



Weekly Management Report

September 8, 2023

- 1. Minutes** Burbank Water and Power Board
Meeting on August 3, 2023
Water and Power Department

- 2. Report** July 2023 Monthly Operating Results
Water and Power Department

- 3. Minutes** Civil Service Board Meeting
on August 2, 2023
Management Service Department

- 4. Memo** Landlord -Tenant Commission Meeting
On August 7, 2023
Community Development Department

- 5. Memo** Review of Police Department Policy Regarding Officer
Viewing of Body Worn Camera and In-Car Camera Video
Recording Prior to Providing a Statement Following a
Critical Incident
Police Department

- 6. Memo** Special Event Application Process Update
Community Development Department

**BURBANK WATER AND POWER BOARD
MINUTES OF MEETING
AUGUST 3, 2023**

Mr. Eskandar called the regular meeting of the Burbank Water and Power Board to order at 5:06 p.m. in the third-floor board room of the BWP Ron E. Davis Administration Building, 164 West Magnolia Boulevard, Burbank, California.

Mr. Eskandar called for the Pledge of Allegiance to the Flag.

ROLL CALL

BOARD PRESENT: Mr. Cherry; Mr. Eskandar; Ms. LaCamera; Mr. Luddy; Mr. Malotte; Ms. Tenenbaum

BOARD ABSENT: Mr. LeMasters

STAFF PRESENT: Ms. Lindell, General Manager – BWP; Mr. Chwang, Senior Assistant City Attorney; Mr. Wilson, Assistant General Manager – Water Systems; Mr. Lillio, Chief Financial Officer; Mr. Sleiman, Assistant General Manager – Electric Services; Ms. Barrientos, acting Administrative Officer – BWP; Ms. Sarkissian, Manager Customer Service Operations; Mr. Sheikh, Manager Water Engineering/Planning; Mr. Wang, Principal Electrical Engineer; Ms. Soloyan, Marketing Associate; Mr. Collins; Utility Services & Rates Manager; Mr. D'Aquila, Power Resources Manager; Mr. Martinez, Manager Water Production/Operations; Ms. Ghevondian, Water Quality Analyst; Mr. Uhl, Chief Engagement Officer; Ms. Meza, Senior Secretary; Mr. Casillas, Senior Administrative Analyst

ORAL COMMUNICATIONS

Mr. Eskandar called for oral communications at this time. No one requested to speak.

BOARD AND STAFF RESPONSE TO ORAL COMMUNICATIONS

None.

SELECTION OF BWP BOARD CHAIR AND VICE-CHAIR

It was moved by Mr. Eskandar, seconded by Ms. LaCamera, carried 6 – 0 (Mr. LeMasters was absent) to appoint Mr. Malotte for Board Chair and appoint Mr. Luddy as Board Vice-Chair.

GENERAL MANAGER REPORT

Ms. Lindell began her report to the board by presenting the outgoing BWP Board Chair with a token of appreciation on behalf of the BWP family.

Ms. Lindell continued her report by informing the board of a small modular reactor project that BWP is interested in. Additionally, Ms. Lindell updated the board on where we are at with the sustainable water use ordinance, noting that it was rescheduled to August 22, 2023.

Then, Ms. Lindell informed the board of a recent incident that took place on Friday, June 30th at one of two transformer banks in a customer substation resulting in a fire. Ms. Lindell gave thanks

to the Burbank Fire Department for making the area safe for our team to work in, to Riverside for helping us with resources, and to our electricians/field crews for working around the clock to get the customers back in service for the start of the work week.

Ms. Lindell continued with recapping her recent travel to Washington, DC, with Vice Mayor Schultz and Legislative Analyst Jason Maruca as part of the American Public Policy Power Association's Policy Makers Council. Ms. Lindell also noted that California Assemblymember Friedman toured our BWP campus and met with California Senator Portantino at his office to discuss challenges.

Lastly, Ms. Lindell highlighted the release of two additional 'Ask an Expert' articles that speak on our electric vehicle incentives and their funding source.

CONSENT CALENDAR

MINUTES

It was moved by Mr. Eskandar, seconded by Mr. Luddy, carried 3 – 0 with Mr. Cherry, Ms. LaCamera, and Ms. Tenenbaum abstaining (Mr. LeMasters was absent) to approve the meeting minutes of the regular meeting of June 1, 2023.

APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH LEE + RO, INC. TO DESIGN CHLORAMINE BOOSTING SYSTEMS FOR RESERVOIRS 1, 4, AND 5

It was moved by Ms. Tenenbaum, seconded by Mr. Luddy, carried 6 – 0 (Mr. LeMasters was absent) to authorize the General Manager of BWP to execute a professional service agreement with Lee + Ro, Inc. (Lee + Ro) in an amount of \$664,998.00 to design chloramine boosting systems for Reservoirs 1, 4, and 5.

RECOMMENDATION TO CITY COUNCIL TO DELEGATE AUTHORITY TO THE GENERAL MANAGER OF BURBANK WATER AND POWER TO EXECUTE THE DESIGN-BUILD CONTRACT WITH WE O'NEIL CONSTRUCTION CO. OF CALIFORNIA AND TO DELEGATE AUTHORITY TO THE ASSISTANT GENERAL MANAGER OF POWER SUPPLY TO APPROVE PLANS AND SPECIFICATIONS

It was moved by Ms. Tenenbaum, seconded by Mr. Luddy, carried 6 – 0 (Mr. LeMasters was absent) to delegate authority to the General Manager of Burbank Water and Power to execute a design-build contract with WE O'Neil Construction (WE O'Neil), and delegate authority for approving plans and specifications of the design-build contract to the BWP Assistant General Manager of Power Supply, or their designee, in order to retain design immunity.

PRESENTATIONS

TEAM DEVELOPMENT TRAINING SERIES

Mr. Uhl, Chief Engagement Officer for Breaking the Chain Consulting, led session two of the team development training series with the board.

Mr. Uhl and Ms. Lindell responded to board member questions.

EXCEEDANCE OF RESPONSE LEVEL FOR PERFLUOROHEXANE SULFONIC ACID (PFHxS) IN GROUNDWATER SOURCES

Mr. Wilson, Assistant General Manager of Water Systems, presented on the exceedance of response level for perfluorohexane sulfonic acid in groundwater sources.

Mr. Wilson, Ms. Lindell, and Mr. Martinez responded to board member questions.

The Chair called for a recess at 7:14 pm.

The Chair called the meeting back to order at 7:20 pm.

ASSOCIATION OF CALIFORNIA WATER AGENCIES 2023 SPRING CONFERENCE PRESENTATION

Mr. Wilson, Assistant General Manager of Water Systems, and Ms. Tenenbaum, BWP Board Member, presented their recent experience at ACWA's 2023 Spring Conference.

Mr. Wilson responded to board member questions.

REPORTS TO THE BOARD

BWP OPERATIONS AND FINANCIAL REPORTS

Mr. Lillio presented BWP's financial update for the month of May 2023.

Mr. Lillio and Ms. Lindell responded to board member questions.

This was an information item only. No action was taken.

UPDATE ON BURBANK WATER AND POWER'S DEMAND RESPONSE PROGRAMS

Mr. Collins, Energy Services & Utility Rates Manager, presented on Burbank Water and Power's demand response programs.

Mr. Collins and Ms. Edwards responded to board member questions.

It was moved by Mr. Eskandar, seconded by Mr. Cherry, carried 6 – 0 (Mr. LeMasters was absent) to recommend the Burbank City Council approve the Cool Rewards Demand Response program for implementation and find that the DSGS and DR programs have no reasonably foreseeable significant negative change to the environment under the California Environmental Quality Act 14 Cal. Code Regs §15061(b)(3).

UPDATE TO BURBANK WATER AND POWER REBATE PROGRAMS

Ms. Soloyan, Marketing Associate, will provide an update on BWP's rebate program.

Ms. Soloyan, Ms. Edwards, and Ms. Lindell responded to board member questions.

It was moved by Mr. Luddy, seconded by Ms. LaCamera, carried 6 – 0 (Mr. LeMasters was absent) to recommend the Burbank City Council approve the proposed Residential Building Electrification Rebate Program for implementation.

INFORMATION FROM STAFF

UPDATE ON CITY COUNCIL AGENDA ITEMS

Mr. Casillas provided an update on recent items that BWP has taken to the City Council, the voting outcomes of those items, and future items that BWP has scheduled on the City Council agenda forecast.

LEGISLATIVE UPDATE

Mr. Maruca provided a federal and state legislative update. Mr. Maruca highlighted legislation that BWP is monitoring.

Mr. Maruca and Ms. Lindell responded to board member questions.

CUSTOMER SERVICE UPDATE

Ms. Sarkissian provided an update on BWP's customer service operations, noting current arrears, available assistance programs, disconnections, customer outreach, quality assurance, and project schedule.

Ms. Sarkissian responded to board member questions.

WATER DIVISION UPDATE

Mr. Wilson updated the board on BWP's water use monitoring data and current drought conditions based on the current rainfall levels.

Mr. Wilson responded to board member questions.

POWER SUPPLY UPDATE

Ms. Samra updated the board on the 2024 integrated resource plan efforts, highlighting the stakeholder engagement aspect of the efforts as well as the timeline. Ms. Samra also updated the board on the energy and natural gas prices as well as the renewable projects BWP is pursuing.

Ms. Samra and Ms. Lindell responded to board member questions.

COMMENTS AND REQUESTS FROM BOARD MEMBERS

Mr. Malotte thanked everyone for selecting him as the next Board Chair.

ADJOURNMENT

The meeting was adjourned at 9:55 p.m. The next regular board meeting is scheduled for September 7, 2023, and will be held in the third-floor board room at Burbank Water and Power Ron E. Davis Administration Building.

Armando Casillas
Recording Secretary

Dawn Roth Lindell
Secretary to the Board

Christopher Malotte, BWP Board Chair

STAFF REPORT

7A.



WATER AND POWER

DATE: September 7, 2023

TO: Burbank Water and Power Board

FROM: Dawn Roth Lindell, General Manager, Burbank Water and Power *Riad Sleiman*
for DRL

SUBJECT: July 2023 Operating Results

***Please note that changes from last month's report are in BOLD.**

SAFETY

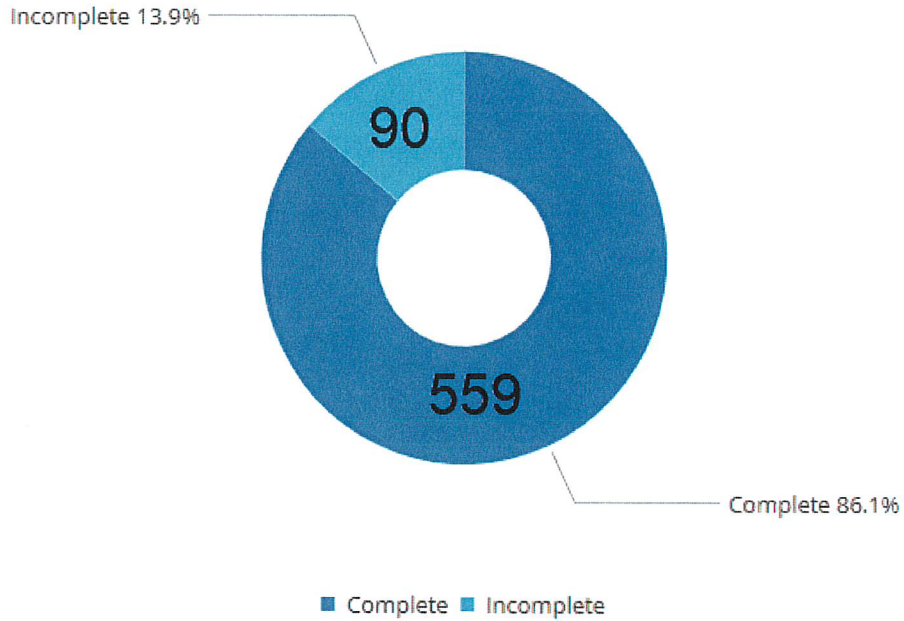
As a progressive and proactive utility, Burbank Water and Power (BWP) tracks all environmental, health, and safety (EHS) related events, such as observations, near misses, and incidents. Staff tracks action items for these events from start to closure to prevent the recurrence of injury or damage to the city or public property. BWP continues to exceed its goal of closing 80% of action items. BWP has closed **86.1%** of corrective and preventative action items since the start of capturing and tracking in May 2019.

BWP continues to make progress in its efforts to improve employee engagement, as measured by the number of incidents, near misses, and observation reports received from employees. By reporting these events, we create opportunities to learn and prevent harm to people, the environment, and property. From January 1, 2023, to present, BWP has received **118 EHS-related reports** to count towards the 2023 annual goal of 250.

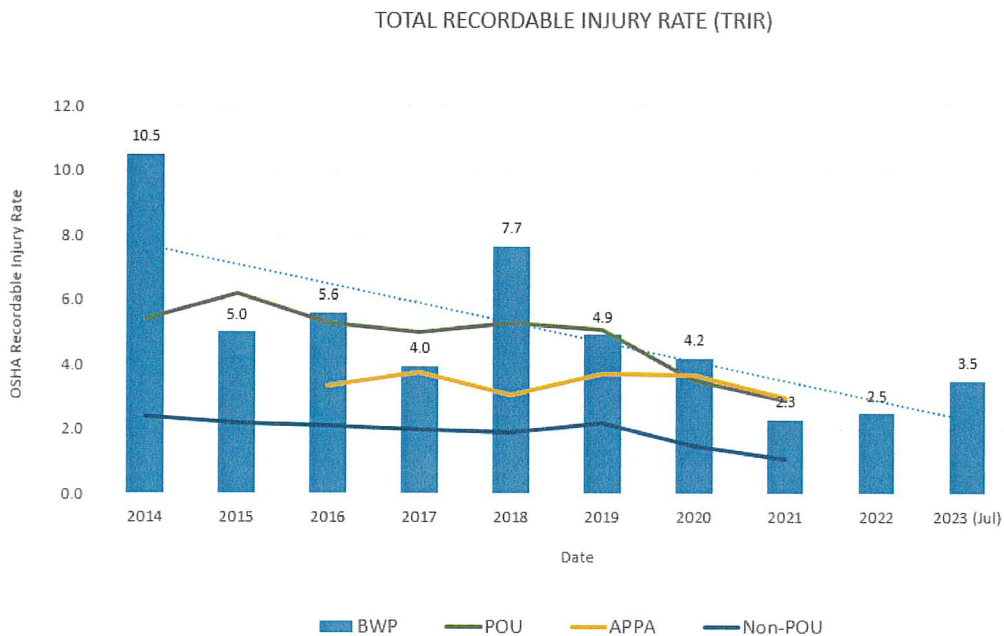
During the month of **July**, BWP experienced **one** OSHA recordable injury. BWP's 12-month rolling average OSHA total recordable incident rate is **3.5**.

IE-2307-0002-1 – A Line Mechanic experienced a tear to his right bicep tendon, requiring surgery. The employee was in the process of climbing down a pole, and his foot slipped.

Corrective & Preventative Action Items (May 2019 – Present) (80% Goal):



OSHA Total Recordable Incident Rate (January 2014 – Present):



OSHA Recordable Injury Rate = No. of recordable cases per 100 full time employees. Current year expressed as 12 month rolling average
 POU - Publicly Owned Utilities - Bureau of Labor Statistics
 APPA - American Public Power Association - Average recordable injury rate for similar sized organization
 Non-POU - Bureau of Labor Statistics, all non-governmental utility services

Electric Financial Results

In **June**, energy demand was **18%** lower than budget. Net loss was **\$3,413,000** which was **\$2,261,000** less than budgeted. The unfavorable variance was primarily attributed to lower than planned retail sales.

Fiscal-year-to-date (FYTD) energy demand was **4%** lower than budget. For FYTD **June**, net loss was **\$15,774,000** which was **\$1,790,000** less than budgeted. The unfavorable result was primarily attributed to lower than planned retail sales and higher than planned power supply & transmission expenses, offset by lower than planned operating expenses, higher than planned interest income, and a favorable wholesale margin.

For additional details, please see the attached financial statements.

***June 2023 is an estimate. All items below the gross margin are estimated at budgeted values.**

Water Financial Results

In **June**, potable water demand was **15%** lower than budget. Burbank remains in Stage III of the Sustainable Water Use Ordinance which limits outdoor watering to two days a week on Tuesday and Saturday from April to October. Net loss was **\$359,000**, which was **\$716,000** less than budgeted. The unfavorable variance was attributed to lower than planned potable and recycles revenues and higher than planned water supply expenses.

FYTD potable water demand was **7%** lower than budget. For FYTD **June**, net income was **\$1,864,000** which was **\$2,848,000** better than budgeted. The favorable variance was primarily attributed to lower than planned operating expenses and water supply expenses, and higher than planned interest income, partially offset by lower than planned potable and recycled revenues.

For additional details, please see the attached financial statements.

***June 2023 is an estimate. All items below the gross margin are estimated at budgeted values.**

Inflation

In the last year, BWP's net income has been heavily impacted by increasing inflation. U.S. inflation has climbed as high as 9.1%. In many cases, we are seeing expenses for utility-grade items much higher than 9.1%. Below are examples of utility items impacted by inflation:

- Emissions control system upgrade for the Lake One Unit – an increase of 25% from \$2 million to \$2.5 million

- A renewable solar, plus energy storage project – an increase of 71%, from \$35/MWh to \$60/MWh
- New substation buildout – an increase of 47% from ~\$17M to ~\$25M
- Rebuild substation - an increase of 67% from ~\$9M to ~\$15M
- Transformers – an increase of 100%, and lead time is 1-3 years
- Network core upgrade – an increase of 24% from ~\$1.25M to ~\$1.56M
- Fiber optic cable – an increase of 20%
- Copper coils for 1-inch service lines – an increase of 100% from \$4.33 to \$8.65 per foot
- 8-inch ductile iron pipe – an increase of 52% from \$17.12 to \$26.10 per foot
- 12-inch ductile iron pipe – an increase of 79% from \$25.10 to \$44.84 per foot
- Fire hydrant – an increase of 41% from \$3,151 to \$4,457
- Water meter boxes 59%
- Other increases in materials:
 - Plastic conduit 125%
 - Chlorine gas 207.5%
 - Ammonia gas 100%
 - Plastic 57.7%
 - Metals 35.5%
 - Precast concrete products 12.8%
 - Concrete 9.9%
 - Paving materials: 14%
 - Bleach 72% increase from \$1.15 to \$1.98 per gallon
 - Aqueous ammonia 123% increase from \$930 to \$2,073 per ton
 - Liquid Caustic 23% increase from \$735 to \$907 per ton
 - Sulfuric Acid 83% increase from \$.112 to \$.206 per pound
 - CEMs gases 12%
 - Oil/Lubrication 40-50%

Vacancies

The table below shows the number of vacant positions throughout the utility. As of **July 2023**, **13.1%** of the budgeted positions were vacant. This has increased from 12.1% in January 2023. The vacancy rate was impacted by the citywide hiring freeze during 2020 and 2021. The Management Services Department has worked hard over the past year to address the vacancies. Some vacancies have remained open because we are limited to specific apprentice class sizes. This is expected to trend down to below 10% over the next year. With both MWD and LADWP hiring craft employees at higher wages than we pay, we continue to see some attrition there.

Total Budgeted Positions	356
Total Positions Filled	309.5
Total Positions Vacant	46.5

WATER DIVISION

Burbank's Water Use

The table below shows water use in Burbank during **July 2023** compared to **July 2020**, measured in gallons per capita per day (gpcd). **Similar to the past two years, the baseline year of 2020 is used for consistency.** Although the governor's request to voluntarily reduce water consumption has been rescinded, we will still continue to track our water use. **Beginning this fiscal year (FY 2023-24), we will track the cumulative water reduction on an annual basis and compare it with FY 2020-21.** The table below shows that water use has been reduced in every month during the last 12-month period when compared to 2020 water use.

	Average Monthly Use
July 2020	157 gpcd
July 2023	134 gpcd

	Aug 2022	Sep 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023	<u>Jul 2023</u>
<u>2020</u>	162	159	153	136	132	125	126	104	112	141	149	<u>157</u>
<u>Goal</u>	138	135	130	116	112	106	107	88	95	119	127	<u>134</u>
<u>Actual</u>	146	123	126	112	96	89	102	84	101	114	115	<u>134</u>
<u>% Diff.</u>	-9.9%	-22.6%	-17.6%	-17.6%	-27.3%	-28.8%	-19.1%	-19.2%	-9.8%	-19.2%	-22.8%	<u>-14.7%</u>

Water use, in terms of gpcd, during **July 2023** was **14.7%** less than the **July 2020** baseline. **For the fiscal year 2023-24, the goal is to reduce cumulative annual water use by 20% using water sustainability programs and education to focus on the efficient use of our water resources.**

Burbank Operating Unit (BOU) Water Production

The table below provides the operational data for the BOU for the months of **August 2022** through **July 2023**.

Month	BOU Capacity Factor	BOU Ave. Flow Rate	Total System Blend % MWD/BOU
22-Aug	87.83%	7,199 gpm	24% / 76%
22-Sep	79.99%	7,905 gpm	20% / 80%
22-Oct	88.00%	7,920 gpm	14% / 86%
22-Nov	78.24%	7,042 gpm	14% / 86%
22-Dec	64.60%	5,814 gpm	17% / 83%
23-Jan	60.62%	5,456 gpm	17% / 83%
23-Feb	65.47%	5,892 gpm	18%/82%
23-Mar	54.56%	4,911 gpm	20%/80%
23-Apr	68.18%	6,136 gpm	17%/83%
23-May	73.12%	6,581gpm	13%/87%
23-Jun	80.69%	7,262gpm	13%/87%
23-Jul	80.13%	7,212 gpm	25%/75%
<i>Ave Blend %-last 12 months</i>		18% /82%	

The total system blend percentage represents the total amount of water purchased from the Metropolitan Water District (MWD) vs. the amount treated by the BOU. This, along with the capacity factor, is an important measure of efficiency. The capacity factor may fluctuate based on demand and plant production; the blend percentage measures how much of the total system's demand is made of purchased or produced water. The amount of MWD water needed is determined by demand, availability of BOU water, and O&M outages.

Key Performance Indicators

The graphs below illustrate the progress the water division has made on key performance indicators through **July**.

Since the beginning of this fiscal year, the maintenance and construction section has **5 vacancies**, which is **26%** of the crew. The department has 19 non-supervisory positions, with a goal of 15 journey-level workers and no more than 4 apprentices. However, we continue to lose experienced, journey-level staff to higher-paying utility jobs. We have been unable to attract journey-level workers and instead have continued to hire unskilled apprentices. As a result, the department currently has 10 apprentices. **The five vacancies we currently have are scheduled to be filled late August 2023.**

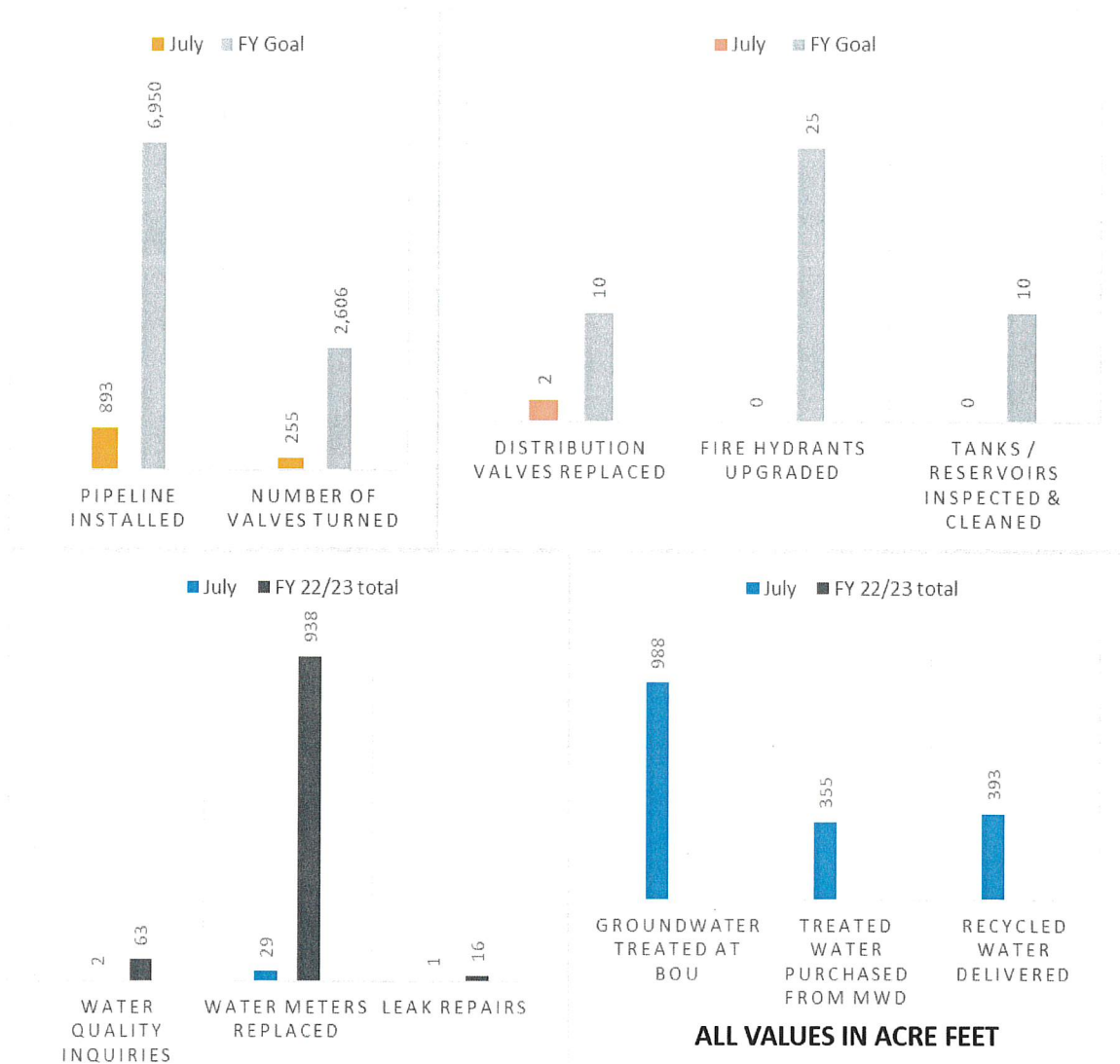
This reduction in skilled workforce:

1. Requires us to spend additional time training and reduces the amount of work we can achieve; and
2. Requires us to shift personnel daily between the mainline, meter shop, and service crews to balance tasks and priorities.

As of July 2023 – pipeline installation is 14% complete, and we are 8% through the fiscal year.

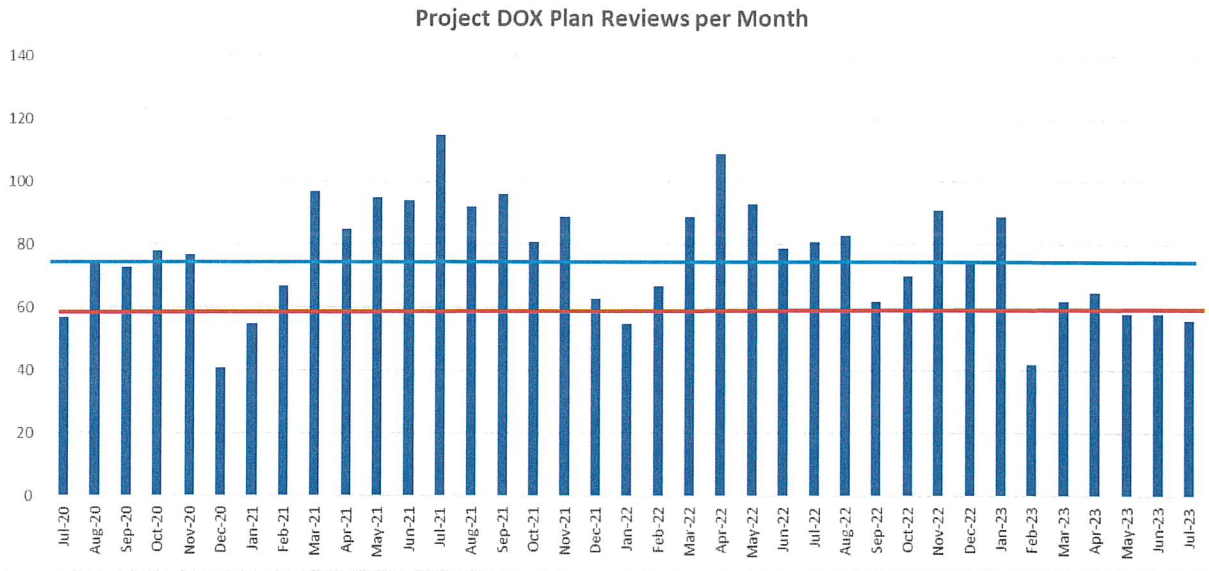
Chlorine gas deliveries have improved, but the main issue is the availability of truck drivers. To provide a backup to our chlorine gas supplies, staff installed a sodium hypochlorite tank and related equipment so that we now have two forms of chlorine to use (sodium hypochlorite is liquid chlorine – essentially bleach). This spreads the shortage risk across two forms of chlorine instead of relying on just one. Although the availability has slightly improved, the price of the chemical remains volatile.

In July 2023, the cost of chlorine increased by 12.95% from \$2,038 to \$2,300 per ton. We closely monitor chlorine gas supplies and track them daily.

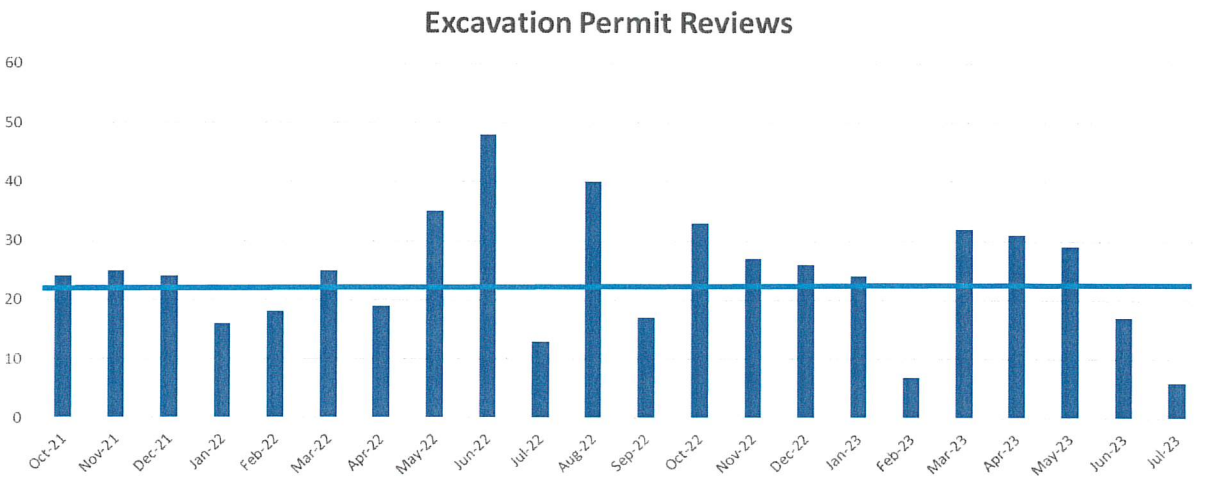


Plan Reviews

The Water Division has seen a significant increase in plan reviews starting with the onset of the COVID-19 pandemic, and we began tracking them in July 2020. Most of the plan reviews are ADUs (accessory dwelling units). **The number of plan reviews in July was 56, relatively similar to June at 58, and the number of excavation permit reviews decreased from 17 in June 2023 to 6 in July 2023.**



*Blue line is the average *Red line is the productivity of an experienced water service planner



Excavation Permits cover construction work in the City Right-of-Way for projects done by utilities such as gas, electric, fiber optic, water, storm drains and sewers.

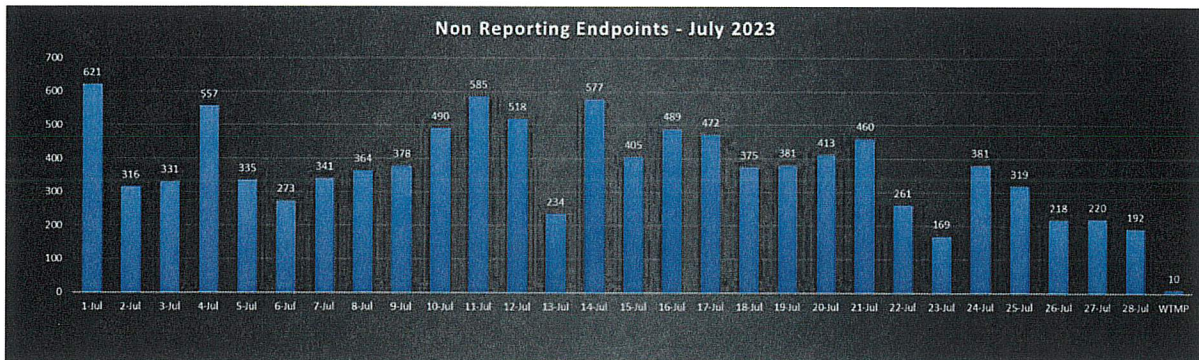
Leak Alert Notifications

In 2009, BWP began installing an automated metering infrastructure (AMI) system by Itron. Full deployment of the system (approximately 26,000 endpoints for water) was completed in 2011.

The benefits of AMI technology allow data to be collected rapidly and frequently and can be analyzed to find higher than normal usage and alert customers of leaks. BWP began

providing leak alert service to residents who registered to receive notifications. This service, called Water Smart, works by receiving hourly water usage from the meter and analyzing this data to determine if a leak might be present based on continuous usage. In **July 2023**, WaterSmart sent out **748** notifications to customers, including **612** email leak alerts, **128** print leak alerts, **6** text message leak alerts, and **2** voice alert.

Unfortunately, a high number of water meter communication modules are not working reliably, and replacement units are no longer manufactured. As of **July 31, 2023**, BWP was unable to receive remote reads for **10,685** water meters out of **26,871** (40% of the total) due to failing communication modules, and they had to be read manually.



In March 2021, staff deployed an interim automatic meter reading (AMR) system to read meters with failed communication modules. However, the interim AMR system does not automatically send data back to BWP. Instead, the meters are read once each month and customers with broken communication modules are not able to receive leak alerts.

BWP notified customers who participate in the leak alert program that the failure of these communication modules prevents the sending of leak alert notifications. Due to the continuing failures, BWP continually notifies the affected customers that they are vulnerable to unnoticed leaks causing water damage, and bills that could reach thousands of dollars as well as unnecessary and significant water waste.

The schedule for the AMI project is provided below:

- September 15, 2022 - Release of Request for Proposals (RFP)
- September 30, 2022 - Pre-proposal meeting (virtual)
- October 3, 2022 - Due date for RFP questions
- October 21, 2022 - Due date for response to RFP 2:00 PM
- November 7, 2022 - Interview/negotiation dates
- January 30, 2023 – Notice of award
- August 2023 – Notice to proceed (NTP)
- January 2024 – Network Installation, Software Integration, Field Testing
- January 2024 to April 2025 – Full Deployment
- April– 2025 – Project Completion

BWP issued an intent to award notice to the selected AMI vendor on November 28, 2022, and requested sample contract documents. We received draft contract documents on December 14, 2022. The AMI project consists of three separate contracts – a Master Services Agreement (MSA), Annual Services Agreement (ASA), and a Software as a Service (SaaS) and Spectrum Licensing Agreement. **BWP negotiated an increase in the contractual SaaS system uptime at no charge to BWP, added language in case of the contractor's failure to perform and clearly defined the change order process. BWP has received the AMI vendor's cybersecurity audit certifications and reviewed them for compliance with established cybersecurity industry standards. These negotiations and due diligence reviews have contributed to the updated schedule noted above. The project kick-off meeting occurred on August 24, 2023.**

Burbank's Path to Sustainable Water Use

Over the previous fiscal year, we successfully implemented conservation programs following the ADKAR model. The ADKAR change model describes the steps that need to be taken, starting with awareness, desire, knowledge, ability, and re-enforcement.

The ADKAR change model helped drive behavioral changes by increasing awareness and knowledge about drought and water conservation. BWP used digital and print currents (delivered to over 50,000 Burbank addresses), website content, social media, flyers, bill advertisements, and educational videos to raise awareness. Automated leak alerts, water waste reporting on the 311 app, and excessive water use citations drove enforcement.

Creating awareness was not limited to digital outreach; we participated in events like Police and Fire Day, door-to-door outreach with the Home Improvement Program, and promoting two rain barrel distribution events.

We further reinforced the initial education and awareness with signage showing water conservation rebates, and flyers with water conservation program information in the BWP lobby. We used customer testimonials to connect with the community, showing the positive impact of water conservation. Access to online classes by MWD on turf replacement, and a virtual water educational course helped increase the public's knowledge on making appropriate behavioral changes.

As evident by the data, the water savings achieved in FY 2022/23 were significantly better than FY 2021/22 – 18.3% versus less than 1%.

After the three driest years in state history, we've just experienced one of the wettest winters. Weather whiplash is abruptly swinging the state from periods of severe and extended drought to record-setting wet seasons. Next year could bring a return to extraordinarily dry conditions. This is a powerful reminder of our new

reality and that we must adapt quickly and responsibly to the increasingly variable climate.

BWP is committed to facilitating a sustainable community. Our focus will stay on conservation through the message of not wasting water. BWP's water sustainability programs and education will continue to promote sustainable water use, regardless of the current weather conditions. Our core message will be centered around saving water by not wasting water. Saving water has universal appeal, and it applies regardless of season and water system metrics.

Recently we highlighted watering rules that benefit gardens, trees, and general landscaping. Residents were reminded that attended hand watering is allowed any day, before 9 AM and after 6 PM. Communication about hand watering any day of the week, and tips to water trees were posted on social media channels. Click on the link to see the video: <https://f.io/tzeCZUSY>

In the upcoming months, we plan to launch campaigns to drive interest in drought-resistant landscaping, facilitated by a couple of grant-funded demonstration gardens, which we expect to launch sometime in the Fall into Winter of 2024.

Additionally, we plan to leverage marketing campaign templates developed by the Metropolitan Water District of Southern California to further educate and engage both residential and business customers. MWD routinely updates information to help homeowners, businesses, and institutions like hospitals, and schools identify ways to save water.

An example of a recent outreach by our Key Account Manager (Marisa Di Domenico) to Burbank Unified School District (BUSD) highlights the opportunities that exist with partners like MWD to advance large-scale water conservation in Burbank – WaterWise Consulting provides no-charge irrigation surveys to school districts through funding from the Metropolitan Water District of Southern California (MWD). These surveys and subsequent reports help identify areas of improvement, water cost-saving opportunities, and an inventory of all school irrigation. BUSD has accepted the offer and we look forward to the survey results to better understand water-saving opportunities at BUSD.

PROJECT UPDATES

BWP water crews are shown here using our hydraulic valve operator. This equipment not only helps them exercise valves more efficiently but also enables them to electronically regulate the amount of torque required to exercise larger distribution valves. Crew members continue to reinforce safe work practices while performing routine valve operational maintenance by wearing appropriate PPE and using proper street delineation methods. During this maintenance activity, each valve goes through our standard inspection procedures to ensure it operates

properly when it is needed. Valve turning/exercising is part of BWP's key performance indicators.

These essential workers are in the public eye at all times and are the front lines of our public relations and messaging program. As such, they display safe work practices at all times, staying aware of vehicle traffic as well as looking out for pedestrian safety.





ELECTRIC DISTRIBUTION

ELECTRIC RELIABILITY

In **July 2023**, Burbank Water and Power (BWP) experienced **one** sustained feeder outage. In the past 12 months, automatic reclosing has reduced customer outage time by approximately **634,571** customer minutes.

Reliability Measurement	August 2021 – July 2022	August 2022 – July 2023
Average Outages Per Customer Per Year (SAIFI)	0.3172	0.3035
Average Outage Time Experienced Per Year (SAIDI)	12.44 minutes	12.12minutes
Average Restoration Time (CAIDI)	39.21 minutes	39.92 minutes
Average Service Availability	99.998%	99.998%
Average Momentary Outages Per Customer Per Year (MAIFI)	0.2654	0.1516
No. of Sustained Feeder Outages	13	13
No. of Sustained Outages by Mylar Balloons	2	1
No. of Sustained Outages by Animals	0	0
No. of Sustained Outages by Palm Fronds	2	2

The predictive-analytics-driven equipment replacement program has been on hold since 2021 due to scarcity of equipment, longer than usual lead times, and low staffing levels. This action will drive reliability numbers slightly lower over time; however, staff believes this is an acceptable impact as maintaining the program would deplete our existing equipment stock and exposes the utility to the risk of not having equipment available if a major disaster occurs. Staff will re-assess commencing with the replacement program once equipment levels are sufficient and lead times are normalized.

Supply Chain

The pandemic has heavily impacted the electric utility industry over the last several years. Pricing and lead times for equipment have increased at an accelerated pace. Below is a list of lead times for the most common distribution equipment:

Equipment	Typical Lead Time	Current Lead Time
Transformers	12-16 weeks	150+ weeks
Meters	4-6 weeks	38+ weeks
Cable	12-16 weeks	60+ weeks
Poles	6-8 weeks	30+ weeks

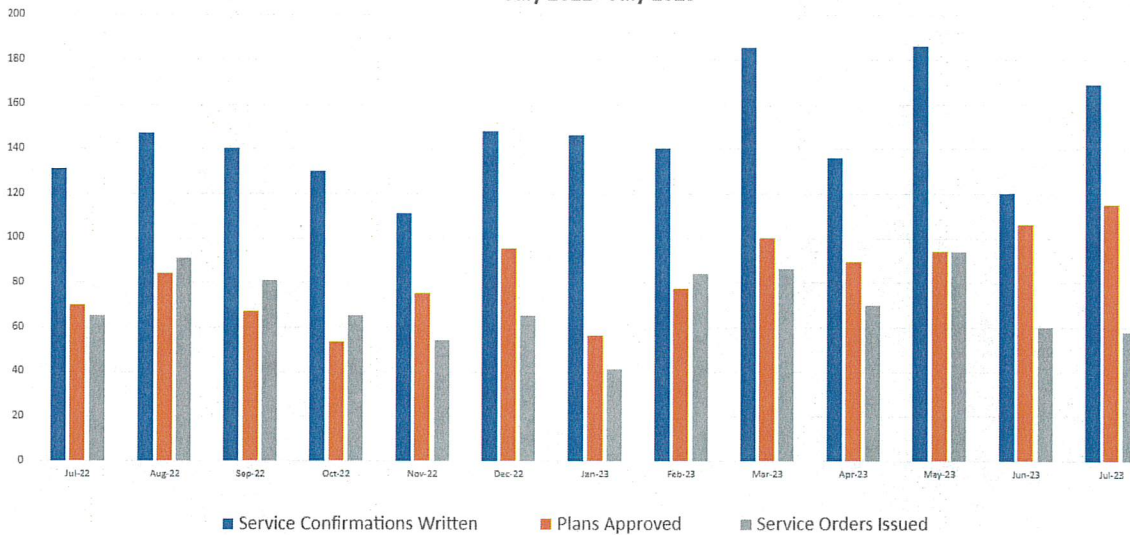
PROJECT UPDATES

Residential and Commercial Service Planning Activities

BWP provides our residential and commercial customers with the electrical power they need for new services or upgrades to their existing services. In order for a customer to obtain a building permit for their construction, BWP service planners must visit the customer's facility and fill out an electric service confirmation form which details what type of service is required and how it will be served. After reviewing and approving a customer's electrical plans, BWP service planners issue service orders to our field crews to carry out the inspections and electrical service work. The graph below summarizes the monthly activity for our residential and commercial service planning group within the T&D engineering section.

The electrical engineering section is seeing unprecedented development requests, including large site developments, major housing developments, and accessory dwelling units. In the last decade, BWP has energized about 400 new residential units. Based on the current proposed development, BWP is on the path to energizing more than 2,000 new residential units in the next three to four years. This is a tenfold increase in the amount of development. If this level of work is to continue, the electrical engineering section will need to staff accordingly to be able to keep up with the maintenance work that is currently being placed on hold to accommodate the development work and resulting capital projects.

Residential and Commercial Service Planning Activity Summary
July 2022 - July 2023



Town-Flower Sub-Transmission Line Relay Replacement at Town & Flower Substations

In alignment with BWP’s Electric Distribution Master Plan, BWP established a program in 2015 to replace all its older, electromechanical sub-transmission line relays with modern, microprocessor relays. Electromechanical relays take about 6 times longer to isolate the electrical system from a fault, resulting in higher arc flash levels and a higher risk of additional equipment failure. In addition to enhancing personnel and equipment safety by isolating faults much more quickly, microprocessor-based relays improve reliability through their ability to self-diagnose and automatically alert BWP if the relay is not working properly to reduce maintenance costs by reducing the number of relays by roughly 1/3 and by increasing the routine testing interval from 3 to 5 years, and to aide technicians and engineers with troubleshooting and post-fault analysis by logging digital event records.

BWP’s electrical equipment section completed installing and testing the new line relays for Town-Flower in July 2021. Because these relays were the last set of electromechanical line relays for an in-service sub-transmission line, BWP has now successfully completed this program of replacing all of its electromechanical line relays with microprocessor relays.



Prior to Replacement (Old Relays)



Post Replacement (New Relays)



STREET LIGHTING

LED Replacement Program

In accordance with the Street Lighting Master Plan, BWP is replacing high-pressure sodium (HPS) street light luminaires with light-emitting diodes (LED) luminaires. Replacement is carried out on a maintenance basis, and LEDs are installed as the HPS luminaires burn out. LED replacements consume approximately 60% less energy. To date, 91.78% of the total street light luminaires have been converted to LEDs, translating to an annualized energy savings of 5,383 MWh or a 58.08% reduction in energy consumption. LED conversions have also reduced the evening load by 1,247 kW, shortening the “neck of the duck curve” and reducing the energy generation BWP needs.

The number of street light luminaires converted to LED and their corresponding energy savings have not significantly changed in recent months due to the prior completion of all roadway non-LED conversion to LED throughout the city. The remainder of LED light conversions are associated with decorative posts, which are currently going through the planning and procurement phases. The rollout of LED fixtures for the decorative posts will take place thereafter, which will eventually be reflected in the total number of street light luminaires converted and their associated energy savings.

Wireless Telecom Attachments

BWP has entered into four master license agreements to allow communication carriers to attach, install, operate, and maintain communication facilities on street light poles with the public right-of-way.

For the communication carriers to build a new location for a wireless telecom attachment, BWP must first provide an electric service confirmation, which details how the location will be served. Each design must meet the city’s aesthetic requirements and BWP’s design guidelines. Once BWP approves the plans and a Public Works permit is issued, BWP issues work orders to our field crews for inspection and the electrical and street lighting work. The table below summarizes the activity that has taken place to date:

	Confirmations in Progress	Written Confirmations	Plan Signoffs	WTA Work Orders Issued	WTA Sites Energized
Total	0	262	21	24	53

CUSTOMER SERVICE OPERATIONS

Customer Service Representatives (CSR) assist customers by making payment arrangements to reduce the amount in arrears and provide additional resources to help customers manage their finances related to their utility bills. On January 31, 2023, City Council approved (4-1) to resume normal operations by restarting disconnections for residential customers with past due balances beyond 60 days, effective April 3, 2023.

As of **August 15, 2023**, we have **1,593** customers who have an active payment arrangement, resulting in a reduction of arrears by **\$3,230,185**. **1,541** arrangements are for residential customers totaling **\$2,875,986** and **52** arrangements are for commercial customers totaling **\$354,198**. These arrangement amounts are comparable to the volume and amount of payment arrangements seen last month. BWP will continue to encourage payment arrangements to assist our customers in managing their outstanding arrears.

As of **July 31, 2023**, the 61-plus day arrears total **\$506,994**, which is a **65%** reduction in residential past due balances beyond 60 days, compared to April 11, 2023, when it was **\$1,446,665**. On April 11, 2023, there were 2,933 residential customers with past-due balances beyond 60 days. As of **August 14, 2023**, there are **753** residential customers with at least 60 plus days of arrears. Of these **753** residential customers, **23** receive the Lifeline rate for low-income seniors over the age of 62 and disabled customers, and **15** customers receive the Burbank Utility Service Subsidy (BUSS).

Staff continues to call these customers to establish payment arrangements. Staff personally calls each Lifeline and BUSS customer before they are scheduled for disconnection, in addition to leaving a hang tag at the door of the customer advising them to contact us to avoid disconnection. By taking these additional steps, customers have either made payments or established payment arrangements, which have avoided disconnection. As of **August 15, 2023**, no Lifeline or BUSS customers have been disconnected for non-payment. However, one Life Support customer was disconnected in error on July 5, 2023. Staff reconnected the services immediately upon recognizing the human error, called the customer and waived disconnection fees.

Since BWP resumed disconnecting residential customers with past due balances beyond 60 days, as of **August 15, 2023**, staff has disconnected services to **1,420** customers and has collected **\$549,677** in funds.

On August 4, 2022, the BWP Board reviewed and passed the proposal to resume disconnections for small commercial customers beginning September 1, 2022, with a 7-0 vote. On August 23, 2022, City Council voted 3-1 to approve resuming power disconnections and late fees for small commercial customers effective September 1, 2022. After receiving approval from City Council, BWP immediately began notifying all small commercial customers via letter, e-mail, and automated phone calls. Small commercial customers eligible for disconnection began receiving an official notice on September 6, 2022.

BWP began disconnecting small commercial customers for non-payment effective September 29, 2022. From September 29, 2022, through **July 31, 2023**, **226** small commercial customers have been disconnected for non-payment, resulting in a reduction in arrears of **\$261,562**. As of **July 31, 2023**, **26** small commercial customers established payment arrangements totaling **\$114,544**. The **26** small commercial customers on payment arrangements are no longer eligible for disconnection as long as they continue to meet the terms of the arrangement.

As of November 2, 2022, 159 small commercial customers had arrears over 60 days and were eligible for disconnection. **As of July 13, 2023, that number has fallen to 80.** This indicates that small commercial customers are continuing to make payments or enrolling in payment arrangements to avoid disconnections.

Outstanding Debt

As of **July 31, 2023**, the following is the current outstanding debt by commodity for all customer classes:

Aging By Service Type					
Service Type	31-60	61-90	91+	Total	% of Total
ELECTRIC	\$ 745,678	\$ 202,917	\$ 341,916	\$ 1,290,510	58%
WATER	\$ 135,597	\$ 34,858	\$ 121,815	\$ 292,270	13%
SEWER	\$ 112,782	\$ 42,838	\$ 63,996	\$ 219,616	10%
SOLID WASTE	\$ 129,628	\$ 49,068	\$ 71,446	\$ 250,142	11%
FIBER OPTIC	\$ 131,288	\$ 16,791	\$ 30,869	\$ 178,949	8%
GENERAL SERVICE	\$ 893	\$ 345	\$ 438	\$ 1,676	0%
MISCELLANEOUS	\$ -	\$ -	\$ 18	\$ 18	0%
Grand Total	\$1,255,865	\$346,817	\$630,498	\$2,233,180	100%

As of March 20, 2023, the total arrears were \$6,158,890 for all commodities. **As of July 31, 2023, this number has dropped to \$2,233,180.** For all past due balances beyond 61 days, this number fell from \$1,375,677 in June to \$977,315 as of July 31, a 30% reduction. Total pre-COVID arrears as of January 30, 2020, for all commodities was \$1,046,244.60, which included 61 plus day arrears of \$280,176.60.

BWP Call Center Call Types & Volume

Customer Contact Types	% of Calls
BALANCE	15%
START/STOP/CLEAN & SHOW	14%
PAYMENT ARRANGEMENTS	10%
DISCONNECT/RECONNECT	10%
UPDATE CUST ACCOUNT INFO	8%

Month	Call Volume
Jun-22	3,311
Jul-22	3,220
Aug-22	4,001
Sep-22	4,436
Oct-22	3,983
Nov-22	3,010
Dec-22	3,037
Jan-23	3,277
Feb-23	3,507
Mar-23	4,252
Apr-23	4,069
May-23	3,850
Jun-23	3,699
Jul-23	3,794

Call volume increased by 2% in July compared to the previous month. In July 2023, staff received 3,794 calls, which is a 17% increase compared to 3,220 in July 2022. This increase is a result of resuming residential disconnections. Customers continue to call regarding their urgent and termination notices, requesting to establish a payment arrangement. In July 2023, 10% of calls were customers requesting a payment arrangement, down from 19% in April, and 10% of customers called as a result of being disconnected for non-payment. By comparison, in February 2023, prior to BWP restarting the disconnection process for residential customers, less than 1% of customers called to make payment arrangements.

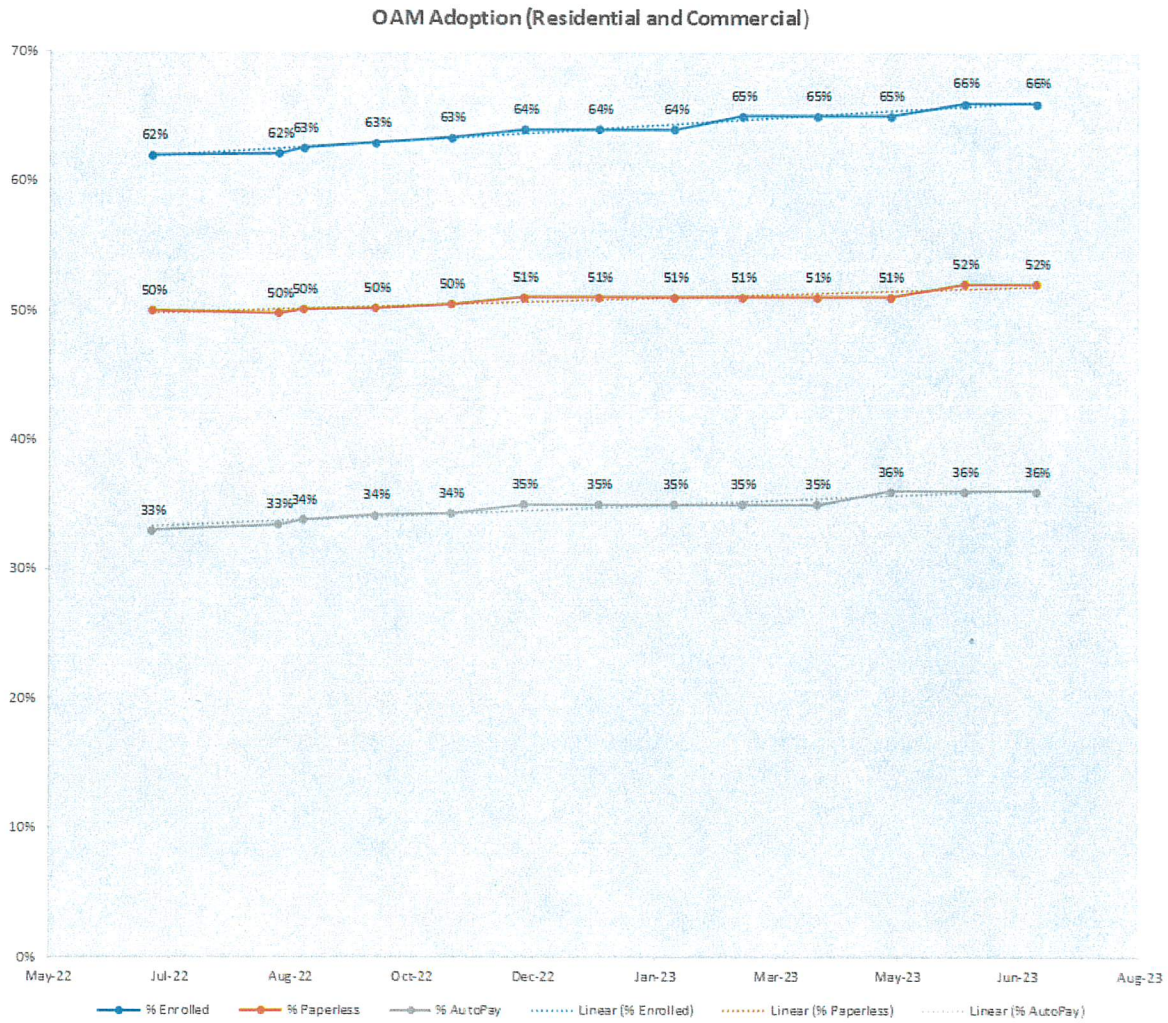
Online Account Manager

The Online Account Manager (OAM) is BWP's online customer portal. Customers can view their utility bills, make payments, change addresses, and enroll in automated bill and payment notifications. The enrollment in the online account manager (OAM) is currently at 66% of all active accounts; increases in enrollments have been on the rise since the COVID-19 pandemic. Of the 34% of customers who are not currently enrolled in OAM, 86% of those customers are residential. Of all registered OAM accounts, about 82% are paperless customers helping BWP reduce costs, save trees and reduce carbon emissions. BWP will continue its efforts to drive customers to the OAM, paperless, and autopay. These initiatives will continue to drive down costs.

BWP continues to market and promote general OAM outreach campaigns utilizing every owned channel, including on-bill messaging, *Currents* (digital and print), social media, and BWP's website. Last fiscal year BWP set a target to reach 66% OAM adoption, and we are working to meet this goal by June 30, 2023. BWP is offering this service to customers who are making payment arrangements, as it can help customers maintain their agreed-upon payment schedules. Since last month, we have added 87 new autopay

users. BWP continues to utilize social media via a targeted marketing campaign to increase enrollment.

Below is the chart outlining activity for the OAM:



	Active	% of Total Active Accounts
Active Users	34,545	66%
Paperless	27,160	52%
Autopay	18,961	36%

SUSTAINABILITY, MARKETING, AND STRATEGY

Rates Communication

The end of fiscal year 2022-23 marked the end of the rate increase communication campaign with all assets successfully deployed across BWP's website and other channels of communication. The rate increase communication plan has shifted into a phase we reference as "aftercare", where we focus on financial help, bill management, conservation to lower bill amounts, and preparation for ECAC (energy cost adjustment charge, which is a new bill component beginning July 2023).

In the coming months, we will be publishing articles and information about financial help (BUSS, Burbank Utility Service Subsidy, and Lifeline), water and electric conservation, rebates, and conservation programs, including electrification (EVs and building electrification).

We will continue to support educational tools to help residents understand the impact of rate increases through 2025. At the request of City Council, additional rate information was made available to the public with a bill calculator, on BWP's website. The bill calculator allows customers to estimate their expected bill after the rate increases take place. The calculator covers two (2) fiscal years, consistent with the approved rate schedule. The rate calculator can be found here:

<https://www.burbankwaterandpower.com/bill-calculator>.

For the complete rates communication plan, please see the presentation here: <http://bit.ly/4389Unf>.

BWP'S Energy Efficiency and Water Savings

BWP manages a comprehensive portfolio of resource efficiency programs for residential and commercial customers focusing on energy efficiency, peak load reduction, water conservation, transportation electrification, and greenhouse gas savings.

The *Home Improvement Program (HIP)* offers energy-water surveys and efficiency measure installations to all Burbank single-family residential, multi-family residential, and multi-family common area customers. Some of the HIP's services include direct installation services of weather-based irrigation controllers, high-efficiency sprinkler heads, soil moisture sensors for low-income single-family and multi-family common area customers, and properties within the disadvantaged community areas of Burbank. Furthermore, the program offers energy-water surveys and the installation of efficiency measures for multi-family common area customers. **This month, 12 households participated in HIP, resulting in annual savings of 4.1 kW in demand, 9,624 kWh of energy, and 34,662 gallons of water.**



A happy customer and participant of the Home Improvement Program.

BWP's Refrigerator Exchange Program offers income-qualified customers a new Energy Star-certified refrigerator in exchange for their old, inefficient refrigerator. The Refrigerator Exchange Program had **0** refrigerators exchanged this month.

BWP's Shade Tree Program provides an arborist visit and delivers shade trees to help customers shade their properties, reduce A/C usage, and clean the air. The program delivered **23 trees** this month.

BWP's AC Replace it Before it Breaks program was paused this month while the vendor agreement was routing for execution.

Some additional energy efficiency programs include residential and commercial rebates for the purchase and installation of high-efficiency retrofit measures and LivingWise energy/water efficiency education and kits for 6th graders.

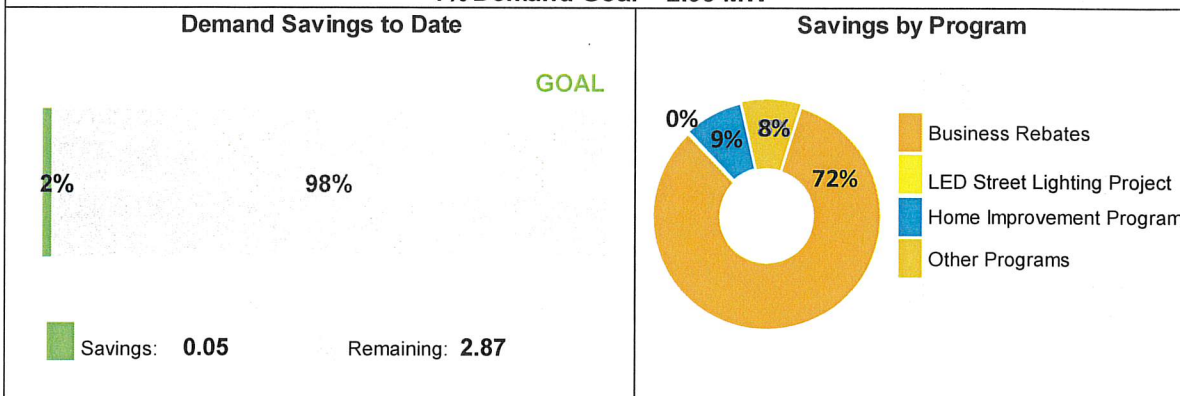
BWP continues to offer various water conservation programs and incentives to the community. In addition to giveaways of low-flow showerheads and aerators, at no cost, and direct installation of water efficiency measures delivered through the HIP. Burbank residents and businesses are eligible for various water-saving technology rebates funded and administered by the Metropolitan Water District's (MWD) Regional Incentive Program. BWP increased turf replacement rebates by 50%. This month **20** rebates were issued and a total of **20** were issued throughout the fiscal year. Of those, there were **4** turf replacement rebates this month and **5** turf replacement rebates issued since the beginning of the fiscal year.

In addition, BWP administers the Hydration Station Program for commercial customers.

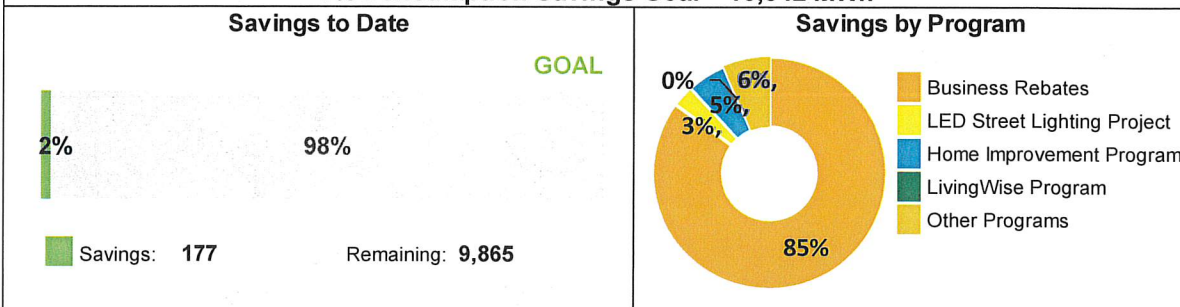
The program offers rebates for water bottle filling stations to provide the community with access to safe and reliable tap water while also helping reduce plastic bottle waste. MWD funds the Hydration Station Program. The Hydration Station Program had **0** hydration stations installed this month.

Energy Efficiency Savings FYTD 2023-2024 Period ending on 7/31/2023

1% Demand Goal = 2.93 MW

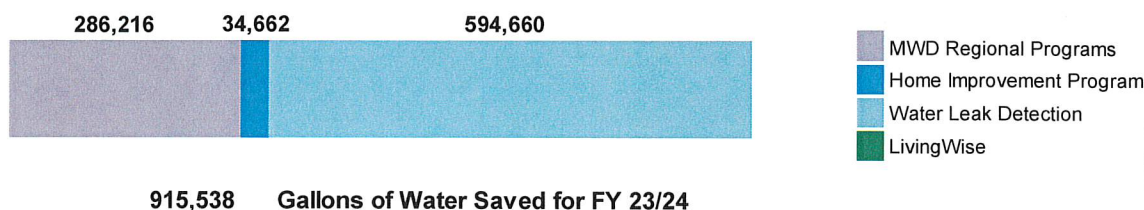


1% Consumption Savings Goal = 10,042 MWh



Water Efficiency Program Savings

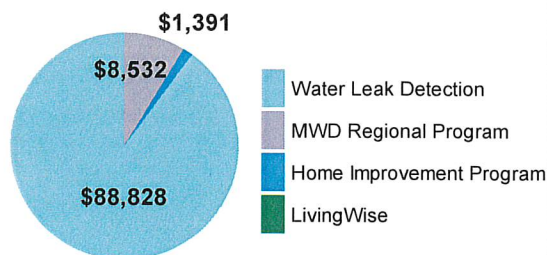
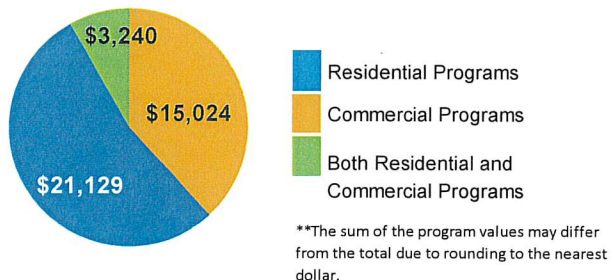
Gallons of Potable Water



Efficiency Direct Program Costs* FYTD 2023-2024

**Electric Programs: \$39,393

Water Programs: \$98,751



*Direct program costs reflect rebates and payments to program implementers, they do not include marketing and administration costs

Electric Vehicle (EV) Charging Program

BWP plays a key role in facilitating the adoption of transportation electrification through education and the development of programs and initiatives.

The city now has **93** public EV charging ports, including two DC fast chargers and 40 curbside ports. As of November 1, the public charging rate is \$0.18 per kWh for all hours at a level two charge. The public charging rate is \$0.29 per kWh for DC fast chargers for all hours.

4 new Level 2 charging ports were commissioned at George Izay Park on 7/31/2023.

To meet building codes and provide EV charging to drivers with accessibility needs, when adding EV charging ports to existing parking facilities, BWP adds the code-required number of accessible spaces and proper signage for valid ADA placard holders. To date, there are thirteen accessible public EV charging ports at the following locations: Burbank Airport (one port), BWP Lake St. Lot (two ports), Community Development/Central Library Lot (two ports), Lakeside Shopping Center (two ports), Burbank Town Center (four ports), **George Izay Park (two ports).**

New Public EV Charging Station Construction

Construction for **four additional** level 2 charging ports and **4 make readies** at George Izay Park began on April 24, 2023. Substructure installation was completed in June, and the stations were installed in July 2023. The stations finished inspection on July 13, 2023, and were energized on **July 31, 2023.**

Construction for **8 additional Level 2** charging ports at the Buena Vista Library began on **8/14/2023** and is expected to complete by **10/14/2023.**

Commercial Rebate Program

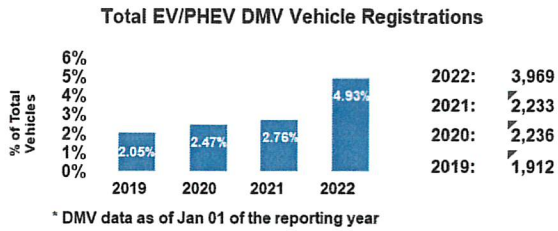
Zero commercial rebates were issued in July 2023.

Residential Rebate Program

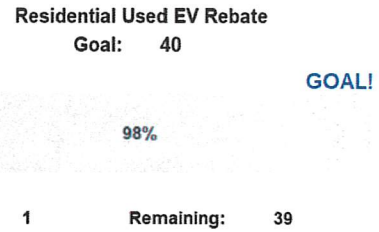
BWP has issued 34 charging station rebates since the beginning of the fiscal year. **Two residential EV rebates were distributed in July 2023.**

Transportation Electrification 2023-2024 Period ending on 7/31/2023

EV Growth in Burbank*



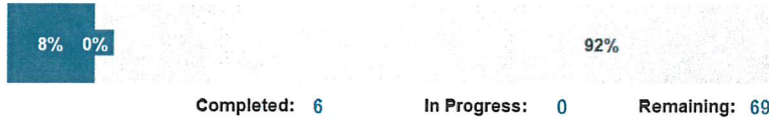
Vehicle Rebates



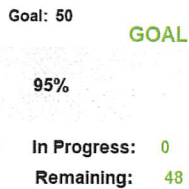
Transportation Electrification Initiatives for FY 2023-2024

Facilitate the Installation of 75 EV Charging Ports to Electrify the Transportation Sector in Burbank

Goal: 75 **GOAL**



Residential Charging Station Rebates



Commercial Charging Station Rebates



Public Charging Ports

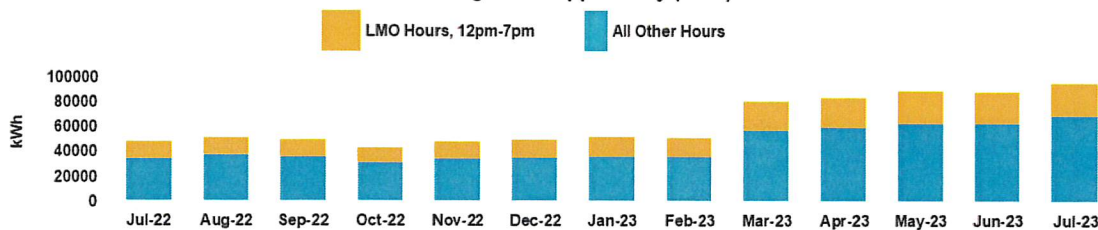


Public Charging Port Statistics

	Public Charging Ports		Total Sessions	Total Energy (kWh)	Total Revenue	Total GHG ¹ Reduced (kg)	Charging Sessions at ¹ Peak	² Charging Occupancy
	Total Ports	Total Available						
July:	93	93	5,745	74,311	\$14,429	42,806	30%	22%
Average:	93	93	5,745	74,311	\$14,429	42,806	30%	22%
FY Total:	93	93	5,745	74,311	\$14,429	42,806	30%	22%

* Source: U.S. Dept of Energy Alternative Fuels Data Center (AFDC) values used to calculate GHG savings. GHG values revised using AFDC data as of 06/09/2020.

Load Management Opportunity (LMO) Hours

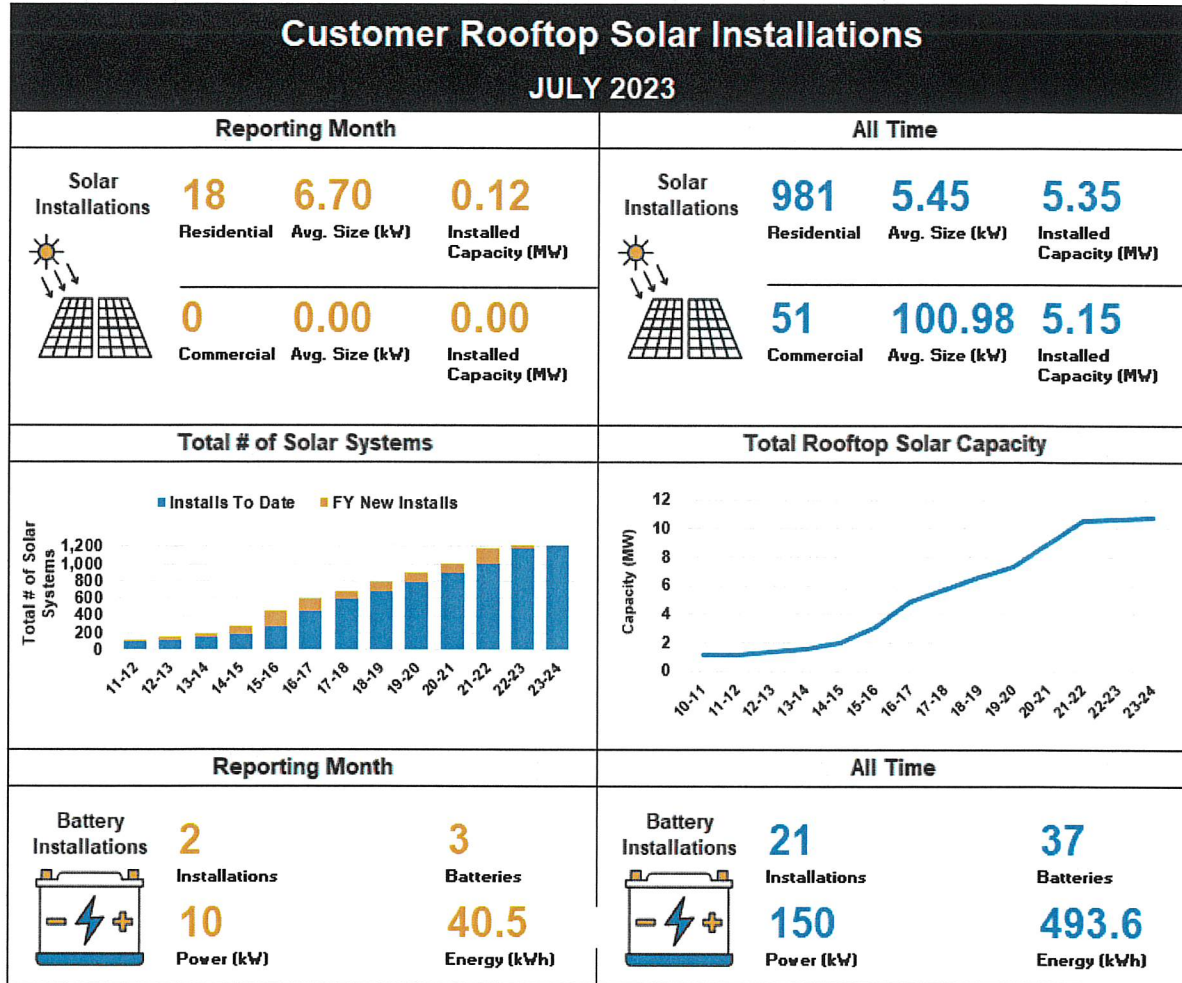


¹Peak is defined as 4 – 7 PM, as is reflected in the Public EV Charging Station rate

²Charging Occupancy is defined as the percentage of time EV's are charging at stations for all available hours in a given month across all charging stations

Rooftop Solar and Battery Installations

Customer-owned rooftop solar system installations continue to grow. BWP does not provide rebates for installing these systems. However, the 30% Federal Investment Tax Credit makes purchasing solar and/or battery systems more accessible.



TECHNOLOGY

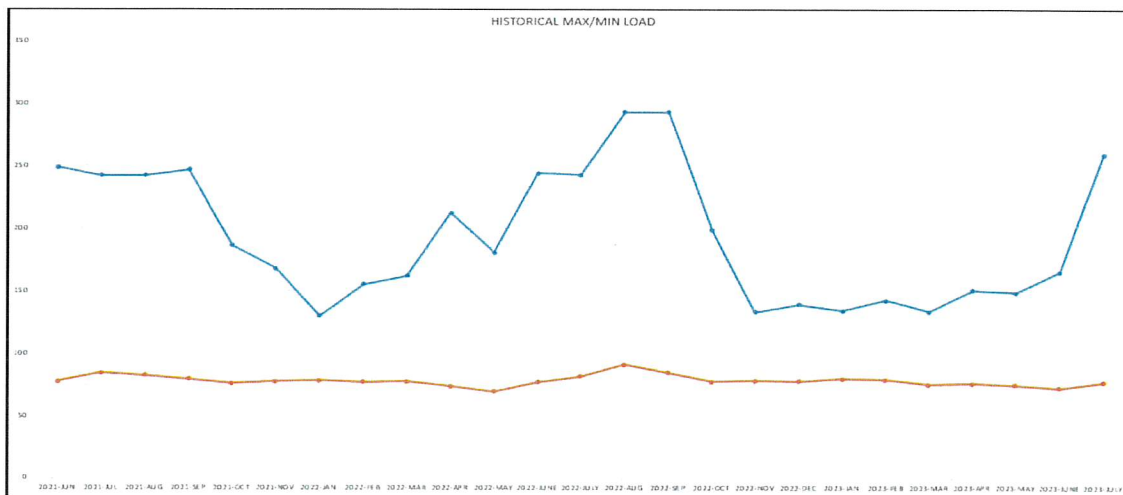
Broadband Services (ONEBurbank)

	July 2023 New Orders	Revenues for July 2023	FYTD 2023-24 Revenues	FYTD Budget
Lit	1	\$161,856	\$161,856	\$176,000
Dark	1	\$179,890	\$179,890	\$190,667
Total	2	\$341,746	\$341,746	\$366,667

POWER SUPPLY

BWP SYSTEM OPERATIONS:

The maximum load for July 2023 was 259.0 MW at 3:56 PM on July 25, 2023, and the minimum load was 76.7 MW at 6:21 AM on July 2, 2023.



YEAR	MAX LOAD	MAX DATE
2023	259.0 MW	25-Jul-23 15:56
2022	292.8 MW	06-September-22 15:58
2021	248.5 MW	15-June-21 14:57
2020	292.3 MW	18-Aug-20 15:22
2019	282.66 MW	04-Sep-19 15:31
2018	306.3 MW	06-Jul-18 16:41

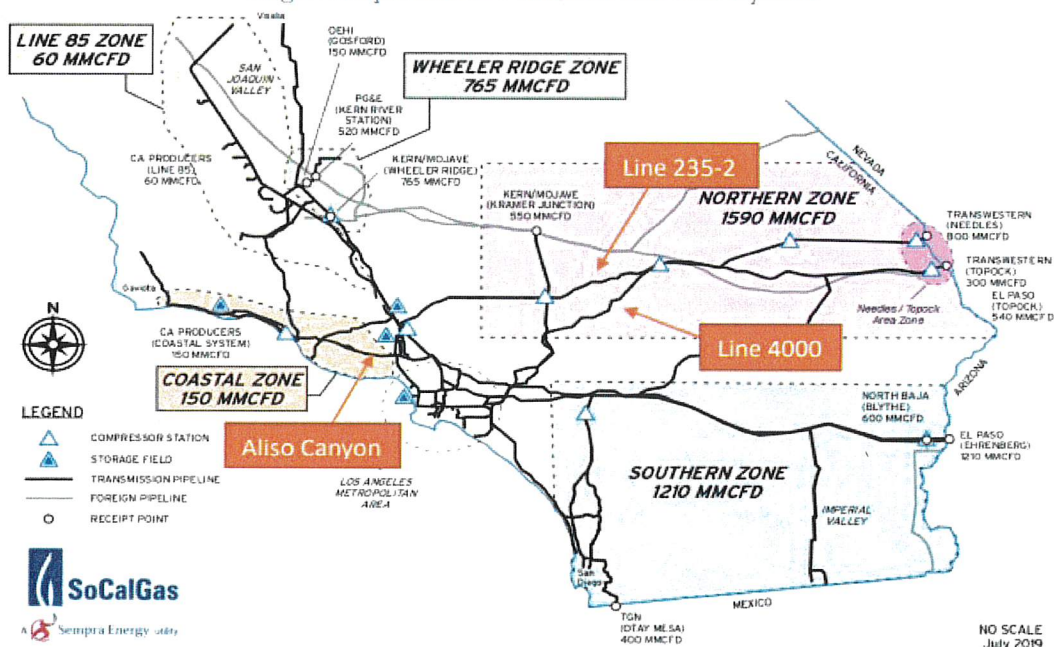
Southern California continues to experience natural gas reliability and affordability challenges because of supply and demand mismatches. SoCalGas' system capacity and supply are primarily a function of two components: (1) transmission pipelines, which bring gas into and then transport it throughout the system; and (2) underground natural gas storage connected to transmission pipelines near system load. While one component of the system's limited supply is the transmission pipeline reductions and outages, the other critical component is storage operating constraints from the CPUC restricting the use of the Aliso Canyon Storage Facility. The current effective withdrawal protocol is restrictive but is less restrictive than the previous protocol, in that Aliso Canyon was only allowed to be withdrawn from if curtailment was imminent, but now can occur under less acute circumstances. As a result, BWP has not had issues with obtaining adequate gas supplies to operate its natural gas-fired generators; however, the supplies have been at a much higher price than normal due to national and global issues and increases in demand. Limited supply, coupled with high demand, has caused natural gas prices to increase significantly since 2020.

For the first eight months of 2022, U.S. gas exports were 14% higher than in 2021. For the first 8 months of 2022, power generation, residential, and commercial sectors demand caused U.S. demand to increase by 4%. U.S. storage levels were well below the 5-year average at the end of September 2022. U.S. natural gas prices reached their highest level since the summer of 2008 due to tight supply-demand balance and low storage levels. LNG exports are expected to increase another 4% next year, adding to the current U.S. supply/demand issue.

The table (below) shows that natural gas prices in 2023 are about 2.5 times higher than in 2020. The price of natural gas jumped due to extreme winter (2021) weather followed by the Russia-Ukraine conflict and peaked in late 2022. In 2023, natural gas prices have decreased; however, they still remain higher than 2020 prices, which will continue to have a negative impact on BWP's budget. BWP continues to hedge (procure natural gas at fixed prices for future delivery) to minimize the risk and exposure to extreme pricing; however, even though short-term spot natural gas prices have declined, prices for future delivery remain higher than normal. These higher prices increase BWP's cost of generation, impact market prices for power, and have negative impacts on the budget.

We are keeping a close eye on labor issues and inflationary pressures and will provide an update as we get more information. We are also monitoring Senate Bill 1486, which would limit operations at Aliso Canyon post-2027. BWP is a member of the Southern California Generation Coalition (SCGC), which continues to follow and participate in the CPUC's efforts to evaluate alternatives that would minimize or eliminate the use of Aliso Canyon. SCGC (including Burbank) continues to express concerns about reliability and the need to maintain the Aliso Canyon storage facility unless or until an alternative is identified that can supply the products and services that it provides.

Image 1: Receipt Points & Transmission Zone Firm Capacities



Since 2020, gas prices have increased significantly, to 2.5 times the value in 2020. This is a slight decrease over the last month however, with summer demand, the prices started to go the other direction.

Calendar Year	\$/MMBtu
2017	\$3.41
2018	\$5.14
2019	\$4.08
2020	\$3.01
2021	\$6.99
2022	\$9.27
2023	\$7.65
Increase since 2020	2.5X

ELECTRICITY GENERATION:

BWP Generating Facilities

Unit	Availability	Operating Hrs	MWH (Net)	Net Heat Rate (Btu/kWh)	Number of Starts
Olive 1	0%	0	0	0	0
Olive 2	0%	0	0	0	0
Lake 1	99%	156	5,779	10,358	21
MPP	100%	744	141,573	7,691	0

Olive 1 and 2 remained in dry storage, with a 274-day notice required to restart one unit and a 365-day notice required to restart both units. Olive 1 and 2 have been in dry storage since 2011 and 2012, respectively.

Lake 1 was placed online twenty-one times during the month of June.

Magnolia Power Project (MPP)

	July	FYTD	YTD
Availability	100%	100%	96%
Unit Capacity Factor (240 MW)	79%	79%	69%

There were no outages at MPP during the month of July 2023.

Tieton Hydropower Project (Tieton)

Generation began on April 10, 2023; Tieton generated **4,722 MWh in July with a single generator in operation because of the limited water flow available to the project.** The Rimrock reservoir is currently at **80% full.**

ENVIRONMENTAL

Air Quality

The Lake unit ammonia slip test is scheduled to be performed on August 4, 2023. Air quality testing is required by the South Coast Air Quality Management District (SCAQMD) to ensure the facility is operating in accordance with its permit.

Storm Water

The State Water Resources Control Board Industrial General Permit requires industrial facilities to collect, at a minimum, four stormwater samples per reporting year and compare them to statewide regulatory limits. **No samples have been collected for the current reporting year of July 1, 2023, to June 30, 2024.** Although previous reporting years' sample results continue to indicate ongoing compliance issues with the Industrial General Permit metals effluent limitations, specifically iron, zinc, and copper, the results are below the Time Schedule Order interim effluent limitations. Samples are also collected from the offsite influent that commingles with BWP's stormwater discharge. Previous offsite samples also exceeded the limits for metals.

In order to address the stormwater compliance issues, BWP is in the process of implementing a campus stormwater improvement project. BWP initially completed the proposed project's California Environmental Quality Act (CEQA) Initial Study/Mitigated Negative Declaration in 2019. However, recent amendments to the CEQA guidelines now require an update to the CEQA Initial Study/Mitigated Negative Declaration. The updated Initial Study/Mitigated Negative Declaration CEQA public review period ended on July 22, 2022, and responses to comments on the document have been prepared. The BWP Board approved a recommendation to City Council to adopt a resolution to approve the proposed project CEQA Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program, and authorizing the BWP General Manager to execute the Notice of Determination during the June 1, 2023, meeting. City Council approved this recommendation on June 13, 2023. The environmental review was expected to be finalized when the project was approved by the Burbank City Council. However, the engineering design and permitting phase has taken longer than originally expected due to the complexity of the project as well as other factors, including the onset of a pandemic. MNS Engineers was contracted to prepare the final design plans, as well as provide engineering support and permitting support for the project. The project's final design is complete, permitting is ongoing, bid specifications are being prepared, and it is anticipated that a request for proposals (RFP) will be issued for the construction activities in August 2023. As an interim measure, BWP has also applied for time schedule orders

(TSOs) that include interim limits, which are achievable for this site. The final TSOs were approved by the Los Angeles Regional Water Quality Control Board (LAWQCB) on June 7, 2021. These TSOs and interim limits will apply until the improvement project is complete. Milestone achievements are required, and project completion must be achieved by March 28, 2025, as required by the amended TSO. BWP submitted a TSO amendment request to the LAWQCB. The amendment consists of consolidating the BWP and MPP facilities into one TSO, requesting coverage for copper, and updating the project schedule. The TSO amendment public review process ended on July 21, 2022, and no comments were received. The amended TSO was finalized on July 31, 2022, and was received in August.

BWP has been utilizing engineers' estimates which are revised annually to establish the appropriate budgets for the campus stormwater improvement project. Based on the most recent project cost estimate, an additional \$3.2 million is being proposed to the BWP budgets for FY 23/24 and FY 24/25. The project scope has not changed, and the increase is entirely attributable to significant market increases. The total BWP budget for the project is proposed to increase from \$3.2 million to \$6.4 million. BWP also verified the accuracy of the latest engineers' estimates by reviewing recent bids from other entities who are currently approaching construction of similar projects received.

PROJECT UPDATES

Power Resources

Renewable Portfolio Standard (RPS) Compliance

BWP met the calendar year 2022 goal of 38.5% RPS, and we will meet the 41.25% RPS for 2023. BWP staff continues to evaluate renewable resources to meet future compliance requirements. Staff updated the RPS Procurement Plan and Enforcement Program in December 2021, which shows BWP's path forward with RPS compliance. Staff is currently working on additional renewable contracts to maintain RPS compliance for future years. Prices for long-term renewables have increased approximately 30-100% due to supply chain issues as well as an increase in demand as load-serving entities try to procure renewable resources to meet the state's RPS targets which are increasing by approximately 3% annually. We continue to experience challenges with negotiations for a new long-term contract for renewables. **Staff continues negotiating contracts for 2 sources of renewables. One is a small hydro project located in Northern California that would add approximately 2% RPS annually for a term of 15 years.** This project is for BWP alone. If negotiations are successful and result in contract execution, deliveries could start in 2024. Also, BWP (via SCPPA joint procurement) continues negotiating a 40 MW share of a solar project in Utah. There are some potential challenges with the joint procurement timeline that could impact the success of the project and/or delay the start date, but we are working with the parties to resolve those. If negotiations are successful and result in contract execution, this project would add approximately 10% RPS annually for BWP. We continue to look for short-term as well as other long-term projects to meet future RPS obligations; **however, supplies for delivery in the balance of 2023, 2024,**

and 2025 are low and the renewable premiums have jumped considerably in the last few weeks. For 2023 delivery, the premium has reached an all-time high (in the mid \$60 per portfolio content category 1 renewable energy credit), which is about a 30% increase.

Integrated Resource Plan (IRP) Update

BWP continues to work with its vendor on the IRP as well as the stakeholder team. Eight IRP STAG (Stakeholder Technical Advisory Group) meetings and three public stakeholder meetings have taken place since the IRP kick-off in December. These meetings provided background on BWP's resources, operations, and resource planning to set the foundation for future IRP-related discussions. The IRP is due to the CEC on January 1, 2024. Stakeholder engagement efforts, compliance, and costs will be some of the major factors in the 2024 IRP. The IRP development and stakeholder engagement process is expected to take 6-12 months to complete.

BWP plans to hold at least 8 STAG meetings from December 2022– August 2023 and 3 community stakeholder meetings in 2023. **More meetings will be planned for the future.** BWP is soliciting feedback on the IRP, and the IRP survey is posted here: <https://www.burbankwaterandpower.com/2024-irp>

Transmission Update

BWP is partnering with LADWP on additional renewable contracts and opportunities. BWP will continue to meet with LADWP monthly to discuss transmission needs. BWP is working with LADWP on the update to the Open Access Transmission Tariff (OATT) process. As of March 2023, LADWP has suspended this OATT process and any potential rate increases will be postponed further. LADWP has not provided any updates on the status of this effort since that time. Staff attended the June LADWP transmission stakeholder meetings and plans to attend all future meetings to represent BWP's concerns.

Intermountain Power Project (Delta, UT) Renewal Progress

LADWP, BWP, and GWP (the IPP repowering participants) are working together to create a detailed roadmap for green hydrogen production and power generation at IPP. In the medium term, the IPA is targeting 30% green hydrogen combustion by July 2025, when the IPP repower project is scheduled to come online. On a monthly basis, IPP participants continue to meet to discuss the IPP renewal, including concerns about facilities development and potential additional resources at the site.

Staff continues to actively work with Intermountain Power Agency (IPA) on cost increases due to the Hydrogen Betterments Project and coal supply issues. The cost of the IPP renewal project has increased significantly, from \$2.5 billion in 2019 to \$3.6 billion in August 2022. BWP's share was \$86.5 million in 2019 and is now \$141 million (this does

not include interest). Staff will continue to track costs and report on them, as new data becomes available. Updated project costs will be provided in August.

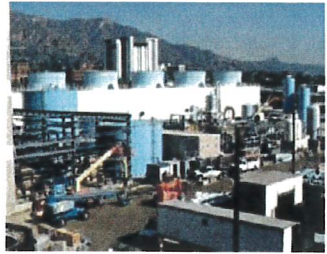
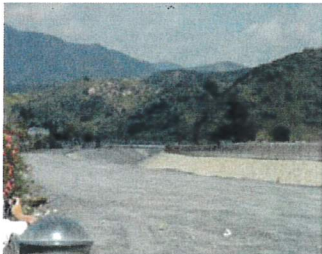
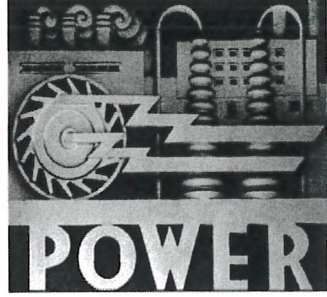
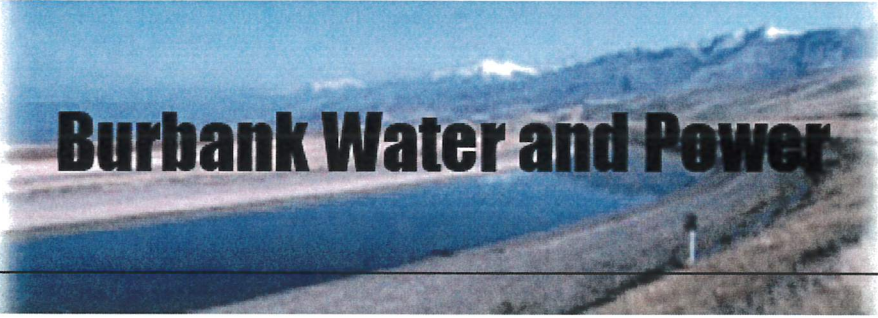
Regarding the coal supply concerns, IPP participants agreed to limit the output of the IPP units, to maintain a minimum megawatt supply sufficient to preserve the integrity of the Southern Transmission System direct current lines and meet the participants' minimal needs during the less critical times of the year. For the foreseeable future, we will continue to see limitations with the IPP coal supply. **As of July 1, 2023, IPP generators have been running at minimum load and have allowed participants to operate their share of the resource within their specific coal allocation. Two-unit operation is expected to continue through October 2023.**

Power Production

Lake One Power Plant Emissions Retrofit Project

The engineering work is complete. The South Coast Air Quality Management District permit for the project is expected to be received during the third quarter of 2023. The construction outage is currently scheduled for October 2023. Substantial completion of the project is expected on or before January 1, 2024.

The new emissions control system will allow Lake One to remain in compliance with upcoming air quality requirements. The project consists of designing, engineering, permitting, constructing/installing, commissioning, and testing the new emissions system. This project is planned to conclude in the first half of 2023.



**Estimated Financial Report
June-23**

**Burbank Water and Power
Electric Fund (496)
Estimated Statement of Changes in Net Assets ^{(1) (2)}
MTD and FYTD June 2023
(\$ in 000's except MWh Sales)**

Estimated MTD Actual FY 22-23	MTD Budget FY 22-23	\$ Variance	% Variance		Estimated YTD Actual FY 22-23	YTD Budget FY 22-23	\$ Variance	% Variance
75,377	91,410	(16,033)	(18%) ^(a)	NEL MWh	1,022,820	1,069,723	(46,903)	(4%) ^(A)
				Retail				
\$ 12,139	\$ 14,529	\$ (2,389)	(16%)	Retail Sales	\$ 165,366	\$ 172,726	\$ (7,360)	(4%)
427	573	(146)	(25%) ^(b)	Other Revenues (a)	5,905	6,874	(968)	(14%) ^(B)
10,456	10,682	226	2% ^(c)	Retail Power Supply & Transmission	129,810	123,268	(6,542)	(5%) ^(C)
2,111	4,420	(2,309)	(52%)	Retail Margin	41,462	56,332	(14,870)	(26%)
				Wholesale				
1,553	11,440	(9,886)	(86%)	Wholesale Sales	23,228	50,000	(26,772)	(54%)
1,277	11,211	9,934	89%	Wholesale Power Supply	20,304	49,000	28,696	59%
277	229	48	21%	Wholesale Margin	2,925	1,000	1,925	192%
2,387	4,648	(2,261)	(49%)	Gross Margin	44,387	57,332	(12,945)	(23%)
				Operating Expenses				
1,073	1,073	-	0%	Distribution	10,952	12,974	2,022	16% ^(D)
132	132	-	0%	Administration/Safety	1,428	1,752	323	18% ^(E)
339	339	-	0%	Finance, Fleet, & Warehouse	4,256	4,244	(12)	(0%)
538	538	-	0%	Transfer to General Fund for Cost Allocation	6,448	6,460	12	0%
581	581	-	0%	Customer Service	4,059	6,150	2,092	34% ^(F)
219	219	-	0%	Marketing & Sustainability	1,618	2,632	1,014	39% ^(G)
398	398	-	0%	Public Benefits	2,515	4,771	2,256	47% ^(H)
153	153	-	0%	Security/Oper Technology	2,581	1,628	(953)	(59%) ^(I)
130	130	-	0%	Telecom	1,411	1,587	176	11% ^(J)
225	225	-	0%	Construction & Maintenance	2,352	2,702	350	13% ^(K)
1,831	1,831	-	0%	Depreciation	20,114	21,976	1,862	8% ^(L)
5,620	5,620	-	0% ^(d)	Total Operating Expenses	57,736	66,878	9,142	14%
\$ (3,232)	\$ (971)	\$ (2,261)	(233%)	Operating Income/(Loss)	\$ (13,349)	\$ (9,546)	\$ (3,803)	(40%)

**Burbank Water and Power
Electric Fund (496)
Estimated Statement of Changes in Net Assets ^{(1) (2)}
MTD and FYTD June 2023**

(\$ in 000's)

Estimated MTD Actual FY 22-23	MTD Budget FY 22-23	\$ Variance	% Variance
\$ (3,232)	\$ (971)	\$ (2,261)	(233%)
87	87	-	0%
138	138	-	0%
(406)	(406)	-	0%
<u>(181)</u>	<u>(181)</u>	<u>-</u>	<u>0%</u>
(3,413)	(1,152)	(2,261)	(196%)
601	601	-	0%
<u>\$ (2,812)</u>	<u>\$ (551)</u>	<u>\$ (2,261)</u>	<u>(410%)</u>

	Estimated YTD Actual FY 22-23	YTD Budget FY 22-23	\$ Variance	% Variance
Operating Income(Loss)	\$ (13,349)	\$ (9,546)	\$ (3,803)	(40%)
Other Income(Expenses)				
Interest Income	2,319	1,042	1,277	123% ^(M)
Other Income/(Expense) ⁽⁴⁾	(181)	(1,006)	825	82% ^(N)
Bond Interest/ (Expense)	(4,563)	(4,475)	(88)	(2%)
Total Other Income/(Expense)	<u>(2,425)</u>	<u>(4,439)</u>	<u>2,014</u>	<u>45%</u>
Net Income	(15,774)	(13,985)	(1,790)	(13%)
Capital Contributions (AIC)	1,190	7,213	(6,024)	(84%) ^(O)
Net Change in Net Assets	<u>\$ (14,585)</u>	<u>\$ (6,772)</u>	<u>\$ (7,813)</u>	<u>(115%)</u>

1. This report may not foot due to rounding.

2. () = Unfavorable.

3. Other Revenues include transmission, telecom and Internet revenues as well as other items such as revenues and expenses related to Low Carbon Fuel Standard credits, damaged property recovery, connection fees, late fees, and tampering fees.

4. Other Income/(Expense) includes a one-time payment to CalPERS (for pension) and miscellaneous revenue from the sale of scrap materials, inventory, and assets, as well as BABS subsidy.

Burbank Water and Power
Electric Fund (496)
Statement of Changes in Net Assets - Footnotes
MTD June 2023
(\$ in 000's)

Foot-note #	Accounts/Description	Actual	Budget	Variance to Budget	Explanation
(a)	Electric Usage in MWh	75,377	91,410	(16,033)	- NEL is 18% lower than budget due primarily to cooler weather and conservation. The average high temperature in June was 74°F, compared to the 15-year average high temperature of 82°F. The average low temperature was 55°F, compared to the 15-year average low temperature of 59°F.
(b)	Other Revenues	427	573	(146)	- Other revenues include transmission, telecom and internet revenues as well as other items such as damaged property recovery, connection fees, late fees, and lampering fees which tend to fluctuate.
(c)	Retail Power Supply & Transmission	10,456	10,682	226	- The unfavorable variance is attributable to various components within Retail Power Supply & Transmission. Please refer to page 5 for additional details.
(d)	Total Operating Expenses	5,620	5,620	-	- Expenses for June 2023 are estimated at budgeted values.

**Burbank Water and Power
Electric Fund (496)
Statement of Changes in Net Assets - Footnotes
FYTD June 2023
(\$ in 000's)**

Foot-note #	Accounts/Description	Actual	Budget	Variance to Budget	Explanation
(A)	Electric Usage in MWh	1,022,820	1,069,723	(46,903)	- NEL is 4% lower than budget. The FYTD average high temperature was 75°F, compared to the 15-year average high temperature of 78°F. The FYTD average low temperature was 51°F, compared to the 15-year average low temperature of 52°F.
(B)	Other Revenues	5,905	6,874	(968)	- Other revenues include transmission, telecom and Internet revenues as well as other items such as damaged property recovery, connection fees, late fees, and tampering fees which tend to fluctuate. The unfavorable variance is also attributable to the moratorium on fees through April 2023 in light of the COVID-19 pandemic.
(C)	Retail Power Supply & Transmission	129,810	123,268	(6,542)	- The unfavorable variance is attributable to various components within Retail Power Supply & Transmission. Please refer to page 6 for additional details.
(D)	Distribution	10,952	12,974	2,022	- The favorable variance is primarily attributable to vacancies and to lower than planned spending on professional services and private contractual services.
(E)	Administration / Safety	1,428	1,752	323	- The favorable variance is primarily attributable to work for others and lower than planned spending on private contractual services, professional services, travel and training.
(F)	Customer Service	4,059	6,150	2,092	- The favorable variance is primarily attributable to vacancies, work for others, lower than planned spending on professional services and the timing of bad debt write-offs.
(G)	Marketing & Sustainability	1,618	2,632	1,014	- The favorable variance is primarily attributable to vacancies and lower than planned spending on private contractual services, professional services and rebates.
(H)	Public Benefits	2,515	4,771	2,256	- The favorable variance is attributable to vacancies and lower than planned program spending.
(I)	Security/Oper Technology	2,581	1,628	(953)	- The unfavorable variance is primarily attributable to lower than planned capital work and work for others, offset by vacancies and lower than planned spending on professional services.
(J)	Telecom	1,411	1,587	176	- The favorable variance is primarily attributable to vacancies and lower than planned spending on private contractual services and professional services, offset by work for others.
(K)	Construction & Maintenance	2,352	2,702	350	- The favorable variance is primarily attributable to vacancies and lower than planned spending on private contractual services, building grounds maintenance & repair and special departmental supplies, offset by higher than planned work from other departments.
(L)	Depreciation	20,114	21,976	1,862	- The favorable variance is primarily attributable to delays in capital projects.
(M)	Interest Income	2,319	1,042	1,277	The favorable variance is primarily attributable to interest earned on the funds from the 2023 Electric Revenue Bonds.
(N)	Other Income/(Expense)	(181)	(1,006)	825	- The favorable variance is primarily attributable to the sale of excess nitrous oxide reclaim trading credits, the sale of scrap metal, and revenue collected for joint pole activities.
(O)	Capital Contributions (AIC)	1,190	7,213	(6,024)	- The unfavorable variance is attributable to the timing of AIC projects.

June 2023 Budget to Actual P&L Variance Highlights - Electric Fund
(\$ in 000's)

	Variance Month-to-Date		
	Favorable Items	Unfavorable Items	Budget to Actual Variance
<u>MTD NET INCOME/(LOSS): \$(3,413)</u>	\$ -	\$ (2,261)	\$ (2,261)
<u>MTD GROSS MARGIN VARIANCE</u>			
Retail Sales	-	(2,389)	(2,389)
Power Supply and Transmission:			
- Lower retail load	622	-	622
- Lower than planned renewables cost and other	267	-	267
- Higher transmission	-	(100)	(100)
- Higher energy prices	-	(388)	(388)
- New minimum for IPP and Hydrogen Betterment	-	(205)	(205)
- Higher O&M	-	(341)	(341)
- Retail load management and economic dispatch	371	-	371
- Timing True-up and prior period adjustments	-	-	-
Other Revenues	-	(146)	(146)
Wholesale Margin	48	-	48
Total	1,308	(3,569)	(2,261)
<u>MTD O&M AND OTHER VARIANCES</u>			
Distribution	-	-	-
Administration/Safety	-	-	-
Finance, Fleet, & Warehouse	-	-	-
Customer Service	-	-	-
Marketing & Sustainability	-	-	-
Public Benefits	-	-	-
Security/Oper Technology	-	-	-
Telecom	-	-	-
Construction & Maintenance	-	-	-
Depreciation expense	-	-	-
All other	-	-	-
Total	-	-	-

June 2023 Budget to Actual P&L Variance Highlights - Electric Fund
(\$ in 000's)

	Variance Fiscal Year-to-Date		
	Favorable Items	Unfavorable Items	Budget to Actual Variance
<u>FYTD NET INCOME/(LOSS): \$(15,774)</u>	\$ -	(1,790)	\$ (1,790)
<u>FYTD GROSS MARGIN VARIANCE</u>			
Retail Sales	-	(7,360)	(7,360)
Power Supply and Transmission			
- Lower retail load	1,154	-	1,154
- Lower than planned renewables cost and other	1,009	-	1,009
- Higher transmission	-	(633)	(633)
- Higher energy prices	-	(16,814)	(16,814)
- New minimum for IPP and Hydrogen Betterment	-	(3,850)	(3,850)
- Lower O&M	5,701	-	5,701
- Retail load management and economic dispatch	3,201	-	3,201
- SCPPA True-up and prior period adjustments	3,690	-	3,690
Other Revenues	-	(968)	(968)
Wholesale Margin	1,925	-	1,925
Total	\$ 16,680	\$ (29,625)	\$ (12,945)
<u>FYTD O&M AND OTHER VARIANCES</u>			
Distribution	2,022	-	2,022
Administration/Safety	323	-	323
Finance, Fleet, & Warehouse	-	(12)	(12)
Customer Service	2,092	-	2,092
Marketing & Sustainability	1,014	-	1,014
Public Benefits	2,256	-	2,256
Security/Oper Technology	-	(953)	(953)
Telecom	176	-	176
Construction & Maintenance	350	-	350
Depreciation expense	1,862	-	1,862
All other	2,026	-	2,026
Total	\$ 12,120	\$ (965)	\$ 11,155

Electric Fund (496)
Statement of Changes in Cash and Investment Balances ^(a)
(\$ in 000's)

	Jun-23	Mar-23	Dec-22	Sep-22	Jun-22	Jun-21	Recommended Reserves		Minimum Reserves
							Low	High	
Cash and Investments									
General Operating Reserve	\$ 51,001	\$ 49,826	\$ 60,650	\$ 57,746	\$ 69,212	\$ 73,156	\$ 72,715	\$ 108,323 ^(b)	\$ 47,391 ^(c)
Capital & Debt Reduction Fund	- ^(d)	10,000	10,000	10,000	10,000	10,000	-	-	-
BWP Projects Reserve Deposits at SCPPA	4,580	4,507	4,489	4,459	3,794	3,740	-	-	-
Sub-Total Cash and Investments	55,582	64,333	75,139	72,205	83,007	86,896	72,715	108,323	47,391
Commitments									
Customer Deposits	(10,976)	(10,487)	(10,432)	(9,906)	(9,939)	(4,245)	-	-	-
Public Benefits Obligation	(10,881)	(11,010)	(11,013)	(10,258)	(9,315)	(8,128)	-	-	-
Low Carbon Fuel Standard ^(b)	(3,602)	(3,652)	(3,184)	(3,451)	(3,464)	(2,999)	-	-	-
IPP Decommission	-	-	-	- ^(c)	(2,000)	(2,000)	-	-	-
Sub-Total Cash and Investments (less Commitments)	30,123	39,184	50,510	48,590	58,288	69,523	72,715	108,323	47,391
Bond Proceeds									
Bond Proceeds on Deposit with Trustee	120,107	126,658	-	-	-	-	-	-	-
Total Cash and Investments and Bond Proceeds (less Commitments)	150,230	165,842	50,510	48,590	58,288	69,523	72,715	108,323	47,391

^(a) The Statement of Cash Balances may not add up due to rounding.

^(b) Denotes funds reserved related to the sale of Low Carbon Fuel Standard (LCFS) credits, net of Electric Vehicle charger infrastructure expenditures.

^(c) Reversal of IPP decommission reserve.

^(d) New financial reserve policy was adopted by City Council on April 25, 2023.

**Burbank Water and Power
Water Fund (497)
Estimated Statement of Changes in Net Assets ^{(1) (2)}
MTD and FYTD June 2023
(\$ in 000's except Gallons)**

Estimated MTD Actual FY 22-23	MTD Budget FY 22-23	\$ Variance	% Variance		Estimated YTD Actual FY 22-23	YTD Budget FY 22-23	\$ Variance	% Variance
361	425	(64)	(15%) ^(a)	Water put into the system in Millions of Gallons	4,349	4,672	(323)	(7%) ^(A)
79	117	(38)	(33%) ^(b)	Metered Recycled Water in Millions of Gallons	887	1,035	(148)	(14%) ^(B)
				Operating Revenues				
\$ 2,268	\$ 2,561	\$ (294)	(11%)	Potable Water	\$ 27,443	\$ 29,760	\$ (2,317)	(8%)
377	547	(170)	(31%)	Recycled Water	4,521	4,885	(364)	(7%)
179	113	66	59% ^(c)	Other Revenue ⁽³⁾	1,962	1,351	611	45% ^(C)
2,823	3,221	(398)	(12%)	Total Operating Revenues	33,926	35,996	(2,070)	(6%)
1,456	1,137	(318)	(28%) ^(d)	Water Supply Expense	11,303	12,732	1,429	11% ^(D)
1,367	2,084	(716)	(34%)	Gross Margin	22,624	23,264	(641)	(3%)
				Operating Expenses				
568	568	-	0%	Operations & Maintenance - Potable	8,588	9,796	1,207	12% ^(E)
145	145	-	0%	Operations & Maintenance - Recycled	1,536	1,757	221	13% ^(F)
337	337	-	0%	Operations & Maintenance - Shared Services	3,050	4,060	1,010	25% ^(G)
148	148	-	0%	Transfer to General Fund for Cost Allocation	1,775	1,775	-	0%
370	370	-	0%	Depreciation	4,445	4,444	(1)	(0%)
1,569	1,569	-	0% ^(e)	Total Operating Expenses	19,394	21,832	2,439	11%
(201)	515	(716)	(139%)	Operating Income/(Loss)	3,230	1,432	1,798	126%
				Other Income/(Expenses)				
13	13	-	0%	Interest Income	1,005	161	844	524% ^(H)
45	45	-	0%	Other Income/(Expense) ⁽⁴⁾	216	9	206	2190% ^(I)
(216)	(216)	-	0%	Bond Interest/(Expense)	(2,587)	(2,587)	0	0%
(157)	(157)	-	0%	Total Other Income/(Expenses)	(1,366)	(2,417)	1,051	43%
(359)	358	(716)	(200%)	Net Income/(Loss)	1,864	(985)	2,848	289%
57	57	-	0%	Capital Contributions (AIC)	293	684	(390)	(57%) ^(J)
\$ (302)	\$ 415	\$ (716)	(173%)	Net Change in Net Assets	\$ 2,157	\$ (301)	\$ 2,458	817%

1. This report may not foot due to rounding.

2. () = Unfavorable

3. Other Revenue includes items such as fire protection services, damaged property recovery, connection fees, late fees, and tampering fees.

4. Other Income/(Expense) Includes a one-time payment to CalPERS (for pension) and miscellaneous revenue from the sale of scrap materials, inventory, and assets.

**Burbank Water and Power
Water Fund (497)
Statement of Changes in Net Assets - Footnotes
MTD June 2023
(\$ in 000's except Gallons)**

Foot-note #	Accounts/Description	Actual	Budget	Variance to Budget	Explanation
(a)	Water put into the system in Millions of Gallons	361	425	(64)	- Water use during June 2023 was 15% below budget due primarily to cooler weather and conservation. The average high temperature in Jun was 74°F, compared to the 15-year average high temperature of 82°F. The average low temperature was 55°F, compared to the 15-year average low temperature of 59°F. Burbank remains in Stage III of the Sustainable Water Use Ordinance. Stage III limits outdoor watering to two days a week on Tuesday and Saturday from April to October.
(b)	Recycled Water Usage in Millions of Gallons	79	117	(38)	- Recycled water usage was lower than planned due to lower demand, likely due to lower than average temperatures.
(c)	Other Revenue	179	113	66	- Other revenues include items such as fire protection services, damaged property recovery, connection fees, late fees, and tampering fees, which tend to fluctuate.
(d)	Water Supply Expense	1,456	1,137	(318)	- The unfavorable variance is a result of lower demand, offset by a fiscal year to date true-up to adjust the average cost of groundwater for \$521k.
(e)	Total Operating Expenses	1,569	1,569	-	- Expenses for June 2023 are estimated at budgeted values.

Burbank Water and Power
Water Fund (497)
Statement of Changes in Net Assets - Footnotes
FYTD June 2023
(\$ in 000's except Gallons)

Foot-note #	Accounts/Description	Actual	Budget	Variance to Budget	Explanation
(A)	Water put into the system in Millions of Gallons	4,349	4,672	(323)	- The unfavorable variance is attributable to the two-week moratorium on all outdoor watering in September 2022 related to a shutdown for repair of MWD's Colorado River pipeline. Additionally, Burbank is currently in Stage III of the Sustainable Water Use Ordinance.
(B)	Recycled Water Usage in Millions of Gallons	887	1,035	(148)	- Recycled water usage was lower than planned due to lower demand as a result of higher than average rainfall. FYTD Burbank received 26.99 inches of rainfall compared to the FYTD normal of 15.07 inches.
(C)	Other Revenue	1,962	1,351	611	- Other revenues include items such as damaged property recovery, connection fees, late fees, and tampering fees, which tend to fluctuate.
(D)	Water Supply Expense	11,303	12,732	1,429	The favorable variance is a result of lower demand and using more Valley/BOU water than planned which is less costly than imported MWD water.
(E)	Operations & Maintenance - Potable	8,588	9,796	1,207	- The favorable variance is primarily attributable to vacancies and lower than planned professional services.
(F)	Operations & Maintenance - Recycled	1,536	1,757	221	The favorable variance is attributable primarily to lower than planned costs for electricity for recycled water pumping due to lower sales and lower than planned spending on professional services and special departmental supplies.
(G)	Operations & Maintenance - Shared	3,050	4,060	1,010	- The favorable variance is attributable to lower than planned shared expenses (Customer Service, Finance and Administration) from the Electric Fund.
(H)	Interest Income	1,005	161	844	- The favorable variance is attributable to interest earned on the funds from the 2021 Water Revenue Bonds, based on higher than planned balances related to the timing of bond drawdowns.
(I)	Other Income/(Expense)	216	9	206	Other Income/(Expense) include miscellaneous revenue from the sale of scrap materials, inventory, and assets, which tend to fluctuate.
(J)	Capital Contributions (AIC)	293	684	(390)	- The unfavorable variance is attributable to the timing of AIC projects.

June 2023 Budget to Actual P&L Variance Highlights - Water Fund
(\$ in 000's)

	Variance Month-to-Date		
	Favorable Items	Unfavorable Items	Budget to Actual Variance
<u>MTD NET INCOME (LOSS): \$(359)</u>	\$ -	\$ (716)	\$ (716)
<u>MTD GROSS MARGIN VARIANCE</u>			
Potable Revenues	-	(294)	(294)
Recycled Revenues	-	(170)	(170)
Other Revenue	66	-	66
Water Supply Expense	-	(318)	(318)
Total	<u>66</u>	<u>\$ (783)</u>	<u>\$ (716)</u>
<u>FYTD O&M AND OTHER VARIANCES</u>			
Potable O&M	-	-	-
Recycled Water O&M	-	-	-
Allocated O&M	-	-	-
Depreciation Expense	-	-	-
All Other	-	-	-
Total	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

June 2023 Budget to Actual P&L Variance Highlights - Water Fund
(\$ in 000's)

	<u>Variance Fiscal Year-to-Date</u>		
	<u>Favorable Items</u>	<u>Unfavorable Items</u>	<u>Budget to Actual Variance</u>
<u>FYTD NET INCOME: \$1,864</u>	\$ 2,848	\$ -	\$ 2,848
<u>FYTD GROSS MARGIN VARIANCE</u>			
Potable Revenues	-	(2,317)	(2,317)
Recycled Revenues	-	(364)	(364)
Other Revenue	611	-	611
Water Supply Expense	1,429	-	1,429
Total	<u>\$ 2,040</u>	<u>\$ (2,681)</u>	<u>\$ (641)</u>
<u>FYTD O&M AND OTHER VARIANCES</u>			
Potable O&M	1,207	-	1,207
Recycled Water O&M	221	-	221
Allocated O&M	1,010	-	1,010
Depreciation Expense	-	(0)	(0)
All Other	1,051	-	1,051
Total	<u>\$ 3,490</u>	<u>\$ (0)</u>	<u>\$ 3,489</u>

Water Fund (487)
Statement of Changes in Cash and Investment Balances ^(a)
(\$ in 000's)

	Jun-23	Mar-23	Dec-22	Sep-22	Jun-22	Jun-21	Recommended Reserves		Minimum Reserves
							Low	High	
Cash and Investments									
General Operating Reserves (c)	\$ 22,869	\$ 19,370	\$ 17,959	\$ 13,889	\$ 12,769	\$ 12,181	\$ 16,504	\$ 24,755 ^(b)	\$ 9,902 ^(b)
Capital Reserve Fund	- ^(b)	2,220	2,220	2,220	2,220	2,220	-	-	-
Sub-Total Cash and Investments	22,869	21,590	20,179	16,109	14,979	14,401	16,504	24,755	9,902
Commitments									
Customer Deposits	(511)	(398)	(389)	(397)	(1,052)	(1,125)	-	-	-
Sub-Total Cash and Investments (less Commitments)	22,358	21,192	19,790	15,712	13,927	13,276	16,504	24,755	9,902
Bond Proceeds									
Bond Proceeds on Deposit with Trustee	19,465	20,126	20,798	22,101	23,159				
Total Cash and Investments and Bond Proceeds (less Commitments)	41,823	41,317	40,588	37,813	37,086	13,276	16,504	24,755	9,902

^(a) The Statement of Cash Balances may not add up due to rounding.

^(b) New financial reserve policy was adopted by City Council on April 25, 2023.

^(c) Payment for the purchase of physical solution water is expected to be made in June 2023.

August 2, 2023
4:30 p.m.

The regular meeting of the Civil Service Board was held in the Council Chambers of City Hall.

Roll Call

Members present:

Richard Ramos, Chairperson
Matthew Doyle, Vice-Chairperson
Linda Barnes, Secretary
Jacqueline Waltman

Members not present: Iveta Ovsepyan

Also present:

Daniel Amaya, Administrative Analyst I
Kimberley, Clark, City Clerk
Melissa Dekermenji, Records Manager
Elizabeth Goldman, Library Services Director
Brady Griffin, Human Resources Manager
David Lasher, Administrative Analyst II
Betsy McClinton, Management Services Director
Melissa Potter, Assistant Library Services Director
April Rios, Human Resources Manager
Rene Sanchez, Administrative Analyst II
Jessica Sandoval, Executive Assistant
Julianne Venturo, Ast Management Services Director
Craig Wood, Deputy Financial Services Director

Open Public Comment Period of Oral Communications

None.

Future Agenda Items

None.

Election of Officers

MOTION CARRIED: It was moved by Ms. Waltman, seconded by Mr. Doyle and carried 4-0 to appoint Mr. Ramos as Chair. It was moved by Ms. Barnes, seconded by Ms. Waltman and carried 4-0 to appoint Mr. Doyle as Vice-Chairperson. It was moved by Ms. Waltman, seconded by Mr. Doyle and carried 4-0 to appoint Ms. Barnes as Secretary.

Approval of Minutes

MOTION CARRIED: It was moved by Mr. Doyle, seconded by Ms. Barnes and carried 4-0 to approve the minutes of the regular meeting of July 5, 2023.

Presentation "Team Development Training Series – Jim Uhl, Chief Engagement Officer, Breaking the Chain Consulting"**Proposed Amendments to Classification Plan**

- a. **Establishment of the Title and Specification for the Classification of Records Technician.**

MOTION CARRIED: It was moved by Mr. Doyle, seconded by Ms. Waltman and carried 4-0 to approve the establishment of the title and specification for the classification of Records Technician.

- b. **Revision of the Title and Specification for the Classification of Library Clerk to Library Associate; and Revision of the Specification for the Classification of Library Page.**

MOTION CARRIED: It was moved by Ms. Waltman, seconded by Ms. Barnes and carried 4-0 to approve the revision of the title and specification for the classification of Library Clerk to Library Associate; and revision of the specification for the classification of Library Page.

Recruitment and Selection Report – July 2023

RECOMMENDATION: Note and file.

Appointments and Assignments

For the month of August 2023, there was one temporary appointment extension and two temporary assignment extensions. The extensions were being sought on behalf of the Information Technology Department and the Financial Services Department.

MOTION CARRIED: It was moved by Mr. Doyle, seconded by Ms. Barnes and carried 4-0 to approve the Appointments and Assignments for the month of August 2023.

Discussion Regarding Cancelling Civil Service Board Meetings with No Action Items

The Board requested staff postpone this item until the September 2023 Civil Service Board meeting.

Adjournment

The regular meeting of the Civil Service Board was adjourned at 6:15 p.m.

Julianne Venturo
Assistant Management Services Director

APPROVED:

Richard Ramos, Chairperson

DATE _____

Linda Barnes, Secretary

DATE _____



MEMORANDUM



COMMUNITY DEVELOPMENT

DATE: August 31, 2023

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director 
VIA: Simone McFarland, Assistant Community Development Director 

SUBJECT: Landlord-Tenant Commission Meeting – August 7, 2023

- Four members of the public attended the meeting over Zoom, but did not join for oral communications. A total of five members of the public attended the in-person meeting. Four members had questions and comments for the Commission related to rent increases, lease agreements, AB 1482, and the Brown Act.
- The Commission discussed updating the Frequently Asked Questions (FAQ) Document. They agreed to add questions and answers to the document regarding the sale of units, rent increases, leases, notices to vacate, no-fault evictions, and security deposits. This document is currently being updated with new information for review at the September 2023 meeting.
- The Commission provided updates to four intake forms received in the last month related to eviction notices, lease agreements, noise complaints, security deposit, notice to vacate, and rent increases. Additionally, the Commission provided follow-up on 12 open cases from prior months.
- Housing staff guided the commission members through the voting process for chairperson and vice chair. First, Vice Chair Shanna Ingalsbee was elected the new Chair of the Landlord-Tenant Commission, second, Judy Smith was elected the new Vice Chair of the Landlord-Tenant Commission.
- For staff announcements, housing staff informed the commission that the AB 1482 Study session will be held the next day at 6:00 pm in the City Hall. Additionally, the Commission was reminded that during the term August to July 2023 Commissioner Toth and Commissioner Nahabedian had one absence. The new attendance term will be held from August 2023 to July 2024.

- The Commission approved the draft minutes of June 5, 2023.
- The meeting adjourned at 8:34 p.m.

MEMORANDUM



POLICE DEPARTMENT

DATE: September 8, 2023

TO: Justin Hess, City Manager

FROM: Michael Albanese, Chief of Police
BY: Brent Fekety, Police Sergeant
VIA: Denis Cremins, Captain – Administrative Services

SUBJECT: City Manager Tracking List # 2544 - Review of Police Department Policy Regarding Officer Viewing of Body Worn Camera and In-Car Camera Video Recordings Prior to Providing a Statement Following a Critical Incident

At the May 9, 2023, Council meeting, Mayor Anthony requested an informational memo to review the Burbank Police Department's (Department) policy pertaining to police officers' ability to view body worn camera (BWC) and in-car camera (ICC) video recordings prior to providing a statement following a critical incident.

BACKGROUND

Law enforcement agencies worldwide have implemented the use of BWC and ICC systems to digitally document evidence, strengthen transparency and accountability, eliminate inconsistencies, provide perspective on police-involved events, and for use to conduct training and personnel performance evaluations. In its pursuit to implement this technology in Burbank, the Department facilitated a robust six-year evaluation of equipment, vendors, and program design. In 2013, the Department conducted an initial beta-test of equipment; this test provided a wealth of knowledge about the potential positive operational aspects of BWCs/ICCs, however also provided perspective on the limitations of the technology at that time, including the inability to integrate BWCs with ICCs.

In 2017, the Department and the City's Information Technology Department collaborated to conduct a comprehensive evaluation of the potential implementation of a BWC pilot program. Following months of research, this collaboration resulted in a Project Charter (Charter) completed in May 2018. The Charter provided the results of the extensive

research, the efficacy of the goals and objectives of a program, and an assessment of the associated costs and resource needs, with a focus on identifying the most efficient deployment and operating method. The Charter identified two vendors that would meet all of the City's requirements, each of which subsequently participated in a rigorous test and evaluation pilot of their BWC/ICC technology.

Following this extensive evaluation of equipment and program design, in July 2019 the Council approved an agreement with BWC/ICC provider Axon to implement the Department's BWC/ICC program. The equipment was fully deployed to all sworn personnel in November 2019 and was expanded in 2022 to include the deployment of BWCs to non-sworn personnel working in the Department's jail facility and parking enforcement program. BWCs are also utilized by the City's animal control officers working under the Parks and Recreation Department.

DISCUSSION

Policy

The Department utilizes a professional public safety policy management service, Lexipol, to provide state-specific policies for implementation. Lexipol provides fully developed policies that are researched and written by subject-matter experts, vetted by attorneys, and based on nationwide standards and best practices. Across all services (which includes policy management, training, wellness resources, and accreditation management for law enforcement, fire, emergency management services, and corrections), Lexipol provides public safety solutions to more than 10,000 agencies and municipalities in all 50 states and Canada. At its discretion, the Department modifies policies provided by Lexipol as needed to meet the specific needs of its operations and the Burbank community.

Upon the inception of the BWC/ICC program, the Department conducted a thorough review of policies from numerous regional law enforcement agencies and utilized consistent practices from agencies with established BWC/ICC programs to develop policy supportive of transparency and accountability, while maximizing operational utilization of the technology. The City Attorney's Office was active in the development, review, and implementation of policy pertaining to the program.

The Department has two policies pertaining to the BWC/ICC program and the viewing of associated video recordings. Policy 453 '*Use of Body Worn and In-Car Camera*' (Attachment 1) provides the guidelines and requirements for the assignment, use, maintenance, auditing, and review of BWC/ICC recordings. Policy 453 requires that all law enforcement and investigative contacts, whether officer-initiated or in response to a call for service, are recorded. All recordings shall be continued for the duration of each interaction. The policy authorizes that a Department employee involved in a critical incident (officer-involved shooting, in-custody death, incident resulting in serious bodily

injury, or suspected of criminal activity) be provided the opportunity to review his/her own BWC/ICC recording of the incident prior to providing a statement to criminal investigators. The policy also authorizes that as part of an administrative investigation of any nature, the employee shall be given the opportunity to view the BWC/ICC recordings of the incident immediately prior to an administrative interview.

Policy 310 '*Officer-Involved Shootings and Deaths*' (Attachment 2) provides the protocols for all activities to occur following an officer-involved shooting (OIS). The policy states that any officer involved in an OIS will be permitted to view available BWC/ICC recordings prior to providing a statement or completing reports.

Recordings obtained from a BWC/ICC provide an objective record of events, however it is understood that video recordings capture the event from one vantage point, do not capture all aspects of an incident, and do not necessarily reflect the experience or state of mind of the individual officer. Recordings have limitations and may depict events differently than the events recalled by the involved officer. Video captures two-dimensional images, which may be different from an officer's three-dimensional observations and perceptions. Lighting, angles, voices, and ambient sounds may also contribute to differing perceptions. It is also recognized that the recording device will capture information that may not have been heard and/or observed by the involved officer and that the involved officer may see and hear information that may not be captured on the recording.

It is important to acknowledge that human perception and reality do not always align, and that each must be taken into consideration to obtain the totality of the circumstances in each individual situation. Any investigation intends to obtain sufficient facts to develop a full understanding of what occurred. An interactive process can be the most effective means for accomplishing this as it accounts for the non-linear process of memory recollection. As such, viewing video recordings following an incident is a valuable tool to assist Department personnel in providing a thorough representation of what occurred. Throughout the course of a regular workday, an officer responds to numerous calls for service and various types of incidents, often taking place in immediate succession and prior to the officer's ability to return to the police station to prepare the written reports. Officers utilize recordings as a valuable resource to supplement their recollection of each situation to complete detailed and accurate reports that are an essential component in legal documentation and potential future court proceedings.

The Department policies and the associated protocols pertaining to the viewing of BWC/ICC video recordings are provided by Lexipol and from its viewpoint as a public safety policy development organization, are in accordance with law enforcement industry standard best practices. BWC/ICC recordings are a valuable technological resource and policy supports their use to supplement officer preparation of reports as part of conducting

law enforcement business. The Department has not identified sufficient reason to deviate from this practice as it pertains to critical incidents.

Regional Law Enforcement Agency BWC/ICC Policy Review

The Department identified 15 regional law enforcement agencies with BWC/ICC programs and reviewed agency policies relating to officers' ability to view recordings after a critical incident prior to providing a statement. The review included law enforcement agencies that utilize Lexipol, as well as agencies that do not. A summary of this agency program and policy review is listed in Attachment 3. Fourteen of the fifteen law enforcement agencies reviewed authorize employee viewing of BWC/ICC recordings following a critical incident prior to providing a statement regarding the incident.

California Department of Justice

The California Department of Justice (CA DOJ) is the state's highest level investigative law enforcement agency and legal department and carries out complex criminal and civil investigations, prosecutions, and other legal services throughout the state. CA DOJ is the designated authority in the state to investigate OIS incidents resulting in the death of an unarmed civilian (as defined by Assembly Bill 1506). CA DOJ has its own departmental policy pertaining to BWC video recording devices that establishes guidelines for the use of BWC devices by its agents while conducting law enforcement operations. CA DOJ policy requires agents to review BWC recordings prior to documenting any arrest, search, interview, or other enforcement or investigative activity to ensure that their reports, statements, and other documentation are accurate and complete. Pertaining to critical incidents, the policy, upon authorization by the assigned internal investigator, authorizes an agent to review his/her BWC recording and any other relevant BWC recordings as deemed necessary and appropriate prior to being interviewed by investigators. As the state's highest level investigative body and the agency responsible for investigating certain types of OIS incidents statewide, it is noted that CA DOJ sets a standard authorizing law enforcement personnel to view recordings prior to providing a statement following a critical incident.

CONCLUSION

The nature of law enforcement work is fast-paced and often involves numerous situational circumstances occurring simultaneously. BWCs/ICCs provide documentation of police interactions with community members and law enforcement situations that are an essential tool in report writing, evidence collection, transparency, and continual operational review. Upon implementation of its program, the City conducted diligent research and evaluation pertaining to BWC/ICC technology, equipment, and policies in place at other law enforcement agencies to implement an effective program supported by established best practices. The Department's policy authorizing the ability to review BWC/ICC recordings provides an essential resource to assist personnel in writing detailed and thorough accounts of all incidents, routine or otherwise. The Department's policy is

consistent with the policies of most regional law enforcement agencies as well as the state's highest investigative authority and is deemed best practice by a professional and widely used public safety policy development entity.

The Department is committed to transparency, accountability, public trust, and compliance with legal requirements. In support of this commitment, the Department will continue to evaluate all aspects of operations, including the BWC/ICC program, to ensure that policies and procedures are in line with contemporary law enforcement practices and are in the best interest to providing quality public safety services to the Burbank community.

ATTACHMENTS

Attachment 1 – Burbank Police Department Policy 453 – Use of Body-Worn and In-Car Camera

Attachment 2 – Burbank Police Department Policy 310 – Officer-Involved Shootings and Deaths

Attachment 3 – Summary of Regional Law Enforcement Agency BWC/ICC Policy



Burbank Police Department

Scott LaChasse, Chief of Police

ATTACHMENT 1

**Policy
453**

Approved: *Scott LaChasse*

CALEA

Effective Date: 08-31-18

CHAPTER 4 – PATROL OPERATIONS

Use of Body Worn and In-Car Camera

453.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of body-worn cameras (BWC) and in-car cameras (ICC) by members of this Department. The following provisions are intended to provide Burbank Police Department (BPD) personnel with instructions on how and when to use the BWC/ICC to ensure reliable recording of enforcement and investigative contacts with the public.

While recordings obtained from a BWC/ICC provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual member(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Video captures 2-dimensional images, which may be different from a member's 3-dimensional observations and perceptions. Lighting and angles may also contribute to different perceptions. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.

This policy does not apply to interviews or interrogations conducted in Burbank Police Department interview rooms, authorized undercover operations, or surreptitious interception of electronic communications for lawful investigative purposes (i.e. wiretaps, eavesdropping).

453.2 POLICY

The Burbank Police Department may issue each of its sworn members and select non-sworn members a BWC and equip patrol vehicles with an ICC for use while on duty. These recorders are intended to assist members in the performance of their duties by providing reliable audio/video recordings of contacts with the public and to protect police personnel from false allegations of misconduct. The Department adopted the use of BWCs/ICCs by BPD personnel to:

- (a) Collect evidence for use in criminal investigations and prosecutions;
- (b) Deter criminal activity and uncooperative behavior during police-public interactions;
- (c) Assist members with completing reports and providing testimony in court;
- (d) Promote responsibility and accountability for a member's actions and decisions;
- (e) Assist in resolving complaints against members including, but not limited to false allegations by members of the public; and,
- (f) Provide additional information for personnel training and evaluation purposes.



Burbank Police Department

Scott LaChasse, Chief of Police

ATTACHMENT 1

Policy
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All Department members using a BWC/ICC shall be trained and provided a copy of the policy prior to the use of equipment. The training and course outline shall be documented in the Department's Training Management System (TMS).

The Professional Standards Sergeant will be responsible for routinely reviewing and updating applicable BWC/ICC policies to meet state and federal law and identified best practices.

453.3 PRIVACY

All audio/video recordings made by members on any issued BWC/ICC device at any time, and any recording made while acting in an official capacity for this Department regardless of the ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings and any unauthorized release is strictly prohibited.

453.4 MEMBER RESPONSIBILITIES

Prior to going into service, members who have been issued a BWC and/or ICC-equipped vehicle are responsible for logging on and making sure that the assigned recorder is in good working order and batteries are fully charged. When two members are assigned as an "Adam" unit, at least one member shall log on to the ICC camera system at the start of their assigned shift and log off at the end of the shift. All members shall document the results of the BWC/ICC inspection in the Type of Activity/Disposition section of the Electronic Daily Field Activity Report (eDFAR) at the start of their assigned shift. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. If the ICC system is not in working order or the member becomes aware of a malfunction, the member shall report the failure to his/her supervisor and if available, obtain a vehicle with a functioning ICC.

Uniformed members should wear the BWC as recommended by the service provider which allows for full functionality of the recorder and for optimized recording capabilities.

Non-uniformed members, including investigative personnel, who have been issued a BWC should carry and utilize the device as directed by their Command Group. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a manner that is best suited, based on the circumstances or otherwise notify persons that they are being recorded, when required by law.

Members shall document the existence of a BWC/ICC recording in any report, including any instance where the recorder malfunctioned or the member deactivated or muted the recording, prior to the completion of the contact. Members should include in any report, the reason for **deactivating or muting the recording**. If a report is not completed, the member should record a statement at the conclusion of the contact explaining the reason for the deactivation or muting.

Each member is responsible for uploading recordings to the designated Department system as soon as practicable before the end of the employee's shift, but no later than the start of the employee's next workday.



Burbank Police Department

Scott LaChasse, Chief of Police

ATTACHMENT 1

**Policy
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It is not a requirement to obtain consent from members of the public when the officer is lawfully in the area where a BWC/ICC recording takes place. Department members are not authorized to play back BWC/ICC recordings to allow members of the public to review the recordings without prior approval from a Lieutenant or Acting Watch Commander.

Members shall not tamper with or dismantle any hardware or software component of the BWC/ICC system.

453.5 SUPERVISOR RESPONSIBILITIES

Supervisors assigned to any unit with personnel equipped with BWC/ICC shall:

- (a) Conduct periodic inspections of members assigned BWCs and ensure that the BWCs are properly affixed to the members and operational;
- (b) Respond to the scene that arises from a use of force and/or critical incident (e.g. officer-involved shootings, in-custody deaths, critical incidents involving great bodily injury) to ensure the data is downloaded and chain of custody is maintained. The retrieval of BWC media should occur once the scene is stabilized and when practicable (Penal Code § 832.18 compliant).
 1. Ensure the position/location of the BWC is documented and photographed in the appropriate report (e.g. crime report, administrative report, use of force report); and
 2. Review relevant BWC/ICC recordings prior to submitting any administrative reports.

A supervisor shall document any inspection of BWC/ICC equipment in Guardian Tracking as applicable. If any BWC/ICC equipment is found to be defective, the supervisor must ensure that the equipment is removed from service and immediately replaced. Spare BWCs shall be made available in the Watch Commander's Office. The supervisor shall notify the BWC/ICC System Administrator/Training Coordinator of the defective BWC and/or ICC camera as soon as practicable. Any supervisor issuing a spare/replacement BWC to a member shall ensure the BWC is assigned to that member in the BWC system to maintain the continuity of the involved members' BWC recordings.

453.6 ACTIVATION OF THE BWC/ICC RECORDER

All uniformed and investigative members issued a BWC and/or ICC-equipped vehicle shall record all incidents, including enforcement and investigative contacts, whether self-initiated or in response to a call for service. All members should activate their BWC prior to making contact with members of the public.

At no time are members expected to jeopardize their safety or the safety of members of the public in order to activate a recorder. However, the recorder should be activated as soon as practicable and when safe to activate. Any related report should reflect that a recording was made concerning the incident.



Burbank Police Department

Scott LaChasse, Chief of Police

ATTACHMENT 1

**Policy
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The BWC/ICC shall continue recording (both video and audio) until the investigative or enforcement activity involving a member of the public has ended. If the enforcement or investigative activity with a member of the public resumes, the officer shall activate the BWC/ICC and continue recording.

If a member is unable or fails to activate the BWC/ICC or deactivates the BWC/ICC prior to the conclusion of the contact, the member should record a statement at the conclusion of the contact explaining the reason for the incomplete recording. Additionally, the member may instead explain the circumstances of an incomplete recording in a related police report or appropriate documentation for the type of incident.

Members are not required to activate and record investigative or enforcement encounters with the public during the following situations:

- (a) Situations where recording would risk the safety of the Department member or member of the public (e.g. confidential informant, citizen informant, or undercover officer);
- (b) Non-enforcement contacts in restrooms, dressing rooms, and locker rooms;
- (c) If a member is on a perimeter post or assigned to a static post where he/she is not in contact with citizens, is involved in an enforcement action, or actively engaged in an investigation.

A supervisor shall be requested if there is a question as to whether or not to activate the BWC under the following circumstances:

- (a) A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;
- (b) A victim or witness who objects to being recorded based on their physical condition, emotional state, age, or other sensitive circumstances (e.g. a victim of rape, incest, or another form of sexual assault);

Members assigned to investigative assignments, SWAT, or CNT may use other Department issued audio or video recording devices when appropriate and approved by a supervisor.

The BWC/ICC device contains a pre-event buffering system. This recording, however, does not include any audio. The pre-event buffering system for both the BWC/ICC is currently set for 30 seconds. The Department will notify all members prior to making any changes to the pre-event buffering setting.

453.6.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Members of this Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be beneficial to the investigation (Penal Code §633).

Members shall not surreptitiously record another Department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee. Nothing in this section is intended to interfere with a Department member's right to openly record any interview pursuant to Government Code §3303(g). Members shall not utilize their BWC during the course of an employee administrative interview.



Burbank Police Department

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453.7 PROHIBITED USE OF BWC/ICC

Members are strictly prohibited from using a Department-issued BWC and/or ICC-equipped vehicle recording media for personal use or posting to social media. Members **shall not** copy, edit, alter, erase, or otherwise modify in any manner BWC/ICC recordings except as authorized by law or this policy. Any violation of the policy may result in discipline. All BWCs/ICCs will be configured by an authorized agent to prevent any modifications to recordings prior to being uploaded to the Department's audio/video management system.

Members assigned a BWC and/or ICC-equipped vehicle **shall not** use any other non-Department-issued video or audio equipment, such as personally owned video and audio recorders, to record enforcement or investigative activities involving members of the public unless expressly authorized by a supervisor. Any member who uses a personally owned recorder for Department-related activities shall notify a supervisor and comply with the provisions of this policy, including retention and release requirements. Supervisory personnel may use digital recording devices other than a BWC to record interviews when conducting use-of-force investigations or internal affairs/personnel investigations. Nothing in this policy precludes Department members from utilizing authorized still photography equipment.

Members are also **prohibited** from **retaining copies of recordings** of activities or information obtained while on-duty. Members shall not duplicate or distribute such recordings, except for authorized legitimate Department business purposes. All such recordings shall be retained at the Department in the designated digital audio/video management system.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

BWCs and/or ICC-equipped vehicles shall only be used in conjunction with official law enforcement and investigative activities involving members of the public. BWCs shall not be used to record Department personnel during briefings, meetings, roll calls or while in private spaces such as locker rooms/dorms or restrooms. Members shall not use BWC/ICC devices to record discussions pertaining to tactical operations.

Generally, BWCs and ICC-equipped vehicles shall not be used as a surveillance tool to record members of the public engaged in lawful activities (see §453.6 for exceptions).

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

453.7.1 CESSATION OF RECORDING

Once activated, the BWC and/or ICC-equipped vehicle should remain **on continuously** until the member reasonably believes that his/her direct participation in the incident is complete or the investigative or enforcement activity involving a member of the public has ended.

If the BWC and/or ICC-equipped vehicle is used during an enforcement situation and it becomes necessary to discuss issues or concerns related to privacy or officer safety with another member or supervisor, the device may be stopped or muted. The intention to stop or mute the recording should be noted by the member **verbally** such that it is recorded by the BWC before the deactivation if practicable.



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When the aforementioned conversation has ended, the member should reactivate the camera promptly and the member **shall note verbally** that the recording has continued. The member may instead or additionally explain the circumstances of an incomplete recording in a related police report if it is not practicable to verbally declare their intention to stop or mute the recording.

Members may also mute the audio portion of the BWC when at the scene of a prolonged and static situation. The intention to mute the recording should be noted by the member verbally such that it is recorded by the BWC prior to muting the device. The video recording should continue through the conclusion of the incident.

Members shall mute the microphone on their BWC while inside in-patient care areas of a hospital, rape treatment center, or another healthcare facility to ensure conversations are not recorded between a person in custody and the person's physician, attorney, or religious advisor unless there is explicit consent from all parties to the conversation (Penal Code §636). However, members shall reactivate the audio on their BWC as soon as practicable if enforcement or investigative activity with a member of the public resumes.

Members shall deactivate (turn off video/audio) their BWC in situations when they are in a private examination room with a subject and the treating physician and/or other sensitive venues.

453.7.2 EXPLOSIVE DEVICE

Many portable recorders, including BWC/ICC and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

453.7.3 LIVE STREAMING

BWC cameras shall not be activated for live streaming unless authorized by the Watch Commander or a supervisor acting in that capacity, and only for the purpose of providing remote viewing of a critical incident or another type of emergency (e.g. barricaded subject, active shooter, disaster scene, crime scene). Real-time notice shall be provided to any involved member when their BWC is activated for live streaming.

453.8 IDENTIFYING/TAGGING RECORDINGS

BWC and ICC cameras will be integrated with the Department CAD system to auto-tag recordings when an officer is logged into the CAD system and on a CAD-generated call for service. The auto tag feature will attach the CAD number, DR number (if applicable), call type and time and length of the recording. When a member activates a BWC/ICC that is not related to a CAD call, the member shall at a minimum manually enter the CAD number, category, or event type that best describes the content of the video (i.e., arrest, traffic stop, report) and DR number (if applicable) via the MDC, smart device app, or via the desktop app. (Penal Code §832.18).

Anytime a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.



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453.9 RETENTION OF RECORDINGS

Members who have been issued a BWC and/or assigned an ICC equipped vehicle shall retain all recordings by uploading the audio/video files into the designated Department digital audio/video management system.

Evidentiary data/recordings of the following shall be maintained for a minimum of two years (Penal Code §832.18):

- (a) Incident involving use of force by officer;
- (b) Officer-involved shootings;
- (c) Incidents that lead to the detention, arrest, or search of an individual;
- (d) Recordings relevant to a formal or informal complaint against an officer/member of the Burbank Police Department or the Burbank Police Department.

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period and in the same manner as required by law for other evidence that may be relevant to a criminal prosecution (Penal Code §832.18).

All other recordings, including internal and/or external investigations which has a downloaded file of the incident, should be retained for a period consistent with the requirements of the Department's records retention schedule, but in no event for a period less than 60 days.

Intentional deletions of recordings may be authorized by a Lieutenant if the recording was unintentional and outside the scope of this policy. Any Lieutenant approving the deletion of such recordings shall review the recording and document the authorization on the Watch Commander's Log.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code §832.18).

The Chief of Police or his designee will consult with the Burbank City Attorney's Office to ensure the method of data storage meets legal requirements for chain of custody concerns.

All BWC/ICC data uploaded to Evidence.com will be stored in a Criminal Justice Information Services (CJIS) compliant cloud server.

453.10 RELEASE OF RECORDINGS

BWC/ICC recordings are investigative records and are generally exempt from disclosure under the Public Records Act. BWC/ICC recordings also qualify as privileged official records. Therefore, based on the exemptions, privileges, and privacy interests involved, the Department will not publicly disclose BWC/ICC recordings unless subject to release by law, including but not limited to Government Code §6254 (effective 7/1/2019 as amended by AB-748).

The Chief of Police or his designee has the discretion to allow viewing or release of BWC/ICC recordings if the Chief determines it is in the best interest of the Department and the City of Burbank. The Chief or his designee may issue a narrative in conjunction with any released BWC/ICC recording to provide



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background information for the event captured on the recording. Every effort will be made to notify an involved member and provide a copy of the recording prior to the release of the recording.

453.10.1 DISCOVERY REQUESTS

Designated members assigned to the Administrative Division shall assist the Custodian of Records by preparing digital audio/video recording files for release pursuant to a legal process and have full authority to review, copy, and provide copies of digital audio/video files. Any digital audio/video file released pursuant to a legal process shall be reviewed for relevance.

REDACTION OF RECORDINGS

The Department will fully comply with discovery requirements as mandated by law. Occasionally, it may be proper to redact portions of recordings. Redaction of BWC/ICC recordings for discovery shall be made only after the approval of the appropriate Division Commander or designee and with notification to the City Attorney's Office. Redactions may be made when the following information is present:

- (a) Official information as defined in Evidence Codes §1040 - §1042.
- (b) Information not related to the incident.
- (c) Confidential information (i.e., social security numbers, driver license numbers, and confidential informant identification).

The assigned Administrative Division members or Custodian of Records shall clearly mark the BWC/ICC recording where redactions have been made and document the justification in a memorandum to the Deputy Chief, Professional Standards Lieutenant, or designee. Redactions simply isolate a portion of the recording but do not permanently delete the isolated portion.

453.11 REVIEW OF BWC/ICC MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings anytime they are investigating alleged misconduct, reports of the meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) To test the BWC/ICC equipment to ensure it is operating properly;
- (b) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation, or criminal investigation;
- (c) Pursuant to a lawful process or by court personnel otherwise authorized to review evidence in a related case. Only certified copies of audio/video files will be offered as evidence in any legal proceeding;



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- (d) By order of the Chief of Police;
- (e) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy;
- (f) Prior to courtroom testimony or for courtroom presentation;
- (g) With the approval of the Chief of Police by members of an oversight group (e.g. OIR Group)
- (h) By police management or specific designees as directed by the Chief of Police for the purpose of a random or specific audit. It shall be deemed a violation of this policy for a manager or supervisor to review recordings for the sole purpose of searching for violations of Department policy or law not related to a specific complaint or incident.

Before any BWC/ICC recording is used for training purposes, it shall be vetted by the Investigation Division Lieutenant to ensure there is no conflict with an ongoing criminal case. In the event BWC/ICC recordings are to be utilized for training purposes, the involved member(s) shall be notified in advance by the COPS Bureau Lieutenant. If the involved member(s) objects to the use of the recording, such objection shall be submitted via memorandum to the COPS Bureau Lieutenant and forwarded to the Deputy Chief for disposition. The value of the recording for training will be weighed against the member's objections and the basis for the objection.

All Department members shall be aware that Evidence.com contains an audit trail software that memorializes every instance a video has been reviewed, downloaded, or shared, or if the data field has been modified. The audit trail captures the member using the software, as well as the date and time of the review. Members shall not review any video footage unless it is meant for investigative, administrative, and/or training purposes. If a member reviews any video footage for any other reason, a memorandum explaining the reason for the review shall be completed and addressed to their respective Commanding Officer.

A Department member involved in an officer-involved shooting, in-custody death, incident resulting in serious bodily injury, or suspected of criminal activity, who is providing a voluntary statement, shall be given the opportunity to review his/her own BWC/ICC video recording of the incident prior to providing a statement to criminal investigators.

If deemed necessary and appropriate by the assigned investigative supervisor, the involved Department member shall be given the opportunity to review other relevant BWC/ICC recordings that memorialized the encounter from a similar vantage point. The member may have his/her representative present during the viewing of the video recordings and will be afforded the opportunity to privately consult with his/her representative before providing a statement.

453.11.1 ADMINISTRATIVE INVESTIGATION

As part of the administrative investigation, the member shall be given the opportunity to view the video recordings of the incident from his/her own BWC and/or assigned ICC-equipped vehicle immediately prior to his/her interview. The member may have his/her representative present during the viewing of the video recordings and will be afforded the opportunity to privately consult with his/her representative(s) before providing a statement.



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In the event the involved member is involved in an officer-involved shooting, in-custody death, incident resulting in serious bodily injury, or suspected of criminal activity, and does not provide a voluntary statement to criminal investigators, the member will only be allowed to view any recordings immediately prior to his/her administrative interview. However, the involved member shall be provided a reasonable amount of time to view and/or discuss the BWC/ICC recording with his/her representative(s) prior to any administrative interviews.

453.12 CARE OF BWC

BWC are sensitive electronic devices. Members shall securely wear the BWC to ensure full functionality and should take proper care to avoid dropping and/or mishandling the BWC. All members to whom a BWC has been issued shall be responsible for maintaining it in proper operating condition. Broken or malfunctioning BWCs should be reported to the member's immediate supervisor as soon as practicable. The supervisor shall ensure prompt replacement or repair of the BWC, including completion of appropriate documentation, as necessary.

453.13 ADMINISTRATIVE ANALYST FOR BWC-ISSUANCE AND MAINTENANCE OF BWC

All BWC shall be issued by the Administrative Analyst assigned to the BWC program. The Administrative Analyst shall be responsible for ensuring that issued BWCs are programmed with the user's unique identification number. If a spare BWC is issued on a temporary basis, then the Administrative Analyst shall ensure that the records reflect the assignment of the spare BWC and the period of assignment.

The Administrative Analyst is responsible for the maintenance, repair, and/or replacement of Department issued BWCs and ICC.

453.14 AUDITS

Periodic audits of digital audio/video recordings shall be conducted by the Audits and Inspections Unit on a semi-annual basis at a minimum and will include the review of a minimum of twenty-five media files. Audits will be documented in a written report and submitted to the Chief of Police. The audit should recognize professional conduct, performance needing improvement or training, and misconduct. This is to include an annual audit of the remote activation / live streaming function for frequency and purpose. Except when an audit leads to a personnel investigation, a Department-wide daily bulletin will be issued at the conclusion of any BWC/ICC audit, informing Department members of the audit and whether or not any questionable issues were discovered.

Upon receipt of the audit report, the Chief will determine whether any of the following is warranted:

- (a) Employee recognition.
- (b) Training (individual or Department-wide).
- (c) Supervisor counseling.
- (d) Policy revision or adoption.
- (e) Enhanced supervision protocols.
- (f) Initiation of a personnel investigation.



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Approved: 

CALEA
Effective Date: December 5, 2013

CHAPTER 3 – GENERAL OPERATIONS

Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policies and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting (OIS) or dies as a result of another action of an officer.

In other incidents not covered by this policy (e.g., incidents resulting in serious bodily injury), the Chief of Police may decide that the investigation will follow the process provided in this policy.

310.1.1 POLICY

The policy of the Burbank Police Department (Department) is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair, and impartial manner.

310.1.2 DEFINITIONS

Officer Involved Shooting (OIS) – An incident in which shots are fired by an officer, whether or not resulting in injury or death, or shots fired by a suspect at an officer, whether or not resulting in injury or death to the officer. OIS includes all instances where an officer discharges a firearm for any actual, apparent, or purported law enforcement purpose.

All OIS incidents shall be reported immediately to an on-duty supervisor by the involved officer when possible or by any employee having knowledge of the incident. The reporting requirement includes an OIS that occurs off-duty, regardless of the jurisdiction.

Unintentional Discharge – Any instance in which an officer discharges a firearm without specifically intending to do so.

Exclusions – Discharges occurring for purposes of training or killing injured animals in compliance with the Firearms and Qualification Policy are excluded from this policy.



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310.2 INVESTIGATION RESPONSIBILITY

The Department will assume primary responsibility for the investigation of an OIS within the boundaries of the City of Burbank, unless the Chief of Police or a Division Commander determines that another agency should handle the investigation.

If an officer from this Department is involved in a shooting in an outside jurisdiction, that agency is responsible for the criminal investigation of the incident. A liaison will be assigned to assist and monitor the investigation.

310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This Department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or the Investigation Division Commander
- (b) A concurrent criminal investigation of the involved officers conducted by an outside agency (e.g., District Attorney's Office)
- (c) A civil liability investigation conducted by the involved officer's Department to determine potential law enforcement liability
- (d) An administrative investigation conducted by the involved officer's agency to determine if there were any violations of Department policy

310.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officers. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

310.4.1 BURBANK POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Department is responsible for the criminal investigation of the suspect's actions, the criminal investigation of the OIS, the civil investigation, and the administrative investigation. A parallel independent criminal investigation of the OIS may be conducted by the District Attorney's Office and or the California Department of Justice.

310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Department is responsible for the criminal investigation of the suspect's actions and the criminal investigation of the OIS unless otherwise directed by the Chief of Police. The officer's employing agency will be responsible for any civil and/or administrative investigations.



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310.4.3 BURBANK POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspects to another agency. The Department will conduct timely civil and/or administrative investigations.

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings or deaths:

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
BPD Officer in This Jurisdiction	BPD Investigators	BPD Investigators	BPD Internal Affairs Bureau	BPD Internal Affairs Bureau
Allied Agency's Officer in This Jurisdiction	BPD Investigators	BPD Investigators	Involved Officer's Department	Involved Officer's Department
BPD Officer in Another Jurisdiction	Decision made by the agency where the incident occurred	Decision made by the agency where the incident occurred	BPD Internal Affairs Bureau	BPD Internal Affairs Bureau

310.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an OIS or death.

310.5.1 DUTIES OF INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an OIS or death, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all injured persons and to ensure that the scene, including all evidence, is secured
- (b) Attempt to obtain a brief overview of the situation from any non-involved officer
- (c) In the event there are no non-involved officers, and the supervisor intends to obtain a public safety statement, he/she shall administratively order one of the involved officers outside the presence of any other involved officer to immediately provide public safety information necessary to secure the scene and pursue suspects. If there is more than one involved officer, the officers should be separated from one another as soon as practicable.
 - 1. Public safety information shall be limited to such things as:
 - a. Injuries



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- b. Outstanding suspect information
 - c. Weapons involved, number and direction of shots fired
 - d. Parameters of the incident scene
 - e. Identity of known witnesses
 - f. Evidence in their possession
 - g. Or any other information pertinent to public safety.
2. The involved officers should not be required to otherwise discuss the incident in any specific detail until the arrival of the investigators who will conduct the criminal or administrative investigation, as appropriate, for the Department.
- (d) Absent a voluntary statement from any officer, the initial on-scene supervisor should not order or attempt to order any officer to provide specific details other than public safety information.
- (e) Fired handguns should be holstered and retained by the involved officers. Shotguns and patrol rifles should be secured. Weapons shall be left undisturbed if safe to do so. If possible, avoid clearing or reloading the weapons. Expended brass, cartridges, magazines, and other evidence at the scene should be left undisturbed.
- (f) Provide all available information to the Watch Commander and relevant information to the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (g) Take command of and secure the incident scene with additional personnel until relieved by detective supervisor or other assigned personnel and ensure that an incident log is initiated.
- (h) If medical treatment is not required for the involved officers, the officers should be transported separately from the scene to the station for further direction.
1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
 2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon.
 3. The involved officer shall always be accompanied by an uninvolved officer or sergeant. The incident shall not be discussed.
 4. The officer should be encouraged to call his or her spouse or family member as soon as practicable.
 5. A peer counselor shall be available for the involved officers. The details of the incident shall not be discussed with a counselor.

310.5.2 INCIDENT COMMANDER RESPONSIBILITIES

Upon learning of an OIS or death, the Watch Commander shall be the Incident Commander, responsible for coordinating all aspects of the incident until relieved by the Chief of Police, Division Commander, or Detective Bureau Supervisor. Additionally:



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- (a) The Incident Commander shall ensure that the Los Angeles County District Attorney Command Center has been notified and their investigative team is responding. The District Attorney Command Center shall be given a brief summary of all the facts of the incident known at the time, including the location of the incident, command post location, suggested access routes, and any safety concerns.
- (a) The Incident Commander shall have the primary responsibility over the incident scene including securing the scene, collection of evidence, photographing and diagramming the scene, and interviewing witnesses in cooperation with District Attorney personnel.
- (b) The Incident Commander shall ensure that the District Attorney investigators receive an initial briefing upon their arrival as soon as practical. The Incident Commander may delegate this responsibility to the on-scene Investigations Division supervisor. Such delegation shall be noted with the time in the incident log. The briefing shall include all relevant information known at the time, including but not limited to the following:
 - 1. The names and present locations of the officers involved in the incident
 - 2. The names, addresses, and present whereabouts of all civilian witnesses and a summary of their statements
 - 3. The statements of officers, if not compelled, pursuant to California Government Code § 3300 et al
 - 4. The physical evidence discovered
 - 5. A walk-through at the scene, including witness descriptions of the events and the evidence recovered
 - 6. The medical condition of injured parties

310.5.3 NOTIFICATIONS

The Watch Commander shall ensure the following persons are notified as soon as practicable:

- (a) Chief of Police
- (b) Investigation Division Commander
- (c) Internal Affairs Bureau supervisor
- (d) On-Call Team
- (e) Psychological/Peer support personnel
- (f) Officer representative (if requested)
- (g) COPS Bureau Lieutenant or Media Relations supervisor

All outside inquiries about the incident shall be directed to the Watch Commander or designee.

The lead investigating officer or designee shall ensure the following persons are notified as soon as practicable:



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- (a) District Attorney Response Team (with approval of the Investigations Bureau Lieutenant or supervisor)
- (b) Coroner (immediate notification to the Coroner is required if a death results. See Health and Safety Code § 102850)

The Investigations Bureau Lieutenant or designee will be responsible for notifying the City Attorney's Office.

310.5.4 NOTIFICATION TO THE DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an OIS resulting in the death of an unarmed civilian. The lead investigating officer or designee should promptly notify the DOJ, via the Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR 800-522-5327), in all incidents involving an OIS resulting in the death of an unarmed civilian, including when it is undetermined whether the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

Refer to DOJ Information Bulletin 2021-DLE-03 (<https://oag.ca.gov/system/files/media/2021-dle-03.pdf>) for additional details.

310.5.5 MEDIA RELATIONS

The Department should establish a public information plan specific to the circumstances of the incident, to include other involved agencies as appropriate.

As not to compromise the circumstances or conditions of the initial investigation, a single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Watch Commander, Investigation Division Commander, and Media Relations Sergeant in the event of inquiries from the media.

It will be the policy of this Department to withhold the release of the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police or authorized designee.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.5.6 INVOLVED OFFICERS

Once the involved officers have arrived at the station, the Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. This requirement is in addition to any admonishments by a field supervisor. If the Watch Commander



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is unable to provide the admonishment, he or she shall direct a supervisor to complete the task and note the date, time, and location each officer was admonished. The following shall be considered for the involved BPD officer:

- (a) Any request for Department or legal representation will be accommodated (Government Code § 3303(i)). However, no involved BPD officers shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications
- (c) Discussions with Department representatives (e.g., employee association) will be privileged but only as to the discussion of non-criminal information
- (d) A licensed psychotherapist shall be provided by the Department to each involved BPD officer, or any other affected BPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the BPD officer is or is not fit for return to duty.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the involved member providing a formal interview or report, but the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Peer counselors and Department Chaplains are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as blood or fingerprints until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

Each involved BPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the lieutenant in charge of the officers placed on administrative leave to make schedule adjustments to accommodate such leave.

310.5.7 INVOLVED OFFICER RESPONSIBILITY

- (a) Involved officers shall not speak to the media or representatives of any investigating agency prior to speaking with the Burbank investigators assigned to the investigation (when the incident occurs within the City of Burbank).
- (b) Officers may make voluntary statements to Burbank investigators assigned to investigate the incident
- (c) If an officer declines to make a full and complete voluntary statement, a compelled statement for administrative purposes only shall be taken by a supervisor assigned to the administrative investigation of the incident.



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310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.6.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the Investigation Bureau Lieutenant to assign appropriate detective personnel to coordinate the criminal investigation.

- a) A lead investigator and support investigator should be assigned
- b) All police witnesses shall be interviewed.
- c) All interviews with witnesses, suspects, and victims shall be recorded
- d) If the involved officer wishes to make a voluntary statement, detectives may take a recorded statement
- e) If the involved officer declines to make a voluntary statement, no questioning shall take place at that time

All related Departmental reports except administrative or privileged reports (e.g., attorney-client privilege) will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized for such access. Administrative reports will be forwarded to the appropriate Division Commander.

310.6.2 CRIMINAL INVESTIGATION

It shall be the policy of this Department to utilize the District Attorney's Office to conduct an independent criminal investigation into any incidents in which a person is injured or dies as the result of an OIS or dies as a result of another action of an officer. If available, detective personnel from this Department may be assigned to partner with investigators from the District Attorney's Office to reduce duplication of effort in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

- a) Supervisors and Internal Affairs Bureau personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the



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interview. However, in the absence of compelling circumstances, investigators will make every effort to conduct the interview before the end of the involved officer's shift

- d) Any voluntary statement provided by the officer will be made available for inclusion in the administrative investigation or other related investigations. Absent consent from the involved officer or as required by law, administratively compelled statements will not be provided to any criminal investigators.

310.6.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this Department shall retain the authority to require involved officers to provide the same information contained in the public safety statement for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims or witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved BPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

Nothing in this section shall preclude the Chief of Police and/or authorized designee from ordering an officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, he/she may officially be charged with insubordination (Government Code § 3304(a)).

310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an OIS or another major incident may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take all reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area
 1. Whenever possible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.



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- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Department personnel.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness in a Department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation. Officers shall make a reasonable effort to contact a parent or guardian. If officers are unable to contact a parent or guardian, a supervisor shall evaluate the need for transporting the minor. If the minor is transported, the officers shall document their efforts to locate a parent or guardian in related reports.
- (c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

310.6.4.1 COLLECTION OF CELLULAR PHONE / PHOTOGRAPHIC EVIDENCE

The pervasiveness of mobile devices (e.g. smartphones, tablets) and surveillance video technologies make it increasingly likely that OIS incidents and other types of critical incidents may be recorded by members of the public, whether intentionally or unintentionally. In order to ensure that potentially critical evidence (e.g. cell phone video, photographic evidence) is obtained by the Department when an OIS occurs, the following guidelines have been established.

In the event a member of the public is identified as having captured an OIS or other type of critical incident on their mobile device, the following protocols shall be followed:

- (a) Request consent to search mobile devices and view any content related to an OIS
 - 1. Consideration should be given to completing a BPD Consent to Search Form (B320-351) and/or recording any statements regarding the consent to search if practicable
 - 2. Attempt to obtain consent to retain the mobile device if the evidence is located
 - 3. Personnel should consider the following options (listed in order of preference) when a witness is willing to provide video/or images but does not wish to give up their mobile device:
 - a. Request assistance from Detective Bureau personnel to download the data in the field via phone forensic hardware (e.g., Cellebrite) if practicable
 - b. Request the witness transmit the data electronically to the Department and confirm receipt
 - c. Use a Department mobile device to manually record video or images from the witness's mobile device
- (b) If a witness refuses to give consent to view OIS content on their mobile device:



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1. Request a supervisor
2. If the witness's mobile device contains evidence that a crime has been committed, you may seize the phone as evidence, but you shall not search the phone without a search warrant.
3. After the lawful seizure of a mobile device, a search warrant for the contents of the mobile device should be sought as soon as practicable.

310.7 DISTRICT ATTORNEY RESPONSE PROTOCOL

The Department and the Los Angeles County District Attorney's Office recognize the importance of an independent review of an OIS and/or deaths. The Department and the Los Angeles County District Attorney's Office have entered into a formal agreement establishing a protocol for the immediate response of Los Angeles County District Attorney personnel to the scene of an OIS and in-custody deaths. The District Attorney's role in such investigations is only to investigate and determine whether any violation of criminal law may have occurred.

This policy is based on the Letter of Agreement regarding the Los Angeles District Attorney Officer-Involved Shooting Response Program for Officer Involved Shootings and In-Custody Deaths. A copy of this agreement shall be maintained in the office of the Chief of Police and is available for reference.

It is the policy of the Department to request the Los Angeles County District Attorney's Office to conduct independent investigations of OIS and/or deaths of persons in the custody or control of the Department where the use of force by a peace officer may be a proximate cause of the death.

310.8 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an OIS or death, this Department will conduct an internal administrative investigation of BPD officers to determine conformance with Department policies. This investigation will be conducted under the supervision of the Internal Affairs Bureau and will be considered a confidential peace officer personnel file.

- (a) If an officer has voluntarily provided a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview (Government Code § 3303(g)).
- (b) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall, when appropriate, conduct an administrative interview to determine all relevant information. The administrative investigator will make every effort to conduct the administrative interview of the involved officer(s) before the end of the officers' shift, absent compelling circumstances to delay the



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interview (e.g., mental wellbeing of officer, physical injury to the officer, number of hours the involved officer has been awake or at work). In the event the administrative interview was not conducted prior to the end of the involved officers' shift, an explanation of why the interview was not conducted will be included in the OIS investigation. Under no circumstances will the administrative investigation interfere with the criminal investigation. Any conflict will be resolved by the Chief of Police or authorized designee.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 3. Administrative interviews should be recorded by the investigator and the officer may also record the interview(Government Code § 3303(g)).
 4. The officer shall be informed of all constitutional Miranda rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Lybarger or Garrity admonishment).
 5. The administrative interview shall be considered part of the officer's confidential personnel file.
 6. The Internal Affairs Bureau shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 7. The completed administrative investigation shall be submitted to the Critical Incident Review Board (CIRB), which will evaluate tactical, training, and policy issues, specifically compliance with the Department's Use of Force Policy.
 8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
- (c) The Department reserves the right to compel an involved officer to provide a blood or breath sample for alcohol/drug screening if there is a reasonable belief, based on objective facts, that the member is under the influence. Blood withdrawals shall be taken in a medically approved manner. Such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency except with the consent of the officer or pursuant to a court order (refer to the Drug and Alcohol-Free Workplace Policy). The employee may request a dual sample be taken for the purpose of independent testing conducted at the expense of the employee. The sample may be stored at no cost to the employee using established Department evidence storage procedures or it may be retained by the employee or his or her attorney.



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310.8.1 CIVIL LIABILITY RESPONSE

A member of this Department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work products and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

310.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in an OIS will be permitted to review available in-car camera video, body-worn camera video, or other video or audio recordings prior to providing a recorded statement or completing reports. Refer to Policy 453 (Use of Body Worn and In-Car Camera) for additional details.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with the approval of the Investigation Bureau Lieutenant and the assigned investigators.

Any MAV and other known video or audio recordings of an incident shall not be publicly released without the approval of the Chief of Police and without consulting the District Attorney or City Attorney's Office, as appropriate.

310.10 REPORTING

If the death of an individual occurs in the Burbank Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Patrol Division Commander will ensure that the Records Manager is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

310.11 DEBRIEFING

Following an officer-involved shooting or death, the Department should provide peer support and/or psychological support as needed or requested and conduct a tactical debriefing. The Department should also conduct both a critical incident debrief and a tactical debrief.

310.11.1 PEER SUPPORT

Members shall have access to services through the Peer Support Program and the City Employee Assistance Program (EAP) as needed and/or requested in the event of a critical incident (e.g., OIS or death) (See Policy 377).



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310.11.2 TACTICAL DEBRIEFING

A tactical debriefing (CIRB) should take place to identify any training or areas of policy that need improvement; the Chief of Police should identify the appropriate participants (See Policy 302 – Critical Incident Review Board). This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

The Department will memorialize the content, outcome, and recommendations of a critical tactical debrief in an email and/or memorandum directed to the Chief of Police after the debriefing has concluded (See Policy 302 – Critical Incident Review Board).

After the Chief of Police has reviewed and opined as to the classification of an OIS (i.e. in-policy, out-of-policy), a formalized meeting with the involved officers will be conducted with the Deputy Chief and/or his/her authorized designee and will be memorialized in a memorandum to the Chief of Police. This meeting should generally occur after the Department has received the results of the independent review of the incident by the Los Angeles County District Attorney's Office.

310.12 TRAINING

The training coordinator should ensure members who may be impacted or who are responsible for managing such incidents receive relevant training.

Summary of Regional Law Enforcement Agency BWC/ICC Policy

Anaheim Police Department

- Utilizes Lexipol.
- Authorizes viewing prior to a providing statement.
- Policy excerpt: "Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports, with the approval of the investigators from the lead investigating agency."

Beverly Hills Police Department

- Utilizes Lexipol.
- Does not authorize viewing prior to providing a statement.
- Policy excerpt: "Any officer involved in a shooting or death shall make an initial statement to investigators prior to being permitted to review available Mobile Audio/Video (MAV), body-worn video, or other perspective video or audio recordings."

Garden Grove Police Department

- Utilizes Lexipol.
- Authorizes viewing prior to providing a statement.
- Policy excerpt: "Any officer involved in a shooting or death may be permitted to review available In-Car Video System (IVS), Body-Worn Camera (BWC), or other video or audio recordings prior to providing a recorded statement or completing reports."

Glendale Police Department

- Utilizes Lexipol.
- Authorizes viewing prior to providing a statement.
- Policy excerpt: "Any officer involved in an officer-involved shooting or death incident may be permitted to review available Mobile Audio Video (MAV), Body Worn Camera (BWC) video, or other video or audio recordings prior to providing a recorded statement or completing reports."

Huntington Beach Police Department

- Utilizes Lexipol.
- Authorizes viewing prior to providing a statement (generally).
- Policy excerpt: "Generally, any officer involved in an incident will be allowed to review his/her own video or audio recordings prior to providing a recorded statement or completing reports."

Inglewood Police Department

- Utilizes Lexipol.

- Authorizes viewing prior to providing a statement.
- Policy excerpt: “Any officer involved in a shooting or death may be permitted to review available Mobile Audio/ Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.”

Los Angeles Police Department

- Does not utilize Lexipol.
- Authorizes viewing prior to providing a statement.
- Policy excerpt: “If an officer is involved in a Categorical Use of Force (CUOF), such as an officer-involved shooting, an officer shall not review his or her BWV until authorized by the assigned Force Investigation Division (FID) investigator. Once authorized, the officer shall review his or her BWV recording, and any other relevant BWV footage as deemed necessary and appropriate by the assigned FID supervisor, prior to being interviewed by investigators. An officer may have an employee representative present during the review of the BWV recordings without the FID investigator or supervisor present. The separating and monitoring of officers involved in a CUOF shall be maintained during the review of BWV recordings and a review shall not occur jointly among involved employees.”

Los Angeles County Sheriff's Department

- Does not utilize Lexipol.
- Authorizes viewing prior to providing a statement.
- Policy excerpt: “Department members involved in or witnessing known Category 3 use of force incidents, including deputy-involved shootings, shall not view any recordings until authorized by the handling Internal Affairs Bureau (IAB) lieutenant or, in cases where IAB does not handle the matter, the handling Homicide Bureau lieutenant or watch commander. Once authorized, the Department member shall have a right to review their BWC recording and any other relevant video recording in possession of the Department, as deemed appropriate by the assigned lieutenant, prior to being interviewed.”

Pasadena Police Department

- Utilizes Lexipol.
- Authorizes viewing prior to providing a statement.
- Policy excerpt: “Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV), Body Worn Camera, or any other video or audio recordings prior to providing a recorded statement or completing reports.”

Riverside County Sheriff's Department

- Utilizes Lexipol.

- Authorizes viewing prior to providing a statement.
- Policy excerpt: "Department members may view their own video recordings prior to providing a statement about a critical incident (e.g., deputy-involved shooting, use of force, etc.)."

San Fernando Police Department

- Utilizes Lexipol.
- Authorizes viewing prior to providing a statement.
- Policy excerpt: "Any officer involved in a shooting or death should be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports."

Santa Ana Police Department

- Utilizes Lexipol.
- Authorizes viewing prior to providing a statement.
- Policy excerpt: "Unless prohibited by applicable law, recorded files may be reviewed on designated Department equipment only, in any of the following circumstances: (a) By the officer who originally recorded the incident."

Santa Monica Police Department

- Utilizes Lexipol.
- Authorizes viewing prior to providing a statement.
- Policy excerpt: "Any officer involved in a shooting or death may be permitted to review available Mobile Audio/ Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports."

South Pasadena Police Department

- Utilizes Lexipol.
- Authorizes viewing prior to providing a statement.
- Policy excerpt: "Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports."

Torrance Police Department



- Utilizes Lexipol.
- Authorizes viewing prior to providing a statement.
- Policy excerpt: "Any officer involved in a shooting or death are permitted to review available Audio/Video Recording devices, body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports."



MEMORANDUM

DATE: September 8, 2023

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director 
Jonathan Jones, Communications Manager 
BY: Mary Hamzoian, Economic Development Manager
Marissa Cardwell, Senior Administrative Analyst
Mary Movsesyan, Public Information Specialist

SUBJECT: SPECIAL EVENT APPLICATION PROCESS UPDATE

The City Manager's office requested staff provide additional information on the City's Special Event Application Process including how staff has facilitated special events in the past and solutions to community member concerns regarding street usage, staff time, and city resources. Any group or individual is allowed to apply through the Special Event Application (Application) process and receive the necessary permits as long as they meet the requirements and pay the fees. Applications are reviewed and permits are issued from various City departments based on the elements of each event.

Establishment of Special Event Application Process

In an effort to better manage and streamline the special event process for the City of Burbank, in January of 2023, the Community Development Department's Economic Development staff took on the initiative of creating a Special Event Application. During this process, staff met with other departments that are involved in the special event approval process to better understand how to provide greater efficiencies for event producers and help them navigate through the City's special event process.

During these meetings, staff determined that each event was unique. While some events were straightforward, others had multiple layers and required greater evaluation. Furthermore, staff determined that there was not an existing process in place that identified an application or a main point of contact for events, which caused confusion and frustration for event producers. With the input and feedback from the various departments, Economic Development staff developed a new application and event intake process.

The new application and intake process recently launched in late July 2023 and is now facilitated by Economic Development staff. Prior to Economic Development staff

involvement, the special events process was facilitated through Public Works. Currently, the event application process includes the following details and procedures:

1. An online application is available for download on the City of Burbank website or in person at the Community Development Department offices.
2. A singular point of contact for event applications is established, and event producers now e-mail completed applications to: Econdev@burbankca.gov
3. Once the completed application is received, Economic Development staff reviews the application for completeness and sends out an informational email to respective City Departments requesting a review of the application and an opportunity to provide comments and fees associated with the corresponding event application.
4. Each department has 14 days to provide their comments in order to process the application in a timely matter.
5. When all of the information and comments are received from the respective Departments, Economic Development staff compiles the information and submits the comments back to the event producer.
6. The event producer is then responsible for obtaining the necessary permits from all of the necessary Departments as stated in the comments.
7. Once the event producer obtains the Special Event Permit to Encroach on public right of way, the permit requires the event producer to notify the businesses that are impacted by the street closure 5 days prior to the event.

Event Application Permitting and Procedures

The City of Burbank defines a special event as any event or activity taking place on private or public property such as a City facility, a City street, a sidewalk, or an alley that is impacting the public right of way.

Examples include outdoor concerts, festivals, markets, or sporting events such as marathons or bike races. Specific permits may be required for all occasional and non-recurring events. City Facilities and City Properties are not considered public right-of-way. Once the City has established that a permit is required, each department issues its respective permit.

Applications for a planned event permit shall be submitted to the Economic Development Division at least sixty (60) days prior to the start of the event. Once an application has been reviewed and submission is complete, the City's Public Works Department will process the application. Application and processing fees are due and may be made via check or in-person via credit card payment. Public Works will not accept any payment before the permit application is approved and a permit is ready to be issued.

Depending on the event scope, additional Fire and Police Department fees may apply. The Fire Department will determine if an event inspection is needed for an event. If the event is entirely contained on private property, the Police Department will determine if an

off-duty Police Officer is required. If no Police Officer is needed, the Patrol Captain will be informed of the event.

Commercial General Liability Insurance Requirement

General Liability insurance is required to hold an event on public property. It is the responsibility of the Event applicant to maintain a Commercial General Liability insurance policy with coverage not less than \$1,000,000. Event applicants must also provide acceptable insurance to include separate endorsements naming the City as additional insured. The event applicant must also indemnify and hold harmless the City, its officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, and description. Insurance must be approved to form as specified by the City Attorney's Office and must include Additional Insured Endorsement with at least a 10-day Notice of Cancellation.

Event Application Costs

While the new Special Event Application process had not yet been implemented for the first Family Pride in the Park event from 2022, or other Special Events, applicants still followed the same permitting process and financial requirements to host their events. The event applicant bears the financial responsibility for officers and resources provided by the Burbank Police Department, as well as resources and staff time from the Public Works Department.

When processing Special Event Applications, the Public Works Department is involved in various procedures including insurance verification, collecting applicable fees, and issuing the permit. The Traffic section reviews the applicant's traffic control plan while collaborating with the Police Department for effective coordination. Additionally, extra fees may apply for supplementary inspections, police presence at the event, city-managed traffic control, street sweeping services, stormwater protection, or solid waste services if deemed necessary based on the assessment following permit review. Additionally, for special events, the Burbank Police Department coordinates the presence of officers, which is billed to the applicant at a flat per-hour rate with a 4-hour minimum requirement.

Once the City has established that the event has complied with all of the requirements and paid their permit fees (if applicable), the event is deemed approved. Special Events Applications are only denied if the applicant does not fulfill the necessary requirements and/or pay the fees.

Family Pride in the Park

The following is a timeline with event applicants for the Family Pride event. On April 14, 2023, Tracy Tabb, President of Burbank Pride Inc. (Event Applicant), approached City staff about the second annual "Family Pride in the Park" event. Staff was informed that in 2023, Burbank Pride Inc. would be applying to close Magnolia Blvd, from California Street to Catalina Street on Saturday, September 23, 2023, from 8:00 am to 8:00 pm, with the event open to the public from 12:00 pm to 6:00 pm.

Although the new event application process was not yet in place, Economic Development staff assisted the Applicant with the existing special event process.

On June 8, 2023, the City Manager's office reached out to Economic Development Staff to share the contact information for the Event Applicant. Economic Development Staff then reached out a second time to the Event Applicant the following day.

On July 6, 2023, the Event Applicant sent an email to several City staff members with event details. City staff replied with some of the event requirements at this time including necessary contacts to obtain a traffic plan and traffic mitigation materials for street closure.

On August 3, 2023, the event applicant provided the following materials via email to City Staff:

- Special Event Permit
- Street Closure/Traffic Control Plan
- Event Map/Layout
- Insurance Documentation
- Event Schedule
- Event Staff List

Following this e-mail, Economic Development Staff met with all City Departments and the Event Applicants to discuss the event scope and street closure on August 9, 2023, and included representatives from the following departments:

- Public Works
- Building and Safety
- Community Development
- Burbank PD
- Burbank Fire

From August 14, 2023 – September 6, 2023, several emails were exchanged between City Staff and the Event Applicant to ensure the proper traffic plan, insurance, and event details were received by all Departments for review.

On September 6, 2023, Economic Development Staff sent out a reminder to all City Departments requesting final comments and sign-off of the event application by Monday, September 18, 2023.

As of today, the Event Applicant has submitted all required documentation and applications to host their event. The application is pending final approvals and sign-off from the relevant City departments.

Conclusion

The City's special event permitting process has undergone recent improvements, with the introduction of a new Special Event Application process which has streamlined event permitting and provides transparency for event applicants and any concerned community members. The process for the Family Pride in the Park event is detailed, showing how the new event application process was applied to ensure a smooth planning and

permitting process. The Special Event Application process is uniformly applied to any person or organization interested in hosting a special event in the City.

Exhibits

Exhibit A - Special Event Permit (New Permit as of July 2023)



SPECIAL EVENT APPLICATION

1. What is considered a Special Event?

The City of Burbank defines a special event as any event or activity taking place on private¹ or public property such as a city facility, a city street, a sidewalk, or an alley that is impacting the public right of way.² Examples include outdoor concerts, festivals, markets, or sporting events such as marathons, bike races, or running events. A special event permit is required when it's an occasional and non-recurring event. City Facility/City Property is not considered a public right-of-way. Once it is established that a permit is required, each department will proceed to issue its respective permit.

2. Where can I obtain a Special Event Application?

Applications can be found at <https://www.burbankca.gov/get-a-permit>

3. When should I submit my Special Event Application?

Applications for a planned special event permit shall be submitted to the Economic Development Division at least sixty (60) days prior to the start of the event.³

4. Is there a fee for the Special Event Application?

Yes, application and processing fees are due at the time of submission via check by mail or check/credit card in person at the Building and Public Works counters on the first floor of the Community Services Building (150 N Third St, Burbank, CA 91502). Over-the-phone payments cannot be processed. Depending on your event, there may be additional Fire and Police Department fees. Public Works will not accept any payment before the permit application is approved and a permit is ready to be issued.

5. What are the insurance requirements for a special event?

General liability is required to hold an event on public property. It is the responsibility of the Special Event organizer(s) to maintain a COMMERCIAL GENERAL LIABILITY insurance policy with coverage not less than \$1,000,000. Provide acceptable insurance to include separate endorsement naming City as additional insured. The contractor shall indemnify and save harmless City, its officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, and description. Must be approved by CAO. Must include Additional Insured Endorsement with at least 10-day Notice of Cancellation.

¹ Private property means any real property within the City which is privately owned, and which is not public property.

² Public-Right-of-Way = streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way.

³ Submitting a Special Event Application does NOT reserve, hold or guarantee dates or venues, nor imply any approval of the proposed concept or event until paid for the permit.

6. Police Presence may be required at your event.

If the event is contained all on private property, Police will determine if an off-duty Police Officer is required. If no Police Officer is needed, the Patrol Captain will be informed of the event.

7. Your event may require clearance from the Fire Department.

Fire Department will decide if an event inspection is needed for your event.

Please note, you will be required to obtain necessary permits from each requesting department.



Community Development

City of Burbank

SPECIAL EVENT APPLICATION

GENERAL INFORMATION

1. **Event Name:** _____

2. **Event Location (*please provide a site plan*):** _____

3. **Estimated Number of Attendees:** _____

4. **Please provide as much information about the event logistics and set-up as possible (may attach additional pages):**

5. **Event Date(s):** _____ **Event Time(s):** _____

Set-up Date: _____

Time: _____

Start Date: _____

Time: _____

End Date: _____

Time: _____

Dismantle Date: _____

Time: _____

6. **Will your event be held on public property, private property, or both?**

Public Property

Private Property

Both

7. **Type of Event:**

- Athletic/Recreation
- Art/Exhibits/Museum
- Rave/Nightclub

- Concert/Performance/Dance
- Outdoor Market
- Parade/Procession/March

- Circus/Carnival/Fair
- Festival/Themed Event
- Run/Walk/Race

- Party/Wedding
- Rally/Speaking Event
- Meeting/Convention

8. Will you have any of the following items at your event?

- | | | |
|--|---|--|
| <input type="checkbox"/> Food Truck | <input type="checkbox"/> Tent | <input type="checkbox"/> Alcohol Sales (ABC Permit Required) |
| <input type="checkbox"/> Vendor (Food) | <input type="checkbox"/> Stage | <input type="checkbox"/> Open Flame |
| <input type="checkbox"/> Vendor (Retail) | <input type="checkbox"/> Generators | <input type="checkbox"/> Entertainment |
| <input type="checkbox"/> Fixed/Parked Cars | <input type="checkbox"/> Valet/Security | <input type="checkbox"/> Carnival Rides/Slides/Bouncer |
| | | <input type="checkbox"/> Audience/Temp. Rowed Seating |

9. Will this be a ticketed event? Yes No

10. Will Streets be closed for this event Yes No *If Yes, please attach a traffic plan.*

·Please indicate if partial or complete closure Partial Complete

·Will Streets or Public Right of Way be impacted at any time during this event? Yes No *If Yes, please describe.*

11. Streets Involved:

Street Name: _____ Street Name: _____
 From (Cross Street): _____ From (Cross Street): _____
 To (Cross Street): _____ To (Cross Street): _____

Type of Closure: Street Sidewalk Lane

I/we understand and agree that any permit/agreement entered into by separate instrument shall be issued and subject to the provisions of Title 7, Chapter 3 and Title 6, Chapter 1 of the Burbank Municipal Code; that such permit/agreement may be canceled by the City of Burbank, acting by and through its Public Works Director, at any time, and that the encroachment must be removed immediately; and that I/we are responsible for preparing exhibits of encroachment to satisfy the City of Burbank Public Works Director. Permittee shall provide Bodily Injury Liability and Property Damage insurance in an amount established by the Public Works Director and the insurance certificate in a form acceptable to the City Attorney.

BY: _____
 PRINT: _____
 TITLE: _____

BY: _____
 PRINT: _____
 TITLE: _____

 CONTACT PERSON (print)

 PHONE

 MAILING ADDRESS

 CITY/STATE

City Contacts

PW Traffic Div. - Edward Yu 150 N. Third St.	818-238-3969
PW Land Dev./Permits - Ernesto Figueroa 150 N.Third St.	818-238-3950
PW Storm Drain - Kenneth Kozovich 150 N. Third St.	818-238-3932
PW Field Service - John Molinar 124 S. Lake St.	818-238-3800
PW Recycle Center - Amber Duran 500 S. Flower St.	818-238-3900
Building & Safety – Permits & Inspections 150 N. Third St., 1 st Floor	818-238-5280
CDD Economic Development – Mary Hamzoian 150 N.Third St.	818-238-5180
CDD Planning – Scott Plambaek 150 N. Third St.	818-238-5250
Police Dept. - Traffic Div. – Gina Kozai 200 N. Third St.	818-238-3105
Fire Dept./ Fire Prevention Bureau	
-Daniel King	
-Joel Petteys	818-238-3382
311 E. Orange Grove Ave.	818-238-3386
Parking - Angelica Gonzales 150 N. Third St.	818-238-5290
City's Manager Office 275 E. Olive Ave.	818-238-5800

Approval Mandatory If Checked

FOR INTERNAL USE ONLY

Attach As Needed

Estimated Expenses

P.W. Traffic _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

P.W. Storm Water _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

P.W. Field Services _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

P.W. Recycle Center _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

CDD Econ. Development _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

CDD Planning _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

CDD Parking _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

CDD Building Official _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

Police Chief _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

Fire Chief _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

City Manager's Office _____

Name of Approving Staff _____

- Approved
- Disapproved
- N/A

Conditions: _____

\$ _____

Deposit \$ _____

Permit No. _____

Refund \$ _____

Amount \$ _____