep CPI?
- **Sen. Thomas Coburn (R-OK)** Maybe one approach would be to eliminate the monopoly. The mailers are going to have to contend with higher prices or delivering by some other means. We're tying the Postal Service to a CPI increase when Fedex has gone way beyond inflation.
- **Sen. Ron Johnson (R-WI)** Predictability is more important than lower rates. We must protect the American taxpayer. This amendment would cause this bill to fail and is not worth supporting.
- **Sen. Carl Levin (D-MI)** Is it our intention to take rate making away from the PRC and give it to the USPS? What is the position of the PRC? We're making a major change regarding oversight of rate increases. We need to hear from the PRC.
- Nothing has been said about governance. I have strong concerns about the Postal Service as a monopoly being responsible only to itself.
- **Sen. Thomas Coburn (R-OK)** I would be willing to move your position on the Regulatory Commission if you're willing to accept baking in the exigency with CPI only -- not CPI+1

Discussion put off until later in the session.

Sen. Rand Paul (R-KY)

- Amendment to eliminate the carrying of a firearm in a post office, and make the requirement consistent with state law. (Discussion put off until later in the session.)
- **Sen. Carl Levin (D-MI)** We really ought to hear from the Justice Department.

Sen. John Tester (D-MT)

- Amendment to strike the Workers Compensation provisions in the bill. *Defeated.*

Hearing recessed subject to the call of the chair.



ITEM NO. 5(c)

STAFF REPORT

- Legislative Affairs Committee -

DATE: MARCH 10, 2014
TO: LEGISLATIVE AFFAIRS COMMITTEE
FROM: STEPHEN P. COMPTON, CITY MANAGER
SUBJECT: Colton Wildlands Conservancy request for Letter of Support

RECOMMENDED ACTION

The City Manager is recommending to the Legislative Affairs Committee a tentative approval of support for the Colton Wildlands Conservancy until conditions of a City business license, status of 501 (c)(3) filing and a meeting can take place with representatives of the organization and the City.

GOAL STATEMENT

The proposed action will support the City's goal to support non-profit agencies seeking to provide quality of life services in the City of Colton.

BACKGROUND

In March 2013, the City Council Office received an informal request to provide a support letter to the Colton Wildlands Conservancy, a non-profit agency seeking land from the County of San Bernardino. This request was submitted by two City Council Members who also serve as Board Members of the Colton Wildlands Conservancy.

On February 4, 2014, representatives from Colton Wildlands Conservancy provided a presentation to the Council, stating that their mission is to bring a balance of conservation, education and recreation to Colton with a vision to plan for, organize and develop a new environmental learning center in order to educate the public on preserving and protecting the local wildlands. The direction by the Council at this meeting and recommended by the City Attorney is to have this request for a support letter placed on a future Council agenda.

Some of the reasons why a conservation agency would be of merit in the City of Colton is as growth continues, the landscape changes quickly. By protecting open space, forests, scenic and historic areas from excessive development, land conservation can have significant, long-lasting, positive environmental, social and economic impacts. Conserving undeveloped land protects drinking water supplies, preserves biodiversity and helps retain the character of the landscape. Land conservation is also integral to the preservation of historic areas.

By ensuring that historic areas are not developed, the efforts preserve a vital element of cultural heritage known as Land Ethic.

It appears the Colton Wildlands Conservancy is a struggling non-profit agency consisting of a group of local residents and concerned citizens. Their goal is to implement land conservation education and programs aimed at protecting and preserving our natural resources. A letter of support from the City would help their efforts to seek funding for future projects in the City of Colton.

ISSUES/ANALYSIS

On December 17, 2013, Council approved the establishment of the Legislative Affairs Committee as a Standing “Brown Act” Committee, reconstituting and renaming the Political Reform Committee, in order to advance the City’s legislative agenda. The Legislative Affairs Committee was tasked with certain areas of review which are listed below:

- Municipal Code review and revisions – this will include reviewing and making adjustments and recommendations for ordinance adoption and revisions as needed
- Review the need for a Manual of Procedures (MOP) at the policy level
- **Oversight of the City Council and City Manager Legislative Policy**
- Legislative representation for the League of California Cities and regional, national or federal agencies
- To support the City’s goals for the FY 2013-14 Legislative Program in four main areas to include the following:
 - Financial Viability: Support funding to protect funding for vital community services
 - Public Safety: Support funding for community emergency response programs for emergencies and to provide prevention programs
 - Economic Development/Housing Marketing: Support promotion of sustainable cities
 - Infrastructure/Services: Support expansion of infrastructure investment; protect local control of land-use decision-making; transportation funding and watershed; drainage protection and drainage enhancements

Biographical Information: Colton Wildlands Conservancy

A review was conducted on public assessable information about the organization.

Colton Wildlands Conservation
700 East Washington Street, Space #147
Colton California 92324

The following positive areas were discovered:

- Web Site: The organization has a public Web Site that lists several activities of the organization in the Colton area.
- Link: <http://coltonwildlandsconservancy.webs.com/>
- Facebook: <https://www.facebook.com/pages/Colton-Wildlands-Conservancy/186421958074071>

The mission as stated by the organization from the web site is stated broadly and meets definitions used by most Wildlands Conservatory agencies. The web site mission statement is listed as follows: “We are committed to being dedicated and responsible stewards to our wild

lands through a balance of conservation, education and recreation. Join us in preserving the beauty of the La Loma Hills.”

The following concerns were discovered:

- A review of the agency name against the California Secretary of State web site shows the organization 501 (c)(3) filing status is currently “Suspended”.
- Internal Revenue Service: A check of the Federal Internal Revenue data base show no registration of the organization as a 501(c)(3).
- A review of the City of Colton Business License database records shows no information about the organization. A letter and Business License application was mailed to the address.
- Follow-up contact with the staff for San Bernardino County Supervisor Josie Gonzales indicated no current conversation regarding the property nor was there approval or authority given to use County property.

FISCAL IMPACTS

This staff report is for informational purposes only and no fiscal impacts are anticipated.

ALTERNATIVES

1. Approve staff recommendation
2. Provide alternative direction to staff.

ATTACHMENTS

- Sample/Draft Letter of Support
- Colton Wildlands Conservancy presentation, February 5, 2014
- California Secretary of State, 501(c)(3) filing status



MAYOR

Sarah S. Zamora

COUNCIL MEMBERS

David J. Toro
District 1

Frank A. Gonzales
District 2

Frank J. Navarro
District 3

Susan M. Oliva
District 4

Deirdre H. Bennett
District 5

Isaac T. Suchil
District 6
Mayor Pro Tem

CITY MANAGER

Stephen P. Compton

CIVIC CENTER
650 N. LA CADENA DRIVE
COLTON, CA 92324
PH: (909) 370-5099
FX: (909) 370-5192
WEB: www.ci.colton.ca.us

_____, 2014

Colton Wildlands Conservancy
700 E. Washington Street, Space 147
Colton, CA 92324

Re: Colton Wildlands Conservancy – Support Letter

As the Mayor and Members of the Colton City Council, we support the efforts of the members and staff of the Colton Wildlands Conservancy along with their mission of providing:

- Education and Outreach – to raise awareness, deepen knowledge, and change behaviors associated with wildlands preservations.
- Capacity Building – to enhance the ability of organizations, agencies, residents, landowners and other land managers to implement best management practices and deliver natural resource management actions on the ground.
- Pilot and Demonstration Projects – to test and/or improve concepts and/or approaches in natural resource management that can be replicated by others.
- Direct Improvement of Natural Resource Conditions – to improve landscape and natural resource conditions as a result of direct action to mitigate land erosion and conserve valuable open space areas.

We further encourage other government agencies, businesses and citizens of the community to consider lending their support to this beneficial program.

The City of Colton understands the objective of the Colton Wildlands Conservancy is to protect and preserve the wildlands and open spaces within the City of Colton, and we appreciate their efforts.

Approved by order of the Mayor and Members of the Colton City Council on this _____ day of _____, 2014.

Sincerely,

Mayor and Members of the Colton City Council

“Explore”



Colton Wildlands Conservancy

- Who we are
 - Group of local residents and concerned citizens joined together to work towards the preservation of open spaces within the La Loma Hills of Colton
 - Founded in 2010
 - California Based Non-Profit 501(c)3 Public Benefit Organization since 2011



Board of Trustees
Deirdre Bennett, Alex Diaz, Jose Guerra, Tricia Guerra,
Michael Madrigal, Isaac Suchil, Michael Zurn

Administrator
Jennifer Humildad

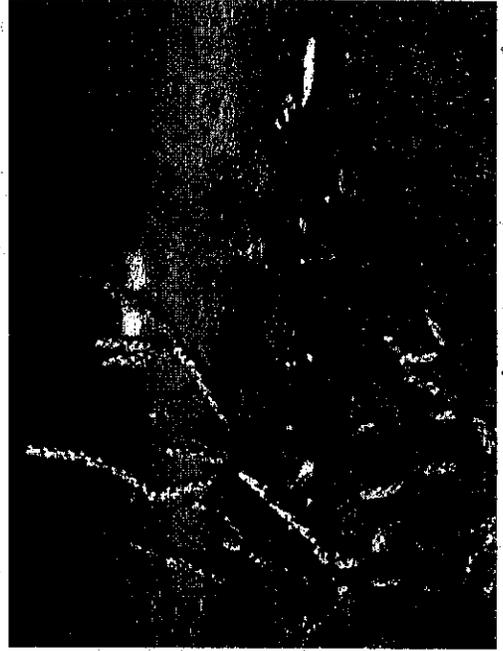
Community Advisory Board
Jose Oliver, Lauren Bergh,
Eric Humildad

Operations Manager
Jose Guerra

Rangers
Eric Humildad,
Conservation
Lauren Bergh,
Education
Recreation

Volunteers

- Our purpose
 - Mission: Committed to be dedicated and responsible stewards to our wild lands through a balance of conservation, education, and recreation
 - Vision: to plan for, organize, and develop a dynamic new local Environmental Learning Center
 - Purpose: protect and preserve the local wild lands



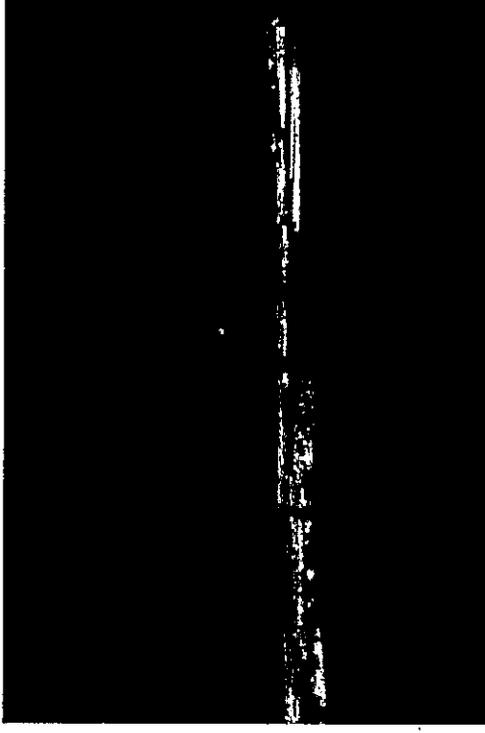
- **HOW**

- **Recent activity:**

- Board expansion
- Certified naturalists
- Web presence
(social media and web-site)
- Night Hikes

- **Upcoming:**

- Monthly themed programs
- Increase community presence
by collaboration with other
community agencies



- Location
 - La Loma Hills of Colton
 - Along Santa Ana River west of La Cadena Drive
 - Opportunity to receive a 40 acre site along with another 121 acres under a conservation easement through the County of San Bernardino



- **Why**

- Preservation of open space for future generations
- Preserve cultural and historical significance
- Build on the existing infrastructure (National Santa Ana River Bike Trail and Pathway)
- Recreational opportunities (trails, connection to future development)
- Educational opportunities of programs and projects for local residents and visitors



- **HOW**
 - **Community Support**
 - Colton residents/visitors for recreation (bike trail)
 - Support from the environmental education and conservation community
 - **City support**
 - **Center development**
 - Establishing a facility
 - Safeguarding trails
 - Implementing regular programs



- More Information
 - Web-site : www.coltonwildlandsconservancy.webs.com
 - Facebook : Colton Wildlands Conservancy
 - Look for event announcements in local media
 - March: Inaugural Explore & Discovery Hike



Business Entities (BE)

Online Services

- **E-File Statements of Information for Corporations**
- **Business Search**
- **Processing Times**
- **Disclosure Search**

Main Page

Service Options

Name Availability

Forms, Samples & Fees

Statements of Information
 (annual/biennial reports)

Filing Tips

Information Requests
 (certificates, copies & status reports)

Service of Process

FAQs

Contact Information

Resources

- **Business Resources**
- **Tax Information**
- **Starting A Business**

Customer Alerts

- **Business Identity Theft**
- **Misleading Business Solicitations**

Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, February 7, 2014. Please refer to [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	LA LOMA HILLS ASSOCIATION
Entity Number:	C0735088
Date Filed:	04/24/1975
Status:	DISSOLVED
Jurisdiction:	CALIFORNIA
Entity Address:	12232 ROSEDALE AVE
Entity City, State, Zip:	COLTON CA 92324
Agent for Service of Process:	MARLA STARNER
Agent Address:	12232 ROSEDALE AVE
Agent City, State, Zip:	COLTON CA 92324

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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Business Entities (BE)

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Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, February 7, 2014. Please refer to [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	COLTON MISSION & MINISTRIES
Entity Number:	C2711901
Date Filed:	12/17/2004
Status:	SUSPENDED
Jurisdiction:	CALIFORNIA
Entity Address:	750 ASH STREET
Entity City, State, Zip:	COLTON CA 92324
Agent for Service of Process:	MICHAEL LEE ZURN
Agent Address:	750 ASH STREET
Agent City, State, Zip:	COLTON CA 92324

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
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- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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 [New Search](#)
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DATE: March 10, 2014
 TO: Legislative Affairs Committee Members
 FROM: City Manager Stephen Compton
 SUBJECT: Support as Amended on January 14, 2014
 AB 1147: Massage Therapy & Prevention of Human Trafficking

On January 16, 2014, the League of CA Cities invited all cities to participate in a webinar that provided cities with resources for becoming more involved in amending massage therapy legislation and the prevention of Human Trafficking. Mayor Zamora, Council Member Navarro and staff from Code Compliance, Development Services, City Clerk and Council Office attended. League's presentation is attached.

In 2009, State legislation created a process for voluntary state certification of professional massage therapists. This built upon SB 731 (Oropeza, Chapter 384, Statutes of 2008), which established the California Massage Therapy Council (CAMTC) and created voluntary certification for massage therapists. However, this legislation has had negative impact on cities across California including the overconcentration of massage establishments, human trafficking, prostitution, and the inability of local jurisdictions to regulate the industry.

SB 731 is due to sunset in January 2015 and if needed improvements are not made, this law would be eliminated. The language in AB 1147 (Gomez) adds an examination requirement and authorizes local jurisdictions to require a revocable permit.

The League has no issue with the language in AB 1147, but the problem lies in what is not included in the legislation. Illegitimate businesses have been using loopholes in current law to operate. The League has been meeting with CAMTC to express concerns which prevent local governments from regulating massage establishments at all.

Assembly Member Gomez (D-Los Angeles) has agreed to carry AB 1147 as a vehicle to improve upon existing law and address deficiencies. In support of this urgent Bill, the City of Colton, alongside other cities across the state, sent a letter supporting AB1147, as amended on January 6, 2014.

ATTACHMENTS

- A - City of Colton Letter Supporting AB 1147, as amended January 6, 2014
- B - AB1147 – Status of bill
- C - AB 1147 –Bill Amended January 14, 2014
- D - League Presentation, January 16, 2014



January 13, 2014

The Honorable Jimmy Gomez
California State Assembly Member
State Capitol Building, Room 2176
Sacramento, CA 95814

MAYOR

Sarah S. Zamora

RE: Support - AB 1147 (Gomez). Massage Therapy, as amended January 6, 2014
(Human Trafficking Clean-up Bill)

COUNCIL MEMBERS

David J. Toro
District 1
Mayor Pro Tem

The City of Colton joins the League of California Cities in supporting your Assembly Bill 1147, as amended on January 6, 2014. Assembly Bill 1147 will further the efforts of those that supported and sponsored SB 1193 (Steinberg) as well as raise awareness and prevention of human trafficking.

Frank A. Gonzales
District 2

Senate Bill 1193 requires certain businesses and establishments to post a notice that contains information related to slavery and human trafficking so that victims have access to supportive services. However, SB 1193 contains an exemption for massage establishments that employ certified massage practitioners. Since the voluntary certification of massage therapists (SB 731, 2008), businesses with less than honorable intentions have used the law to hijack the reputable and legitimate massage establishments to support prostitution and human trafficking. Clearly, not all massage establishments are a front for human trafficking, but neither are establishments selling alcohol nor adult oriented businesses—which are also required to comply with the requirements in SB 1193.

Frank J. Navarro
District 3

Susan M. Oliva
District 4

Deirdre H. Bennett
District 5

We believe AB 1147, as amended on January 6, 2014, is aimed at reducing loopholes, raising public awareness and preventing incidences of human trafficking. For these reasons, the City of Colton supports AB 1147.

Isaac T. Suchil
District 6

Should you wish to speak with myself or any Member of the City Council, please feel free to contact us by calling the City Council Office at (909) 370-5060. You may also contact our City Manager, Mr. Stephen Compton at (909) 370-5051.

CITY MANAGER

Stephen Compton

Sincerely,

Mayor Sarah S. Zamora

- cc: Members of the Colton City Council
- City Manager Stephen Compton
- State Assembly Member Cheryl Brown, Dist. 47, fx: (916) 319-2147 / (909) 885-8589
- State Senator Norma Torres, Dist. 32, fx: (916) 651-4032 / (909) 591-7096
- Elissa Silva, Consultant, Assembly Business & Professions Committee, fx:(916) 319-3306
- Ted Blanchard, Consultant, Senate Republican Caucus, fx:(916) 319-3902
- Laura Morales, League Regional Public Affairs Manager, IE Division, lmorales@cacities.org
- Kirstin Kolpitcke, League of California Cities, fx:(916) 658-8240

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(909) 370-5192 – FX
www.ci.colton.ca.us

ATTACHMENT "B"

AB 1147 (Gomez D) Massage therapy.

Status: 2/6/2014 - Referred to Com. on B., P. & E.D.

Location: 2/6/2014-S. B., P. & E.D.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Attachments

AB	1147	sample	floor	support	letter	1.22.14
AB	1147	Support	Asm	Floor	Letter	1.21.14
AB		1147		support		1.8.14
AB	1147	sample		support		1.6.14
AB	1147	(Gomez)	Sup.,	Asm.	Floor,	5-24-13
AB	1147	(Gomez)	SAMPLE	Oppose	Unless	Amended
<u>AB 1147 (Gomez) Notice of Oppose, Unless Amended</u>						

Summary

Existing law, until January 1, 2015, provides for the voluntary certification of massage practitioners and massage therapists by the California Massage Therapy Council. Existing law specifies the requirements for the council to issue to an applicant a certificate as a massage practitioner, including, but not limited to, successfully completing curricula in massage and related subjects totaling a minimum of 250 hours or the credit unit equivalent, as specified. This bill would additionally require an applicant for a certificate as a massage practitioner to pass a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards, and that is approved by the council. (Based on text date 1/14/2014)

Bill Text

Amended	1/14/2014	html pdf
Amended	1/6/2014	html pdf
Amended	5/31/2013	html pdf
Amended	5/13/2013	html pdf
Amended	5/1/2013	html pdf
Amended	4/15/2013	html pdf
Introduced	2/22/2013	html pdf

Analyses

[A - FLOOR ANALYSIS 1/24/2014](#)

[A - BUSINESS, PROFESSIONS AND CONSUMER PROTECTION 1/21/2014](#)

[A - FLOOR ANALYSIS 5/15/2013](#)

[A - BUSINESS, PROFESSIONS AND CONSUMER PROTECTION 5/6/2013](#)

Votes

[ASM. FLOOR - 1/27/2014 \(Y: 68 N: 1 A: 11\)](#)

[ASM. B.,P. & C.P. - 1/21/2014 \(Y: 11 N: 0 A: 3\)](#)

[ASM. FLOOR - 5/31/2013 \(Y: 52 N: 24 A: 3\)](#)

[ASM. B.,P. & C.P. - 5/7/2013 \(Y: 8 N: 4 A: 1\)](#)

History

2/6/2014 Feb. 6 Referred to Com. on B., P. & E.D.

1/27/2014 Jan. 27 In Senate. Read first time. To Com. on RLS. for assignment.

1/27/2014 Jan. 27 Read third time. Passed. Ordered to the Senate. (Ayes 68. Noes 1. Page 3681.)

1/23/2014 Jan. 23 Read second time. Ordered to third reading.

1/22/2014 Jan. 22 Pass and retain by unanimous consent.

1/21/2014 Jan. 21 From committee: Do pass. (Ayes 11. Noes 0.) (January 21).

1/15/2014 Jan. 15 Re-referred to Com. on B.,P. & C.P.

1/14/2014 Jan. 14 In committee: Set, first hearing. Hearing canceled at the request of author. From committee chair, with author's amendments: Amend, and re-refer to Com. on B.,P. & C.P. Read second time and amended.

1/7/2014 Jan. 7 Re-referred to Com. on B.,P. & C.P.

1/6/2014 Jan. 6 From committee chair, with author's amendments: Amend, and re-refer to Com. on B.,P. & C.P. Read second time and amended.

6/3/2013 June 3 Re-referred to Com. on B.,P. & C.P.

5/31/2013 May 31 Assembly Rule 69 suspended. (Ayes 51. Noes 22. Page 1879.) Read third time and amended. Ordered to third reading. (Ayes 52. Noes 24. Page 1880.) Re-referred to Com. on B.,P. & C.P. pursuant to Assembly Rule 77.2.

5/28/2013 May 28 From inactive file. Ordered to third reading.

5/24/2013 May 24 Notice of intention to remove from inactive file given by Assembly Member Gomez.

5/16/2013 May 16 Ordered to inactive file at the request of Assembly Member Gomez.

5/14/2013 May 14 Read second time. Ordered to third reading.

5/13/2013 May 13 Read second time and amended. Ordered to second reading.

5/9/2013 May 9 From committee: Do pass as amended. (Ayes 8. Noes 4.) (May 7).

5/2/2013 May 2 Re-referred to Com. on B.,P. & C.P.

5/1/2013 May 1 From committee chair, with author's amendments: Amend, and re-refer to Com. on B.,P. & C.P. Read second time and amended.

4/30/2013 Apr. 30 In committee: Set, first hearing. Hearing canceled at the request of author.

4/16/2013 Apr. 16 Re-referred to Com. on B.,P. & C.P.

4/15/2013 Apr. 15 From committee chair, with author's amendments: Amend, and re-refer to Com. on B.,P. & C.P. Read second time and amended.

3/7/2013 Mar. 7 Referred to Com. on B.,P. & C.P.

2/25/2013 Feb. 25 Read first time.

2/24/2013 Feb. 24 From printer. May be heard in committee March 26.

2/22/2013 Feb. 22 Introduced. To print.

ATTACHMENT "c"

BILL NUMBER: AB 1147 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY JANUARY 14, 2014
AMENDED IN ASSEMBLY JANUARY 6, 2014
AMENDED IN ASSEMBLY MAY 31, 2013
AMENDED IN ASSEMBLY MAY 13, 2013
AMENDED IN ASSEMBLY MAY 1, 2013
AMENDED IN ASSEMBLY APRIL 15, 2013

INTRODUCED BY Assembly Member Gomez
(Coauthor: Assembly Member Muratsuchi)

FEBRUARY 22, 2013

An act to ~~add Section 4612.5 to~~ amend
Section 4601 of the Business and Professions Code, relating to
healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, as amended, Gomez. Massage therapy.

Existing law, until January 1, 2015, provides for the voluntary certification of massage practitioners and massage therapists by the California Massage Therapy Council. Existing law specifies the requirements for the council to issue to an applicant a certificate as a massage practitioner, including, but not limited to, successfully completing curricula in massage and related subjects totaling a minimum of 250 hours or the credit unit equivalent, as specified.

~~Existing law requires specified businesses and other establishments, upon the availability of a model notice developed by the Department of Justice, to post a notice that contains information related to slavery and human trafficking, including information related to specified nonprofit organizations that provide services in support of the elimination of slavery and human trafficking. Existing law exempts from the posting requirements massage establishments or businesses that are the sole proprietorship of an individual who is voluntarily certified pursuant to the provisions described above or that employ or use only persons who are so certified.~~

~~This bill would, notwithstanding any other law, subject massage establishments or businesses that are the sole proprietorship of an individual who is voluntarily certified pursuant to the provisions described above or that employ or use only persons who are so certified to the posting requirements described above.~~

This bill would additionally require an applicant for a certificate as a massage practitioner to pass a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards, and that is approved by the council.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4601 of the Business and Professions Code is amended to read:

4601. (a) The council shall issue a certificate under this chapter to an applicant who satisfies the requirements of this chapter.

(b) (1) In order to obtain certification as a massage practitioner, an applicant shall submit a written application and provide the council with satisfactory evidence that he or she meets all of the following requirements:

(A) The applicant is 18 years of age or older.

(B) The applicant has successfully completed, at an approved school, curricula in massage and related subjects, totaling a minimum of 250 hours or the credit unit equivalent, that incorporates appropriate school assessment of student knowledge and skills. Included in the hours shall be instruction addressing anatomy and physiology, contraindications, health and hygiene, and business and ethics, with at least 100 hours of the required minimum 250 hours devoted to these curriculum areas.

(C) *The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards, and that is approved by the council. The successful completion of this examination may have been accomplished before the date the council is authorized by this chapter to begin issuing certificates.*

~~—(C)~~

(D) All fees required by the council have been paid.

(2) New certificates shall not be issued pursuant to this subdivision after December 31, 2015. Certificates issued pursuant to this section or subdivision (a) or (c) of Section 4604 on or before December 31, 2015, shall, after December 31, 2015, be renewed without any additional educational requirements, provided that the certificate holder continues to be qualified pursuant to this chapter.

(c) In order to obtain certification as a massage therapist, an applicant shall submit a written application and provide the council with satisfactory evidence that he or she meets all of the following requirements:

(1) The applicant is 18 years of age or older.

(2) The applicant satisfies at least one of the following requirements:

(A) He or she has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours or the credit unit equivalent. Of this 500 hours, a minimum of 250 hours shall be from approved schools. The remaining 250 hours required may be secured either from approved or registered schools, or from continuing education providers approved by, or registered with, the council or the Department of Consumer Affairs. After December 31, 2015, applicants may only satisfy the curricula in massage and related subjects from approved schools.

(B) The applicant has done both of the following:

(i) Successfully completed, at an approved school, curricula in massage and related subjects totaling a minimum of 250 hours that incorporates appropriate school assessment of student knowledge and skills. Included in the hours shall be instruction addressing anatomy and physiology, contraindications, health and hygiene, and business and ethics, with at least 100 hours of the required minimum 250 hours devoted to these curriculum areas.

(ii) Passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards, and that is approved by the board. The successful completion of this examination may have been accomplished before the date the council is authorized by this chapter to begin issuing

certificates.

(3) All fees required by the council have been paid.

(d) The council shall issue a certificate to an applicant who meets the other qualifications of this chapter and holds a current and valid registration, certification, or license from any other state whose licensure requirements meet or exceed those defined within this chapter. The council shall have discretion to give credit for comparable academic work completed by an applicant in a program outside of California.

(e) An applicant applying for a massage therapist certificate shall file with the council a written application provided by the council, showing to the satisfaction of the council that he or she meets all of the requirements of this chapter.

(f) Any certification issued under this chapter shall be subject to renewal every two years in a manner prescribed by the council, and shall expire unless renewed in that manner. The council may provide for the late renewal of a license.

(g) (1) The council shall have the responsibility to determine that the school or schools from which an applicant has obtained the education required by this chapter meet the requirements of this chapter. If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the council shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.

(2) For purposes of paragraph (1) and any other provision of this chapter for which the council is authorized to receive factual information as a condition of taking any action, the council shall have the authority to conduct oral interviews of the applicant and others or to make any investigation deemed necessary to establish that the information received is accurate and satisfies any criteria established by this chapter.

(h) The certificate issued pursuant to this chapter, as well as any identification card issued by the council, shall be surrendered to the council by any certificate holder whose certificate has been suspended or revoked.

~~SECTION 1. Section 4612.5 is added to the Business and Professions Code, to read:~~

~~4612.5. Notwithstanding any other law, a massage establishment or business described in paragraph (1) of subdivision (b) of Section 4612 shall comply with the posting requirements specified in Section 52.6 of the Civil Code.~~

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