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**LANCASTER  
CITY COUNCIL/SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013**

**CALL TO ORDER**

Mayor/Chair Parris called the regular meeting of the City Council/Successor Agency/Financing/Power Authority to order at 5:04 p.m.

**ROLL CALL**

**PRESENT:** Council Members/Agency Directors/Authority Members: Johnson, Mann, Vice Mayor/Vice Chair Crist, Mayor/Chair Parris

**ABSENT:** Council Member: Smith

**STAFF**

**MEMBERS:** City Manager/Executive Director; Deputy City Manager/Deputy Executive Director; City Attorney/Authority Counsel; Assistant to the City Manager; City Clerk/Authority Secretary; Planning Director; Public Works Director; Parks, Recreation and Arts Director; Finance Director; Economic Development Director, Housing Director; Human Resources Director

**INVOCATION**

Associate Pastor Tim Christoson, Lancaster Baptist Church

**PLEDGE OF ALLEGIANCE**

Vice Mayor/Vice Chair Crist

**AGENDA ITEMS TO BE REMOVED**

None

**PRESENTATIONS**

1. S.O.A.R. (Students On Academic Rise) High School Student of the Month - Kasthuri Sivagnanam. Ms. Sivagnanam also received a \$1,000 Mayor's Scholarship.
2. Most Business Friendly City Recognition Certificate presented by representatives of the Los Angeles Economic Development Corporation
3. Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

**M 1. MINUTES**

On a motion by Vice Mayor/Vice Chair Crist and seconded by Council Member/Agency/Authority Member Johnson, the City Council/Agency/Authority approved the City Council/Successor Agency/Financing/Power Authority Regular Meeting minutes of October 22, 2013, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: Mann; ABSENT: Smith

**CONSENT CALENDAR**

Mayor Parris requested that Item Nos. CC 7 and CC 9 be pulled for separate discussion and action.

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council approved the Consent Calendar with the exception of Item Nos. CC 7 and CC 9, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

**CC 1. ORDINANCE WAIVER**

Waived further reading of any proposed ordinances. (This permits reading the title only in lieu of reciting the entire text.)

**CC 2. WARRANT REGISTER**

Approved the Check and Wire Registers for October 6, 2013 through October 26, 2013 in the amount of \$6,056,999.58.

**CC 3. ORDINANCE NO. 994**

Adopted **Ordinance No. 994**, an ordinance of the City of Lancaster, California, amending Title 15 of the Lancaster Municipal Code by repealing Ordinance No. 958, and adopting by reference the 2013 Edition of the California Building Code as amended herein; adopting by reference the 2013 Edition of the California Residential Code as amended herein; adopting the Lancaster Straw-bale Construction Standards as contained herein; adopting by reference the 2013 Edition of the California Electrical Code as amended herein; adopting by reference the 2013 Edition of the California Mechanical Code; adopting by reference the 2013 Edition of the California Plumbing Code as amended herein; adopting the Lancaster Security Code as contained herein; adopting by reference the 2012 Edition of the International Property Maintenance Code as amended herein; adopting by reference the 1997 Edition of the Uniform Code for the abatement of dangerous buildings as amended herein; adopting by reference the 2013 Edition of the California Energy Code as amended herein; adopting by reference the 2013 Edition of the California Historical Building Code; adopting by reference the 2014 Edition of the Los Angeles County Fire Code; and adopting by reference the 2013 Edition of the California Green Building Standards Code, as the Lancaster Codes for Buildings and Construction.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

**CC 4. PWCP NO. 12-007**

Accepted the work constructed by Toro Enterprises, Inc. for **Public Works Construction Project No. 12-007, PM 72015 Infrastructure Improvements**, and directed the City Clerk to file the Notice of Completion for the project. Retention on this project has been disbursed in accordance with California Public Contract Code.

**CC 5. AWARD OF CONTRACT TO DELICATE ELECTRONIC SALES**

Awarded contract to Delicate Electronic Sales for the purchase of JBL Audio System for the Lancaster Performing Arts Center.

**CC 6. PWCP NO. 11-002**

Awarded **Public Works Construction Project No. 11-002, Avenue E-8 Temporary Recycled Water Pump Station** to High Desert Contractors, Inc. of Lancaster, California, in the amount of \$413,344.00, plus Additive Alternate No. A1 in the amount of \$18,300.00, to bring the total award to \$431,644.00, plus a 10% contingency, for installation of recycled water improvements and authorize the City Manager, or his designee, to sign all documents. This contract is awarded to the lowest responsible bidder per California Public Contract Code Section 22038 (b).

**CC 7. PWCP NO. 12-010**

Addressing the City Council on this matter:

Michael Rives – opposed to this action.

Lynde Williams – discussed the project and the impact this may have on homes north of Lancaster BLVD and 10<sup>th</sup> Street West.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council awarded **Public Works Construction Project No. 12-010, Downtown Lancaster Gateway (Re-Bid), 10<sup>th</sup> Street West and Lancaster Boulevard, FTIP ID LAF3830 (LA11G4T), RPSTPLE-5419(036)**, to C. A. Rasmussen, Inc. of Valencia, California, in the amount of \$1,772,706.44, plus all additive alternates in the amount of \$413,956.00, to bring the total award to \$2,186,662.44 plus a 10% contingency, for installation of gateway improvements and authorized the City Manager, or his designee, to sign all documents, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

This contract is awarded to the lowest responsible bidder per California Public Contract Code Section 22038 (b).

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

**CC 8. RESOLUTION NO. 13-62**

Adopted **Resolution No. 13-62**, amending Resolution No. 12-37 by establishing the 2014 salary schedule for various temporary employee classifications.

**CC 9. AWARD OF VARIOUS BIDS FOR THE CEDAR COMPLEX RESTORATION PROJECT**

Addressing the City Council on this matter:

Michael Rives – opposed to this action.

David Paul – thanked the City Council for these much needed improvements.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council awarded various bids **for the Cedar Complex Restoration Project** and authorized the City Manager, or his designee, to sign all documents related to the following Bid Nos., by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

- 13-HNRD024Asbestos to Eagle Contracting, Inc. in the amount of \$22,200
- 13-HNRD025Concrete to Jack O'Connor Construction in the amount of \$4,000
- 13-HNRD036Drywall, to So Cal Wall Inc. in the amount of \$46,880
- 13-HNRD026Electrical to Electri-Com in the amount of \$26,368
- 13-HNRD031IntPaint to Olympos Painting, Inc. in the amount of \$57,000
- 13-HNRD031LBAbatement to Olympos Painting, Inc. in the amount of \$76,000
- 13-HNRD027FinishCarpentry to Jack O'Connor Construction, Inc. in the amount of \$59,325
- 13-HNRD029FloorCovering to Metro Floors in the amount of \$117,587
- 13-HNRD030Landscaping to High Desert Contractors, Inc. in the amount of \$22,665
- 13-HNRD035Masonry to Atkinson Masonry in the amount of \$8,700
- 13-HNRD032ExtPaint to Olympos Painting Inc. in the amount of \$9,000
- 13-HNRD032LBAbatement to Olympos Inc. in the amount of \$102,000
- 13-HNRD033Plumbing to Corey Christensen Construction and Plumbing in the amount of \$3,500
- 13-HNRD034Stucco to T & M Painting & Construction, Inc. in the amount of \$163,000
- 13-HNRD037Cabinets to High Desert Contractors, Inc. in the amount of \$9,400
- 13-HNRD039OrnamentalWroughtIron&Steel to Gator Steel Manufacturing & Welding in the amount of \$32,705.87.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

**CC 10. PWCP NO. 12-009**

Accepted the work constructed by Gallagher Asphalt for **Public Works Construction Project No. 12-009, 2012 Pavement Preservation Re-HEAT Asphalt Project** and directed the City Clerk to file the Notice of Completion for the project. Retention on this project has been disbursed in accordance with California Public Contract Code.

**PH 1. AMENDMENT OF TITLE 16 AND TITLE 17 OF THE LANCASTER MUNICIPAL CODE – EXPIRATION OF DISCRETIONARY APPROVALS IN CONJUNCTION WITH A TENTATIVE MAP**

Mayor Parris opened the Public Hearing. It was the consensus of the City Council to waive the presentation regarding this matter.

Hearing no further testimony, Mayor Parris closed the Public Hearing.

On a motion by Council Member Johnson and seconded by Council Member Mann, the City Council introduced **Ordinance No. 995**, amending Sections 16.08.190 and 17.32.170.A of the Lancaster Municipal Code, and adding Section 17.32.175 to the Lancaster Municipal Code, relating to the expiration of other discretionary approvals in conjunction with a tentative map, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

**PH 2. TEFRA HEARING/APPROVAL OF MULTIFAMILY HOUSING REVENUE BONDS FOR COLLEGE PARK, FERNWOOD SENIOR APARTMENTS, AND SIERRA VILLA EAST**

Mayor Parris stated that he would need to recuse himself from this matter due to the proximity of the project to property that he owns and left the dais.

Vice Mayor Crist opened the Public Hearing. The Housing Director presented the staff report regarding this matter.

Addressing the City Council on this matter:

Michael Rives – opposed to this action; opposed to the bond issues.

The City Attorney briefly explained the bond process and stated that local agencies are required to hold public hearings for these matters and this action does not impact any funding from the City.

Vice Mayor Crist clarified that because of this hearing and this action, \$22 million would be generated in Lancaster for renovations.

Hearing no further testimony, Vice Mayor Crist closed the Public Hearing.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

**PH 2. TEFRA HEARING/APPROVAL OF MULTIFAMILY HOUSING REVENUE BONDS FOR COLLEGE PARK, FERNWOOD SENIOR APARTMENTS, AND SIERRA VILLA EAST (continued)**

On a motion by Council Member Mann and seconded by Council Member Johnson, the City Council adopted **Resolution No. 13-63**, pursuant to Section 147(f) of the Internal Revenue Code of 1986, approving the issuance of housing revenue bonds (the "Housing Revenue Bonds") by the California Statewide Communities Development Authority ("CSCDA") in an aggregate principal amount not to exceed \$45 million, up to \$22 million of which is intended to finance the acquisition and rehabilitation of the multifamily rental housing projects located in the City of Lancaster (the "City") generally known as College Park, Fernwood Senior Apartments, and Sierra Villa East, by the following vote: 3-0-1-1; AYES: Johnson, Mann, Crist; NOES: None; RECUSED: Parris; ABSENT: Smith

At this time, Mayor Parris returned to the dais.

**NB 1. PUBLIC WORKS CONSTRUCTION PROJECT NO. 13-026, THERMALLY ENHANCED DUCTILITY AND DENSIFICATION (TEDD)**

The Public Works Director and his staff presented the staff report regarding this matter.

Addressing the City Council on this matter:  
Michael Rives – opposed to this action.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council awarded **Public Works Construction Project No. 13-026, Thermally Enhanced Ductility and Densification (TEDD)**, to Advanced Facility Support of Wrightwood, California, in the amount of \$127,831.00, plus a 10% contingency and authorized the City Manager, or his designee, to sign all documents; award contract on a sole source basis, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

**CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY TRANSIT AUTHORITY**

Vice Mayor Crist presented the following information:

An overview was given by representatives of BYD; the Board requested an update at the beginning of 2014; Third Quarter Coach Operator Audit Results were presented; Dial-a-Ride Customer Survey Results were presented; Contracts were approved; the Board discussed the request to purchase replacement buses; the Board approved the AVTA Community Room Policy. Full report is available in the City Clerk Department.

Addressing the City Council on this matter:  
Michael Rives – opposed to action taken by the AVTA Board

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

**CR 2. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT (AVAQMD)**

The Deputy City Manager explained that at the AVAQMD meetings there have been several discussions about dust and dust related issues specifically centered around solar energy. Wind creates the mobility of the dirt and dust and through a series of processes this dust will be lifted in the air and transported to another location. There are a combination of things such as suspension dust in the air and dunes which are created by the wind blowing the dirt and dust particles. It is very obvious that the dirt, dust and lack of precipitation create these factors. Several slides were presented showing areas of impact such as 90<sup>th</sup> Street West to 130<sup>th</sup> Street West and at 40<sup>th</sup> Street East which were taken in July, 2011 and in May of 2013. Significant changes have taken place due to the dust, dirt, lack of precipitation and lack of vegetation.

Vice Mayor Crist further explained that the City is taking steps such as asking Los Angeles County for their green waste to create berms. He clarified that some dust is coming from solar plants but largely, it is coming from the ground; vegetation is gone due to the drought conditions.

The Deputy City Manager explained that the magnitude of the problem is incredible and the photos show what has taken place prior to the solar farms being created. Because of drought conditions, there are mass amounts of soil erosion, wind erosion and dunes.

**CITY CLERK /AGENCY/AUTHORITY SECRETARY ANNOUNCEMENT**

The City Clerk provided the public with the procedure to address the City Council/Successor Agency regarding non-agendized items.

**PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS**

Addressing the City Council at this time:

David Paul – discussed several events on Veteran’s Day

Linda Carel, representing LA 4 Animals Foundation – expressed her concerns regarding the Lancaster Animal Shelter; discussed the LA 4 Animals Foundation, a community driven initiative to educate the Antelope Valley public and inspire participation in helping the Antelope Valley’s pets and Lancaster Shelter.

The City Manager stated that he would arrange a meeting with Ms. Carel.

Michael Rives – stated his concerns regarding the Lancaster Senior Center; lack of meals provided on holidays; County officials need to step up and speak on this issue.

Lynde Williams – suggested clover seed to help with the soil and dust issues; the roots grow approximately 18 inches deep and survives with very little rain; holds the moisture; holds the soil and relatively inexpensive.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

**LANCASTER FINANCING AUTHORITY**

No action required at this time.

**LANCASTER HOUSING AUTHORITY**

No action required at this time.

**LANCASTER POWER AUTHORITY**

No action required at this time.

**LANCASTER SUCCESSOR AGENCY**

No action required at this time.

**CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS**

The City Manager discussed the success of the Field of Drafts event which took place on November 9, 2013. It was a great way for the community to come together, there were no incidents and it was a very enjoyable day.

The City Manager presented three brief videos regarding TOPCO; Morton Manufacturing and the Los Angeles County Air Show which will feature the Blue Angels in March, 2014.

**COUNCIL / AGENCY COMMENTS**

Council Member Mann stated that on Veteran's Day, five key Veteran's were present to be recognized for their service to our country; it was amazing to see the type of people that represent Lancaster attend this ceremony at Lancaster Cemetery.

Council Member Mann and the City Council expressed their gratitude to the City employees who worked tirelessly to put on a very successful Field of Drafts event.

Council Member Johnson commented on the awards received earlier in the evening from LAEDC and GFOA; recognized the tremendous team effort of staff and people in the community to achieve such awards. The City is continuously making great strides and making history. She stated that the Color Me Rad Event will take place on February 1, 2014. Currently, 2500 people have registered and the coordinators expect this number to reach 5000.

Vice Mayor Crist discussed concerns regarding the homeless population; presented statistics that clearly show that the Antelope Valley is not receiving its fair share of assistance to help these people.

The City Manager stated that he will enlist the help of the County Supervisor; work at getting on the right track as a community to resolve these issues.



LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

**COUNCIL / AGENCY COMMENTS (continued)**

Vice Mayor Crist stated the City would be hosting a public forum regarding the proposed Palmdale Power Plant on November 13, 2013 at the Lancaster Learning Center, 5:30 p.m.

Mayor Parris requested the City Attorney present an update regarding her recent trip to the Supreme Court in Washington D.C. pertaining to invocations at public meetings.

**CITY ATTORNEY UPDATE**

The City Attorney stated she recently attended oral arguments in Washington D.C. at the Supreme Court on the case: Galloway v. the Town of Greece. This case is related to a case the City of Lancaster is involved in – Rubin v. Lancaster, which challenges Lancaster’s Invocation Policy.

In Galloway v. the Town of Greece, the policy was challenged by individuals for very similar reasons to Lancaster’s case. The case pertaining to Greece is very relevant to Lancaster’s because Lancaster’s is currently stayed in the 9<sup>th</sup> Circuit after having won. Lancaster is stayed in the 9<sup>th</sup> Circuit, awaiting the outcome of Galloway v. the Town of Greece.

The City Attorney stated that she wrote a brief on behalf of the League of California Cities to the Supreme Court in support of the Town of Greece Policy.

Justice Kagan centered her comments on citizens coming before their local government as citizens, not their represented religion and the role that City Councils have regarding administrative matters.

Justice Scalia was very supportive of the town’s position and pointed out repeatedly that the Town of Greece policy, as is Lancaster’s, that anyone is welcome to come and give an invocation whatever their faith may be and they are simply asked not to disparage or proselytize any particular religion.

Justice Scalia also noted that the Supreme Court begins each session with “God save the United States of America and its Honorable Court” and how was this different than a prayer and the nation’s motto “In God We Trust” was brought up several times as well. Questions from Justice Ginsburg centered on the administrative role of local councils.

Justice Kennedy’s questions centered on the fact that the courts have already upheld similar practices for Congress and the State Legislatures and it would be inequitable to not at least allow local governments to have similar practices.

Chief Justice Roberts was also very supportive of the Town’s position and questioned how one would determine what a sectarian prayer is v. a non-sectarian prayer. Where is the line drawn and are judges then going to be drawn into theological questions, a position they feel ill suited for.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

**CITY ATTORNEY UPDATE (continued)**

Justice Alito centered his questions on forcing counsel for the challengers of the policy to come up with a prayer that would be acceptable to all. He challenged them to come up with a prayer that would be acceptable to Christians, Jews, Muslims, Wiccans, Hindus, Baha'i and Atheists. Legal Counsel did not satisfy the Justices that he could come up with a prayer that would satisfy all of these religions. Justice Alito stated that a prayer to the almighty or the creator would be objectionable to polytheists and Atheists.

Justice Sotomayor did not question too much but expressed her concerns regarding the role of administrative proceedings.

When counsel for the plaintiffs were asked to come up with a prayer that would satisfy everyone's requirements, he attempted one and one of the Justice's said the devil worshipers might not agree with that and he said if they believe the devil is the almighty, they might believe in this one. It was a mildly disturbing but an amusing moment for everyone in the courtroom.

The arguments went well; she is hopeful and believes this will come out in favor of the policy.

**RECESS** Mayor Parris recessed the meeting at 6:42 p.m. for the purpose of conducting a Closed Session meeting regarding the following matters:

**CLOSED SESSION**

Conference with Legal Counsel – Anticipated Litigation: significant exposure to litigation pursuant to Government Code Section 54956.9(d) (2) - three potential cases.

Conference with Legal Counsel--Existing Litigation - Government Code Section 54956.9(d) (1)

- Coalition for Open Government v. City of Lancaster, Case No. BC499047
- Quartz Hill Cares v. City of Lancaster, Case No. BS 122336
- Palmdale v. Lancaster - Case No. BC443280
- Lancaster v. Housing Authority of the County of Los Angeles (HACoLA) Case No. MC023649
- Rubin v. Lancaster - United States District Court Case No. CV 10-4046 DSF (JCx)
- Miracle Star Women's Recovering Community, Inc. et al. v. City of Lancaster, et al. LASC Case No. MC 020079
- Save Our Neighborhood Group v. City of Lancaster, et al. Los Angeles Superior Court Case No. BS 121501.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

- ANTELOPE VALLEY GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.  
Superior Court of California, County of Los Angeles, Case No. BC325201;

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.  
Superior Court of California, County of Kern, Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of Lancaster, Diamond Farming Co. v. City of Lancaster, Diamond Farming Co. v. Palmdale Water District  
Superior Court of California County of Riverside, consolidated actions;  
Case Nos. RIC 353 840, RIC 344 436, RIC 344 668

Santa Clara Case No. 1-05-CV 049053

- Shabazz v. Parris, USDC, Central Case No. CV12-5803 SVW (JEM)

**RECONVENE** Mayor Parris reconvened the meeting at 7:08 p.m.

**CITY ATTORNEY ANNOUNCEMENT**

The City Attorney announced that City Council met in Closed Session and discussed three items of anticipated litigation and gave direction to legal counsel.

**ADJOURNMENT**

On behalf of the City Council, Mayor Parris wished everyone a very happy Thanksgiving; adjourned the meeting at 7:09 p.m. and stated the next Regular Meeting will take place on Tuesday, December 10, 2013 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
GERI K. BRYAN, CMC  
CITY CLERK/  
AUTHORITY SECRETARY  
Lancaster, CA

\_\_\_\_\_  
R. REX PARRIS  
MAYOR/CHAIRMAN  
Lancaster, CA

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
NOVEMBER 12, 2013

**CERTIFICATION OF MINUTES**

CITY COUNCIL/SUCCESSOR AGENCY/FINANCING/POWER AUTHORITY

I, \_\_\_\_\_, \_\_\_\_\_ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original City Council/Successor Agency/Financing/Power Authority minutes, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, CA on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_